

## NOTICE OF COMMENCEMENT OF INQUIRY

### PEA PROTEIN

Notice was received by the Canadian International Trade Tribunal on July 22, 2024, from the Director General of the Trade and Anti-dumping Programs Directorate at the Canada Border Services Agency (CBSA), stating that preliminary determinations had been made respecting the dumping and subsidizing of high protein content (“HPC”) pea protein originating in or exported from the People’s Republic of China in all physical forms regardless of packaging, with a minimum pea protein content of 65 percent on a dry weight basis calculated using a Jones factor of 6.25, but excluding texturized pea protein and HPC pea protein that has been incorporated into finished products where the HPC pea protein itself is further processed such that it does not retain its original physical and chemical characteristics and other properties.

Pursuant to section 42 of the *Special Import Measures Act* (SIMA), the Tribunal has initiated an inquiry to determine whether the dumping and subsidizing of the above-mentioned goods have caused injury or retardation or are threatening to cause injury, to make inquiries with respect to massive importations, and to determine such other matters as the Tribunal is required to determine under that section.

Each person or government wishing to participate in the inquiry and at the hearing as a party must file [Form I—Notice of Participation](#) with the Tribunal, on or before **August 6, 2024**. Each counsel who intends to represent a party in the inquiry and at the hearing must file [Form II—Notice of Representation](#) and [Form III—Declaration and Undertaking](#) with the Tribunal, on or before **August 6, 2024**.

On **September 10, 2024**, the Tribunal will issue a list of participants. Counsel and self-represented participants are required to serve their respective submissions on each other on the dates outlined below. Public submissions are to be served on counsel and those participants who are not represented by counsel. Confidential submissions are to be served only on counsel who have access to the confidential record, and who have filed Form III—Declaration and Undertaking with the Tribunal. This information will be included in the list of participants. **One complete electronic version** of all submissions must be filed with the Tribunal.

The Tribunal will hold a hearing relating to this inquiry commencing on October 21, 2024, to hear evidence and representations by interested parties. The type of hearing will be communicated at a later date.

Written submissions, correspondence and requests for information regarding this notice should be addressed to the Registry, Secretariat to the Canadian International Trade Tribunal, at [citt-tcce@tribunal.gc.ca](mailto:citt-tcce@tribunal.gc.ca) or you may reach us at 613-993-3595.

Ottawa, July 23, 2024

## ADDITIONAL INFORMATION

### BACKGROUND INFORMATION

On July 22, 2024, the Tribunal received notice from the Director General of the Trade and Anti-dumping Programs Directorate at the CBSA, stating that preliminary determinations have been made respecting the dumping and subsidizing of high protein content (“HPC”) pea protein originating in or exported from the People’s Republic of China in all physical forms regardless of packaging, with a minimum pea protein content of 65 percent on a dry weight basis calculated using a Jones factor of 6.25, but excluding texturized pea protein and HPC pea protein that has been incorporated into finished products where the HPC pea protein itself is further processed such that it does not retain its original physical and chemical characteristics and other properties.

Pursuant to section 42 of SIMA, the Tribunal will now determine whether the dumping and subsidizing of the above-mentioned goods have caused injury or retardation or are threatening to cause injury, make inquiries with respect to massive importations, and determine such other matters as the Tribunal is required to determine under that section. More information is available in the Tribunal’s [Preliminary and final injury inquiries guidelines](#).

The Tribunal has sent the notice of commencement of inquiry, as well as a letter outlining the details of the procedures and the inquiry schedule, to known interested parties, such as domestic producers, importers, foreign producers, certain purchasers, trade associations, and any trade unions that represent persons employed in the domestic industry. Some interested parties have been requested to complete questionnaires.

All [questionnaires](#) are bilingual and can be downloaded from the Tribunal’s website.

### REQUESTS FOR PRODUCT EXCLUSIONS

The Tribunal’s [Guidelines to Making Requests for Product Exclusions](#) describe the procedure for filing requests for specific product exclusions. They also include links to a form for filing requests for product exclusions and to a response form for any party that opposes such requests. Please see the filing deadlines for the product exclusion process in the attached Inquiry Schedule.

### REQUESTS FOR A PUBLIC INTEREST INQUIRY

In the event of an injury finding, a request for a public interest inquiry may be made by any party to the injury inquiry, or by any other group or person affected by the injury finding. Such a request must be filed with the Tribunal within 45 days of an injury finding. A public interest inquiry and an injury inquiry are completely separate proceedings. The Tribunal does not seek nor does it accept submissions on public interest issues during an injury inquiry.

### PROCEDURE FOR E-FILING WITH THE TRIBUNAL

The public, counsel and self-represented participants may file documents electronically with the Tribunal through its [Secure E-filing Service](#). The information is fully encrypted from the sender to the Tribunal.

Form I—Notice of Participation, Form II—Notice of Representation and Form III—Declaration and Undertaking should all be filed electronically through the Tribunal’s [Secure E-filing Service](#).

Following receipt of completed forms I, II and III, the Tribunal will send to counsel and self-represented participants a letter with information on the E-registry Service and the filing of documents.

### **CONFIDENTIAL SUBMISSIONS PROJECT**

The Tribunal will be conducting a project in the context of this inquiry aiming to further prevent inadvertent disclosure of confidential information. Public and confidential submissions will go through a review process, 24 hours before the filing deadline with the Tribunal, among counsel of record who have filed Form III—Declaration and undertaking. All counsel of record to this inquiry who filed a form III will be required to participate in the project. Additional information concerning the project and its deadlines will be communicated to counsel and self-represented participants following the receipt of completed forms I, II and III. The schedule appended to this notice has also been updated to take into account the deadlines for service among counsel who signed a form III.

### **PUBLIC HEARING**

The Tribunal will hold a hearing relating to this inquiry commencing on October 21, 2024, to hear evidence and representations by interested parties. The type of hearing will be communicated at a later date.

### **INTERPRETATION AT THE HEARING**

To facilitate management of interpretation requirements:

- 25 days prior to the hearing, parties are to advise the Tribunal and all parties, in writing, which language(s) their counsel and witnesses will be using.
- 20 days prior to the hearing, parties are to advise the Tribunal and all parties, in writing, which interpretation services they and/or their witnesses require for the hearing and advise if the interpretation service is required for the entirety of the hearing or for specific testimonies and/or arguments.

### **OTHER INFORMATION**

The [Canadian International Trade Tribunal Rules](#) govern these proceedings.

In accordance with section 46 of the [Canadian International Trade Tribunal Act](#), a person who provides information to the Tribunal and who wishes some or all of the information to be kept confidential must, among other things, submit a non-confidential edited version or summary of the information designated as confidential, or a statement indicating why such a summary cannot be made. Please consult the Tribunal's [Confidentiality Guidelines](#) for more information.

Written and oral communication with the Tribunal may be in English or in French.

In order to observe and understand production processes, the Tribunal, accompanied by its staff, may conduct plant visits.

At the end of these proceedings, the Tribunal will issue a decision supported by a summary of the case, a summary of the arguments and an analysis of the case. The decision will be posted on its website and distributed to the counsel and self-represented participants, as well as to organizations and persons that have registered to receive decisions of the Tribunal.

**INQUIRY SCHEDULE**

July 23, 2024	Distribution of Notice of Commencement of Inquiry and Schedule Questionnaires available on Tribunal's website
August 6, 2024	Notices of participation and representation, declarations and undertakings
August 13, 2024	Replies to all questionnaires
September 10, 2024	Distribution of Tribunal exhibits, including the investigation report
September 17, 2024, by noon, ET	Requests for product exclusions
September 18, 2024, by noon, ET	Requests for information (RFIs)
September 19, 2024, by noon, ET	Submissions of parties supporting a finding of injury
September 23, 2024, by noon, ET	Objections to RFIs
September 25, 2024, by noon, ET	Responses to requests for product exclusions
September 26, 2024	Identification of language(s) to be used at the hearing
September 26, 2024, by noon, ET	Tribunal decisions on RFIs
September 27, 2024, by noon, ET	Submissions of parties opposing a finding of injury
October 1, 2024	Requests for interpretation services during the hearing
October 3, 2024, by noon, ET	Replies to responses to requests for product exclusions
October 7, 2024, by noon, ET	Replies to RFIs Reply submissions of parties supporting a finding of injury
October 21, 2024	Public hearing
November 19, 2024	Finding issued
December 4, 2024	Statement of reasons issued

December 30, 2024	If not appealed or there are no applications for judicial review, certificates of destruction for the preliminary (PI) and final injury (NQ) from counsel of record who have filed Form III—Declaration and Undertaking
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