



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

ORDERS AND REASONS

Expiry review RR-2025-006

Oil Country Tubular Goods

*Orders and reasons issued
Thursday, October 22, 2026*

TABLE OF CONTENTS

ORDERS.....	i
STATEMENT OF REASONS	1
INTRODUCTION	1
PRODUCT.....	2
Product definition	2
Product information	3
Additional product information	3
LEGAL FRAMEWORK	3
LIKE GOODS AND CLASSES OF GOODS	4
DOMESTIC INDUSTRY	5
CUMULATION.....	6
Canada's TRQ on steel products	7
View of the Tribunal panel majority	8
Conditions of competition, competitiveness and the TRQ	8
Relevance of the war in Ukraine to the cumulation analysis	11
Ukraine's unique circumstances and inability to compete	12
View of Member Heggart	15
Conditions of competition and competitiveness	15
The TRQ regime.....	15
Continued competition in the Canadian market.....	16
Conclusion.....	16
LIKELIHOOD OF INJURY ANALYSIS	18
Changes in market conditions.....	19
Changes in domestic market conditions.....	19
Changes in international market conditions.....	20
Domestic market conditions of the subject countries	20
India.....	20
Indonesia	21
South Korea	21
Chinese Taipei.....	22
Thailand	22
Türkiye	22
Vietnam.....	23
Ukraine.....	23
Likely import volume of dumped subject goods excluding Ukraine	23
Import volumes during the POR.....	24
Production capacity and excess capacity of subject countries	25
Export orientation of subject countries.....	26

Attractiveness of the Canadian market.....	27
Conclusion on likely Import volume of dumped subject goods excluding Ukraine	27
Likely Import volume of dumped goods from Ukraine.....	27
Production and excess capacity in Ukraine	28
Export orientation of Ukraine.....	28
Attractiveness of Canadian market.....	29
Conclusion on likely import volume of dumped goods from Ukraine.....	29
Likely price effects of dumped subject goods from countries other than Ukraine.....	29
Price undercutting.....	30
Price depression	31
Price suppression	32
Conclusion.....	32
Likely price effects of dumped subject goods from Ukraine	33
Likely impact of the dumped goods from subject countries excluding Ukraine on the domestic industry.....	33
Recent performance of the domestic industry	33
Likely impact on the domestic industry if the order is rescinded.....	34
Factors other than the dumping of the subject goods	36
Presence of imports from non-subject countries.....	36
Section 232 tariffs	36
Conclusion.....	36
Likely impact of the dumped goods from Ukraine on the domestic industry	37
CONCLUSION	37

IN THE MATTER OF an expiry review, pursuant to subsection 76.03(1) of the *Special Import Measures Act*, of the orders made by the Canadian International Trade Tribunal on December 30, 2020, in expiry review RR-2019-006, concerning:

**OIL COUNTRY TUBULAR GOODS ORIGINATING IN OR EXPORTED FROM
THE SEPARATE CUSTOMS TERRITORY OF TAIWAN, PENGHU, KINMEN
AND MATSU, THE REPUBLIC OF INDIA, THE REPUBLIC OF INDONESIA,
THE REPUBLIC OF KOREA, THE KINGDOM OF THAILAND, THE
REPUBLIC OF TÜRKİYE, UKRAINE AND THE SOCIALIST REPUBLIC OF
VIETNAM**

ORDERS

The Canadian International Trade Tribunal, pursuant to subsection 76.03(1) of the *Special Import Measures Act* (SIMA), has conducted an expiry review of the orders made on December 30, 2020, in expiry review RR-2019-006, continuing, with amendment, its finding made on April 2, 2015, in inquiry NQ-2014-002, which was continued, with amendment, by its order made on September 8, 2022, in review NQ-2014-002R, concerning the dumping of oil country tubular goods, which are casing, tubing and green tubes made of carbon or alloy steel, welded or seamless, heat-treated or not heat-treated, regardless of end finish, having an outside diameter from 2 3/8 inches to 13 3/8 inches (60.3 mm to 339.7 mm), meeting or supplied to meet American Petroleum Institute (API) specification 5CT or equivalent and/or enhanced proprietary standards, in all grades, excluding drill pipe, pup joints, couplings, coupling stock and stainless steel casing, tubing or green tubes containing 10.5 percent or more by weight of chromium, originating in or exported from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, the Republic of India, the Republic of Indonesia, the Republic of Korea, the Kingdom of Thailand, the Republic of Türkiye, Ukraine and the Socialist Republic of Vietnam, except for goods exported from the Republic of Korea by Hyundai Steel Company, and goods exported from the Republic of Türkiye by Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş.

Pursuant to paragraph 76.03(12)(b) of SIMA, the Tribunal continues its order in respect of the aforementioned goods originating in or exported from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, the Republic of India, the Republic of Indonesia, the Republic of Korea, the Kingdom of Thailand, the Republic of Türkiye, and the Socialist Republic of Vietnam (except for goods exported from the Republic of Korea by Hyundai Steel Company, and goods exported from the Republic of Türkiye by Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş.).

Pursuant to paragraph 76.03(12)(a) of SIMA, the Tribunal rescinds its order in respect of the aforementioned goods originating in or exported from Ukraine (Member Heggart dissenting).

Elizabeth Whitsitt

Elizabeth Whitsitt
Presiding Member

Randolph W. Heggart

Randolph W. Heggart
Member

Serge Fréchette

Serge Fréchette
Member

The statement of reasons will be issued within 15 days.

Place of Hearing:	Ottawa, Ontario
Dates of Hearing:	July 27 to 29, 2026
Tribunal Panel:	Elizabeth Whitsitt, Presiding Member Randolph W. Heggart, Member Serge Fréchette, Member

PARTICIPANTS:**Domestic Producers**

Algoma Inc., Tenaris Global Services (Canada)
Inc. and Hydril Canadian Company LP
(collectively “Tenaris Canada”)

Interpro Pipe & Steel, Inc.
Welded Tube of Canada Corp.

Importers/Exporters/Others

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STATEMENT OF REASONS

INTRODUCTION

[1] The Canadian International Trade Tribunal, pursuant to subsection 76.03(1) of the *Special Import Measures Act*¹ (SIMA), has conducted an expiry review of its order made on December 30, 2020, in expiry review RR-2019-006, continuing, with amendment, its finding made on April 2, 2015, in inquiry NQ-2014-002, which was continued, with amendment, by its order made on September 8, 2022, in review NQ-2014-002R, concerning the dumping of certain oil country tubular goods (OCTG) originating in or exported from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), the Republic of India (India), the Republic of Indonesia (Indonesia), the Republic of Korea (South Korea), the Kingdom of Thailand (Thailand), the Republic of Türkiye (Türkiye), Ukraine and the Socialist Republic of Vietnam (Vietnam), except for goods exported from South Korea by Hyundai Steel Company, and goods exported from Türkiye by Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş. (the subject goods).

[2] Under SIMA, a finding of injury or threat of injury, and the associated protection in the form of anti-dumping or countervailing duties, expires five years from the date of the finding or, if one or more orders continuing the finding have been made, the date of the last order made under paragraph 76.03(12)(b), unless it is continued by the Tribunal following the conduct of an expiry review.

[3] The Tribunal's mandate in this expiry review is to determine whether the expiry of the order it made in expiry review RR-2019-0062 is likely to result in injury to the domestic industry and then, accordingly, to make an order either continuing or rescinding the order with or without amendment.

PROCEDURAL BACKGROUND

[4] The Tribunal issued its notice of expiry review on December 1, 2025. This notice triggered the initiation of an investigation by the Canada Border Services Agency (CBSA) to determine whether the expiry of the Tribunal's order was likely to result in the continuation or resumption of dumping of the subject goods.³

[5] On April 30, 2026, the CBSA determined, pursuant to paragraph 76.03(7)(a) of SIMA, that the expiry of the order was likely to result in the continuation or resumption of dumping of subject goods originating in or exported from Chinese Taipei, India, Indonesia, South Korea, Thailand, Türkiye, Ukraine and Vietnam.⁴

[6] The period of review (POR) for the Tribunal's expiry review covered three calendar years, from January 1, 2023, to December 31, 2025, as well as the interim period of January 1, 2026, to March 1, 2026 (interim 2026). For comparative purposes, information was also collected and presented for the interim period of January 1 to March 31, 2025 (interim 2025).

¹ R.S.C., 1985, c. S-15.

² *Oil Country Tubular Goods* (30 December 2020), RR-2019-006 (CITT) [OCTG II].

³ Exhibit RR-2025-006-01.

⁴ Exhibit RR-2025-006-02.01.

[7] Domestic producers and importers of oil country tubular goods (OCTG) and foreign producers of the subject goods were asked to respond to questionnaires from the Tribunal. In addition, the Tribunal sent questionnaires to known unions representing workers employed by the domestic industry. The Tribunal received three responses to the domestic producers' questionnaire from companies stating that they produce like goods in relation to the subject goods. The Tribunal received 17 responses to the importers' questionnaire, two to the unions' questionnaire and two to the foreign producers' questionnaire.

[8] Tenaris Canada⁵ (Tenaris), Interpro Pipe & Steel, Inc.⁶ (Interpro), Welded Tube of Canada Corporation (Welded Tube) (domestic producers), and the United Steelworkers (USW) (a trade union) filed written submissions in support of the continuation of the order.

[9] LLC Interpipe Niko Tube (Niko Tube), an OCTG producer from Ukraine, and the Ministry of Economy, Environment and Agriculture of Ukraine filed written submissions opposing the continuation of the order in relation to Ukraine.

[10] On June 30, 2026, Niko Tube filed public and protected requests for information (RFIs) directed at Tenaris, Interpro and Welded Tube. On July 7, 2026, the Tribunal received public and protected objections to these RFIs from the three participants.

[11] After reviewing the RFIs and considering the rationale and objections for each, the Tribunal issued directions to Tenaris, Interpro and Welded Tube on July 10, 2026, indicating which RFIs required responses.⁷ The Tribunal received responses to the RFIs on July 17, 2026, and July 20, 2026.

[12] The Tribunal held a three-day hearing by videoconference from July 27, 2026, to July 29, 2026. At the conclusion of the hearing, the Tribunal kept the record of the proceedings open and indicated that it may have follow-up questions for the parties in the coming days.

[13] On August 6, 2026, the Tribunal issued a letter to the parties asking for additional submissions on the interpretation of the phrase "conditions of competition" under subsection 76.03(11) of SIMA and to comment on Canada's steel tariff rate quota (TRQ) and its effect on the conditions of competition. The Tribunal received post-hearing submissions on August 13, 2026, and replies to the post-hearing submissions on August 18, 2026.

PRODUCT

Product definition

[14] The subject goods are defined as follows:⁸

Oil country tubular goods, which are casing, tubing and green tubes made of carbon or alloy steel, welded or seamless, heat-treated or not heat-treated, regardless of end finish, having an outside diameter from 2 3/8 inches to 13 3/8 inches (60.3 mm to 339.7 mm), meeting or

⁵ Tenaris Canada comprises Algoma Tubes Inc., Hydril Canadian Company LP and Tenaris Global Services (Canada) Inc.

⁶ Formerly Evraz Inc. NA Canada.

⁷ Exhibit RR-2025-006-28.01; Exhibit RR-2025-006-29.01 (protected).

⁸ Exhibit RR-2025-006-01.

supplied to meet American Petroleum Institute (API) specification 5CT or equivalent and/or enhanced proprietary standards, in all grades, excluding drill pipe, pup joints, couplings, coupling stock and stainless steel casing, tubing or green tubes containing 10.5% or more by weight of chromium, originating in or exported from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu, the Republic of India, the Republic of Indonesia, the Republic of Korea (South Korea), the Kingdom of Thailand, the Republic of Türkiye, Ukraine and the Socialist Republic of Vietnam, except for goods exported from South Korea by Hyundai Steel Company, and goods exported from Türkiye by Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş. (the subject goods).

Product information⁹

[15] As outlined in previous proceedings, OCTG are carbon or alloy steel pipes used for the exploration and exploitation of oil and natural gas. The product definition includes non-prime and secondary pipes (limited-service products). It also includes intermediate or in-process tubular goods (known in the industry as “green tubes”) that require additional processing, such as threading, heat treatment or testing, before they can meet the requirements of a particular API specification.

[16] Casing is used to prevent the walls of an oil or gas well from collapsing, both during drilling and after completion of the well. Tubing is used within the casing to convey oil and gas to the surface. Both casing and tubing must be able to withstand outside pressure and internal yield pressures within an oil or gas well. They must also have sufficient joint strength to hold their own weight and must be equipped with threads sufficiently tight to contain the well pressure where lengths are joined.

[17] OCTG meet or are supplied to meet API specification 5CT, in all applicable grades, including but not limited to H40, J55, K55, M65, N80, L80, L80 HC, L80 Chrome 13, L80 LT, L80 SS, C90, C95, C110, P110, P110 HC, P110 LT, T95, T95 HC and Q125, or proprietary grades manufactured as substitutes for these specifications. The most common grades of low-strength casing and tubes are J55, K55 and H40. Heat-treated grades (e.g., N80, P110, L80) are more sophisticated grades of pipe and are used in deeper wells and more demanding environments, such as low-temperature services, sour service and heavy oil recovery.

Additional product information

[18] Further information about OCTG, including tariff classifications, can be found on the CBSA’s website.¹⁰

LEGAL FRAMEWORK

[19] The Tribunal is required, pursuant to subsection 76.03(10) of SIMA, to determine whether the expiry of the order in respect of the subject goods is likely to result in injury or retardation for the domestic industry.¹¹ Pursuant to subsection 76.03(12), if the Tribunal determines that the expiry of

⁹ See *OCTG II*, paras. 17–19.

¹⁰ See Oil country tubular goods 2: Measures in force, online: <https://www.cbsa-asfc.gc.ca/sima-lmsi/mif-mev/octg2-eng.html>.

¹¹ Subsection 2(1) of SIMA defines “injury” as “material injury to the domestic industry” and “retardation” as “material retardation of the *establishment* of a domestic industry” [emphasis added]. Given that there is currently

the order is unlikely to result in injury, it is required to rescind it. However, if it determines that the expiry of the order is likely to result in injury, the Tribunal is required to continue it, with or without amendment.

[20] Before proceeding with its analysis of the likelihood of injury, the Tribunal must first determine what domestically produced goods constitute “like goods” in relation to the subject goods and whether there is more than one class of goods. Once those determinations have been made, the Tribunal must determine what constitutes the “domestic industry”.

[21] The Tribunal must also determine whether it is appropriate to assess the likely effect of the resumed or continued dumping of the subject goods from all subject countries cumulatively, that is, whether it will conduct a single analysis of the likely effect or separate analyses for one or more subject countries.

LIKE GOODS AND CLASSES OF GOODS

[22] For the Tribunal to determine whether the resumed or continued dumping of the subject goods is likely to cause material injury to the domestic producers of like goods, it must determine which domestically produced goods, if any, constitute like goods in relation to the subject goods. The Tribunal must also assess whether there are, within the subject goods and the like goods, more than one class of goods.¹²

[23] Subsection 2(1) of SIMA defines “like goods”, in relation to any other goods, as follows:

- (a) goods that are identical in all respects to the other goods, or
- (b) in the absence of any goods described in paragraph (a), goods the uses and other characteristics of which closely resemble those of the other goods.

[24] In deciding the issue of like goods when goods are not identical in all respects to the other goods, the Tribunal typically considers a number of factors, including the physical characteristics of the goods, such as composition and appearance, and their market characteristics, such as substitutability, pricing, distribution channels, end uses and whether the goods fulfill the same customer needs.¹³ These same factors are also considered in deciding whether there is more than one class of goods.¹⁴

an established domestic industry, the issue of whether the expiry of the order is likely to result in retardation does not arise in this expiry review.

¹² Should the Tribunal determine that there is more than one class of goods in this expiry review, it must conduct a separate injury analysis and make a decision for each class that it identifies. See *Noury Chemical Corporation and Minerals & Chemicals Ltd. v. Pennwalt of Canada Ltd. and Anti-dumping Tribunal*, [1982] 2 F.C. 283 (FC).

¹³ See, for example, *Copper Pipe Fittings* (19 February 2007), NQ-2006-002 (CITT), para. 48.

¹⁴ In order to decide whether there is more than one class of goods, the Tribunal must determine whether goods potentially included in separate classes of goods (or that have previously been included in separate classes of goods) constitute “like goods” in relation to each other. If they do, they will be regarded as comprising a single class of goods. See, for example, *Certain Fasteners* (7 January 2005), NQ-2004-005 (CITT), para. 70.

[25] In both the original inquiry (NQ-2014-002¹⁵) and the previous expiry review (RR-2019-006), the Tribunal found that domestically produced OCTG of the same description as the subject goods were like goods in relation to the subject goods and that the subject goods constituted one class of goods.¹⁶

[26] Interpro and Welded Tube argued that there is no reason to depart from these findings. Both producers contended that OCTG, including casing and tubing, is used for drilling, completing and operating oil and gas wells. Additionally, they submitted that OCTG meeting the same specifications (e.g., outside diameter, wall thickness, grade, etc.) are interchangeable, compete in the Canadian market and constitute a single class of goods.¹⁷

[27] Niko Tube did not dispute this general proposition. However, it noted that it produces exclusively seamless OCTG, rather than electric resistance welded OCTG, and that seamless OCTG grades may be preferable in certain applications and by certain end users.¹⁸

[28] Given that there is no evidence on the record in these proceedings to suggest that the Tribunal should depart from its previous decisions on this issue, it finds that domestically produced OCTG are like goods in relation to the subject goods and that there is a single class of goods.

DOMESTIC INDUSTRY

[29] Subsection 2(1) of SIMA defines “domestic industry” as follows:

... the domestic producers as a whole of the like goods or those domestic producers whose collective production of the like goods constitutes a major proportion of the total domestic production of the like goods except that, where a domestic producer is related to an exporter or importer of dumped or subsidized goods, or is an importer of such goods, “domestic industry” may be interpreted as meaning the rest of those domestic producers.

[30] The Tribunal must therefore determine whether there is a likelihood of injury to the domestic producers as a whole or those domestic producers whose production represents a major proportion of the total production of like goods.¹⁹

[31] The evidence shows that there were three known Canadian producers of like goods during the POR: Interpro, Welded Tube and Tenaris. Accordingly, the Tribunal finds these producers constitute the domestic industry within the meaning of subsection 2(1) of SIMA and will assess whether the expiry of the order is likely to result in injury on this basis.

¹⁵ *Oil Country Tubular Goods* (2 April 2015), NQ-2014-002 (CITT).

¹⁶ See inquiry NQ-2014-004, para. 34 and *OCTG II*, paras. 35–36. The Tribunal notes that it has made similar findings in several cases involving OCTG, including its most recent decision in *Oil Country Tubular Goods* (April 21, 2026), NQ-2025-007 (CITT) [*OCTG V*], para. 39. See also *Oil Country Tubular Goods* (26 January 2022), NQ-2021-004 (CITT), para. 31 [*OCTG III*]; *Oil Country Tubular Goods* (22 February 2022), NQ-2021-006 (CITT), para. 51 [*OCTG IV*].

¹⁷ Exhibit RR-2025-006-B-01, paras. 12–13.

¹⁸ Exhibit RR-2025-006-F-01, paras. 11–12.

¹⁹ The term “major proportion” means an important or significant proportion of total domestic production of the like goods and not necessarily a majority of these goods. *Japan Electrical Manufacturers Assn. v. Canada* (Anti-Dumping Tribunal), [1986] F.C.J. No. 652 (FCA); *McCulloch of Canada Limited and McCulloch Corporation v. Anti-Dumping Tribunal*, [1978] 1 F.C. 222 (FCA); Panel Report, *China – Automobiles (US)*, WT/DS440/R, para. 7.207; Appellate Body Report, *EC – Fasteners (China)*, WT/DS397/AB/R, paras. 411, 412, 419; Panel Report, *Argentina – Poultry (Brazil)*, WT/DS241/R, para. 7.341.

CUMULATION

[32] Subsection 76.03(11) of SIMA provides that the Tribunal shall make an assessment of the cumulative effect of the dumping of goods “... that are imported into Canada from more than one country if the Tribunal is satisfied that an assessment of the cumulative effect would be appropriate taking into account the conditions of competition ...” between the goods that are imported into Canada from any of the countries and the goods that are imported from any other of those countries or between those goods and the domestically produced like goods.

[33] In these proceedings, Niko Tube argued that the Tribunal should examine the impact of dumped OCTG from Ukraine separately because those subject goods are subject to different “conditions of competition” than OCTG from the other subject countries. To support this argument, Niko Tube submitted that “conditions of competition” should be interpreted with reference to other statutory language (i.e., the direction to “take into account”) in subsection 76.03(11) of SIMA, which in its view, gives the Tribunal discretion to consider “any factor that illuminates the real-world manner of competition.”²⁰ To support this contention, Niko Tube relied on the Tribunal’s recent decisions in *OCTG V* and *Small Power Transformers*, in which the Tribunal concluded that it has broad discretion under subsection 42(3) of SIMA²¹ to examine conditions of competition and that the list of factors to consider when making that assessment is not closed.²²

[34] Niko Tube therefore urged the Tribunal to consider the impact of the wartime conditions in Ukraine, which it says have fundamentally altered how Ukrainian OCTG compete in the Canadian market. Specifically, Niko Tube argued that its goods do not compete under the same conditions as goods from any other subject country because its production is constrained by Russian attacks, its logistics for transporting goods to Canada are fundamentally compromised, Canadian distributors are reluctant to rely on a supply chain that may be interrupted at any time, and its pricing has been shaped by the additional costs of operating in wartime conditions.

[35] The domestic producers disagreed with these arguments and asked the Tribunal to assess the cumulative effects of the dumping of OCTG from all subject countries, including Ukraine. Tenaris, for its part, argued that the logistical and operational challenges Niko Tube faces in Ukraine are not a basis for decumulation in this case, because the Tribunal must assess the conditions of competition among the subject goods and between the subject goods and the domestically produced like goods once they are in the Canadian market. Interpro and Welded Tube agreed with Tenaris on this point and went on to highlight what they characterized as a flaw in Niko Tube’s argument. In Interpro and Welded Tube’s submission, Niko Tube’s arguments are grounded in the idea that Ukrainian OCTG imports should be decumulated because they will not cause injury in the Canadian market when assessed independently from OCTG from the other subject countries. Interpro and Welded Tube argued that this improperly conflates the Tribunal’s cumulation analysis with its analysis of the

²⁰ Exhibit RR-2025-006-F-01, para. 21.

²¹ Subsection 42(3) of SIMA deals with cumulation in the context of inquiries while subsection 76.03(11) of SIMA addresses cumulation for expiry reviews. While subsection 42(3) does impose certain conditions which are not present in subsection 76.03(11), both provisions require that the Tribunal be satisfied that an assessment of the cumulative effect would be appropriate taking into account the conditions of competition between the subject goods and the like goods, and are thus equivalent in that regard.

²² Exhibit RR-2025-006-F-01, para. 20, citing *OCTG V*, para. 161; *Certain Small Power Transformers* (10 January 2022), NQ-2021-003, para. 65.

likelihood of injury and that any consideration of the likely impact of Ukrainian subject goods to justify decumulation under subsection 76.03(11) is inappropriate.

[36] In the previous expiry review, the Tribunal was satisfied, based on the evidence available to it, that the conditions of competition among the subject goods, and between the subject goods and domestically produced like goods, merited a cumulated assessment of the effect of the dumped goods from all subject countries. The Tribunal made this determination based on evidence establishing the interchangeability of the subject goods with one another and with the like goods, the similarity of the distribution channels for subject imports and domestically produced like goods, and the similar arrival times of imports from subject countries. The Tribunal made this finding notwithstanding the Government of Ukraine's contention that the impact of Ukrainian subject goods should be assessed separately given the negative impacts of the Ukraine-Russia war on its steel production, Ukraine's negligible share of Canada's total OCTG imports, and Ukraine's export orientation toward the European Union.²³ In so finding, the Tribunal emphasized that Ukraine's arguments focused on the conditions faced by Ukrainian producers in their domestic market rather than in the Canadian market.²⁴ On balance, the Tribunal determined that "Ukraine [remained] an export-oriented OCTG-producing country and that an open Canadian market would be an attractive market for Ukrainian producers and exporters."²⁵ Accordingly, the Tribunal found that "despite the presence of factors that may be affecting steel production in Ukraine, more than negligible volumes of subject goods [were] likely to be present in the Canadian market if the finding [was] rescinded."²⁶

[37] After reviewing the arguments and evidence presented in this expiry review, a majority of the Tribunal has found that, since the Tribunal's last expiry review, measures implemented to protect the Canadian steel market (i.e., TRQs) are affecting Ukrainian OCTG producers differently than producers in the other subject countries. As a result, the majority has found that, in these particular circumstances, it is appropriate to conduct a separate likelihood of injury analysis in respect of the subject goods from Ukraine.

[38] The majority's reasons, as well as the reasons of the dissenting member, Member Heggart, are outlined below. For context, the following section provides a brief discussion of Canada's TRQ.

Canada's TRQ on steel products

[39] Canada's TRQ on steel products (including most OCTG) has been in force since August 1, 2025, and is currently set to expire on June 27, 2027.²⁷ The TRQ effectively applies a 50% surtax on imports of covered steel products that exceed the specified quarterly quota volumes, which are currently set at 75% of 2024 import volumes for countries that have a free trade agreement (FTA) with Canada. Of the subject countries in this expiry review, Canada has FTAs with South Korea, Ukraine and Vietnam.²⁸ For countries without an FTA with Canada, the TRQ applies a 50% surtax on imports of covered steel products that exceed quarterly quota volumes, which are currently set at

²³ OCTG II, paras. 44–60.

²⁴ *Ibid.*, para. 50.

²⁵ *Ibid.*, para. 57.

²⁶ *Ibid.*, para. 54.

²⁷ See *Order Imposing a Surtax on the Importation of Certain Steel Goods*, SOR/2025-148; *Order Amending the Order Imposing a Surtax on the Importation of Certain Steel Goods*, SOR/2025-155; *Order Amending the Order Imposing a Surtax on the Importation of Certain Steel Goods*, SOR/2025-266; *Order Amending the Order Imposing a Surtax on the Importation of Certain Steel Goods*, P.C. Number 2026-0593 (12 June 2026).

²⁸ Steel products originating in the United States or Mexico are excluded from the application of the TRQ.

20% of 2024 import volumes. Importers must obtain a shipment-specific permit to import covered steel products into Canada. Once the quarterly quota for a category of steel products has been filled, importers must pay the 50% surtax on any additional volumes of products in that category entering the Canadian market in that quarter.²⁹

View of the Tribunal panel majority

[40] The Tribunal’s decision to include or exclude Ukrainian subject goods from its assessment of the cumulative effect of the dumping of the subject goods in this case hinges on the interpretation of “conditions of competition” in subsection 76.03(11) of SIMA.

[41] It is important to note that SIMA does not define the phrase “conditions of competition.”³⁰ The Tribunal has given meaning to this phrase through its jurisprudence and has developed a multifaceted approach to cumulation, which involves considering several factors when determining whether it is appropriate to assess the cumulative impact of dumped goods in the Canadian market. Those factors include:

- the degree to which goods from each subject country are interchangeable with the subject goods from the other subject countries or with the like goods;
- the presence or absence of sales of imports from different subject countries and of the like goods into the same geographical markets;
- the existence of common or similar channels of distribution; and
- differences in the timing of the arrival of imports from a subject country and of those from the other subject countries and the availability of like goods supplied by the domestic industry.³¹

Conditions of competition, competitiveness and the TRQ

[42] The Tribunal has examined the meaning of “conditions of competition” in subsection 76.03(11) of SIMA. The Tribunal sought post-hearing submissions from the parties on the meaning of “conditions of competition” with reference to the concept of competitiveness. The Tribunal also asked the parties to comment on the effect of the TRQ. In their post-hearing submissions, all parties agree that “conditions of competition” and “competitiveness” are distinct concepts. However, the parties’ views diverge on the analytical relationship between these concepts in the context of the Tribunal’s authority to cumulate.

[43] Niko Tube submits that “competitiveness” relates to pricing in the market and is assessed at the end-user level, whereas “conditions of competition” is a broader concept that encompasses all the structural characteristics of a market, including, but not limited to, the regulatory environment of a market. In its view, the phrase “conditions of competition” requires the Tribunal to assess the

²⁹ See *Hot-rolled Carbon Steel Plate* (17 December 2025), RR-2024-008 (CITT), paras. 75–78, where the Tribunal explained the general functioning of the TRQ on steel products. At the time of that decision, quota volumes were set at 100% of 2024 import volumes for countries that had an FTA with Canada and at 50% of 2024 import volumes for countries that did not.

³⁰ See SIMA, subsection 2(1).

³¹ *Copper Pipe Fittings* (6 March 2007), NQ-2006-002 (CITT), para. 73.

conditions under which competition occurs. Where the Tribunal does so, Niko Tube argues that identified differences in conditions of competition that merit decumulation often affect the competitiveness of goods from the source country. In this way, conditions of competition and competitiveness are inextricably related. Niko Tube acknowledges that the competitiveness of goods (e.g., price effects and the harm they cause to the domestic industry) is assessed by the Tribunal when it examines the likelihood of injury under subsection 76.03(10) of SIMA by considering the factors prescribed by subsection 37.2(2) of the *Special Import Measures Regulations* (Regulations). However, it argues that the Tribunal can consider whether the “price environment” between goods is structurally similar under subsection 76.03(11) of SIMA.³² With these arguments in mind, Niko Tube argues that the Tribunal can consider the impacts of the Ukraine-Russia war as a condition of competition that merits decumulation in this case.³³

[44] Niko Tube also contends that the TRQ is a condition of competition that the Tribunal can consider under subsection 76.03(11) of SIMA. It submits that the TRQ not only makes Ukrainian OCTG less competitive, it also alters the conditions under which Ukrainian OCTG competes by imposing structural limitations (e.g., volume and temporal constraints) on imports. In the case of OCTG imports from Ukraine, it argues that these constraints are uniquely challenging for Niko Tube given the production and logistical challenges it faces due to the Ukraine-Russia war.³⁴

[45] Interpro and Welded Tube contend that competitiveness is not a relevant consideration when examining the conditions of competition and is more appropriately part of the Tribunal’s assessment of the likelihood of injury under subsection 37.2(2) of the Regulations. Interpro and Welded Tube’s argument is grounded in the statutory language of SIMA, as well as in previous decisions of the Tribunal where the Tribunal refused to decumulate goods of a country from its assessment of injury.³⁵ Interpro and Welded Tube submit that differences in relative competitiveness do not warrant decumulation. Referring to the Tribunal’s last expiry review, it noted that the Tribunal rejected arguments for decumulation that were grounded on differences in product range, pricing levels and modes of transportation. Interpro and Welded Tube argue that the Tribunal has only decumulated goods from a country from the injury analysis where it has found that these goods will not meaningfully compete in the Canadian market.³⁶ Interpro and Welded Tube note that the Tribunal, in the first expiry review in this case, refused to conduct a decumulated injury assessment for Ukrainian OCTG imports because the arguments supporting that analysis were based on conditions of competition in the Ukrainian market rather than the Canadian market.³⁷ Interpro and Welded Tube also contend that considering competitiveness as a condition of competition effectively conflates the Tribunal’s cumulation analysis with its assessment of the likelihood of injury.³⁸

[46] With these arguments in mind, Interpro and Welded Tube submit that the TRQ may have an impact on the competitiveness of the subject goods, including Ukrainian OCTG, but that it does not create differences in the conditions of competition for the subject goods in the Canadian market. In their submission, the TRQ applies equally to all OCTG imports coming into Canada, including those

³² Exhibit RR-2025-006-F-09, para. 10.

³³ *Ibid.*, paras. 8–22; Exhibit RR-2025-006-F-10, paras. 5–15.

³⁴ Exhibit RR-2025-006-F-09, paras. 23–32; Exhibit RR-2025-006-F-10, paras. 16–20.

³⁵ See, for example, *OCTG V*; *OCTG II*.

³⁶ *Oil and Gas Well Casing* (4 July 2001), RR-2000-001 (CITT), p. 10–11; *Small Power Transformers* (24 December 2021), NQ-2021-003 (CITT), paras. 85–90.

³⁷ *OCTG II*, para. 50.

³⁸ Exhibit RR-2025-006-B-15, paras. 7–24; Exhibit RR-2025-006-B-16, paras. 2–10.

from all subject countries in this case. Interpro and Welded Tube argue that, whether or not a country has an FTA with Canada, the TRQ only adds costs for import volumes exceeding the quota volumes, which can be absorbed by exporters.³⁹

[47] Tenaris, for its part, contends that “conditions of competition” address the *extent to which* goods compete, while “competitiveness” relates to *how well or how successfully* goods compete relative to other goods. Like Interpro and Welded Tube, Tenaris argues that competitiveness does not play a role in the Tribunal’s assessment about whether cumulation is appropriate under subsection 76.03(11) of SIMA. It submits that an assessment of “competitiveness” presumes competition between the goods at issue and is assessed from the perspective of the purchaser on the basis of several factors, including profitability, costs, productivity and market share. Tenaris points out that goods may perform differently under certain competitiveness criteria but may still be subject to the same conditions of competition in a market. In these circumstances, Tenaris argues that cumulation is appropriate. Tenaris relies on the factors the Tribunal typically references when examining conditions of competition to argue that Ukrainian subject goods should not be decumulated from the Tribunal’s injury assessment in this case. Specifically, it observes that Ukrainian seamless OCTG is interchangeable with OCTG Tenaris produces and with seamless and electric resistance welded (ERW) OCTG produced by the other subject countries. It also submits that Ukrainian subject goods and domestically produced like goods are sold to the same distributors and end users in the same geographical region through the same distribution channels and transported by ocean vessel.⁴⁰

[48] Tenaris acknowledges that the TRQ is part of the regulatory environment within which all steel imports compete in the Canadian market. However, it contends that the TRQ applies equally to all steel imports, including those from the subject countries, such that all over-quota volumes are subject to a 50% surtax. While this may affect the price of the subject goods, Tenaris argues that any such effects are insignificant given the large volume of underpriced goods entering Canada within quota. In Tenaris’s view, any other differences in the effects of the TRQ on goods from the subject countries relate to the competitiveness of those goods and cannot justify decumulation.⁴¹

[49] After considering the submissions and evidence, the majority of the Tribunal panel agrees with the parties that “conditions of competition” and “competitiveness” are distinct but related concepts. In subsection 76.03(11) of SIMA, the word “conditions” is contextualized by the words “of competition” and refers to the circumstances under which competition takes place between subject goods and like goods.⁴² The phrase “conditions of competition” is therefore broader than “competitiveness”, which pertains to the ability of subject goods to compete with one another or with the like goods for sales in the Canadian market.

[50] Based on the plain and ordinary meaning of “conditions of competition” as used in subsection 76.03(11) of SIMA, the Tribunal considers that the TRQ affects the conditions under which OCTG competes in the Canadian market.

³⁹ Exhibit RR-2025-006-B-15, paras. 25–30; Exhibit RR-2025-006-B-16, paras. 11–12.

⁴⁰ Exhibit RR-2025-006-A-14, p. 1–7; Exhibit RR-2025-006-A-15, p. 2.

⁴¹ Exhibit RR-2025-006-A-14, p. 7; Exhibit RR-2025-006-A-15, p. 3.

⁴² Exhibit RR-2025-006-B-15, p. 17–28 (dictionary definitions of “condition”).

[51] In this case, the majority acknowledges that the constraints imposed by the TRQ apply to all subject countries. South Korea, Vietnam, and Ukraine are subject to FTA country volume quotas while India, Indonesia, Chinese Taipei, Thailand and Türkiye are subject to volume quotas applicable to countries that do not have an FTA with Canada. As a result, the effects of the TRQ alone cannot ground an argument for decumulation.

[52] In this case, however, the majority of the Tribunal panel has determined that it is appropriate to conduct a decumulated analysis of the likely impact of the subject goods from Ukraine on the domestic industry. As discussed in greater detail below, the circumstances of this case are unique. In this case, the imposition of the TRQ *in conjunction with* evidence of the severe effects of the Russia-Ukraine war on Ukrainian producers of the subject goods mean that subject goods from Ukraine do not compete in the Canadian market under the same conditions as other subject goods.

Relevance of the war in Ukraine to the cumulation analysis

[53] Before examining the evidence relating to the conditions under which the subject goods compete in the Canadian market, the majority wishes to address the broader arguments raised by the parties at the outset of these proceedings concerning the relevance of evidence of Ukraine's wartime conditions to the question of whether to cumulate or decumulate under subsection 76.03(11) of SIMA. As noted above, Niko Tube essentially argues that the impact of the Ukraine-Russia war is itself a condition that uniquely impacts Ukraine's subject goods and justifies decumulation. By this reasoning, any evidence of these impacts is, in Niko Tube's view, relevant to the Tribunal's consideration of whether it is appropriate to conduct a cumulated assessment of the impact of the subject goods. Tenaris, Interpro and Welded Tube characterize the war's effects as relevant to "competitiveness", rather than to "conditions of competition."

[54] In this case, the majority reiterates that it has discretion under subsection 76.03(11) to determine whether cumulation is appropriate.⁴³ This requires careful consideration of the factual evidence in each case. Here, the majority agrees with the Tribunal's findings in the previous expiry review that evidence focusing *solely* on the economic and market conditions faced by a foreign producer, such as a Ukrainian producer, in its domestic market is not relevant to the Tribunal's cumulation analysis.⁴⁴ In this way, the Tribunal cannot agree with Niko Tube's arguments that all evidence of the effects of the Ukraine war (e.g., missile strikes, power disruptions, logistical costs) is, in itself, relevant to determining whether a cumulated assessment of injury is appropriate. As argued by Tenaris, Interpro and Welded Tube, some of this evidence goes to "competitiveness" and is more appropriately considered in the Tribunal's consideration of the likelihood of injury. However, the majority also notes that there may be circumstances in which evidence of a source country's competitiveness is relevant at the cumulation stage of the Tribunal's analysis. Specifically, the majority observes that such evidence is relevant to the Tribunal's decision as to whether it should conduct a cumulative assessment when it sheds light on how a particular condition of competition operates in the Canadian market and whether that condition is sufficiently similar to the conditions of competition applicable to imports from other subject countries.

⁴³ *Certain Small Power Transformers* (10 January 2022), NQ-2021-003 (CITT), para. 78.

⁴⁴ *OCTG II*, paras. 49–50.

[55] In this case, the majority finds that the TRQ, combined with the unique circumstances in which Ukrainian producers of subject goods operate, effectively prevents Ukrainian producers from competing in the Canadian market.

Ukraine's unique circumstances and inability to compete

[56] Consistent with the Tribunal's findings in the initial inquiry and the previous expiry review of these proceedings, the Tribunal finds that there is a high degree of substitutability between the subject goods and the domestically produced like goods. OCTG are commodity products that compete in the Canadian market on the basis of price. Both domestic and imported OCTG are manufactured to API specification 5CT or equivalent standards and are designed to perform under a variety of drilling and production conditions.⁴⁵

[57] The evidence on the record shows that domestically produced OCTG and subject goods from most of the subject countries continued to compete in the Canadian market during the POR.⁴⁶ As will be explained in the likelihood of injury analysis below, even where the evidence shows no imports of OCTG from a subject country, it demonstrates that the excess capacity, export orientation and attractiveness of the Canadian OCTG market mean that the subject goods from the subject countries (with the exception of Ukraine) are likely to compete in the Canadian market should the order be rescinded.

[58] The evidence also demonstrates that OCTG are typically imported by distributors, which, in turn, may sell to other distributors or end users. Additionally, imported OCTG is often shipped to Canada by ocean freight.⁴⁷ All OCTG, whether imported or domestically produced, are shipped by truck or rail to distributors or end users within Canada.

[59] In this case, the Tribunal heard competing evidence with respect to whether Niko Tube has distributors in Canada.

[60] Mr. Afif Najjar for Niko Tube testified that Niko Tube has no distributors in Canada and that its sales of OCTG in the Canadian market are "minuscule".⁴⁸ Mr. Najjar then later testified that Niko Tube has "no reoccurring existing supply orders to any distributor in Canada".⁴⁹ However, the evidence on the record shows that OCTG from Ukraine were imported into Canada in 2025, albeit in negligible amounts.⁵⁰

[61] The Tribunal also heard evidence on the importance of mill visits as a prerequisite to selling OCTG in the Canadian market. Witnesses for Tenaris testified that in their experience, the vast majority of applications would involve a fairly simple paper-based process for an operator to approve a vendor for OCTG.⁵¹ Witnesses for Niko Tube testified that mill visits are, in their experience, an essential factor in gaining access to the Canadian market via operator or distributor approval, especially for new technologies and seamless OCTG products that are used in more demanding

⁴⁵ *Transcript of Public Hearing*, p. 37, line 5; p. 38, line 23; p. 80, line 14; p. 81, line 3; p. 179, line 14; p. 180, line 10.

⁴⁶ Exhibit RR-2025-006-04, Table 2; Exhibit RR-2025-006-05 (protected), tables 6, 7.

⁴⁷ *Transcript of Public Hearing*, p. 186, line 17; p. 188, line 12. See also RR-2025-006-16.02 (protected), p. 6.

⁴⁸ *Transcript of Public Hearing*, p. 187, lines 8–11.

⁴⁹ *Ibid.*, p. 187, lines 12–14.

⁵⁰ Exhibit RR-2025-006-05 (protected), Table 9; Exhibit RR-2005-006-12.07.A, p. 11.

⁵¹ *Transcript of Public Hearing*, p. 86, lines 21–25; p. 87, lines 1–3, 18–23.

applications.⁵² Mr. Stephens also testified that it would be difficult to sell new products or new technologies without some sort of mill visit. In this context, he testified that none of Niko Tube's casing is currently qualified by a major Canadian operator or distributor.⁵³ Due to the confidential nature of some of the evidence it heard, the Tribunal can't recount in detail why Niko Tube might have difficulty obtaining these qualifications.⁵⁴

[62] On the whole, the Tribunal found the witness testimony with respect to these points confusing and difficult to reconcile with the evidentiary record, which indicates that Niko Tube has some relationships with distributors in Canada.⁵⁵ On this point, the Tribunal finds that subject goods from Ukraine use the same distribution channels as the other subject goods when they compete in Canada.

[63] In the majority's view, what makes this case unique are the circumstances in which Ukrainian OCTG producers operate in comparison with producers in the other subject countries. When these facts are considered in conjunction with the TRQ, the majority finds that it is appropriate to decumulate Ukrainian subject goods from the Tribunal's cumulated assessment under subsection 76.03(11) of SIMA.

[64] As observed above, the majority agrees with the domestic producers that the TRQ applies to all imports of steel producers on the same terms.

[65] However, in the majority's view, this does not provide a complete response to the relevant question it must answer, which is how, *in fact*, the operation of the TRQ is such that it affects conditions of competition in the Canadian OCTG market. The domestic producers would have the Tribunal believe that the TRQ has next to no impact on the OCTG market in Canada. The Tribunal acknowledges the evidence of Ms. Blair and Mr. Coffin, witnesses for Interpro, who testified that the TRQ does not, in their view, effectively discipline the price of imported OCTG.⁵⁶ However, there is evidence that the TRQ does impact the volume of imports entering the Canadian market. The Tribunal also notes that for over-quota volumes of imports, the TRQ helps discipline the price because it is difficult to absorb the surtax and undercut domestic prices at the same time.

[66] The Tribunal heard arguments and evidence about the impediments that the TRQ creates.⁵⁷ Niko Tube argued that the TRQ operates on a quarterly first-come, first-served basis, with import permits issued at the beginning of every quarter, and provided evidence that obtaining these permits is highly competitive. On June 19, 2026, the quarterly quota for OCTG in the period commencing June 28, 2026, was already 91.17% filled.⁵⁸ Testimony from Mr. Najjar and Mr. Stephens, witnesses for Niko Tube, confirms that importing subject goods sourced from Ukraine within the constraints of the TRQ is extremely difficult given the flexibility in delivery times needed for Niko Tube to sell into the Canadian market.⁵⁹ The Tribunal also heard evidence indicating that Niko Tube has had difficulties securing orders for OCTG in the Canadian market because of challenges relating to

⁵² *Ibid.*, p. 148, line 2, p. 149, line 13. *Transcript of Public Hearing* (protected), p. 83, line 16, p. 85, line 7.

⁵³ *Transcript of Public Hearing*, p. 148, lines 14–16.

⁵⁴ *Transcript of Public Hearing* (protected), p. 85, line 21; p. 86, line 17.

⁵⁵ Exhibit RR-2025-006-16.02 (protected), p. 6; Exhibit RR-2025-006-12.07.A, p. 11; Exhibit RR-2025-006-13.07.A (protected), p. 11.

⁵⁶ *Transcript of Public Hearing*, p. 40, line 13; p. 42, line 6.

⁵⁷ *Ibid.*, p. 95, lines 15–22. Exhibit RR-2025-006-F-01, para. 88.

⁵⁸ Exhibit RR-2025-006-F-07, p. 1687.

⁵⁹ *Transcript of Public Hearing*, p. 144, line 4; p. 145, line 21; p. 198, line 16; p. 199, line 6.

several factors, including production lead times, price and timing of delivery.⁶⁰ In fact, Mr. Stephens testified that Niko Tube had only been able to secure one purchase order in the Canadian market in the past six months, and that purchase order was for OCTG, which was not subject to the TRQ.⁶¹ This is consistent with the volumetric data in the investigation report, which show that Ukraine had negligible volumes of imports of OCTG into Canada in 2025 only.⁶²

[67] After considering all the evidence, the majority finds that the wartime conditions under which Niko Tube operates severely impede its ability to produce and deliver the subject goods into Canada with any predictability. As the evidence demonstrates, these realities make it extremely difficult for Niko Tube to export volumes of OCTG subject to the TRQ into Canada.

[68] As noted above, the majority acknowledges that as a matter of law, the constraints of the TRQ apply to all subject countries. However, the Tribunal has no evidence that producers from the other subject countries operate in circumstances similar to those in which Ukrainian producers operate. Indeed, none of the other subject countries participated in these proceedings. In the absence of any evidence to the contrary, the majority finds that the TRQ, as it applies to the unique circumstances in which Ukrainian producers of subject goods operate, results in them being effectively prevented from competing in the Canadian market. Looking to the future, the majority of the Tribunal panel observes that there is no evidence to suggest that the Russia-Ukraine war will end in the next 12 to 24 months. Neither is there any evidence to suggest that Niko Tube will not face continued difficulties and uncertainties in its operations as a result of the war. The majority also acknowledges that the TRQ is currently in place until at least June 27, 2027. While the status of the TRQ beyond that date is uncertain, based on the current global trading environment, the Tribunal is of the view that protection against steel trade diversion is unlikely to end on June 27, 2027, unless there are changes in the global trading environment that would significantly reduce or eliminate the trade diversion risk the TRQ was designed to address. When all the evidence is considered, the majority finds that it is likely that Niko Tube will continue to face significant challenges exporting OCTG into Canada for the foreseeable future.

[69] In the majority's view, when all the evidence is weighed, it establishes that the conditions of competition in the Canadian OCTG market are not sufficiently similar between subject goods sourced from Ukraine and other subject goods. The circumstances of this case are unique. In this case, the imposition of the TRQ *in conjunction with* evidence of the severe effects of the Russia-Ukraine war on Ukrainian producers of the subject goods mean that subject goods from Ukraine do not compete under the same conditions as other subject goods. As a result, the majority of the Tribunal panel finds it would be inappropriate to include Ukrainian subject goods in its assessment of the cumulative impact of the dumping of the subject goods under subsection 76.03(11). Therefore, it will conduct a separate analysis of the impact of the subject goods from Ukraine on the domestic industry.

⁶⁰ *Ibid.*, p. 192, line 18; p. 193, line 25.

⁶¹ *Ibid.* p. 190, lines 10–12. The Tribunal notes that the TRQ only covers steel products produced in Canada. As a result, certain seamless pipe products have been excluded from Canada's TRQ by virtue of its 2025 (SOR/2025-287) and 2026 (SOR/2026-70) remission orders.

⁶² The Tribunal also notes that in the last expiry review, there were no imports of the subject goods for the POR (OCTG II, footnote 27). Exhibit RR-2025-006-05 (protected), Table 9; Exhibit RR-2025-006-12.07.A, p. 11.

View of Member Heggart

[70] With respect to my colleagues, I am unable to agree with the conclusion of the majority that imports of subject goods originating in or exported from Ukraine should be excluded from the Tribunal's cumulative assessment pursuant to subsection 76.03(11) of the SIMA.

[71] There is no meaningful dispute on the record regarding the extraordinary circumstances currently facing Ukraine or the significant operational challenges confronting Niko Tube. The evidence establishes that Niko Tube operates under conditions that are unlike those faced by any other producer in this expiry review. Those circumstances include disruptions arising from the ongoing war, interruptions to production, transportation challenges and increased uncertainty in commercial operations. The seriousness of those circumstances is not in question.

[72] The issue before the Tribunal, however, is not whether Ukraine faces exceptional circumstances, but whether those circumstances have resulted in sufficiently different conditions of competition in the Canadian market such that a cumulative assessment would no longer be appropriate under subsection 76.03(11) of SIMA. In my respectful view, the evidence does not establish that they have.

Conditions of competition and competitiveness

[73] I agree with the majority that the concepts of "conditions of competition" and "competitiveness" are distinct. The Tribunal's jurisprudence has consistently examined conditions of competition through factors such as interchangeability, channels of distribution, geographic markets, modes of transportation, timing of arrivals and availability of the like goods. These factors assist the Tribunal in determining whether goods compete under sufficiently similar market conditions to justify a cumulative assessment.

[74] The distinction between conditions of competition and competitiveness is important in the present case. The evidence relied upon by the majority demonstrates that wartime conditions have affected Niko Tube's ability to compete effectively and efficiently. It does not necessarily follow that those circumstances have changed the conditions under which Ukrainian OCTG competes in Canada.

[75] In my view, much of the evidence cited by the majority is more properly characterized as bearing on competitiveness. Production uncertainty, transportation disruptions, timing constraints and increased commercial risk may all affect the ability of a producer to compete successfully. Those factors, on their own, do not establish that the underlying competitive conditions in the Canadian market have materially changed.

The TRQ regime

[76] The majority places considerable reliance on the operation of Canada's TRQ regime when considered together with the circumstances faced by Niko Tube. Respectfully, I am unable to conclude that the TRQ provides a basis for decumulation on the present record.

[77] The TRQ applies generally to covered imports entering Canada. The evidence establishes that the same quota system, quota administration procedures and over-quota surtax framework apply to all subject imports regardless of the source. Ukraine is not subject to a unique legal regime. Indeed, as a country with which Canada has an FTA, it receives more favourable treatment than certain suppliers from countries without such an agreement.

[78] The majority accepts that the legal framework applies uniformly but concludes that the practical operation of the TRQ differs for Ukraine because wartime conditions make compliance with the regime more difficult. In my respectful view, this reasoning attributes to the TRQ effects that are not supported by direct evidence.

[79] The record contains evidence that Niko Tube faces challenges in scheduling production and coordinating transportation.⁶³ The record also contains evidence that quota timing may present practical difficulties.⁶⁴ What the record does not contain is evidence that the TRQ itself prevented participation in the Canadian market. There is no direct evidence identifying a lost sale, a denied shipment, an unavailable quota allocation or a customer decision that can be attributed specifically to the operation of the TRQ.

[80] The majority also relies on evidence that Ukraine did not utilize the available quota volumes. In my view, that fact is not determinative. The absence of quota utilization does not establish that quota administration prevented imports. The record contains several alternative explanations, including production interruptions, strategic export decisions, prioritization of other markets and broader commercial considerations identified by Niko Tube itself.⁶⁵

[81] In these circumstances, I am unable to conclude that the TRQ has altered the conditions of competition applicable to Ukrainian OCTG. At most, the evidence demonstrates that wartime circumstances may have affected Niko Tube's ability to operate within the existing regime. That is a question of competitiveness rather than a question concerning the conditions of competition themselves.

Continued competition in the Canadian market

[82] In contrast, the traditional conditions-of-competition factors continue to support cumulation.

[83] The evidence establishes that Ukrainian OCTG remains interchangeable with other subject goods and with the domestically produced like goods. It serves the same end uses, is marketed through overlapping channels of distribution and competes for sales to the same customers. The record further demonstrates that Niko Tube maintains Canadian distributor relationships, continues to participate in North American markets and remains interested in Canadian opportunities where commercially viable.

[84] These are the considerations that have historically guided the Tribunal's assessment of conditions of competition. They continue to point toward meaningful competition between Ukrainian OCTG, OCTG from the other subject countries and the domestic like goods.

Conclusion

[85] There is no dispute that Niko Tube faces extraordinary wartime circumstances. The evidence establishes severe operational, logistical and commercial challenges arising from the ongoing war in Ukraine. I fully accept those findings.

⁶³ See, for example, *Transcript of Public Hearing*, p. 149–151.

⁶⁴ See, for example, *Ibid.*, p. 144–145.

⁶⁵ See, for example, Exhibit RR-2025-006, paras. 9–28.

[86] Nor is there any dispute that those circumstances affect Niko Tube's ability to compete effectively. The evidence demonstrates increased uncertainty, production interruptions, transportation difficulties, timing challenges and heightened commercial risk. All these factors bear directly on Niko Tube's competitiveness.

[87] Where I respectfully part company with the majority is on the legal significance of that evidence.

[88] The majority correctly recognizes that "conditions of competition" and "competitiveness" are distinct concepts. However, having accepted that distinction, it ultimately grounds its decumulation decision on evidence that does not establish materially different conditions of competition in the Canadian market, but rather demonstrates the ways in which Niko Tube's ability to compete has been impaired by wartime circumstances.

[89] In particular, I am unable to agree that the record supports the conclusion that the TRQ creates materially different conditions of competition for Ukrainian OCTG. The TRQ applies generally to covered imports. The evidence demonstrates that Niko Tube may face greater difficulty operating within that regime because of the war. It does not demonstrate that the regime itself imposes different conditions of competition on Ukrainian OCTG than on other covered imports. Nor does the record contain direct evidence that the TRQ has prevented market access, denied sales opportunities or otherwise altered the competitive structure of the Canadian market.

[90] Niko Tube continues to supply the United States market, maintains a North American sales office, maintains distributor relationships and remains capable of serving North American customers notwithstanding wartime constraints.⁶⁶ Therefore, the evidence is not persuasive that Ukraine has become structurally incapable of competing in Canada. Rather, the evidence tends to show a supplier operating under significant disadvantages but still participating in the same continental market.

[91] At the same time, the traditional conditions-of-competition factors continue overwhelmingly to favour cumulation. Ukrainian OCTG remains interchangeable with the subject goods and the like goods, competes for the same Canadian sales opportunities, is distributed through the same channels, serves the same customers and remains capable of participating in the Canadian market. The majority itself accepts each of these findings.

[92] In my respectful view, the majority's approach effectively transforms evidence of diminished competitiveness into evidence of different conditions of competition. That step is not supported by the record and is inconsistent with the Tribunal's traditional application of subsection 76.03(11) of SIMA.

[93] The question before the Tribunal is not whether Ukraine's circumstances are unique; they plainly are. Rather, the question is whether those circumstances have altered the conditions under which Ukrainian OCTG competes in Canada. On the evidence before the Tribunal, I am not satisfied that they have.

⁶⁶ See, for example, *Transcript of Public Hearing*, p. 180–181, 186; Exhibit RR-2025-006-F-03, paras. 25–26. Exhibit RR-2025-006-F-05, para. 7.

[94] Accordingly, I would find that the conditions of competition remain sufficiently similar to render a cumulative assessment appropriate under subsection 76.03(11) of the SIMA, and I would include Ukraine in the Tribunal's cumulative injury analysis.

LIKELIHOOD OF INJURY ANALYSIS

[95] An expiry review is forward-looking.⁶⁷ It follows that evidence from the period during which an order or finding was being enforced is relevant insofar as it bears upon the prospective analysis of whether the expiry of the order or finding is likely to result in injury.⁶⁸

[96] There is no presumption of injury in an expiry review; findings must be based on positive evidence, in compliance with domestic law and consistent with the requirements of the World Trade Organization.⁶⁹ In the context of an expiry review, positive evidence can include evidence based on past facts that tend to support forward-looking conclusions.⁷⁰

[97] As noted above, Member Heggart would assess the likelihood of injury in this case by cumulating the data for all subject countries. As a result, certain statements are made throughout the statement of reasons where Member Heggart would vary the language of the reasons.

[98] The Tribunal majority's assessment of whether the expiry of the order with respect to subject imports from Ukraine is outlined separately.

[99] In making its assessment of the likelihood of injury, the Tribunal has consistently taken the view that the focus should be on circumstances that can reasonably be expected to exist in the near to medium term. In this case, the Tribunal finds it appropriate to focus its analysis on the next 12 to 24 months, consistent with its approach in the previous expiry review.⁷¹

[100] Subsection 37.2(2) of the Regulations lists factors that the Tribunal may consider in addressing the likelihood of injury in cases where the CBSA has determined that there is a likelihood of continued or resumed dumping. The factors that the Tribunal considers relevant in this expiry review are discussed below.

[101] In order to assess the likely volumes and prices of the subject goods and their impact on the domestic industry if the order expires, the Tribunal will first consider changes in international and domestic market conditions.⁷²

⁶⁷ *Certain Dishwashers and Dryers* (procedural order dated 25 April 2005), RR-2004-005 (CITT), para. 16.

⁶⁸ *Copper Pipe Fittings* (17 February 2012), RR-2011-001 (CITT), para. 56. In *Thermoelectric Containers* (9 December 2013), RR-2012-004 (CITT) [*Thermoelectric Containers*], para. 14, the Tribunal stated that the analytical context pursuant to which an expiry review must be adjudged often includes the assessment of retrospective evidence supportive of prospective conclusions. See also *Aluminum Extrusions* (17 March 2014), RR-2013-003 (CITT) [*Aluminum Extrusions*], para. 21.

⁶⁹ *Flat Hot-rolled Carbon and Alloy Steel Sheet and Strip* (16 August 2006), RR-2005-002 (CITT), para. 59.

⁷⁰ *Thermoelectric Containers*, para. 14; *Aluminum Extrusions*, para. 21.

⁷¹ *OCTG II*, para. 64.

⁷² See paragraph 37.2(2)(j) of the Regulations.

Changes in market conditions

Changes in domestic market conditions

[102] As a starting point, the Tribunal notes that the Canadian OCTG market operates at the intersection of infrastructure expansion and increasingly volatile global energy dynamics. As the Tribunal has explained in previous cases, the Canadian OCTG market moves in tandem with oil and gas exploration and production and is closely tied to the number of operating rigs or wells at any given time.⁷³ In short, as the price of oil and gas increases, drilling activity increases and the demand for OCTG in Canada rises.

[103] Canadian market conditions have changed since the Tribunal's last order in 2020. At that time, demand for OCTG in Canada collapsed for several reasons, not least the onset of the COVID-19 pandemic. Following this collapse, OCTG consumption in Western Canada rose steadily as energy and commodity pricing increased in 2021–2022, and increased further following Russia's invasion of Ukraine in February 2022.⁷⁴ Consistent with these pricing trends, Canadian drilling activities remained stable at robust levels throughout the POR.

[104] Despite stable drilling activity, domestic producers experienced difficulties maintaining or capturing market share in the Canadian OCTG market due to a surge of dumped OCTG from China in 2022 and 2023. This ultimately led the CBSA to update normal values and assess retroactive anti-dumping duties on those Chinese imports.⁷⁵ The Tribunal recognized that this surge of dumped Chinese imports adversely impacted the domestic industry in the *Seamless Casing* expiry review in 2023.⁷⁶ Indeed, the Tribunal heard evidence that some of those impacts resulted in the shutdown and employee reductions at mills in Western Canada.⁷⁷ While Canadian demand for OCTG remained stable in 2023 and 2024, domestic producers continued to face challenges in the Canadian OCTG market, with imports of OCTG from other countries capturing market share at low prices. In April 2026, the Tribunal found in *OCTG V* that those dumped imports were injurious to the domestic industry.⁷⁸ As a result, this expiry review takes place at a critical time for the domestic OCTG market.

[105] Looking to the future, volatility in global oil and gas prices means uncertainty for Canada's OCTG market. The emergence of global conflicts, such as the ongoing dispute between the U.S., Israel and Iran, makes energy price forecasting difficult.⁷⁹ Both global and Canadian prices for natural gas are predicted to decline in the short term. While longer-term Canadian natural gas price predictions are more optimistic, they will continue to be depressed compared to global prices given pipeline constraints.⁸⁰ In the face of these uncertainties, several players in the oil and gas sector

⁷³ See *OCTG V*, para. 185; *OCTG III*, para. 67; *Oil Country Tubular Goods* (9 March 2022), NQ-2021-006 (CITT) [*OCTG IV*], para. 57.

⁷⁴ Exhibit RR-2025-006-B-03, paras. 25–26.

⁷⁵ Exhibit RR-2025-006-B-07, p. 594–607, attachments 6, 7. See also *OCTG V*, paras. 282–284.

⁷⁶ *Seamless Carbon or Alloy Steel Oil and Gas Well Casing* (24 July 2024), RR-2023-004 (CITT), paras. 57, 77.

⁷⁷ Exhibit RR-2025-006-B-03, para. 31; Exhibit RR-2025-006-C-06, paras. 9–10.

⁷⁸ *OCTG V*, para. 400.

⁷⁹ Exhibit RR-2025-006-B-01, paras. 51–52.

⁸⁰ Exhibit RR-2025-006-B-07, attachments 15, 20, 21, 24.

remain cautious about their drilling activities.⁸¹ These factors signal an uncertain outlook for Canada's OCTG market.

[106] As noted below, the Canadian steel industry is operating in a particularly challenging period, as countries have imposed an increasing number of trade-restrictive measures on steel products, including OCTG, since the last expiry review. The Tribunal notes that Canada imposed a temporary system of TRQs on imports of steel products, including most of the subject goods, from countries that have an FTA with Canada and those that do not (with the exceptions of Mexico and the U.S.).

Changes in international market conditions

[107] The global oil and gas sector is responding cautiously to the price volatility that has arisen since the conflict in the Middle East began. An initial spike in prices has not led to increased drilling activity or oil and gas production.⁸² The International Monetary Fund (IMF) expects the conflict in Iran to have a significant adverse impact on global macroeconomic trends, with the severity of the impact depending on the duration of the conflict. In April 2026, the IMF projected subdued growth of 1.8% and 1.7% for advanced economies in 2026 and 2027, respectively.⁸³ Forecasts for global oil demand are also predicted to decrease, which, in turn, signals reduced demand for OCTG.⁸⁴

[108] In addition to these developments in the global OCTG market, this expiry review is taking place at a tenuous time for the global steel industry. The challenges with excess steel capacity worldwide are well documented and are not expected to be resolved in the near future. However, since the last expiry review in this case, the proliferation of trade-restrictive measures has increased globally, thereby constraining market access for both steel and OCTG.⁸⁵ Among the most notable measures are the U.S. section 232 tariffs on steel and aluminum imports, which took effect on March 12, 2025, at a rate of 25%. However, on June 4, 2025, the tariff rate increased to 50%, a change that is expected to significantly restrict OCTG imports into the U.S. market.⁸⁶ These trade-restrictive measures raise concerns about the trade diversion of steel and OCTG to other markets, including Canada.

Domestic market conditions of the subject countries

India

[109] According to the IMF, India's gross domestic product (GDP) growth was forecast to slow to 6.5% per year in 2026 and 2027, after periods of growth of 7.0% or higher between 2023 and 2025.⁸⁷ The evidence shows that India has a relatively small and aging oil and gas sector, requiring it to prioritize the maintenance of its maturing infrastructure over the exploration and development of new

⁸¹ *Ibid.*, attachments 25–26.

⁸² *Ibid.*, p. 676–677, Attachment 15.

⁸³ *Ibid.*, p. 1120, Attachment 51.

⁸⁴ *Ibid.*, p. 730, Attachment 18.

⁸⁵ *Ibid.*, p. 1438–1550, attachments 69–79.

⁸⁶ *Ibid.*, p. 608, Attachment 8.

⁸⁷ *Ibid.*, p. 1261, Table A4 of Attachment 51.

projects.⁸⁸ Nonetheless, producers of OCTG in India have substantial excess capacity.⁸⁹ The evidence demonstrates that significant investments have been made and are continuing to be made so that Indian OCTG producers can reap the benefits of other markets.⁹⁰ Moreover, there is ample evidence demonstrating that producers of OCTG in India are export-oriented, with Canada being India's third largest OCTG export market.⁹¹

Indonesia

[110] As recently as April 2026, the IMF predicted that Indonesia's real GDP growth will remain stable at 5.0 and 5.1% for 2026 and 2027, respectively.⁹² Other reports by both the World Bank and the Organisation for Economic Co-operation and Development are less optimistic and predict depressed growth of 4.7% and 4.8% in 2026 and 2027, respectively.⁹³ The economic outlook in Indonesia's oil and gas sector is even more subdued.⁹⁴ Historic downward oil production trends brought on by a host of challenges, including maturing oil fields, have continued into 2026 and are expected to continue into 2027. Indonesia's natural gas industry also faces challenges due to delayed development of upstream projects and regulatory uncertainty. The evidence establishes that if these trends continue, Indonesia will need to increase its gas imports to meet domestic demand. Oil and gas drilling activity in Indonesia is limited, which, in turn, continues to depress OCTG demand.⁹⁵

South Korea

[111] A recent report from the Korea Energy Economics Institute confirms that Korea had no oil and gas production from 2023 to 2025 and in Q1 2026.⁹⁶ With no meaningful oil and gas resources and no meaningful exploration and production activities in Korea, there is no domestic demand for OCTG, and its OCTG production is therefore destined to export markets.⁹⁷

⁸⁸ Exhibit RR-2025-006-B-07, p. 1735, Attachment 104. See also Exhibit RR-2025-006-B-07, attachments 11–12.

⁸⁹ Exhibit RR-2025-006-04, Table 41; CBSA record, Exhibit 15, "OCTG 2 2025 ER – CBSA Research #2; CBSA record, Exhibit 57, Attachment IND-06, ISMT, Credit Rating Intimation - December 29, 2023; Exhibit RR-2025-006-B-07, p. 1848, Attachment 115.

⁹⁰ Exhibit RR-2025-006-B-07, p. 1916–1924, attachments 118–120.

⁹¹ *Ibid.*, p. 2203 (Attachment 125); CBSA record, Exhibit 33, attachment titled "NON CONFIDENTIAL OCTG 2025 ER – ERQ – Response – GVN and MSL", Question 9; CBSA record, Exhibit 57, Attachment IND-12, Tube Pipe India, "Maharashtra Seamless Eye Capacity Expansion With INR 852 Crore Investment"; CBSA record, Exhibit 57, Attachment IND-17, Ratnamani, "Company Profile"; CBSA record, Exhibit 57, Attachment IND-18, Prashree Steel Connections Brochure; CBSA record, Exhibit 57, Attachment IND-19, "Surya, To Know More About Us"; CBSA record, Exhibit 57, Attachment IND-20, "Business Standard, JSW Group may invest 50,000 crore in green steel for European market"; CBSA record, Exhibit 57, Attachment IND-21, "Tube Pipe India, Jindal SAW-Hunting Energy JV Inaugurates 70,000; Eyeing ME & Africa"; CBSA record, Exhibit 57, Attachment IND-22, "Maharashtra, Earnings Presentation".

⁹² Exhibit RR-2025-006-B-07, p. 1261, Table A4, Attachment 51.

⁹³ *Ibid.*, p. 2217–2218, Attachment 128.

⁹⁴ *Ibid.*, p. 2219–2406, Attachment 129.

⁹⁵ *Ibid.*, p. 2456–2459, Attachment 137; Exhibit RR-2025-006-B-07, p. 2465, Attachment 138.

⁹⁶ Exhibit RR-2025-006-B-07, p. 2922, Attachment 150.

⁹⁷ Exhibit RR-2025-006-B-01, paras. 161–163; CBSA record, Exhibit 57, Attachment INT-15, "The World Factbook, Country Comparison – Crude oil – Proved Reserves"; CBSA record, Exhibit 57, Attachment INT-15, "The World Factbook, Country Comparison – Natural gas – Proved Reserves".

Chinese Taipei

[112] Chinese Taipei has negligible reserves of oil and gas and no drilling activities.⁹⁸ Without any meaningful domestic drilling currently taking place in Chinese Taipei and none planned for in the foreseeable future, OCTG producers in Chinese Taipei have no home market and therefore must rely overwhelmingly on exports.

Thailand

[113] In recent projections, the IMF forecasts that Thailand's GDP growth will decline slightly from 2.1% in 2025 to 1.6% in 2026.⁹⁹ The evidence indicates that Thailand's economy is particularly vulnerable at the moment given slowed economic growth and rising inflation.¹⁰⁰ However, Thailand is a minor player in the global oil and gas sector given its very modest oil and gas reserves. As of 2025, reports indicate that Thailand has approximately 0.014% of the world's proven oil reserves and 0.11% of the world's proven gas reserves.¹⁰¹ These marginal reserves have resulted in poor production and drilling activity, with very low demand for OCTG in Thailand's domestic market.¹⁰² Given Thailand's negligible OCTG demand, the evidence indicates that Thai OCTG producers have significant capacity to meet export market demand.¹⁰³

Türkiye

[114] After reported real GDP growth of 3.6% in 2025, Türkiye's GDP is expected to fall slightly over the next two years, with the IMF forecasting GDP growth at 3.4% and 3.5% in 2026 and 2027, respectively.¹⁰⁴ Since the last expiry review, economic conditions in Türkiye have not improved; its currency continues to decline in value, and inflation rates remain relatively high.¹⁰⁵ Nonetheless, Türkiye is a relatively small player in the global oil and gas sector. It has marginal oil and gas reserves, low production levels of both, and therefore very little demand for OCTG.¹⁰⁶ Nonetheless, the evidence shows that Turkish OCTG producers have considerable capacity to produce OCTG in volumes that surpass domestic OCTG demand.¹⁰⁷ As a result, the Turkish OCTG sector is export-oriented.

⁹⁸ CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Oil Reserves by Country (2025); CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Natural Gas Reserves by Country (2025).

⁹⁹ Exhibit RR-2025-006-B-07, p. 1261, Table A4, Attachment 51.

¹⁰⁰ *Ibid.*, p. 3597–3599, Attachment 184.

¹⁰¹ CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Oil Reserves by Country (2025); CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Natural Gas Reserves by Country (2025).

¹⁰² Exhibit RR-2025-006-B-07, p. 1797, Attachment 113.

¹⁰³ CBSA record, Exhibit 57, Attachment TH-01, Boly Pipe Co. Ltd., "Company introduction"; CBSA record, Exhibit 57, Attachment TH-04, TSP Precision Steel Tube Manufacturing (Thailand) Co. Ltd., "Company Profile"; CBSA record, Exhibit 15, CBSA Research #2 cont'd 1; CBSA record, Exhibit 60, Exhibit 130.

¹⁰⁴ Exhibit RR-2025-006-B-07, p. 1261, Attachment 51.

¹⁰⁵ *Ibid.*, p. 3445–3459, attachments 164, 165.

¹⁰⁶ CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Oil Reserves by Country (2025); CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Natural Gas Reserves by Country (2025).

¹⁰⁷ Exhibit RR-2025-006-B-07, p. 3523–3529, Attachment 169. CBSA record, Exhibit 57, Attachment TR-02, Cayirova Boru, "Environmental Product Declaration".

Vietnam

[115] Vietnam, like Türkiye, is a minor player in the global oil and gas sector. Reports indicate that Vietnam holds only 0.25% of the world's oil reserves and 0.36% of the world's gas reserves.¹⁰⁸ These marginal reserves have resulted in relatively low levels of oil and gas production and drilling activity.¹⁰⁹ The evidence also indicates that Vietnam's oil production is likely to decline over the next couple of years due to the maturing oil reserves with limited reserve replacement potential.¹¹⁰ Vietnam's natural gas production is also constrained, with the Organization of the Petroleum Exporting Countries reporting a 22% decline in Vietnam's marketed natural gas production from 2023 to 2025.¹¹¹ All these factors lead to weak demand for OCTG in Vietnam. However, Vietnam's producers have significant capacity to produce OCTG destined for export markets.¹¹²

Ukraine

[116] Following GDP growth of 1.8% in 2025, the IMF projects that Ukraine will achieve growth rates of 2.0% in 2026 and 3.5% in 2027.¹¹³ Ukraine holds 0.22% of the world's oil reserves and 0.56% of the world's gas reserves, with reports indicating that it had no oil rigs and only 46 active gas rigs on average in 2026.¹¹⁴ The Russia-Ukraine war has resulted in declining oil and gas production within Ukraine and made ongoing investments in this sector uncertain.¹¹⁵ Moreover, partial or complete destruction of Ukraine's energy infrastructure has, along with Russian occupation of certain areas, made access to oil and gas reserves impossible.¹¹⁶

Likely import volume of dumped subject goods excluding Ukraine

[117] The Regulations¹¹⁷ provide that the Tribunal may consider the likely volume of the dumped or subsidized goods if the order or finding is allowed to expire, and, in particular, whether there is likely to be a significant increase in the volume of imports of the dumped or subsidized goods, either in absolute terms or relative to the production or consumption of like goods.

[118] The Tribunal's assessment of the likely volumes of dumped imports encompasses the likely performance of the foreign industry, the potential for the foreign producers to produce goods in facilities that are currently used to produce other goods, evidence of the imposition of anti-dumping

¹⁰⁸ CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Oil Reserves by Country (2025); CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Natural Gas Reserves by Country (2025).

¹⁰⁹ Exhibit RR-2025-006-B-07, p. 1838, Attachment 113.

¹¹⁰ *Ibid.*, p. 3735–3736, Attachment 204; CBSA record, Exhibit 57, Attachment VN-11, Report Linker, “Forecast: Oil Production in Vietnam”.

¹¹¹ Exhibit RR-2025-006-B-07, p. 3707, Attachment 202.

¹¹² *Ibid.*, p. 3742–3747, Attachment 207.

¹¹³ *Ibid.*, p. 1261, Attachment 51.

¹¹⁴ *Ibid.*, p. 1839, Attachment 113. CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Oil Reserves by Country (2025); CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Natural Gas Reserves by Country (2025).

¹¹⁵ Exhibit RR-2025-006-B-07, p. 1554–1556, Attachment 82. CBSA record, Exhibit 57, Attachment UK-21, EIA, “Country Analysis Brief: Ukraine”.

¹¹⁶ CBSA record, Exhibit 57, Attachment UK-21, U.S. Energy Information Administration, “Country Analysis Brief: Ukraine”.

¹¹⁷ Paragraph 37.2(2)(a) of the Regulations.

and/or countervailing measures in other jurisdictions, and whether measures adopted by other jurisdictions are likely to cause a diversion of the subject goods to Canada.¹¹⁸

[119] For the reasons set out below, a majority of the Tribunal finds that rescinding the order would likely result in a significant increase in the volume of imports of subject goods over the next 12 to 24 months.

[120] Member Heggart would have included Ukraine in the discussion on likely import volume.

[121] The domestic producers submit that rescinding the order would result in high volumes of the subject goods entering Canada because of the subject countries' significant excess capacity, weakened domestic demand, trade restrictions in other markets, general export orientation, and the attractiveness of higher market prices for OCTG in the Canadian market. The domestic producers also argue that the TRQ would not prevent high volumes of the subject goods entering Canada if the order is rescinded. Except for Ukraine, the Tribunal did not hear any competing evidence on these points.

Import volumes during the POR

[122] The data available on the record show that import volumes of the subject goods, excluding those from Ukraine, increased in each period of the POR, while volumes of imports from non-subject countries decreased in each period of the POR. Imports of OCTG from countries subject to the Tribunal's decision in *OCTG V* decreased in 2025 and in the interim period. The data also show that imports of OCTG from the U.S. (excluding ERW and welded OCTG from Tenaris S.A.) declined over the POR with the most significant decrease in import volumes occurring in the interim period.¹¹⁹ In the Tribunal's view, the increased volume of subject goods during 2025 is likely due to the declining presence of OCTG imports from the U.S. into the Canadian market.

[123] The data also show that the subject imports constituted a small percentage share of all OCTG imports, which grew over the POR.¹²⁰ Imports of subject goods relative to domestic production increased during the POR, as did imports of subject goods relative to sales of domestic production.¹²¹

[124] However, these trends must be considered within the context of the entire market. In this context, the investigation report shows that the total market for OCTG in Canada grew by approximately 6% between 2023 and 2025 and declined by 7% between the interim periods. Sales volumes of subject imports increased in every period of the POR. Sales volumes of domestically produced goods also increased steadily over the POR, by 19% in 2024, 24% in 2025 and 8% between the interim periods.¹²² Thus, although the volume of subject imports and the sales volumes of subject imports increased during the POR, both remained low, and subject imports maintained a limited presence in the Canadian OCTG market throughout the POR.¹²³

¹¹⁸ Paragraphs 37.2(2)(a), (d), (f), (h) and (i) of the Regulations.

¹¹⁹ Exhibit RR-2025-006-05 (protected), tables 9, 10.

¹²⁰ *Ibid.* (protected), Table 11.

¹²¹ Exhibit RR-2025-006-04, Table 12; Exhibit RR-2025-006-05 (protected), Table 12.

¹²² Exhibit RR-2025-006-04, Table 14.

¹²³ See exhibit RR-2025-006-04, Table 15, which indicates that the percent share of the market held by subject imports (including Ukraine) never exceeded 4% during the POR.

[125] On the basis of the above, the Tribunal observes that the order has likely been effective at curbing further volumetric increases of imports of the subject goods from Chinese Taipei, India, Indonesia, South Korea, Thailand, Türkiye and Vietnam during the POR. Here, the Tribunal acknowledges in the face of an increasing restrictive U.S. OCTG market that the Canadian TRQ may also have helped prevent further increases in the volume of imports from the subject countries into the Canadian market.

Production capacity and excess capacity of subject countries

[126] The evidence on the record indicates that OCTG producers in Chinese Taipei, India, Indonesia, South Korea, Thailand, Türkiye and Vietnam have the ability to produce the subject goods in volumes that dwarf Canada's OCTG market. For example, publicly available information estimates that South Korea has an OCTG production capacity of 3,220,000 MT,¹²⁴ more than four times the size of the Canadian OCTG market.¹²⁵

[127] In addition, Maharashtra Seamless Limited (MSL), a producer in India, reported in its questionnaire an annual production capacity much larger than the Canadian OCTG market in 2025. It also reported significant excess capacity during the POR.¹²⁶ Publicly available information suggests that Indonesian OCTG producers also have substantial and expanding production capacity.¹²⁷ For example, a new OCTG production facility is expected to become fully operational in 2026¹²⁸, while in May 2024, the Indonesian government approved the construction of another OCTG manufacturing plant with an estimated annual production capacity of 250,000 tons.¹²⁹

[128] The Tribunal notes that some of this evidence likely understates total production capacity in the subject countries, as it does not include all producers licensed to manufacture OCTG under API specification 5CT in those countries.¹³⁰ Even with conservative estimates of production capacity, the Tribunal finds that OCTG producers operating in India, Indonesia, Chinese Taipei, South Korea,

¹²⁴ CBSA record, Exhibit 57, Attachment KOR-01, Husteel Co. Ltd., "About Us: CEO Message"; CBSA record, Exhibit 57, Attachment KOR-04, Nexteel Co., Ltd., "Facility Features". Total estimated OCTG capacity based on the sum of each line at Pohang 1 and Pohang 2 that is capable of producing 2 3/8-inch to 13 3/8-inch tubes. CBSA record, Exhibit 57, Attachment KOR-05, SeAh Steel Corp., "Carbon welded steel pipe"; CBSA record, Exhibit 57, Attachment KOR-14, ChosunBiz, "Yuanta Securities rates SeAH Steel neutral as exports hit by tariffs and competition"; CBSA record, Exhibit 57, Attachment KOR-07, Iljin Steel, "Seamless Pipe"; CBSA record, Exhibit 57, Attachment KOR-08, Kumkang Kind, Co., Ltd., "Steel Pipe".

¹²⁵ See Exhibit RR-2025-006-04, Table 13; Exhibit RR-2025-006-05 (protected), Table 13.

¹²⁶ Exhibit RR-2025-006-16.01 (protected), p. 3. See also Exhibit RR-2025-006-05 (protected), Table 41.

¹²⁷ Exhibit RR-2025-006-B-07, p. 2580, Attachment 139 (using only the heat treatment capacity); Exhibit RR-2025-006-B-07, p. 2838–2840, Attachment 140; CBSA record, Exhibit 57, Attachment IDO-22, Italian BusinessAssociation in Indonesia, "Indonesia poised to become ASEAN's largest seamless pipe producer"; CBSA record, Exhibit 57, Attachment IDO-37, 1ST Indonesia Seamless, "1ST PRODUCTION FACILITIES"; CBSA record, Exhibit 57, Attachment IDO-01, Bakrie Pipe Industries, "HFW / ERW Product Catalogue"; CBSA record, Exhibit 57, Attachment IDO-04, PT Krakatau Pipe Industries, "ERW Pipe" (using only the oil and gas-related capacity).

¹²⁸ CBSA record, Exhibit 57, Attachment IDO-06, Indonesia Business Post, "PT Rainbow Tubulars set to boost production for domestic, export markets"; Exhibit RR-2025-006-B-07, p. 2841–2844, Attachment 141; CBSA record, Exhibit 57, Attachment IDO-06, Indonesia Business Post, "PT Rainbow Tubulars set to boost production for domestic, export markets".

¹²⁹ CBSA record, Exhibit 57, Attachment IDO-25, Technavio, "Indonesia Oil Country Tubular Goods (OCTG) Market Analysis, Size and Forecast 2025–2029".

¹³⁰ Exhibit RR-2025-006-B-01, paras. 118–119, 145–146, 184, 260.

Thailand, Türkiye and Vietnam have production capacity that is several times the size of the entire Canadian market.

[129] The potential for dumped OCTG imports from these subject countries to overwhelm the Canadian market, should the order be rescinded, is further demonstrated by evidence showing low-capacity utilization rates for producers operating in the subject countries. For example, a low-capacity utilization rate for even one producer operating in a subject country results in excess capacity that is sufficient to supply almost the entirety of the Canadian OCTG market.

[130] Given all the evidence, the Tribunal finds that the production capacity and excess capacity in the subject countries also have the ability to surpass total OCTG demand in Canada.

Export orientation of subject countries

[131] As noted earlier, IMF forecasts and other evidence demonstrate that demand for OCTG is expected to remain muted or even decrease in subject country markets. As a result, producers in subject countries are likely to export most of their production.

[132] In some instances, the export orientation of the subject country is evidenced by the fact that there is very little, if any, oil and gas production in the subject country. This is the case for Chinese Taipei and South Korea.¹³¹

[133] OCTG producers in several of the subject countries have publicly expressed their interest in export markets. Indian OCTG producer MSL reported exporting to North America, Latin America, Europe and Australia.¹³² The record also establishes that several other Indian OCTG producers (Ratnamani Metals & Tubes Ltd, Prashree Steel Connections Pvt. Ltd., Surya and Jindal) either export to other markets or wish to do so.¹³³ Several Indonesian and Korean OCTG producers have publicly shared similar sentiments about the export orientation of their respective businesses.¹³⁴

[134] As the Tribunal observed in the last expiry review, the evidence confirms that the export orientation of producers in some subject countries is exacerbated by the influx of Chinese OCTG in those countries resulting from China's excess capacity and aggressive export strategy. For example,

¹³¹ CBSA record, Exhibit 57, Attachment CT-18, Worldometer, Oil Reserves by Country (2025); CBSA record, Exhibit 57, Attachment CT-15, Worldometer, Natural Gas Reserves by Country (2025).

¹³² Exhibit RR-2025-006-15.01, p. 6; CBSA record, Exhibit 57, Attachment IND-12, Tube Pipe India, "Maharashtra Seamless Pipe Capacity Expansion With INR 852 Crore Investments".

¹³³ CBSA record, Exhibit 57, Attachment IND-17, Ratnamani, "Company Profile"; CBSA record, Exhibit 57, Attachment IND-18, Prashree Steel Connections, Brochure; CBSA record, Exhibit 57, Attachment IND-19, Surya, "To Know More About Us"; CBSA record, Exhibit 57, Attachment IND-20, Business Standard, "JSW Group may invest 50,000 crore in green steel for European market" (April 15, 2025); CBSA record, Exhibit 57, Attachment IND-21, Tube Pipe India, "Jindal SAW-Hunting Energy JV Inaugurates 70,000; Eyeing ME & Africa" (December 6, 2023).

¹³⁴ See e.g., CBSA record, Exhibit 57, Attachment IDO-18, Citra Tubindo, "Vision & Mission"; CBSA record, Exhibit 57, Attachment IDO-02, PT Rainbow Tubulars Manufacture, "Company Profile"; CBSA record, Exhibit 57, Attachment IDO-05, PT Krakatau Pipe Industries, "Krakatau Pipe at a Glance"; CBSA record, Exhibit 57, Attachment IDO-26, PT Appipa Indonesia, "About – PT Appipa Indonesia"; CBSA record, Exhibit 57, Attachment IDO-37, 1ST Indonesia Seamless, "1ST PRODUCTION FACILITIES"; CBSA record, Exhibit 57, Attachment KOR-03, Nexteel, "CEO Message"; CBSA record, Exhibit 57, Attachment KOR-06, SeAh Steel, "About Us"; CBSA record, Exhibit 57, Public Attachment KOR-07, Iljin Steel, "Seamless Pipe".

United Nations Comtrade data show that Indonesian imports of Chinese OCTG increased by 113% between 2022 and 2025.¹³⁵

[135] Overall, the evidence indicates that subject country producers are likely to continue seeking export markets.

Attractiveness of the Canadian market

[136] The Canadian OCTG market is one of the largest in the world and is an important export destination for producers in several of the subject countries. For example, in 2025, Canada was India's third-largest OCTG export market.¹³⁶

[137] Jurisdictions all over the world have imposed trade measures on steel products and OCTG.¹³⁷ Most significantly, the U.S. has imposed a series of trade measures that impact exports of OCTG from the subject countries.¹³⁸ These measures include section 232 tariffs which levy a 50% ad valorem tariff on steel and aluminum products, including OCTG. Moreover, certain OCTG imports into the U.S. from Türkiye, India, Thailand, Vietnam, Chinese Taipei and Korea are subject to anti-dumping and/or countervailing duties.¹³⁹

[138] Given the export orientation of OCTG producers in the subject countries, and the number of trade measures in place affecting steel and OCTG, the Tribunal finds that rescinding the order would still likely increase the attractiveness of the Canadian market to subject country OCTG producers despite the effect of the TRQ. Although the TRQ limits the volume of steel products that can be imported without the imposition of a surtax, there is no evidence to suggest that the export prices would not fall to levels that would make it attractive for importers to import volumes of subject goods over the quotas applicable to OCTG.

Conclusion on likely Import volume of dumped subject goods excluding Ukraine

[139] The totality of the evidence supports the continuation of the order. A rescission of the order would likely result in a significant increase in the volume of imports of the subject goods, in absolute and relative terms, over the next 12 to 24 months.

Likely Import volume of dumped goods from Ukraine

[140] The investigation report shows that subject goods from Ukraine were not present in Canada in every period of the POR and constituted a small share of the OCTG market.¹⁴⁰ Throughout the POR, import volumes of Ukrainian subject goods were negligible relative to domestic production and domestic sales of production, and constituted a small percentage of the volume of subject imports during the POR.¹⁴¹

¹³⁵ Exhibit RR-2025-006-B-07, p. 2862–2865, Attachment 144.

¹³⁶ *Ibid.*, p. 2197–2207, Attachment 124.

¹³⁷ *Ibid.*, p. 1438–1470, attachments 69, 70.

¹³⁸ See Exhibit RR-2025-006-B-07, p. 4013–4015 showing that U.S. imports under HTS codes 7304.29 and 7306.29 (i.e., OCTG) from the subject countries decreased over the POR.

¹³⁹ Exhibit RR-2025-006-04, Table 43.

¹⁴⁰ *Ibid.*, Table 2; Exhibit RR-2025-006-05 (protected), tables 9, 11, 12, 15.

¹⁴¹ Exhibit RR-2025-006-05 (protected), Table 12.

[141] As noted above, the Tribunal finds that the wartime conditions under which Niko Tube operates severely impede its ability to produce and deliver the subject goods to Canada with any predictability. For example, the Tribunal heard evidence about a recent attack on Niko Tube's Dnipro Mill.¹⁴² Glib Bridnia testified as follows: "Regarding Dnipro, before the very recent attack on our Dnipro mill, we can produce approximately 5,000 metric tons on the plant. Now this capacity is gone, and we even don't know when operations will be restored, unfortunately."¹⁴³ None of the parties contested that Niko Tube is operating in a war zone.¹⁴⁴

[142] The evidence on the record also indicates that importing subject goods sourced from Ukraine within the constraints of the TRQ is extremely difficult given the flexibility in delivery times needed for Niko Tube to sell in the Canadian market.¹⁴⁵ This evidence is consistent with the volumetric data in the investigation report as well as the testimony from Mr. Stephens of Niko Tube, who indicated that Niko Tube was only able to secure one purchase order for OCTG not subject to the TRQ in the Canadian market in the past six months.¹⁴⁶

[143] In the majority's view, the combined effect of the wartime conditions in which Niko Tube operates with the TRQ make it very unlikely that subject goods from Ukraine will enter the Canadian market in the next 12 to 24 months.

Production and excess capacity in Ukraine

[144] The domestic producers contended that Ukraine, like the other subject countries, has sizeable excess production capacity that, if utilized, could lead to increased volumes of OCTG imports in the Canadian market.¹⁴⁷ The Tribunal heard competing evidence on the issue of Ukraine's OCTG production capacity. David Coffin, a witness for Interpro, testified that "... with Ukraine, their stated capacity is 750,000 tonnes of OCTG products...".¹⁴⁸ However, the Tribunal heard from Vitaliy Suyeta, a witness for Niko Tube, who testified that an attack on Niko Tube's operations on July 4, 2026, had limited its production capacity.¹⁴⁹

[145] The majority of the Tribunal finds that Ukraine's capacity to produce the subject goods is, and will continue to be, severely impacted by the wartime conditions in which it operates for the foreseeable future.

Export orientation of Ukraine

[146] The Tribunal heard competing arguments and evidence about the export orientation of Niko Tube. In addition to citing low demand for OCTG in Ukraine, the domestic producers noted Niko Tube's continued interest in the North American market, including its export sales to the U.S. during

¹⁴² *Transcript of Public Hearing*, p. 136–137.

¹⁴³ *Ibid.*, p. 151–152.

¹⁴⁴ *Ibid.*, p. 29, 59, 92.

¹⁴⁵ *Ibid.*, p. 144, line 4; p. 145, line 21; p. 198, line 16; p. 199, line 6.

¹⁴⁶ *Ibid.*, p. 190, lines 10–12.

¹⁴⁷ *Ibid.*, p. 78; Exhibit RR-2025-006-B-01, paras. 239–240; Exhibit RR-2025-006-B-02 (protected), paras. 239–240.

¹⁴⁸ *Transcript of Public Hearing*, p. 45.

¹⁴⁹ *Ibid.*, p. 142

the POR.¹⁵⁰ The domestic producers also referenced evidence which characterizes Niko Tube as a company with a global strategic focus.¹⁵¹

[147] In reply, Niko Tube submitted that its strategic focus was primarily on supplying its domestic market. On this point, Mr. Suyeta said the following: “So, it’s not even comparable, I would say, with what we have for Ukraine and for other markets, because once again, we are prioritizing home market, and it’s not even a discussion and it’s not negotiable not to supply to a state-owned company in the war.”¹⁵²

[148] After weighing the evidence, a majority of the Tribunal finds that Niko Tube, Ukraine’s only producer of subject goods, is not likely to be prioritizing export markets at this time or in the near future. The evidence overwhelmingly supports the conclusion that Niko Tube’s priority is the Ukrainian market.

Attractiveness of Canadian market

[149] For the reasons discussed above, the majority notes that Canada is an attractive market for OCTG. However, the majority finds that the subject goods from Ukraine are highly unlikely to come into the market at significant volumes given the combined effect of the wartime conditions under which Niko Tube is operating and the TRQ.

Conclusion on likely import volume of dumped goods from Ukraine

[150] Based on the above, a majority of the Tribunal finds that the totality of the evidence supports rescinding the order with respect to subject goods from Ukraine. In the majority’s view, rescinding the order would not result in a significant increase in the volume of Ukrainian subject goods into the market in the next 12 to 24 months. The evidence clearly demonstrates that the wartime conditions in Ukraine will severely impact the likelihood of such a result.

Likely price effects of dumped subject goods from countries other than Ukraine

[151] These paragraphs reflect the view of the majority of the Tribunal on the likely price effects of dumped subject goods from countries other than Ukraine if the order is allowed to expire. Member Heggart would have included Ukraine in the discussion below on likely price effects.

[152] The Tribunal will next consider whether, if the order is allowed to expire, the dumping of the subject goods is likely to significantly undercut the prices of like goods, depress those prices, or suppress them by preventing increases in those prices that would likely have otherwise occurred.¹⁵³ In this regard, the Tribunal distinguishes the price effect of the dumped goods from any price effects that would likely result from other factors affecting prices.

¹⁵⁰ Exhibit RR-2025-006-B-01, paras. 247–249; *Transcript of Public Hearing*, p. 54–55; Exhibit RR-2025-006-15.02, p. 9; Exhibit RR-2025-006-16.02 (protected), p. 3, 5.

¹⁵¹ *Transcript of Public Hearing*, p. 154; Exhibit RR-2025-006-A-07, p. 569, 939–940.

¹⁵² *Transcript of Public Hearing*, p. 142. See also p. 153–154.

¹⁵³ Paragraph 37.2(2)(b) of the Regulations.

[153] In the previous expiry review, the Tribunal found that OCTG was a commodity product with price being a significant factor in purchasing decisions.¹⁵⁴ The evidence on the record of the present expiry review is consistent with these findings. In their joint witness statement, David Coffin and Linda Blair, witnesses for Interpro, testified that "... subject OCTG imports are sold to distributors (through an import agent, broker or trading house), who then market them to other distributors or end-users. These importer-distributors tend to be extremely price sensitive—unsurprising because OCTG is a commodity product that is traded on price—and actively seek the lowest possible prices and/or switch sources to maintain the lowest possible pricing."¹⁵⁵ Jeff Hanley, a witness for Welded Tube, confirmed that OCTG is a commodity product when discussing the issue of downward substitutability in the Canadian market.¹⁵⁶ In his witness statement, he indicated that "[o]nce required specifications are met, all types of OCTG inevitably compete with one another on price in the Canadian market for the same end-use."¹⁵⁷

[154] Additionally, the evidence shows that the price of OCTG in the Canadian market is very sensitive to low-priced imports. This is confirmed by David Coffin and Linda Blair, who stated in their joint witness statement that "[d]uring the POR, Canadian market value for OCTG was destroyed first by low-priced Chinese OCTG imports in 2022–2023, and then by dumped OCTG imports from the OCTG 5 sources. Together, these back-to-back surges in dumped OCTG imports made the Canadian market extremely price sensitive. If our prices are not competitive with imports, our customers will demand that we meet or beat import prices."¹⁵⁸ Jeff Hanley also testified that "[Welded Tube] was not able to enjoy the benefits of [the Canadian market] due to unfairly traded imports, first from China and then from the OCTG 5 countries."¹⁵⁹

[155] The Tribunal finds that the subject goods in this case are largely purchased on the basis of price and that distributors and end users tend to switch suppliers on this basis if the required specifications for OCTG are met.¹⁶⁰

Price undercutting

[156] Although the volume of subject imports in the Canadian market was small during the POR, it increased over that period.¹⁶¹ Data from the investigation report show that throughout the POR, except for interim 2026, the average unit sales values of subject imports, excluding those from Ukraine, were lower than the average unit values of domestic sales from domestic production during the POR.¹⁶² Overall, unit sales values for the subject imports decreased in 2024 and 2025 before increasing from interim 2025 to interim 2026.¹⁶³

[157] There is also evidence of price undercutting when the average unit values of sales of subject imports and the average unit values of domestic sales from domestic production are compared at different trade levels. When looking at sales to distributors, the data show that the average unit sales

¹⁵⁴ OCTG II, paras. 145–149.

¹⁵⁵ Exhibit RR-2025-006-B-03, para. 16.

¹⁵⁶ Exhibit RR-2025-006-C-03, paras. 13–14.

¹⁵⁷ *Ibid.*, para. 14.

¹⁵⁸ Exhibit RR-2025-006-B-03, para. 23.

¹⁵⁹ Exhibit RR-2025-006-C-03, para. 23.

¹⁶⁰ OCTG II, para. 149; *Oil Country Tubular Goods* (14 August 2026), RR-2025-005 (CITT), paras. 79–82.

¹⁶¹ Exhibit RR-2025-006-04, Table 14.

¹⁶² Exhibit RR-2025-006-05 (protected), Table 25.

¹⁶³ Exhibit RR-2025-006-04, Table 26; Exhibit RR-2025-006-05 (protected), Table 26.

value of subject imports was lower than the average unit value of domestic sales of domestic production in 2023, 2024 and 2025, although the level of price undercutting appears less significant than that observed when analyzing market prices at the aggregate level.¹⁶⁴ Evidence of price undercutting can also be seen when examining sales to end users with average unit sales values of subject imports lower than the average unit sales values of domestic production in 2024, 2025 and interim 2025.¹⁶⁵

[158] This evidence suggests that, in the absence of the order, subject imports would likely further and more consistently undercut the price of like goods to compete in the Canadian OCTG market.

[159] OCTG from non-subject countries was imported into Canada by both the domestic producers and importers during the POR. The data also show that importers sold OCTG imported from the countries subject to *OCTG V* in the Canadian market at prices that were on average consistently lower than prices of the domestically produced like goods.¹⁶⁶ Importers' sales of imports from these countries were the low-price leader followed by domestic producers' sales of imports from the U.S.

[160] The Tribunal notes that even a small amount of low-priced OCTG has a significant impact on pricing in the Canadian market. This is supported by Jeff Hanley's witness statement, in which he indicated that prior to 2025, Welded Tube's OCTG domestic production for domestic sales accounted for a lower percentage of its total production capacity due to unfairly traded imports from China and the countries subject to *OCTG V*.¹⁶⁷ At the hearing, David Coffin and Linda Blair testified that the Tribunal's recent order imposing anti-dumping duties on countries subject to *OCTG V* created opportunities for Interpro to supply different segments of the Canadian OCTG market.¹⁶⁸

[161] The above suggests that to increase sales volumes and market share, the subject goods would have to enter the Canadian market at or below prevailing market prices. Considering the pricing pressure from end users, further price undercutting would likely result from subject goods competing among themselves and with imports from non-subject countries. Put another way, rescinding the order would likely trigger a downward pricing spiral and race to the lowest possible price.

Price depression

[162] Interpro and Welded Tube contended that if the order is rescinded, the level of price undercutting in the market will force the domestic industry to reduce its prices of like goods in order to compete in the Canadian market over the next 12 to 18 months.

[163] As the Tribunal found in the last review of its order, it is reasonable to predict that the domestic producers' prices of like goods would face downward pressure to retain market share in Canada's highly price-sensitive OCTG market.¹⁶⁹

¹⁶⁴ Exhibit RR-2025-006-05 (protected), Table 27.

¹⁶⁵ *Ibid.*, Table 29.

¹⁶⁶ *Ibid.*, Table 25.

¹⁶⁷ Exhibit RR-2025-006-C-03, para. 7.

¹⁶⁸ *Transcript of Public Hearing*, p. 19–23.

¹⁶⁹ *OCTG II*, paras. 161–165. See also *OCTG V*, para. 260.

[164] Even with the order in place, the investigation report data show that average prices of domestically produced OCTG decreased year over year throughout the POR.¹⁷⁰ The largest price decrease occurred at the beginning of the POR, with average domestic prices lowering 16% between 2023 and 2024. Prices of domestically produced OCTG subsequently decreased by 2% in 2025 and by 3% in the interim period in 2026.¹⁷¹ As noted above, these overall pricing trends occurred as low-priced imports from non-subject countries, specifically those from the U.S. and countries subject to OCTG V, were competing in the Canadian market. All of this supports a finding that rescinding the order would exacerbate these pricing trends, resulting in further price declines for domestically produced like goods in the face of increased competition from the subject goods.

[165] Given the above, if the Tribunal rescinded the order, prices in the Canadian OCTG market would likely erode quickly, forcing domestic producers to reduce their prices to maintain sales volumes and preserve market share.

Price suppression

[166] The domestic industry argues that rescinding the order would also lead to price suppression. More specifically, it contends that, without the protection of the order and amid increasing production costs, increased competition from the lower-priced subject goods would prevent it from raising its prices in the Canadian market to reflect higher input costs.

[167] Wihan Pretorius and Albert Chulak, witnesses for Interpro and Welded Tube respectively, confirmed in their witness statements that Interpro and Welded Tube have seen increased costs in the inputs needed to produce OCTG.¹⁷²

[168] Notwithstanding, the investigation report shows that on a per tonne basis, both the cost of goods manufactured and the cost of goods sold decreased in each period of the POR, both for domestic and export sales, indicating that price suppression did not occur during the POR.¹⁷³

[169] The Tribunal notes that the presence of low-priced imports from non-subject countries during the POR would have made it very difficult for domestic producers to increase prices. Nonetheless, it is difficult for the Tribunal to draw conclusions that domestic sales prices have been suppressed during the POR. As a result, the Tribunal is unable to find that rescinding the order would likely result in price suppression over the next 12 to 24 months.

Conclusion

[170] In sum, the Tribunal finds that, if the order is rescinded, the resumed or continued dumping of the subject goods, excluding those from Ukraine, is likely to cause significant adverse price effects over the next 12 to 24 months, namely in the form of price undercutting and price depression.

¹⁷⁰ Exhibit RR-2025-006-04, Table 26.

¹⁷¹ *Ibid.*, Table 26.

¹⁷² Exhibit RR-2025-006-B-05, para. 7; Exhibit RR-2025-006-B-06 (protected), para. 7; Exhibit RR-2025-006-C-05, paras. 25, 26; Exhibit RR-2025-006-C-06 (protected), paras. 25, 26.

¹⁷³ Exhibit RR-2025-006-05 (protected), tables 31, 32, 33, 34.

Likely price effects of dumped subject goods from Ukraine

[171] As noted above, negligible volumes of subject goods from Ukraine were imported into Canada during the POR. These volumes were for OCTG that are excluded from the TRQ because they are not produced in Canada.¹⁷⁴ When looking at prices at the aggregate market level, the investigation report data suggest that these minuscule volumes were sold in the Canadian market at prices that undercut those of domestic sales of domestic production.¹⁷⁵

[172] However, a majority of the Tribunal has already found that the wartime conditions under which Niko Tube operates, coupled with the TRQ, severely restrict the importation of subject goods from Ukraine into Canada. A majority of the Tribunal has also found that these circumstances are likely to continue into the foreseeable future. Given these realities, the majority finds that because the likely volumes of dumped subject goods from Ukraine will be negligible, there will be no material price effects.

Likely impact of the dumped goods from subject countries excluding Ukraine on the domestic industry

[173] The Tribunal will assess the likely impact of the above volumes and prices of the subject goods on the domestic industry if the order were to expire, taking into consideration the recent performance of the domestic industry.¹⁷⁶ In this analysis, the Tribunal distinguishes the likely impact of the dumped goods from the likely impact of any other factors affecting or likely to affect the domestic industry.¹⁷⁷ Member Heggart would have included Ukraine in the discussion below on the likely impact.

Recent performance of the domestic industry

[174] Much of the information in the investigation report concerning the financial results and other performance indicators of the domestic industry was properly designated as confidential in these proceedings. Accordingly, the amount of information that can be conveyed in these reasons is limited.

[175] During the POR, the domestic industry experienced fluctuations in certain key performance indicators. Capacity utilization rates remained low throughout the POR, although they generally increased each year over year, with the exception of a decline in Q1 2026, when production for export sales fell by 66%.¹⁷⁸

[176] The investigation report data show that net sales volumes for domestic sales increased over the POR, while net sales volumes for exports decreased over that same period.¹⁷⁹ However, the data show decreasing trends over the POR for per-unit net sales values for the domestic industry's domestic sales.¹⁸⁰

¹⁷⁴ *Transcript of Public Hearing*, p. 190, lines 10–12; Remission orders (SOR/2025-287) and (SOR/2026-70).

¹⁷⁵ Exhibit RR-2025-006-05 (protected), Table 25.

¹⁷⁶ Paragraphs 37.2(2)(c), (e) and (g) of the Regulations. In addition, subsection 2(11) of SIMA provides that “[i]n any assessment of injury under this Act, any impacts on workers employed in the domestic industry shall be taken into account.”

¹⁷⁷ See paragraph 37.2(2)(k) of the Regulations.

¹⁷⁸ Exhibit RR-2025-006-05 (protected), tables 36, 37.

¹⁷⁹ Exhibit RR-2025-006-04, tables 32, 34; Exhibit RR-2025-006-05 (protected), tables 31, 33.

¹⁸⁰ Exhibit RR-2025-006-05 (protected), tables 31, 32.

[177] While the evidence shows variations in the domestic industry's performance, the industry remained profitable throughout the POR. However, profitability declined from 2023 to 2024 and was only partially offset by a rebound in 2025. Profitability also declined in Q1 2026 compared with Q1 2025.¹⁸¹ The Tribunal notes that this occurred during a period in which subject imports and imports from non-subject countries undercut the price of like goods.

Likely impact on the domestic industry if the order is rescinded

[178] Interpro and Welded Tube acknowledge that they have not experienced adverse impacts from subject imports in the same way they have from imports from non-subject countries (i.e., *OCTG V* subject imports) over the POR. Nevertheless, they contend that continuation of the order remains necessary as they recover from the injurious effects of dumped goods in the Canadian market over several years. Tenaris also contends that rescinding the order would negatively impact its business both in terms of volume and price effects.

[179] The witnesses of the domestic producers submitted written testimonies to the Tribunal explaining the impact that rescinding the order would have on their profitability, investments and operations.¹⁸² The Tribunal has reviewed this evidence, which indicates that the domestic producers are likely to experience severe negative volume and price effects if they are subject to increased volumes of subject imports at prices that undercut those of like goods in the domestic market. Indeed, the Tribunal heard testimony from witnesses for Interpro and Welded Tube indicating that Interpro had to idle its mill in Camrose, Alberta, in Q1 2026, as a result of the dumping of imports from countries not subject to *OCTG V*.¹⁸³ In the Tribunal's view, this evidence speaks to the vulnerability of the domestic OCTG market. Without the protection of the order, the evidence shows that the domestic industry could face serious consequences, including significant layoffs and idling of operations.

[180] As already noted, in a commodity industry like the OCTG industry, it stands to reason that rescinding the order would lead to aggressive price competition. Where the domestic industry resists lower OCTG prices, a resultant decline in domestic sales volumes and market share to the subject goods would be expected. This would, in turn, lead to weakened production volumes and capacity utilization rates. It would also logically lead to a loss or reduction in revenues and a reduction in profitability. Similar consequences would arise if the domestic industry were forced to lower OCTG prices to compete in the Canadian market.

[181] The Tribunal heard evidence about the importance of the domestic industry's financial performance for ensuring returns on the investments it had made in its operations. David McHattie testified that Tenaris has made significant past and prospective investments in its operations. He also indicated the following: "... [t]he outcome of this finding is really important to us, our financial health and the return on the investments we've made and are committed to make. Should we have a break-even and not positive net income, we would have to revise the scope of these investments downwards."¹⁸⁴

¹⁸¹ *Ibid.*, tables 25, 26, 31, 32.

¹⁸² Exhibit RR-2025-006-A-03, paras. 23–32; Exhibit RR-2025-006-A-5, paras. 18–35; Exhibit RR-2025-006-B-04 (protected), paras. 47–51; Exhibit RR-2025-006-C-04 (protected), paras. 41–52.

¹⁸³ *Transcript of Public Hearing*, p. 20.

¹⁸⁴ *Ibid.*, p. 74–75.

[182] The Tribunal recognizes the significance of Tenaris's investments, especially at a time when Canada's steel industry faces increased challenges. The Tribunal also acknowledges that investments like those Tenaris has made and plans to make in its operations are essential to maintaining a sustainable and profitable steelmaking operation. It stands to reason that rescinding the order would potentially threaten the profitability of Tenaris's operations and cause it to rethink its investment plans.

[183] Further, when making any determination under subsection 76.03(10) of SIMA, the Tribunal must take into account any impacts on workers employed in the domestic industry. Subparagraph 37.2(2)(e)(iii) and paragraph 37.2(2)(g) of the Regulations provide guidance to that effect. Accordingly, the Tribunal must take into account the impact on workers as a factor in its assessment of whether there is a likelihood of injury to the domestic industry.

[184] The testimony of the USW witnesses helped illustrate the vulnerability of the domestic industry to dumped goods and the likely impact of rescinding the order on employees and employment in the domestic industry. Michael Cantley testified about the employment impacts seen at Interpro's Calgary mill, which only produced OCTG. Specifically, he noted that "... from 2024 to 2026, [Interpro] experienced quite the slowdown due to tariffs, due to the legal importing of dumped products here in Canada. ... Production levels were critically low. My members were laid off. We were drastically down to roughly about 70, 80. Sixty-five to 70 per cent of my members were all laid off during that time frame."¹⁸⁵ Following the Tribunal's decision in *OCTG V*, Mr. Cantley testified that things were improving, albeit slowly, at Interpro's Calgary mill and that Interpro has been able to recall some, but not all, of the workers who had been laid off.¹⁸⁶ Other witnesses testified about similar employment challenges and subsequent rebound after the *OCTG V* decision.¹⁸⁷

[185] The Tribunal found the testimony of these witnesses helpful and credible. Based on this evidence, the Tribunal understands that rescinding the order could lead to a reduction in jobs and hours worked, and consequentially, a loss or reduction in workers' wages over the next 12 to 24 months. The Tribunal agrees that these are potential consequences of the financial impact on the domestic industry that could result from an increase in the volume of subject goods in the market at dumped prices.

[186] In the Tribunal's view, all of this indicates that rescinding the order, and the resulting resumed dumping of subject goods into the Canadian market, would likely result in material injury to the domestic industry over the next 12 to 24 months. However, before ultimately concluding, the Tribunal must address whether there are factors other than the presence of the dumped subject goods which could adversely impact the domestic industry.¹⁸⁸

¹⁸⁵ *Ibid.*, p. 106.

¹⁸⁶ *Ibid.* p. 107.

¹⁸⁷ *Ibid.*, p. 107–109.

¹⁸⁸ Pursuant to paragraph 37.2(2)(k) of the Regulations, the Tribunal may consider any other factors that are relevant in the circumstances.

Factors other than the dumping of the subject goods

Presence of imports from non-subject countries

[187] The Tribunal has considered the effect on the domestic industry of low-priced imports of OCTG from non-subject countries. As already observed, if the order were rescinded, the subject countries would be incentivized to enter the Canadian market in increasing volumes. To do so, they would need to compete on the basis of price for market share with both the domestic industry and imports of OCTG from non-subject countries. In so doing, the subject goods, in and of themselves, are likely to cause significant negative price effects or lost sales in the domestic industry. These effects would be attributable to the subject goods and would likely lead to injury that surpasses any pricing pressure that may be felt from sources other than the subject goods while the order remains in place.

Section 232 tariffs

[188] Finally, the Tribunal must also address the likely impact that the section 232 tariffs may have on the domestic industry. The evidence before the Tribunal is uncontroversial: section 232 tariffs have already begun to adversely affect the Canadian steel market, including the OCTG market, and will continue to do so for as long as they remain in force.¹⁸⁹ As the domestic producers point out, section 232 tariffs create a heightened diversionary pressure on Canada, as steel products originally destined for the U.S. are instead diverted to other markets.¹⁹⁰ The Tribunal agrees that Canada is a prime target for low-priced subject-country OCTG exports, whose access to other markets, including the U.S., is severely restricted. The Tribunal is aware that it must not conflate any future material injury caused by the diversion of non-subject goods with the likely impacts of subject goods.

[189] The Tribunal has faced similar circumstances when considering the impact of the COVID-19 pandemic. As it did in that circumstance, the Tribunal observes that it must take the industry as it finds it.¹⁹¹ In this case, the Tribunal finds that the Canadian steel industry is vulnerable and that the resumed dumping will likely result in injury that is additional to any injury resulting from any diversion of OCTG caused by the section 232 tariffs.

[190] In light of these findings, the Tribunal finds that rescinding the order, and the resulting increase in dumped subject goods into the Canadian market, would likely have a devastating impact on the Canadian steel industry.

Conclusion

[191] The Tribunal finds that a combination of the volume and price effects described above, which are likely to result from the resumed or continued dumping of the subject goods from India, Indonesia, South Korea, Chinese Taipei, Thailand, Türkiye and Vietnam, would be sufficient to cause material injury to the domestic industry if the order were rescinded. Member Heggart would have included Ukraine in this conclusion. However, Member Heggart agrees with his colleagues' analysis that, even if the goods from Ukraine were analyzed separately, the expiry of the order would likely result in injury to the domestic industry.

¹⁸⁹ *Transcript of Public Hearing*, p 118; Exhibit RR-2025-006-B-01, paras. 36.

¹⁹⁰ Exhibit RR-2025-006-B-01, paras. 272–273.

¹⁹¹ *Hot-rolled Carbon Steel Plate and High-strength Low-alloy Steel Plate* (10 November 2020), RR-2019-004 (CITT), paras. 113–115.

Likely impact of the dumped goods from Ukraine on the domestic industry

[192] For the same reasons articulated above, the Tribunal finds that dumped subject goods are likely to have combined volume and price effects in the Canadian market. However, with respect to Ukrainian subject goods, the majority of the Tribunal finds that those risks are limited by the evidence showing that Niko Tube, the only known Ukrainian producer of OCTG, faces severe constraints on its ability to produce the subject goods. Member Heggart would have excluded this finding from the statement of reasons.

CONCLUSION

[193] On the basis of the foregoing analysis, and pursuant to paragraph 76.03(12)(b) of SIMA, the Tribunal continues its order in respect of certain oil country tubular goods from India, Indonesia, South Korea, Chinese Taipei, Thailand, Türkiye and Vietnam (except for goods exported from the Republic of Korea by Hyundai Steel Company, and goods exported from the Republic of Türkiye by Borusan Mannesmann Boru Sanayi ve Ticaret A.Ş.).

[194] On the basis of the foregoing analysis, and pursuant to paragraph 76.03(12)(a) of SIMA, the Tribunal rescinds its order in respect of certain oil country tubular goods originating in or exported from Ukraine (Member Heggart dissenting).

Elizabeth Whitsitt

Elizabeth Whitsitt

Presiding Member

Randolph W. Heggart

Randolph W. Heggart

Member

Serge Fréchette

Serge Fréchette

Member