



Memorandum D14-1-8: Administrative Review Policy— Special Measures Import Act (SIMA)

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This memorandum outlines the policy governing administrative reviews to update normal values, export prices, and/or amounts of subsidy (collectively referred to as “SIMA values”) applicable to imported goods subject to Canadian International Trade Tribunal (CITT) orders or findings.

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Updates made to this D-memo

1. This document reflects a change in approach from an *ad hoc* system to an annual review system for the administrative conduct of SIMA values updates. This change aims to ensure more consistent and accurate maintenance of SIMA values to support the enforcement of Tribunal orders.

Policy overview

2. The CBSA recognises the need to keep normal values, export prices, and amounts of subsidy (collectively, “SIMA values”) current to ensure effective enforcement of Tribunal orders.
3. The CBSA will review SIMA values annually, monitoring market dynamics to identify changes that may necessitate updates.

Conducting administrative reviews

4. Where updates to SIMA values are necessary, the CBSA will conduct administrative reviews. These reviews involve issuing a request for information (RFI) and following a tiered review process that considers the complexity of the required update. Further details on the tiered review process are set out below.
5. Exporters are advised to adjust their selling prices to Canada in response to changes in market conditions, prices, costs, and terms of sale that could reasonably be expected to impact values. This ensures that the export price of subject goods sold to Canada reflects domestic selling prices and cost increases.
6. Under the *Special Import Measures Act*, the CBSA has and uses the authority to administer retroactive duty assessments when exporters do not adjust selling prices accordingly.

Considerations for administrative review

7. The CBSA will annually review SIMA measures to determine if updates to SIMA values are required. In making this determination, the CBSA may consider these factors among others:

- Volume of imports;
- Changes affecting ministerial specifications;
- Changes in market conditions and/or the provision of subsidies;

8. If updates are required, the CBSA will request information from all interested parties. Responses to these requests must be complete, verifiable, and provided within the specified time frame.

Procedures for exporters without specific SIMA values

9. Exporters without specific normal values or amounts of subsidy may still submit responses to an RFI if they seek specific SIMA values. The CBSA will notify all known exporters of the initiation of administrative reviews and will post these notifications on the CBSA's website. Any exporters that have not been notified and wish to participate can communicate with [the SIMA Registry and Disclosure Unit](#).

Scope of administrative review

10. Each administrative review will examine anti-dumping and subsidy issues separately. The CBSA will evaluate the factors listed in paragraph 7 when determining whether to initiate an administrative review.

11. In an administrative review, the CBSA is not bound by the methodologies used in previous proceedings to determine normal values and export prices. This means the CBSA may adjust its methodologies based on the facts and circumstances of the case. For subsidy updates, the CBSA will determine if existing programs have ended, or if amounts of subsidy have changed. Supplemental questionnaires may be issued on any relevant matter arising during the review.

Review process

12. If an update is required, the CBSA will notify interested parties, which may include domestic producers, unions, trade associations, importers, exporters, and foreign governments

13. Notices of the administrative review initiation and schedules of key dates, including deadlines for responses to RFIs, will be published on CBSA's [Administrative Review webpage](#). Late or incomplete submissions may not be considered.

14. The CBSA will establish deadlines, as well as an anticipated date for closing the administrative record after which no new or unsolicited information will be accepted.

Tiered review process

15. To manage different case complexities, the CBSA will conduct reviews through a tiered process. Each tier considers factors such as the novelty of the information, as well as the completeness and reliability of received information. The tiers are as follows:

- **Tier 1:** CBSA conducts and concludes the review without further input when:
 - Information received aligns among interested parties;
 - Limited models from a cooperative exporter require SIMA values, or new product models need values; or
 - Insufficient information is received from necessary parties (should this occur, the proceeding will cease for the deficient exporters).
- **Tier 2:** CBSA conducts further analysis and seeks additional input where necessary, for example to address discrepancies or to clarify certain information.
- **Tier 3:** CBSA conducts further analysis, comprehensive verification and seeks additional input to resolve complex issues, which may include consideration of new information on non-market economic conditions and/or particular market situations.

Notification of review results

16. All notified parties will be informed of the review's results. The CBSA will publish a public notice of the conclusion on its website.

17. Generally, new SIMA values will apply to goods released from customs on or after the administrative review's conclusion date or the date of the exporter's decision letter, whichever comes first. For details on the disclosure of SIMA values to importers, refer to [Memorandum D14-1-2](#).

Use of review information for re-determinations

18. Information gathered during administrative reviews may be used in on-going or future redeterminations by the CBSA by the date the review concludes. For re-determinations and appeal procedures, consult [Memorandum D14-1-3](#).

19. SIMA values are typically provided in the domestic currency of the exporting or originating country. If the exchange rate is unstable and would require frequent updates, SIMA values may instead be provided in Canadian dollars.

Ministerial specification

20. Ministerial specifications may apply to exporters who participate in a review but have not provided sufficient information or failed to meet submission deadlines. Specifications are also used for new products and exporters entering the market after a review. The notice of conclusion will detail how values will be determined using ministerial specifications, and this information will be posted on the CBSA's SIMA webpages.

Making representations

21. Interested persons may make representations regarding the need to update SIMA values for specific measures. These should be sent to the SIMA Registry and Disclosure Unit. Submissions should identify the applicable measure and provide relevant available information to demonstrate the need for an update. Evidence may include, but is not limited to:

- Changes in domestic selling prices;
- Increase in import volumes;
- Changes in cost of production;
- Changes in distribution channels, including the involvement of related parties in sales to Canada;
- Changes in market conditions;
- Changes in amounts of subsidy received;
- Changes in business names or corporate addresses;
- New or expanded production facilities; or
- Mergers and acquisitions.

22. Confidential information in representations must be accompanied by a non-confidential version. In order to be accepted and taken into consideration by the CBSA, an accompanying non-confidential version must contain sufficient detail to convey a reasonable understanding of the substance and the nature of the information submitted in the confidential version. The non-confidential version will be available to other interested persons, with confidential versions accessible to counsels with valid disclosure undertakings. For more information, refer to the CBSA's [Administrative Guideline for Submission of Confidential and Non-Confidential Information](#).

23. The CBSA will acknowledge all representations and responses, factoring them into the decision-making process for the administrative review's tier. The CBSA will ultimately decide on the initiation of an administrative review, notifying subscribers of the initiation through its email alert service and posting the decision on its website.

References

Consult these resources for further information.

Applicable legislation

- [Special Import Measures Act](#)

Superseded memoranda D

D14-1-8 dated October 21, 2024

Issuing office

SIMA Investigations Division
Trade and Anti-dumping Programs Directorate
Commercial and Trade Branch

Contact us

For more information, within Canada call the Border Information Service at **1-800-461-9999**. From outside Canada call 204-983-3500 or 506-636-5064 (long distance charges will apply). Agents are available Monday to Friday (08:00 – 16:00 local time / except holidays). TTY is also available within Canada: **1-866-335-3237**.

[Contact border information services](#)

Related links

- [D14-1-2](#)
- [D14-1-3](#)