

LEI News Letter

Date: May 2005

Customs Notice CN613 – Surtax Imposed on Certain Products from the United States

Customs Notice CN613 reads in part, as follows;

“Order Suspending the Application of Concessions on Imports of Certain Products Originating in the United States

1. This notice provides information on the introduction and application of the order Suspending the Application of Concessions on Imports of Certain Products Originating in the United States, effective May 1, 2005, regarding the application of a surtax on imports of live swine, live ornamental fish, oysters, certain frozen fish and cigarettes more definitively defined in paragraph 3.
2. This surtax is being imposed pursuant to subsection 13(1) of the World Trade Organization Agreement Implementation Act on the recommendation of the Minister for International Trade and is in response to the failure of the United States to abide by its trade obligations under the World Trade Organization with respect to the Byrd Amendment, formally referred to as the Continued Dumping and Subsidy Offset Act of 2000. The surtax will remain in effect until April 30, 2006.

Application

3. Effective May 1, 2005, the United States origin goods found in the tariff items listed below are subject to a 15 percent ad valorem surtax, determined in accordance with sections 45 to 55 of the Customs Act.

0103.10.00
0103.91.00
0103.92.00
0301.10.00
0303.79.00
0307.10.10
0307.10.20
2402.20.00
4. The surtax will apply to above-noted goods originating in the United States, as indicated in Paragraph 1 of Order in Council SOR/2005-106 (P.C. 2005-615) dated April 19, 2005.
5. Goods having a date of direct shipment on or before May 1, 2005 are considered to be in transit and not subject to the surtax. Importers must be able to provide proof that such goods were in transit to Canada, consisting of but not limited to shipping documents, report of entry documents and cargo control documents.
6. Any other import requirements and restrictions from other government departments and agencies continue to apply to the affected goods.
7. Importers are required to quote the Order in Council (OIC) number 2005-615 in Field 26 “Special Authority” on form B3, Canada Customs Coding Form.....”

Tariff Relief on Polyethylene

The Department of Finance has received a request for tariff relief on polyethylene for use in the manufacture of orthopaedic implants and parts for recreational vehicles, lawn and garden equipment, railway cars and equipment, and conveyor systems. The Department is proposing to create a new tariff item to read;

3901.10.20 – Having a molecular weight of more than 4 million, for use in the manufacture of medical orthopaedic implants or parts for snowmobiles, all terrain vehicles, industrial sweepers, agricultural equipment, railway rolling stock and equipment, water treatment equipment, and conveyor systems.

This product is currently classified under tariff item N0. 3901.10.90 and is dutiable at 6.5 % under the Most Favoured Nation (MFN) tariff.

Anti-Dump – Ladies Leather and Non-Leather Boots

The Canadian International Trade Tribunal (CITT), under provisions of the Special Import Measures Act, has conducted an expiry review of the order concerning women's leather and non-leather boots originating in or exported from the People's Republic of China.

Pursuant to subparagraph 76.03 (12)) (a) (ii) of the Special Import Measures Act, the CITT has rescinded its order in respect of the above-mentioned products originating in or exported from the People's Republic of China.

The review is available on the CITT website at:
www.citt-tcce.gc.ca/dumping/reviews/orders/rr2e022_e.asp.

Anti-Dump – Whole Potatoes

On December 15, 2004 the CITT initiated an expiry review of its order made on Sept. 13, 2000 concerning whole potatoes, excluding seed potatoes and excluding imports during the period from May 1 to July 31 inclusive, of each calendar year, imported from the United States of America, for use or consumption in the province of British Columbia. As a result, the CBSA initiated an investigation to determine whether the expiry of the order is likely to result in the continuation or resumption of dumping of the goods.

The investigation has been completed and the CBSA has determined that the expiry of the order is likely to result in the continuation of resumption of dumping of the goods. A Statement of Reasons that contains additional details concerning the determination made by the President of the CBSA can be found at: www.cbsa-asfc.gc.ca/sima/menu-e.html. The tribunal will now conduct an inquiry whether the expiry of the order is likely to result in injury or retardation to the British Columbia Industry and will make an order by Sept. 12, 2005.

Barley Products Tariff Rate Quota (TRQ)

The Department of Foreign Affairs and International Trade reports the TRQ for barley products, classified under Customs Tariff headings: 11.02, 11.03, 11.04, 11.07, 11.08, 19.01, 19.04 and 23.02, will be filled as of May 13, 2005 and that "within access commitment" tariff items will be closed as of that date. General Import Permit No. 20 (barley products) will be suspended from May 13 to July 31, 2005. Firms wishing to import barley products should quote General Import Permit No. 100 which allows imports of eligible agriculture goods on the Import Control List at the "over access commitment" rates of duty. Note that barley products qualifying for the United States, Mexico, Chile or Costa Rica tariffs continue to be duty free when classified as "over access commitment".