

駐加拿大代表處經濟組 函

受文者：經濟部國際貿易局

發文日期：中華民國110年1月7日

發文字號：加經字第1100000004號

速別：普通件

密等及解密條件或保密期限：

附件：如文（加經1100000004_Attach1.pdf）

主旨：有關加拿大邊境服務署通知對自我國等國出口之特定鋼板產品作成傾銷終判認定事，敬請查照。

說明：

一、本組上（109）年10月9日加經字第1090000422號函諒邀察及。

二、加國邊境服務署（CBSA）反傾銷暨平衡措施局貿易暨反傾銷計畫處Darryl Larson處長頃於本（110）年1月7日致函本組略以：

（一）CBSA業於上年10月9日完成本案傾銷初步調查，作成自我國、德國及土耳其等國出口至加國之特定熱軋碳鋼板（hot-rolled carbon steel heavy plate）及高強度低合金鋼板（high-strength low-alloy steel heavy plate）等產品已造成傾銷之初步調查認定（preliminary determination）；

（二）CBSA依據加國特別進口措施法（SIMA）決定自本年1月7日起終止對土耳其涉案業者之傾銷調查，並針對自我國

及德國進口之涉案產品，作成傾銷終判認定；

(三)本案之判決理由書 (Statement of Reasons) 將於15日內公布於CBSA官網 (www.cbsa-asfc.gc.ca/sima)，檢附本案最終調查認定結果摘要如通知信函附件1；

(四)加國國際貿易法庭 (CITT) 刻正繼續進行本案產業損害調查，並預定於本年2月5日前作成終判；在CITT作成終判前，遭CBSA傾銷終判認定自我國及德國進口之涉案產品仍將被課徵臨時反傾銷稅 (provisional duty)，倘CITT終判認定涉案產品造成產業損害，則將自CITT作成終判日起課徵反傾銷稅及平衡稅，惟倘屆時CITT終判認定並未造成產業損害或有損害之虞，則本案所有調查程序均將終止，並將退回所有遭課徵之臨時反傾銷稅；

(五)依據SIMA，任何受本案最終認定直接影響者，均可向加國聯邦上訴法院提出司法審查並尋求撤銷CBSA之認定，可訴諸司法審查之理由要點如通知信函附件2；

(六)本案加方聯絡人為CBSA反傾銷及平衡措施調查組經理 Mr. Hugh Marcil，聯絡電話為613-862-0583，電郵帳號為Hugues.Marcil@cbsa-asfc.gc.ca。

三、依據CBSA本案最終傾銷認定，我中鋼公司 (China Steel Corporation) 獲判7.0%反傾銷稅率，其他未獲個別稅率之我國廠商則一律適用80.6%稅率。

四、謹查，本案受調查產品之稅號一般列於：7208.51.00.10、7208.51.00.93、7208.51.00.94、7208.51.00.95、7208.52.00.10、7208.52.00.93、7208.52.00.96項下，與加國刻對特定進口碳鋼鋼板採取全球防衛措施之產品稅號

電文時

一致（請參閱本組上年5月27日加經字第1090000220號函）；另，CBSA自上年10月9日起對本案進口產品課徵臨時反傾銷稅，其中，我中鋼公司適用9.4%稅率，我其他未獲個別稅率之廠商則一律適用97.0%稅率。

五、隨函檢附本案L處長英文信函影本（如附件），併請查照。

正本：經濟部國際貿易局

副本：行政院經貿談判辦公室(含附件)



駐加拿大代表處經濟組





Canada Border
Services Agency

Agence des services
frontaliers du Canada

HP 2020 IN

BY E-MAIL: canada@moea.gov.tw

Chi-Chuan Susan Hu
Executive Director
Taipei Economic & Cultural Office in Ottawa
World Exchange Plaza
45 O'Connor Street, Suite 1960
Ottawa, Ontario K1P 1A4

January 7, 2021

Dear Chi-Chuan Susan Hu:

This refers to the notice dated October 9, 2020, informing you that the Canada Border Services Agency (CBSA) had made a preliminary determination of dumping with respect to certain hot-rolled carbon steel heavy plate and high-strength low-alloy steel heavy plate from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei), Germany and Turkey.

Today, the CBSA, pursuant to paragraph 41(1)(a) of the *Special Import Measures Act* (SIMA), terminated the investigation of dumping of heavy plate by Ereğli Demir ve Çelik Fabrikaları T.A.Ş. from Turkey. Pursuant to paragraph 41(1)(b) of SIMA, the CBSA has also made a final determination of dumping of heavy plate from Chinese Taipei and Germany.

A *Statement of Reasons*, which summarizes the information on which these decisions were based and which describes in general terms the future activities related to the investigation, will be issued within 15 days and available on the CBSA's website at www.cbsa-asfc.gc.ca/sima. A summary of the results of the final determination is contained in **Attachment 1** of this letter.

The Canadian International Trade Tribunal's (CITT) inquiry into the question of injury to the Canadian industry is continuing, and it will issue its decision by February 5, 2021. Provisional duties will continue to be imposed on the subject goods from Chinese Taipei and Germany until the CITT renders its decision. However, provisional anti-dumping duties will no longer be imposed on imports of goods of the same description as the goods in respect of which the dumping investigation has been terminated. Any provisional duty paid or security posted will be refunded, as appropriate.

If there is an injury finding, subject goods released from the CBSA following the date of the CITT's finding will be subject to anti-dumping duties. If the CITT finds that the dumped goods have not caused injury and do not threaten to cause injury, all proceedings will be terminated. In such circumstances, imports will not be subject to anti-dumping duties and all provisional duties paid or security posted will be returned.

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Canada

Any person directly affected by these decisions may make an application to the Federal Court of Appeal pursuant to section 96.1 of SIMA to review and set aside the CBSA's decisions. The grounds for requesting judicial review are outlined in **Attachment 2** of this letter.

Should you have any questions regarding this matter, please contact Hugh Marcil, Manager, Trade and Anti-dumping Programs Directorate, at 613-862-0583 or by e-mail at Hugues.Marcil@cbsa-asfc.gc.ca.

Yours truly,



Darryl Larson
Director
Anti-dumping and Countervailing Investigations Division
Trade and Anti-dumping Programs Directorate

ATTACHMENTS

1. Margins of Dumping by Exporters
2. Judicial Review under SIMA

ATTACHMENT 1

MARGINS OF DUMPING BY EXPORTERS

Exporter	Margin of Dumping
Chinese Taipei	
China Steel Corporation	7.0%
All Other Exporters – Chinese Taipei	80.6%
Germany	
AG der Dillinger Hüttenwerke	6.3%
All Other Exporters - Germany	68.6%

NOTE: The margins of dumping reported in the table above are the margins determined by the Canada Border Services Agency (CBSA) for purposes of the final determination of dumping. These margins do not reflect the anti-dumping duty to be levied on future importations of dumped goods. In the event of an injury finding by the Canadian International Trade Tribunal, normal values have been provided to the exporters which provided sufficient information for future shipments to Canada and these normal values would come into effect the day after the injury finding. Information regarding normal values of the subject goods should be obtained from the exporter. Imports of subject goods from exporters/producers that did not provide sufficient information to the CBSA during the dumping investigation and who are not listed in the table above will be subject to the All Other Exporters anti-dumping duty rate pursuant to a ministerial specification.

Normally, normal values will not be applied retroactively. However, this measure may be applied retroactively in cases where the parties have not advised the CBSA in a timely manner of substantial changes that affect values for SIMA purposes. Therefore, where substantial changes occur in prices, market conditions, costs associated with production and sales of the goods, the onus is on the concerned parties to advise the CBSA.

Please consult the SIMA Self-Assessment Guide for more detailed information explaining how to determine the amount of SIMA duties owing.

ATTACHMENT 2

JUDICIAL REVIEW UNDER THE *SPECIAL IMPORT MEASURES ACT*

Any person directly affected by a decision or final determination made by the President of the Canada Border Services Agency (President), pursuant to paragraph 41(1)(a) and/or pursuant to paragraph 41(1)(b) of the *Special Import Measures Act*, may ask to have the decision or final determination reviewed by the Federal Court of Appeal (Federal Court).

An application to the Federal Court may only be made on the grounds that, in making the final determination or decision, the President:

- (a) acted without jurisdiction, acted beyond the jurisdiction of the President or refused to exercise that jurisdiction;
- (b) failed to observe a principle of natural justice, procedural fairness or other procedure that the President was required by law to observe;
- (c) erred in law in making a decision, whether or not the error appears on the face of the record;
- (d) based a decision on an erroneous finding of fact that the President made in a perverse or capricious manner or without regard for the material before the President;
- (e) acted, or failed to act, by reason of fraud or perjured evidence; or
- (f) acted in any other way that was contrary to law.