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受文者：經濟部國際貿易局

發文日期：中華民國110年11月26日

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速別：最速件

密等及解密條件或保密期限：

附件：如文（加經1100000366_Attach1.pdf, 加經1100000366.dm）

主旨：有關加拿大邊境服務署通知對自我國等出口之特定小型變壓器產品作成傾銷終判認定事，敬請查照。

說明：

一、依據加國邊境服務署（CBSA）反傾銷暨平衡措施局貿易暨反傾銷計畫處Darryl Larson處長本（110）年11月25日致本組函（如附件）辦理；另本組本年8月31日加經字第1100000297號函諒邀察及。

二、前函主要內容略以：

（一）CBSA已於本年8月27日就自奧地利、我國及韓國等出口至加國之特定小型變壓器產品（small power transformers）作成傾銷初步認定（preliminary determination）並課徵臨時反傾銷稅（provisional duty）；謹按，我國士林電機公司（Shihlin Electric & Engineering Corporation）適用17.2%稅率，我其他未獲個別稅率廠商（All Other Exporters）之進口產品則一律適用37.9%稅率；



國際貿易局 110/11/29



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(二)CBSA依據加國特別進口措施法 (SIMA) ，頃於本年11月25日針對自奧地利、我國及韓國等進口之涉案產品作成傾銷終判認定 (final determination) ，我國士林電機公司獲判傾銷差額 (Margin of Dumping) 為出口價格 (Export Price) 之11.7% ，並獲CBSA給予正常價格 (Normal Value) ，將於CITT就本案作成產業損害終判之日起適用；此外，韓國IEN Hanchang 公司則因無傾銷事實，獲判終止傾銷調查 (請詳本案最終調查認定結果摘要如通知信函附件1) ；

(三)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12月24日前作成終判；在CITT作成終判前，自奧地利、我國及韓國等進口之涉案產品仍將被課徵臨時反傾銷稅，倘CITT終判認定涉案產品造成產業損害，則我等涉案產品將自CITT作成終判日起課徵反傾銷稅；惟倘CITT終判認定涉案產品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，所有遭課徵之臨時反傾銷稅均將退回；

(四)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) ，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認定，可訴諸司法審查之理由要點詳如通知信函附件2；

(五)本案加方聯絡人為CBSA反傾銷及平衡措施調查組經理Mr . Simon Duval，聯絡電話為613-291-9301，電郵帳號為Simon.Duval@cbsa-asfc.gc.ca。

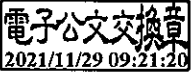
三、另經洽繫CBSA獲告，由於本案受調查期間 (POI) 我國涉案產品100%均由士林電機公司出口至加國，爰前函未提供我其他廠商適用稅率，惟CBSA已有決定，此節後續將刊載

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於本案判決理由書，並於CITT作成本案產業損害終判後公布於CBSA官網。

正本：經濟部國際貿易局(更正重發)

副本：電子公文交換章
2021/11/29 09:21:20

駐加拿大代表處經濟組





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BY EMAIL: canada@moea.gov.tw ; shlo@moea.gov.tw

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

November 25, 2021

Dear Chi-Chuan Susan Hu:

On August 27, 2021, you were informed that a preliminary determination had been made with respect to the dumping of certain small power transformers from Austria, the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei) and South Korea.

Today, pursuant to paragraph 41(1)(a) of the *Special Import Measures Act* (SIMA), the Canada Border Services Agency (CBSA), terminated the dumping investigation in respect of certain small power transformers exported from South Korea by IEN Hanchang Co., Ltd., as they have not been dumped.

On the same day, pursuant to paragraph 41(1)(b) of SIMA, the CBSA has made a final determination of dumping concerning certain small power transformers originating in or exported from Austria, Chinese Taipei and South Korea (excluding goods exported from South Korea by IEN Hanchang Co., Ltd.).

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 (CITT) is continuing its inquiry into the question of injury to the Canadian industry and it is expected to issue its decision by December 24, 2021. Provisional duties will continue to be imposed on the subject goods from Austria, Chinese Taipei and South Korea until the CITT renders its decision.

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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Any person directly affected by this decision 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 Simon Duval, Manager, Anti-dumping and Countervailing Investigations at 613-291-9301, or by email at Simon.Duval@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

Origin or Export	Margin of Dumping (% of Export Price)
Austria	
Siemens Energy Austria GmbH	73.1%
Chinese Taipei	
Shihlin Electric & Engineering Corporation	11.7%
South Korea	
Hyundai Electric & Energy Systems Co., Ltd.	73.1%
IEN Hanchang Co., Ltd.	0.0%
ILJIN Electric Co., Ltd.	16.6%
All Other Exporters	73.1%

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 CBSA or refused to exercise that jurisdiction;
- (b) failed to observe a principle of natural justice, procedural fairness or other procedure that the CBSA 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 CBSA made in a perverse or capricious manner or without regard for the material before the CBSA;
- (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.