

Top 10 Mistakes Made By Exporters When Completing Antidumping Requests For Information

By Cyndee Todgham Cherniak on August 26th, 2015

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This top 10 mistakes blog article has been created with the assistance of Vincent Gaudreau, a former Canada Border Services Agency (CBSA) Officer in the Antidumping and Countervailing Directorate.

After the CBSA initiates an antidumping investigation, the CBSA issues an exporter request for information (RFI) that must be completed by the exporter of the goods (and if the exporter is not the manufacturer of the goods, the manufacturer of the goods must be provided with a copy of the RFI to complete and submit also). The CBSA sets a deadline that is between 30-35 days after the initiation of the antidumping investigation.

Top ten mistakes in responding to CBSA questionnaires are:

1. Waiting too long before hiring a Canadian antidumping specialist. A Canadian antidumping specialist knows why the CBSA is asking certain questions. Care must be taken in completing the RFI response. The goal in completing the RFI response is to receive a 0% dumping margin or the lowest possible normal value based on the information provided. Too many exporters do not understand why they are completing the RFI (other than to be able to sell into the Canadian market).
2. Waiting too long to get started. In most cases, the antidumping specialist is hired with only a week left before the filing deadline. I have been asked many times to request an extension of time. However, the CBSA refuses to grant extensions of time.
3. The exporter fails to dedicate company personnel and other resources to the investigation and the completion of the RFI. The completion of the RFI is a lot of work. It is necessary to dedicate a team, which includes senior people knowledgeable about domestic sales, knowledgeable about sales to Canada, knowledgeable about the financial accounting system, knowledgeable about taxes, and knowledgeable about production costs.
4. The non-confidential version of the RFI response and supporting documentation is prepared at the very end (instead of identifying confidential parts and documents as individual replies are prepared). As a result, highly confidential information is made public.
5. The exporter does not understand what goods are within the product scope and includes non-subject goods in the

response. This makes for more work. However, it takes a little time discussing the subject goods and possibly a communication with the CBSA to understand the product scope. If the CBSA provides a ruling that certain goods are not subject goods, that ruling may be useful at a later date. These questions should be resolved early.

6. The exporter provides domestic sales documentation, tax returns, financial statements and other documents written in the original language and fails to provide English translations. The CBSA instructions indicate that all RFIs must include a French or English translation (Canada's official languages).

7. The exporter does not take time to properly identify similar domestic goods. The exporter must complete information concerning sales of like goods in the domestic market. In many cases, there are no sales in the domestic market that are identical to the goods sold to Canada. In these circumstances, the exporter must select similar domestic goods. Which goods are selected can impact the normal value calculations.

8. Costs have not been broken down to specific product models for which the company wishes to receive normal values. Exporters often consolidate information rather than focusing the RFI response on specific models.

9. Sales and cost data in response do not reconcile with information on financial statements.

10. Overhead and other general costs are improperly allocated between subject and non-subject goods, export and domestic sales. As a result, the normal values are inflated. If this is done properly, normal values can be within a reasonable range to permit sales after an antidumping order is in place.

Tags: antidumping, Antidumping duty, CBSA, compliance, RFI

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