



The Canada Border Services Agency Initiates Line Pipe AD/CVD Case

By Cyndee Todgham Cherniak on August 31st, 2015

Posted in Antidumping, Trade Remedies



On August 28, 2015 the Canada Border Services Agency initiated an antidumping/countervailing case against certain carbon and alloy steel line pipe from China. The CBSA did not issue an email notification until 11:33AM on August 31st (I know because this is when I received my email).

This case partially relates to existing AD/CVD duties on piling pipe from China. Atlas Tube Canada has stated in their letter of support that “Atlas supports the complain because of information that large volumes of so-called Chinese line pipe, stenciled as API-5L, are entering Canada, but are actually being imported entirely for sale as piling pipe.”

The goods covered by the CBSA investigation are usually classified under the following Harmonized System classification numbers:

- 7304.19.00.11
- 7304.19.00.12
- 7304.19.00.21
- 7304.19.00.22
- 7305.11.00.11
- 7305.11.00.19
- 7305.12.00.11
- 7305.12.00.19
- 7305.19.00.11
- 7305.19.00.19
- 7306.19.00.10
- 7306.19.00.90

The Subject Goods are described as follows:

Carbon and alloy steel line pipe originating in or exported from the People’s Republic of China, welded or seamless, having an outside diameter from 2.375 inches (60.3 mm) up to and including 24 inches (609.6 mm), including line pipe meeting or supplied to meet any one or several of API 5L, CSA Z245.1, ISO 3183,

ASTM A333, ASTM A106, ASTM A53-B or their equivalents, in all grades, whether or not meeting specifications for other end uses (e.g. single-, dual-, or multiple-certified, for use in oil and gas, piling pipe, or other applications), and regardless of end finish (plain ends, beveled ends, threaded ends, or threaded and coupled ends), surface finish (coated or uncoated), wall thickness, or length, excluding galvanized line pipe and excluding stainless steel line pipe (containing 10.5 percent or more by weight of chromium), excluding goods covered by the Tribunal's finding in Inquiry No. NQ-2012-002.

For greater certainty, the product definition includes:

1. unfinished line pipe (including pipe that may or may not already be tested, inspected, and/or certified to line pipe specifications) originating in China and imported for use in the production or finishing of line pipe meeting final specifications, including outside diameter, grade, wall-thickness, length, end finish, or surface finish; and
2. non-prime and secondary pipes ("limited service products").

The key dates are as follows:

September 14, 2015 = All parties notify the Canadian International Trade Tribunal (CITT) if participating in preliminary injury inquiry

September 21, 2015 = Importer responses to CBSA's Request for Information due to the CBSA

September 23, 2015 (by noon) = Submissions by parties opposed to the complaint due to the CITT

September 30, 2015 (by noon) = Submissions by parties in support of a complaint due to the CITT

October 5, 2015 = Exporter and Government responses to CBSA's Request for Information due to the CBSA

October 27, 2015 = Preliminary Determination of Injury by the CITT

November 26, 2015 = Preliminary Determination of Dumping/Subsidy by the CBSA

January 11, 2016 = Closing of the CBSA Record date

January 18, 2016 = Submissions to the CBSA (all parties)

January 25, 2016 = Reply Submissions to the CBSA

February 22, 2016 = Likely start date of CITT hearing

February 24, 2016 = Final Determination of Dumping/Subsidy

This Blog/Web Site is made available by the lawyer or law firm publisher for educational purposes only as well as to give you general information and a general understanding of the law, not to provide specific legal advice. By using this blog site you understand that there is no attorney client relationship between you and the Blog/Web Site publisher. The Blog/Web Site should not be used as a substitute for competent legal advice from a licensed professional attorney in your state.

The postings on this Blog/Web Site should not be attributed to McMillan LLP or Mitchell Silberberg & Knupp LLP. Some of the articles are posted by law students, and readers should use caution when relying on any post of a law student.

Cyndee Todgham Cherniak
c/o LexSage Professional Corporation
The Gooderham "Flatiron" Building, 49 Wellington Street East, Suite 501
Toronto, Ontario
M5E 1C9
Phone: 416-307-4168
Fax: 416-760-8999

Susan Kohn Ross
c/o Mitchell Silberberg & Knupp LLP

11377 W. Olympic Boulevard
Los Angeles, California
90064
Phone: 310-312-3206
Fax: 310-231-8406

Copyright © 2016, Canada-U.S. Blog. All Rights Reserved. Strategy, design, marketing & support by LexBlog