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BY HAND

Mr. Mario Rodriguez Montero
Minister
Head of Trade and Investment
Representative Office of the Ministry of Economy
Embassy of the United Mexican States (Mexico)
45 O'Connor Street
Suites 1000 and 1030
Ottawa, Ontario
K1P 1A4

January 30, 2015

Dear Mr. Rodriguez Montero:

I am writing to inform you that, on January 30, 2015, the Canada Border Services Agency (CBSA) concluded a re-investigation, in accordance with the *Special Import Measures Act* (SIMA), respecting the normal values and export prices of certain copper tube originating in or exported from the Federative Republic of Brazil, the Hellenic Republic, the People's Republic of China (China), the Republic of Korea and the United Mexican States and the amounts of subsidy of certain copper tube from China.

The re-investigation is part of the ongoing enforcement of the injury finding issued on December 18, 2013, by the Canadian International Trade Tribunal.

For your information, I have enclosed a copy of the *Notice of Conclusion of Re-investigation*, which will be posted on the CBSA's Web site at: <http://www.cbsa-asfc.gc.ca/sima-lmsi/ri-re/menu-eng.html>.

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Should you have any questions pertaining to this re-investigation, please contact Mr. Ron McTiernan, Manager, Consumer Products Division, by telephone at 613-954-7271 or by e-mail at Ron.McTiernan@cbsa-asfc.gc.ca.

Yours truly,

A handwritten signature in blue ink, appearing to read 'B. Walker', with a horizontal line extending to the right.

Benjamin Walker
Director
Consumer Products Division
Trade and Anti-dumping Programs Directorate

Enclosure

Notice of Conclusion of Re-investigation

Certain Copper Tube

Ottawa, January 30, 2015

The Canada Border Services Agency (CBSA) has today concluded a re-investigation in accordance with the *Special Import Measures Act* (SIMA), of the normal values and export prices of certain copper tube originating in or exported from the Federative Republic of Brazil, the Hellenic Republic, the People's Republic of China (China), the Republic of Korea and the United Mexican States and the amounts of subsidy of certain copper tube from China.

The re-investigation was initiated on September 2, 2014, as part of the ongoing enforcement of the Canadian International Trade Tribunal's finding of material injury of December 18, 2013.

The subject goods are described as circular copper tube with an outer diameter of 0.2 inch to 4.25 inches (0.502 centimetre to 10.795 centimetres) excluding industrial and coated or insulated copper tube, originating in or exported from the Federative Republic of Brazil, the Hellenic Republic, the People's Republic of China, the Republic of Korea and the United Mexican States.

The subject goods are generally classified under the following 10-digit Harmonized System (HS) classification numbers:

7411.10.00.10
7411.10.00.20

The subject goods may also be classified under the following HS classification numbers:

7411.10.00.31
7411.10.00.39

At the initiation of the re-investigation, the CBSA sent Requests for Information (RFI) to importers, exporters and vendors, to solicit information on the costs and selling prices of subject and like goods as well as any subsidy programs that may be applicable to subject goods. The information was requested for purposes of updating the normal values, export prices and amounts of subsidy for subject goods imported into Canada.

A complete response to the CBSA's dumping exporter RFIs was submitted by Halcor Metal Works S.A. (Halcor) and Nungwon Metal Ind. Co., Ltd. (Nungwon). As a result, both Halcor and Nungwon have been provided with updated normal values applicable to subject goods released from the CBSA on or after January 30, 2015, and to entries of subject goods under appeal that have yet to be re-determined at the time of the conclusion of this re-investigation.

A response to the CBSA's dumping exporter RFI was also received from York International Corp. after the deadline of October 10, 2014. Upon review of the submission the CBSA determined that the submission was substantially incomplete. As such, the submission was not taken into consideration for purposes of this re-investigation.

All normal values and amounts of subsidy previously in place expire on January 30, 2015.

Other exporters either did not provide a response to the CBSA's RFI or provided an incomplete response. Accordingly, normal values for all other exporters will be determined pursuant to a ministerial specification based on the export price of the goods advanced by 82.4%. In the case of goods from China, amounts of subsidy for all exporters will be determined in accordance with a ministerial specification and is equal to 25,239 Chinese Renminbi per metric tonne. In addition, the information gathered during the re-investigation will be used to determine normal values of any entries of subject goods under appeal that have yet to be re-determined at the time of the conclusion of this re-investigation.

Case arguments, representations and reply submissions were received from counsel representing the Canadian producer and the cooperative exporters. The main focus of these representations involved product groupings, weight, copper costs, discounts and rebates. The information submitted in these case arguments, representations and reply submissions were given due consideration by the CBSA.

During the course of the re-investigation, the CBSA also received representations on behalf of the complainant and cooperative exporters regarding methodologies to update normal values for future shipments by way of a ministerial specification pursuant to section 29 of SIMA. The CBSA has carefully considered the various methodologies proposed; however, the CBSA will not be implementing any of the proposed methodologies recommended by the various parties as the normal values have been determined pursuant to section 15 or 19 of SIMA, thereby precluding the use of a ministerial specification.

Where a producer or exporter becomes aware that there have been substantial changes to domestic prices, market conditions or costs associated with production and sales of subject goods, the CBSA should be advised in order that normal values can be reviewed, and updated if required, to reflect current conditions. Similarly, the amount of export charges to be deducted from the export price may also need revision to reflect current conditions. Where changes have occurred and the CBSA has not been advised in a timely manner, the extent of these changes could warrant retroactive assessments of anti-dumping or countervailing duties.

Importers are reminded that it is their responsibility to calculate and declare their anti-dumping and countervailing duty liability. If importers are using the services of a customs broker to clear importations, the brokerage firm should be advised that the goods are subject to SIMA measures and be provided with sufficient information necessary to clear the shipments. In order to determine their anti-dumping and countervailing duty liability, importers should contact their suppliers who can provide information on normal values and amounts of subsidy. Under limited circumstances, the CBSA may make this information available to importers. Please refer to Memorandum D14-1-2, *Disclosure of Normal Values Export Prices, and Amounts of Subsidy established under the Special Import Measures Act to importers*, for more information.

The *Customs Act* applies, with any modifications that the circumstances require, with respect to the accounting and payment of anti-dumping and countervailing duties. As such, failure to pay duties within the prescribed time will result in the application of the interest provisions of the Act.

Should the importer disagree with the determination made on any importation of goods, a request for re-determination may be filed with the Director General, Trade and Anti-dumping Programs Directorate, 11th Floor, 100 Metcalfe St., Ottawa, Ontario, K1A 0L8. Such a request must be received within 90 days from the making of the determination, in the form and manner outlined in Memorandum D14-1-3, *Procedures for Making a Request for a Re-determination (an Appeal) of Goods under the Special Import Measures Act*.

Any questions concerning the above should be directed to:

SIMA Registry and Disclosure Unit
Trade and Anti-dumping Programs Directorate
Canada Border Services Agency
100 Metcalfe Street, 11th Floor
Ottawa, Ontario
K1A 0L8

Fax: 613-948-4844

General e-mail: simaregistry-depotlmsi@cbsa-asfc.gc.ca

Officers' names and contact information:

Nalong Manivong: 613-960-6096

Wayne Tian: 613-946-2574