

## **ANTI-DUMPING DUTIES ON IMPORTS FROM KOREA**

### **ISSUE**

Canada's Special Import Measures Act (SIMA) is designed to protect Canadian producers from injurious unfair trade competition (i.e., subsidized and/or dumped imports causing injury). The SIMA provisions reflect our international rights and obligations under the General Agreement on Tariff and Trade.

### **BACKGROUND**

Canadian producers who suspect that they are being injured by dumped or subsidized imports are entitled to register complaints with the Department of National Revenue, Customs and Excise. In the event a complaint is deemed to be valid and if it can be established, through investigation, that dumped or subsidized imports are injuring or threatening to injure Canadian production of the like goods, Canadian producers are entitled to protection by means of anti-dumping or countervailing duties.

The SIMA allows Canada to take full advantage of its GATT rights. At the same time, it is transparent and equitable. It sets out explicit time limits regarding various stages of provisions, it provides for public interest inquiries whereby the Canadian International Trade Tribunal (CITT) may report that the dumping or countervail duty in a particular case would not be in the public interest, and it allows exporters (or their governments) to avoid the imposition of duties by undertaking to eliminate the dumping or the subsidizing that is injurious to Canadian production. Finally, the SIMA contains sunset provisions that, subject to extension, limit the duration of undertakings to three years and Tribunal findings of injury to five years.

Pursuant to the procedures under the SIMA, Revenue Canada has 21 days from the receipt of a complaint to determine if it is properly documented (i.e., that it adequately addresses the questions of dumping/subsidization and consequent injury). If a complaint is deemed properly documented, Revenue Canada then has 30 days to decide whether or not to initiate an investigation. Within 90 days of initiation, a preliminary determination must normally be made where Revenue Canada