



Ottawa, July 14, 2005

CUSTOMS NOTICE 622

Garlic, Fresh or Frozen, From the People's Republic of China and Vietnam

1. This is to advise that a review of normal values was concluded on June 24, 2005, respecting garlic, fresh or frozen, originating in or exported from the People's Republic of China (China) and Vietnam.
2. The review was conducted as part of the Canada Border Services Agency's (CBSA) enforcement of the Canadian International Trade Tribunal's (Tribunal) order of March 20, 2002, which re-affirmed the finding of March 21, 1997, respecting imports of fresh garlic originating in or exported from China, imported into Canada from July 1 to December 31, inclusive, of each calendar year. The review also included imports subject to the Tribunal's finding of May 21, 2001, concerning fresh or frozen garlic originating in or exported from China and Vietnam not included in the first finding.
3. The subject goods are normally imported into Canada under the Harmonized System classification numbers 0703.20.00.00 and 0710.80.90.90.
4. At the time of the initiation of the review, exporters were advised that the normal values for future shipments of garlic would be determined in a manner specified by the Minister. In agricultural products, the selling prices and costs of production can vary substantially from season to season depending on growing conditions. In order to determine a representative normal value for future shipments of garlic, domestic sales and costing information for two crop years was requested from exporters.
5. The exporters who were contacted by the CBSA did not provide the information requested in the CBSA's Request for Information. The CBSA received unsolicited submissions from two garlic producers located in China. The information provided by these firms was not considered to be representative of either the Chinese or Vietnamese garlic industries.
6. As a result, the normal value that was in effect at the time of the initiation of the reinvestigation will remain in effect. The normal value is \$2.50/kg.

7. Importers are reminded that it is their responsibility to calculate and declare their anti-dumping 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 anti-dumping action and be provided with sufficient information necessary to clear the shipments.
8. The *Customs Act* applies, with any modifications that the circumstances require, with respect to the accounting and payment of anti-dumping duty. As such, failure to pay duties within the prescribed time will result in the application of the interest provisions of the Act.
9. 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, Anti-dumping and Countervailing Directorate, 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 of Goods Under the Special Import Measures Act*. In the case of goods exported from a NAFTA country, the NAFTA government or the producer, manufacturer, or exporter of the goods, may also file an appeal in accordance with the procedures outlined in Memorandum D14-1-3. Memorandum D14-1-3 is available on the CBSA Web site at www.cbsa.gc.ca/E/pub/CM/D14-1-3/README.html.
10. Any questions concerning the above should be directed to:

Canada Border Services Agency
Anti-dumping and Countervailing Directorate
100 Metcalfe Street, 11th floor
Ottawa ON K1A 0L8

Officer's name and contact information:

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