

MEMORANDUM D15-2-39

Ottawa, March 13, 2002

CERTAIN LEATHER FOOTWEAR WITH METAL TOE CAPS ORIGINATING IN OR EXPORTED FROM THE PEOPLE'S REPUBLIC OF CHINA

This Memorandum refers to the application of anti-dumping duty to importations of certain leather safety footwear originating in or exported from the People's Republic of China pursuant to section 3 of the *Special Import Measures Act* (SIMA), as a result of a finding of injury by the Canadian International Trade Tribunal.

GUIDELINES AND GENERAL INFORMATION

1. Certain leather safety footwear with metal toe caps, originating in or exported from the People's Republic of China, excluding waterproof footwear subject to the finding made by the Canadian International Trade Tribunal in Inquiry No. NQ-2000-004, is subject to anti-dumping duty.
2. Leather footwear with metal toe caps refers to footwear incorporating metal toe caps to protect the foot from falling objects. The upper, which is made of leather, is defined as that part of the shoe or boot above the sole. Where the upper is composed of more than one material, the classification is determined by the constituent material that has the greatest external surface area, excluding accessories and reinforcements such as eyelets and hooks.
3. The soles of safety footwear are made predominantly of plastic or rubber but may be made of other materials or combinations of materials. The scope of the safety footwear subject to this finding is unrestricted as to the materials of the sole.
4. The subject goods may be equipped with steel sole plates and/or other protective components in addition to metal toe caps.
5. The following goods are excluded from the finding:
 - (a) athletic style and hiking style leather safety shoes of cement construction. For greater clarity, shoes are defined as footwear worn below the ankle, and cement construction refers to a process where the outsole is cemented to the bottom of a lasted upper; and
 - (b) leather boots with metal toe caps and rubber outsoles, for use in motorcycle riding, incorporating zippers or buckles and a commonly recognized motorcycle brand name affixed permanently.
6. The dates of the proceedings in this matter are:

Action	Date
Initiation of Investigation	June 15, 2001
Preliminary Determination	August 29, 2001
Final Determination	November 27, 2001
Tribunal's Finding	December 27, 2001

7. The goods are properly classified in the Harmonized System under the following ten-digit classification numbers:

6403.40.00.10 Other footwear incorporating a protective metal toe cap with bottoms of rubber or plastic and shafts of leather covering the ankle

6403.40.00.20 Other footwear incorporating a protective metal toe cap, other, covering the ankle

6403.40.00.90 Other footwear incorporating a protective metal toe cap, other (shoes)

8. The liability for duty results from proceedings conducted under SIMA and from the finding of the Canadian International Trade Tribunal.

9. The amount of anti-dumping duty payable is equal to 39.4% of the FOB selling price of the subject goods to the importer in Canada.

REFERENCES

ISSUING OFFICE –

Anti-dumping and Countervailing Directorate

LEGISLATIVE REFERENCES –

Special Import Measures Act, section 3

HEADQUARTERS FILE –

4261-124

SUPERSEDED MEMORANDA “D” –

N/A

OTHER REFERENCES –

N/A

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This Memorandum is issued under the authority of the Commissioner of Customs and Revenue.