



Ottawa, June 20, 2006

# CUSTOMS NOTICE 644

## **Waterproof Rubber Footwear From the People's Republic of China & Waterproof Footwear and Bottoms Made of Plastic or Rubber From the People's Republic of China**

1. This notice is to advise that on May 30, 2006, the Canada Border Services Agency (CBSA) initiated a re-investigation into the normal values and export prices of certain waterproof rubber footwear and certain waterproof footwear and bottoms made of plastic or rubber from the People's Republic of China.
2. The re-investigation is part of the CBSA's enforcement of the Canadian International Trade Tribunal's order of October 18, 2002, on waterproof rubber footwear and that of December 7, 2005, on waterproof footwear and bottoms made of plastic or rubber.
3. Further information on goods that are subject to this re-investigation and goods that are specifically excluded from this re-investigation can be found in the appendix.
4. For exporters that cooperate with the CBSA in this re-investigation, the normal values established will be effective for the subject goods released from the CBSA on or after November 21, 2006, or the date of the ruling letter to the exporter, whichever occurs first.
5. Normal values currently in place will expire on that date. An exporter will be considered cooperative if a complete response to the CBSA's Request for Information is submitted on time and the exporter permits verification of his or her data.
6. Where an exporter either does not provide sufficient information to determine normal values or does not permit verification of information submitted, normal values will be determined according to a ministerial specification, which is currently calculated by advancing the export price of the goods by 74% for waterproof rubber footwear and 49% for waterproof footwear and bottoms made of plastic or rubber.

7. Importers are cautioned that new normal values, when issued, may be higher than those currently in effect and that this could result in additional assessments of anti-dumping duty. Further, importers are cautioned that unless an exporter cooperates in this re-investigation and receives normal values at its conclusion, normal values for subsequent shipments of subject goods will be established by advancing the export price in the manner described above.

8. In addition, in cases where changes occur in domestic prices, market conditions or costs associated with production and sales of the subject goods, the concerned parties are responsible for informing the CBSA of such changes in writing and in a timely manner. If the concerned parties do not or did not properly notify the CBSA of substantial changes, or if they do not provide the information required to make any necessary adjustments to values, retroactive assessments of anti-dumping duty may be warranted. In addition, the normal values determined on the basis of the re-investigation will be applied to any entries of subject goods under appeal that have yet to be re-determined at the time of the conclusion of this re-investigation.

9. Notice of the completion of this re-investigation will be published in a customs notice. Any questions concerning the above should be directed to the following:

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

Facsimile: (613) 948-4844  
Email: [simaregistry@cbsa-asfc.gc.ca](mailto:simaregistry@cbsa-asfc.gc.ca)  
Web site: [www.cbsa.gc.ca/sima](http://www.cbsa.gc.ca/sima)

### **Case Officers**

Richard Chung (613) 954-7253  
Robert Cousineau (613) 954-7183

## APPENDIX

**Waterproof Rubber Footwear  
(Tribunal Order – October 18, 2002)**

The subject waterproof rubber footwear is defined as the following:

“Waterproof rubber footwear constructed wholly or in part of rubber, including thermoplastic rubber (TPR), worn over the foot or shoe, with or without liners, linings, fasteners or safety features originating in or exported from the People’s Republic of China.”

The subject waterproof rubber footwear includes the following:

- **low rubbers** of light or heavy construction that may have such features as nylon vamp, net lining and stretchable rubber;
- **overshoes** of 6 to 10 inches in height, which may include such design features as zippered fronts, straps, buckles, nylon tops, fleece or net lining; and
- **all-rubber boots** worn over the foot and constructed to various heights, such as red-sole rubber boots, city boots, rain boots, hunting and fishing boots, and hip and chest waders.

The subject waterproof rubber footwear excludes the following:

- waterproof footwear made of polyvinyl chloride;
- snowmobile boots;
- rubber-bottom, leather-top boots;
- all-rubber riding boots for equestrian purposes;
- steel-studded, over-the-shoe rubbers; and
- “safety footwear” defined as footwear that meets safety standards established by the Canadian Standards Association.

**Note:** The foregoing excluded products are subject to the order on waterproof footwear and bottoms of plastic or rubber detailed in this appendix, with the exception of the steel-studded, over-the-shoe rubbers that are excluded from this re-investigation.

**Waterproof footwear and bottoms made of plastic or rubber  
(Tribunal Order – December 7, 2005)**

The subject waterproof footwear and bottoms made of plastic or rubber are defined as the following:

“Waterproof footwear and bottoms of plastic or rubber, including moulded clogs, originating in or exported from the People’s Republic of China, excluding ski-boots, skating boots and all footwear subject to the order made in the Canadian International Trade Tribunal Review No. RR-97-001, excluding:

- fully waterproof polyvinyl chloride injection-moulded footwear consisting of a one-piece construction where the entire surface, other than the sole portion, is coated with an adhesive and flocked with small particles of suede, suede dust or suede powder, whether or not trimmed with other materials and however fastened; and
- women’s waterproof footwear consisting of a polyvinyl chloride or polyurethane injection-moulded sole of non-boat-like construction and a polyurethane or nylon upper that is treated and affixed to the sole in a manner that makes the boot fully waterproof, whether or not trimmed with other materials and however fastened.”

