



Ottawa, August 10, 2006

# CUSTOMS NOTICE 647

## Certain Stainless Steel Wire

1. This notice is to advise that the Canada Border Services Agency (CBSA) has concluded its re-investigation of the normal values, export prices and amounts of subsidy of certain stainless steel wire originating in or exported from the Republic of Korea, Switzerland and the United States of America (dumping) and certain stainless steel wire originating in or exported from India (subsidizing) pursuant to the *Special Import Measures Act* (SIMA).
2. This re-investigation is part of the CBSA's enforcement of the finding made by the Canadian International Trade Tribunal (Tribunal) on July 30, 2004.
3. The goods that are subject to the Tribunal's finding are defined and further described in the Appendix. The ten-digit Harmonized System classification numbers under which the goods are properly classified are also provided.
4. It should be noted that stainless steel belting wire used in the production of conveyor belts and stainless steel wire line used in the oil and gas industry are subject to an anti-dumping duty remission order. Remission is granted for anti-dumping duty paid or payable in excess of 35% of the export price of these two stainless steel wire products.
5. Remission is granted on the following conditions:
  - (a) A claim for remission is made by the importer to the Minister of Public Safety and Emergency Preparedness within two years after the day on which the stainless steel round wire products were accounted for under section 32 of the *Customs Act*;
  - (b) On request by the CBSA, the importer files the required evidence with the CBSA in order to determine eligibility for the remission;
  - (c) The importer agrees that he or she will be subject to an audit by the CBSA at any time, including after the remission, for the purpose of verifying whether (i) the information supplied by the importer under paragraph (a) or (b) is accurate and complete and (ii) whether the facts on which the CBSA relied or intends to rely, as applicable, to determine eligibility for remission remain unchanged in all material respects; and
  - (d) At the time when the CBSA elects to conduct the audit referred to in paragraph (c), the CBSA is able to conclude that the information supplied remains accurate and complete and that the facts remain unchanged in all material respects.

6. For exporters that cooperated with the CBSA in this re-investigation, the normal values and amounts of subsidy established will be effective for the subject goods released from the CBSA on or after June 27, 2006. Normal values and amounts of subsidy currently in place will expire on that date. An exporter was considered cooperative if a complete response to the CBSA's Request for Information was submitted on time and the exporter permitted verification of his or her data.

7. Where an exporter did not provide sufficient information to determine normal values, normal values will be determined in accordance with a ministerial specification that is calculated by advancing the export price of the goods by 181%.

8. Similarly, for exporters of subject goods originating in India who did not provide sufficient information to determine amounts of subsidy, the applicable amount of subsidy will be determined in accordance with a ministerial specification and is equivalent to 13,857 rupees per metric tonne.

9. Four exporters in India and two exporters in the United States responded to the CBSA's Request for Information. A response was also received from the Government of India.

10. Normal values or amounts of subsidy for future shipments of subject goods exported by the following cooperative exporters have been determined under the normal provisions of SIMA, based on the most recent period for which exporter data was available.

### Amounts of subsidy – India

Exporter	Amount of subsidy (rupees per metric tonne)
Macro Bars and Wires	5,487
Nevatia Steel and Alloys	6,917
Venus Wire Industries Ltd.	2,447
VSL Wires Ltd.	195

### Normal values/export prices – United States

Techalloy Company Inc.  
Euroweld Ltd.

11. 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, 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 as would, in the case of goods exported from India, amounts of subsidy. 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 and/or countervailing duty.

12. 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 anti-dumping and/or countervailing measures and be provided with sufficient information necessary to clear the shipments. In order to determine their anti-dumping liability, importers should contact their suppliers who can provide information on normal values. Under limited circumstances, the CBSA may make this information available to importers. Please refer to Memorandum D14-1-2, *Disclosure of Normal Value and Export Price Established Under the Special Import Measures Act to Importers*, for more information.

13. 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.

14. 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 Program, Ottawa, ON 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 or an Appeal of Goods Under the Special Import Measures Act*.

15. Any questions concerning this notice should be directed to the following:

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

Facsimile: 613-948-4844

#### Officers

Pat Mulligan  
Telephone: 613-952-6720  
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Telephone: 613-954-0689  
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Web site: [www.cbsa.gc.ca/sima](http://www.cbsa.gc.ca/sima)

## APPENDIX

### Product Definition and Description

1. Subject goods are as follows:

Cold drawn and annealed stainless steel round wire, up to and including 0.300 inches (7.62 mm) in maximum solid cross-sectional dimension, originating in or exported from India, the Republic of Korea, Switzerland and the United States of America.

Stainless steel is defined as alloy steel containing, by weight, 1.2% or less of carbon and 10.5% or more of chromium, with or without other elements.

2. The following products were excluded by the Tribunal in its findings of July 30, 2004, and therefore are **not** subject goods:

- (a) Nickel-coated stainless steel wire.
- (b) Copper-coated stainless steel wire.
- (c) Stainless steel wire for use in the manufacture of springs, per ASTM A313, matte finish, lubricant coated (all types), in all grades and in all diameters.
- (d) Stainless steel wire in diameters of 0.032 inches (0.813 mm) and smaller.
- (e) Stainless steel lashing wire.
- (f) Type 27-7MO (trade name) stainless steel wire, also identified as UNS S31277, or equivalent.
- (g) Types 302 and 430 stainless steel cold-heading wire for use in the manufacture of semi-tubular solid rivets.
- (h) Types 308LHS, 309LHS, 387, 409CB and 430LCB stainless steel welding wire packaged in fibre-drum bulk packs, drum packs or barrel packs, known as "Tech Paks" or equivalent, in sizes of 250 lbs. (113.4 kg) or greater, for use in long-run welding applications.
- (i) Type 439 titanium stabilized, solid stainless steel welding wire packaged in 500 lb. (226.8 kg) drums.
- (j) Type A-286 stainless steel cold-heading wire, also identified as AISI No. 660, UNS K66286 DIN-1.4980, with the following composition: 0.08% max. carbon, 2.00% max. manganese, 1.00% max. silicon, 0.025% max. phosphorous, 0.025% max. sulfur, 13.50/16.00% chromium, 24.00/27.00% nickel, 1.00/1.50% molybdenum, 0.50% max. copper, 1.00% max. cobalt, 0.35% max. aluminum, 1.90/2.35% max. titanium, 0.10/0.50% vanadium and 0.003/0.010% boron.
- (k) Type A286/A286SF stainless steel cold-heading wire.
- (l) Type XM-19 stainless steel wire, also identified as UNS S20910.

The subject goods are properly classified under the following Harmonized System classification numbers:

7223.00.11.00  
7223.00.19.00  
7223.00.20.00

### Additional Product Information

#### Annealing

All stainless steel round wire that has undergone an annealing operation at any time is subject.

**Round wire**

Only round stainless steel wire is subject. If the wire is any other shape (i.e. flattened, square, triangle, etc.), it is not subject.

**Cored wire**

Only **solid** stainless steel wire is subject. Cored or hollow wire is not subject. Cored stainless steel wire is typically filled with a flux and is used as welding wire.

**Stranded wire/braided wire**

Stranded wire and braided wire are made from a number of single wires twisted together. Both stranded wire and braided wire are not subject.

**Wire vs. rod**

Wire is produced by taking a rod or a wire rod and cold drawing it through one or more dies until the desired size and shape is achieved. The wire produced in this manner remains wire even if it is cut to length later, such as the case with TIG welding wire, which is sometimes referred to as "TIG rod."

Rod is often called wire rod because it is commonly further processed into wire. The important difference between rod (or wire rod) and wire is that wire has been cold drawn while rod has only been hot-rolled. Therefore, true rod or wire rod is not subject but welding wire in TIG form (even if identified as TIG rod) is subject.

**Length**

The product definition does not specify length. Therefore, all stainless steel round wire, regardless of length, is subject.

**Electrodes**

Electrodes that are flux-coated, cut, tipped and packaged are considered goods further manufactured from wire and are not subject. However, bare MIG and SAW welding wire, although functioning as both filler material and electrode in the welding process, are subject wire.

