



Ottawa, December 13, 2006

CUSTOMS NOTICE 661

Waterproof Rubber Footwear From the People's Republic of China and Waterproof Footwear and Bottoms of Plastic or Rubber From the People's Republic of China

1. This notice is to advise that, on November 21, 2006, the Canada Border Services Agency (CBSA) concluded its re-investigation of 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 in accordance with the *Special Import Measures Act* (SIMA).

2. The re-investigation is part of the CBSA enforcement of the Canadian International Trade Tribunal's orders of October 18, 2002, with respect to waterproof rubber footwear, and December 7, 2005, with respect to waterproof footwear and bottoms made of plastic or rubber.

3. The goods subject to the Tribunal's orders are defined and further described in the attached Appendix. Also included is a listing of the 10-digit Harmonized System classification numbers under which the goods are normally classified.

4. For exporters that cooperated with the CBSA in this re-investigation, the normal values will be effective for the subject goods released from the CBSA on or after November 21, 2006. Normal values currently in place will expire on that date. An exporter was considered cooperative if a complete response to the CBSA's Request for Information (RFI) was submitted on time and the exporter permitted verification of this data.

5. Four exporters provided complete responses to the CBSA's dumping RFI. In the course of the re-investigation, verification visits were conducted at the premises of three Chinese manufacturers.

6. Normal values for future shipments of subject goods exported by the following cooperative Chinese exporters have been determined using a cost-plus methodology in accordance with a ministerial specification, based on the most recent period for which information was available:

Normal Values – People's Republic of China

- Fuzhou Light Industry Import and Export Co. Ltd.
- Mudanjiang Baiyue Shoe-making Co. Ltd.
- Suzhou New World Rubber Inc.

7. Normal values for future shipments of subject goods exported by the following cooperative U.S. exporter has been determined under the domestic selling price provisions of the Special Import Measures Act (SIMA), based on the most recent period for which information was available:

Normal Values–United States

- Co-operative Feed Dealers, Inc.

8. 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 conclusion of the re-investigation.

9. Where an exporter did not provide complete information, normal values will be determined in accordance with 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.

10. 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 to be revised to reflect current conditions. 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 duty.

11. Importers are reminded that it is their responsibility to calculate and declare their anti-dumping 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 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*, for more information.

12. The *Customs Act* applies, with any modifications that the circumstances require, with respect to the accounting and payment of anti-dumping duties. Failure to pay duties within the prescribed time will result in the application of the interest provisions of the Act.

13. 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 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 (an Appeal) of Goods Under the Special Import Measures Act*.

14. As a general guideline, Waterproof Rubber Footwear is normally classified in the Harmonized System under the following 10-digit classification numbers:

6401.10.19.00, 6401.91.19.00 *, 6401.92.91.10,
6401.92.91.90, 6404.19.90.91, 6404.19.90.92,
6404.19.90.93

* On January 1, 2007 this classification number will change to 6401.99.19.00.

15. As a general guideline, Waterproof Footwear and Bottoms of Plastic or Rubber are normally classified in the Harmonized System under the following 10-digit classification numbers:

6401.10.19.00, 6401.10.20.00, 6401.91.20.00,
6401.92.11.00, 6401.92.12.00, 6401.92.92.90,
6401.99.21.00, 6401.99.29.00, 6401.99.30.10,
6401.99.30.90, 6402.19.90.90, 6402.91.00.91,
6402.91.00.92, 6402.91.00.93, 6403.19.90.90,
6403.40.00.10, 6403.91.00.10, 6403.91.00.91,
6403.91.00.92, 6403.91.00.93, 6404.11.99.90,
6404.19.90.20, 6404.19.90.91, 6404.19.90.92,
6404.19.90.93

On January 1, 2007, the following classification number changes will occur:

6401.91.20.00 to 6401.99.20.00
6401.99.21.00 to 6401.99.12.00
6401.99.29.00 to 6401.99.19.00
6401.99.30.10 to 6401.99.20.00
6401.99.30.90 to 6401.99.20.00
6402.91.00.91 to 6402.91.90.91
6402.91.00.92 to 6402.91.90.92
6402.91.00.93 to 6402.91.90.93

16. Any questions concerning the above should be directed to:

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

Facsimile: 613-948-4844

Officers:

R.D. Cousineau
Telephone: 613-954-7183
Robert.Cousineau@cbsa-asfc.gc.ca

or Richard Chung
Telephone: 613-954-7253
Richard.Chung@cbsa-asfc.gc.ca

Web site: www.cbsa.gc.ca/sima

APPENDIX

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

The subject waterproof rubber footwear is defined as:

“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 waterproof rubber footwear includes the following:

- **low rubbers** of light or heavy construction which may have such features as nylon vamp, net lining and stretchable rubber;
- **overshoes** 6 to 10 in. 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 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, which are excluded from this re-investigation.

**Waterproof Footwear and Bottoms of Plastic or Rubber
(Tribunal Order – December 7, 2005)**

The subject waterproof footwear and bottoms 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 (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.”

