

# THE TRADE CONNECTION

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## Export Certificates of Origin

**T**he Department of Foreign Affairs and International Trade Canada (DFAIT) has announced a new service for exporters that allows them to get Certificates of Origin for goods to be exported through a new online service that is quick and easy. The Canadian Chamber of Commerce and member Chambers have partnered with TradeCert to provide the online service that only requires internet access and a colour printer. The benefits of electronic certification include ease of access, speedy turnaround time, reduced travel time and reduced courier costs. Canadian exporters will now have the ability to print approved, signed and sealed copies of the certificates from anywhere in the world.

See the following web page for additional information:

<http://www.international.gc.ca/canadexport/articles/91222b.aspx>.



### Trade Tips

#### **10 Reasons Trade Compliance Programs Are Not Necessary (series)**

##### **Reason #2:**

*Classification is easy. Anyone can do it – just pick the lowest duty rate and let Customs tell us if we're wrong. Until Customs catches you and sends you a bill for the duty (plus interest) for all entries made over the last five years. And don't forget the penalty that's sure to follow.*

##### **Reason #3:**

*Shipments to and from the USA and Mexico are not really imports/exports. Tell that to CBSA. The US and Mexico may be some of our biggest trading partners, but they have their own customs services to deal with. And, oh yeah, those folks at DFAIT may require an export license.*

## U.S. Customs Rulings

**A** new informed compliance publication of U.S. Customs and Border Protection is called "U.S. Customs and Border Protection Rulings Program". The publication describes what a ruling is, who can request a prospective ruling, what part of CBP issues prospective rulings, how to request a ruling and where to request if from, and what information should be included in a ruling. Having an advance ruling provides importers and exporters with more certainty when shipping good as they will know in advance how the goods will be treated with respect to tariff classification, value for duty, free trade agreements and other issues applying to the movement of goods across the border. Also, information is provided to give details of how the holder of a ruling can request it be amended and how to deal with various situations related to the application of rulings. The new publication can be found at the following web page:

[http://www.cbp.gov/linkhandler/cgov/trade/legal/informed\\_compliance\\_pubs/cbp\\_rulings\\_program.ctt/cbp\\_rulings\\_prog.pdf](http://www.cbp.gov/linkhandler/cgov/trade/legal/informed_compliance_pubs/cbp_rulings_program.ctt/cbp_rulings_prog.pdf).

### ***Dolls, Plush Toys and Soft Toys***

Health Canada has issued a notice regarding the safety requirements for imports of dolls, plush toys and soft toys with eye and nose attachments, including new or used toys. Any attached eyes or nose, the greatest dimension of which is 32 mm (1 ½ inches) or less, and that are not of felt or soft textile materials, must meet the requirements of the Hazardous Products (Toys) Regulations. The requirements are that the eyes and nose must be attached in such a manner that the eyes or nose cannot be gripped by a three-pronged hook referred to in the Regulations or when tested in accordance with the Regulations the eyes or nose does not become detached. Health Canada conducts surveillance and testing activities that can result in product recalls. Additional details can be found in the Health Canada notice at the following web address: <http://www.hc-sc.gc.ca/cps-spc/advisories-avis/info-ind/requirements-conditions-eng.php>.

### ***Federal Court of Appeal Decision on Pickles***

The Federal Court of Appeal upheld a decision of the Canadian International Trade Tribunal concerning the tariff classification of pickled cucumbers with garlic and dill. The Tribunal had classified the product as “cucumbers and gherkins” under subheading 2001.10. The importer had requested

classification in 2001.90 as “other”. The importer contended that the addition of garlic and dill transformed the goods into other vegetables preserved by vinegar or acetic acid. At the Federal Court of Appeal hearing it was up to the appellant/importer to demonstrate the Tribunal’s finding was unreasonable, falling outside the range of possible acceptable outcomes according to the facts. The Federal Court of Appeal found that the appellant was not able to demonstrate this and therefore the Tribunal’s finding stands.

### ***Sugar Anti-dumping and Countervail***

The Canada International Trade Tribunal has announced the scheduled expiry of its findings in regards to the dumping of refined sugar, refined from sugar cane or sugar beets, in granulated, liquid and powdered form, originating in or exported from the United States of America, Denmark, the Federal Republic of Germany, the Netherlands and the United Kingdom, and the subsidizing of refined sugar, refined from sugar cane or sugar beets, in granulated, liquid and powdered form, originating in or exported from the European Union. The expiry is scheduled for November 1, 2010. Any firm, organization, person or government, or counsel representing interested parties, must file notices of participation and/or representation by January 13, 2010. Written briefs providing details as to why the findings should or should not be continued are due by January 18, 2010. The

Tribunal’s notice at the following web link provides further information

[http://www.citt.gc.ca/dumping/expiries/notices/1e2j003\\_e.asp](http://www.citt.gc.ca/dumping/expiries/notices/1e2j003_e.asp).

Contact Tracon with questions or for assistance with participation.

### ***Tariff Classification of Plastic Jackets***

The Federal Court of Appeal has upheld a decision of the Canadian International Trade Tribunal regarding the tariff classification of Helly Hansen jackets. Helly Hansen argued the goods should be classified in 3926.20 as other articles of apparel of plastics. The CITT agreed with the CBSA classification in 6210.30 as other garments made up of fabrics. The jackets consisted of plastic laminated with fabric.

### ***Canadian Automated Export Declaration***

The CBSA has announced the release of the 2010 version of the Canadian Automated Export Declaration. The 2009 version will expire on January 31, 2010. The CBSA notice describes modifications to the “Currency of Declared Value” field and compatibility with various operating systems. See the notice at the following web page: <http://www.cbsa-asfc.gc.ca/publications/cn-ad/cn09-023-eng.html>

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