

THE TRADE CONNECTION

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Tariff Classification of Bluetooth Products

The Canada Border Services Agency has issued Memorandum D10-14-57, Tariff Classification of Certain Articles Using Bluetooth Technology. The D-Memo describes what Bluetooth technology is and its uses. It is a wireless communications protocol primarily designed to replace cables that connect devices. It enables devices to communicate with each other. Examples of Bluetooth enabled devices are adapters for Bluetooth, audio speakers, headsets, cameras, GPS terminals, personal computers, telephones, and video games. Bluetooth adapters are classified in 8517.62.00 as machines for the reception, conversion and transmission or regeneration of voice, images or other data, including switching and routing apparatus. The D-Memo give various examples of Bluetooth devices and their potential classifications, for example: a Bluetooth enabled headset with microphone falls in 8517.12; (continued on page 2)



Trade Tips

*The Canadian International Trade Tribunal has decided it will not initiate a public interest inquiry regarding dumping duties on **aluminum extrusions** from China. The Tribunal found there are no grounds to consider that the imposition of the dumping duties would not or might not be in the public interest. Of note: Australia has just commenced anti-dumping action against the same extrusions from China.*

*The **Canada-Peru Free Trade Agreement** has been adopted by Parliament and has received Royal Assent. The implementing legislation once passed and receiving Royal Assent will give the government of Canada the authority to implement the agreement. Implementation will be at a date agreed to between the Canadian and Peru governments.*

Federal Court on B2 Reject Notification

A case before the Federal Court was won by an importer, C.B. Powell Ltd., who was denied the ability to appeal a DAS to the CITT for tariff treatment when the DAS referred only to redetermination of tariff classification. The redetermination of tariff classification meant the goods would be dutiable under the MFN tariff, however they were not dutiable under the UST. However, the time limit for claiming the tariff treatment refund has passed. The DAS for tariff classification was the result of a verification audit conducted by the CBSA. The audit was to review both tariff classification and tariff treatment, however since the CBSA agreed with the tariff treatment used it did not make a determination regarding tariff treatment. When the importer filed the B2 then they were given a B2 reject notification as it was beyond the time limits for such refunds. The Federal Court decided the B2 reject notification was a negative decision that would allow the importer to appeal to the CITT.

Canadian Wood Packaging Entering Australia

The Canadian Food Inspection Agency has issued a notice regarding revised import requirements for wood packaging material entering Australia. The Australian Quarantine Inspection Service (AQIS) has posted new import requirements to become effective August 1, 2009. In summary, the new Australian requirements specify that Canadian wood packaging: if constructed from wood, is bark free (without any bark) is treated and marked in accordance with ISPM No. 15 (i.e. as per the conditions of directive [D-01-05](#), Canadian Wood Packaging Certification Program); or, if constructed from plywood or veneer, is produced within three months of export; and, all wood packaging must be accompanied by a written declaration verifying that the wood packaging complies with the import requirements. The CFIA has requested that AQIS reconsider the new requirements in keeping with the recently adopted ISPM No. 15 international wood packaging requirements. The following link provides specific details from AQIS:

<http://www.daff.gov.au/aqis/import/cargo/aspects-procedures>

EU and US Launch WTO Case Against China

China's export restrictions are the target of a case launched at the WTO by the EU and U.S. The

case involves Chinese export quotas, export duties and other export restraints on nine materials: bauxite, coke, fluorspar, magnesium, manganese, silicon metal, silicon carbide, yellow phosphorus and zinc. These materials are critical to the steel, aluminum and chemical sectors. It is contended that China's use of these export restrictions is contrary to the commitments China made when it ascended to the WTO and the maintenance of the restrictions keeps the prices of the materials artificially low in China and raises the costs elsewhere resulting in an unfair advantage for Chinese producers. China's position is that the export restrictions are needed to ensure pollution controls and the sustainability of its natural resources.

Tariff Classification of Bluetooth Products (continued from page 1)

Bluetooth enabled printers in 84.43; Bluetooth enabled automatic data processing machines in 84.71; Bluetooth enabled keyboards, mice and similar input units in 8471.60; Bluetooth enabled hard drives and other storage devices in 8471.70. The complete Memorandum can be found at the following link: <http://www.cbsa-asfc.gc.ca/publications/dm-md/d10/d10-14-57-eng.pdf>

Woollen Fabrics Originating in Commonwealth Countries

The Canada Border Services Agency has issued notice that the total duty leviable on woven fabrics provided for in tariff items 5111.11.90, 5111.20.91, 5111.30.18, 5111.30.91, 5111.90.91, 5112.11.90, 5112.19.94, 5112.20.91, 5112.30.91, 5112.90.91 and 5803.00.29, and imported into Canada during the period commencing on July 1, 2009, and ending on June 30, 2010, shall not be in excess of \$2.24 per kilogram for imports from eligible Commonwealth countries; and \$4.10 per kilogram under the Most-Favoured-Nation Tariff.

Certain Carbon and Stainless Steel Fasteners from China

The Canada Border Services Agency has concluded a reinvestigation of normal values concerning carbon and stainless steel fasteners originating in or exported from China and Chinese Taipei. The list of exporters with normal values has been revised. The normal values for the following exporter will no longer be valid for goods released as of June 29, 2009: Jau Yeou Industry Co., Ltd., of Chinese Taipei.