

## INTERNATIONAL TRADE

### GYPSUM INDUSTRY HIT WITH NEW CANADIAN DUTY CASE

by Brenda C. Swick

On June 8, 2016 the Canada Border Services Agency (CBSA) [initiated an anti-dumping investigation against gypsum board](#) originating in or exported from the USA into Canada. The case was filed by Gypsum Canada Inc. of Mississauga.

Gypsum board is the primary building material for wall, ceiling, and partition systems in residential, institutional, and commercial construction.

This investigation could adversely affect importers, manufacturers, exporters, distributors, retailers and end-user customers of gypsum board which has been manufactured in or exported from the US. In prior cases, Canada has imposed anti-dumping duties of over 50 percent on gypsum board imported into Canada.

Dickinson Wright's team of experienced trade lawyers are available to assist those companies affected by this investigation.

#### Next Steps in Canadian Investigation

As in the US, Canadian anti-dumping investigations are a two-stage process.

The CBSA is responsible for determining the margin of dumping and amount of dumping duties payable on importations into Canada. The Canadian International Trade Tribunal (CITT) is responsible for determining whether the dumped imports are causing injury to the Canadian industry. If the CBSA makes a dumping determination and the CITT finds that such dumping is causing material injury to the Canadian industry, then anti-dumping duties will be applied to all shipments of gypsum board for the next five years. It is therefore critical that companies act now to protect their interests throughout the investigation process.

The upcoming key dates in this investigation are as follows:

- June 29, 2016: Importers must respond to the questionnaires issued by CBSA
- July 5, 2016: Exporters must respond to the questionnaires issue by CBSA
- July 6, 2016: Submissions by parties opposed to a preliminary

injury finding (usually importers, exporters, foreign producers and Canadian end users) are due with the CITT

- September 6, 2016: CBSA will issue its preliminary dumping determination of dumping
- September 7, 2016: CITT will initiate its injury inquiry
- December 5, 2016: CBSA will issue its final determination of dumping
- January 5, 2017: CITT will issue its final determination of injury

In the event of an affirmative injury determination, anti-dumping duties will be applied on imports of gypsum for five years until January 5, 2022.

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