

mcmillan

The background of the slide features a complex financial chart. It includes a candlestick chart with blue and orange bars, overlaid with various trend lines in red, blue, and white. A prominent white arrow points downwards from the top left, and another points upwards from the bottom left. A numerical value '187.12' is displayed in orange. The overall aesthetic is professional and data-driven, with a color palette of blues, oranges, and whites.

Introducing Our International Trade Group



McMillan International Trade Group

International trade is in the spotlight once again. While free trade agreements generally discourage imposing tariffs on foreign goods, these agreements include an exception allowing countries to impose duties on “unfair” trade when products are dumped at low prices or subsidized by foreign governments.

The number of new unfair trade investigations has been increasing steadily in Canada since 2017. By the end of 2020, Canada had initiated a near-record number of new cases. Canada has also enacted new rules around customs, brokering, imports, exports and sanctions, which affect how Canadian and international companies can do business.

Whether you are a Canadian manufacturer who is looking to level the playing field, or an importer or foreign exporter trying to serve your Canadian customers, the McMillan International Trade Group can help you.

This guide describes our extensive experience in this area and outlines some of the services we offer.

The McMillan Advantage

We are the go-to market leader for all aspects of trade law in Canada. We represent Canadian firms who face unfair trade practices from non-Canadian exporters.

We defend exporters and importers who supply Canadian companies and consumers with competitively priced goods. We work with companies looking

“McMillan has an impressive record in trade remedy cases and also has noted expertise in customs issues, economic sanctions and anti-corruption matters”

- *The Legal500* (Nov. 2019)

to expand their operations in Canada to develop a market entry plan that addresses Canada’s unique regulatory environment. Our team also represents provincial, national and multinational organizations in international trade tribunals.

Governments also put their trust in McMillan. They seek our assistance with complex legal issues that require an understanding of political sensitivities and the need for a combination of strategic thinking and tactical excellence.

We continue to play an integral part in advising governments in drafting their anti-dumping, countervailing duty and safeguard policies as part of their application to the World Trade Organization (WTO).

Why Trust Us

We are highly ranked, top performers who combine exceptional legal skill with practical business acumen in an environment that fosters collaboration. Our entrepreneurial mindset, agile approach and competitive rates allow us to deliver exceptional value for our clients. For a small investment in legal spend, we can deliver exceptional value for your business.

Our lawyers are part of an integrated team that includes members of our elite Competition & Antitrust Group and McMillan Vantage, our in-house team of public affairs, government relations and communications experts.

Our “One Office” national platform drives our ability to leverage broader expertise from across Canada, providing cost-effective solutions—while maintaining superior quality of service.

We always look for opportunities to use technology to provide faster and more efficient services to meet the evolving needs of today’s businesses. Our five core values – **Respect, Teamwork, Commitment, Client Service and Professional Excellence** – are at the heart of everything we do, including our client and community work.

The Services We Offer

Export, Import and Brokering Permits

Certain types of goods require permits for import, export or sale in or from Canada. Our team of experts will:

- Apply for export, import and brokering permits and advisory opinions from Global Affairs Canada
- Facilitate the preparation of advisory opinion requests to Global Affairs Canada
- Respond to cure notices, requests for audit or inspection, and make plans for remediation with respect to inquiries by Global Affairs Canada

- Perform product and technology classifications under Canada’s trade control lists
- Provide guidance on a variety of controlled goods issues, from registration in the Controlled Goods Program to compliance with the regulations

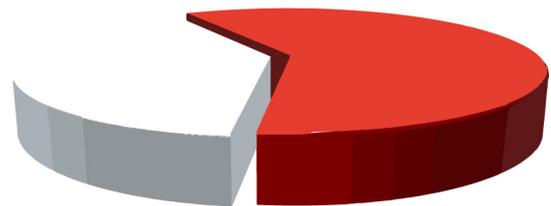
Anti-Dumping Proceedings

Companies can apply to have anti-dumping or countervailing duties imposed on importers that are eroding their profits using unfair pricing practices. These measures can protect Canadian manufacturers and help level the competitive playing field.

Our team of experts will:

- Prepare or respond to complaints to the Canada Border Services Agency (CBSA)
- Represent producers, importers and users in injury inquiries before the Canadian International Trade Tribunal (CITT)
- Represent parties in review proceedings before the Federal Court of Appeal or *Canada United States Mexico Trade Agreement* (CUSMA)
- Assist companies with interests in dispute settlement proceedings under WTO and other trade agreements

McMillan has been counsel
in more than half of the
trade remedy investigations
initiated since 2015



Customs Regulations

Importers must comply with Canadian customs requirements to prevent delays at the border, safeguard goods, prevent detainment, seizure or forfeiture of goods, and avert assessments of administrative monetary penalties and unpaid duties. Our team of experts will:

- Advise companies on the applicable rules of origin, tariff treatment, country of origin marking, and value for duty issues and inquiries relevant to goods intended for import
- Advise companies on obtaining preferential tariff treatment under CUSMA and other free trade agreements, as well as on special tariff treatments afforded to certain countries, such as under the General Preferential Tariff and Least Developed Country Tariff
- Represent companies in applying for Safe Food for Canadians licences, administered by the Canadian Food Inspection Agency, and complying with other applicable food safety import requirements
- Represent companies in dispute resolution with the CBSA to secure duty relief, recovery, refunds, drawbacks and deferrals on imports, through to the CBSA's administrative appeal process and appeals to the CITT and federal courts

International Economic and Trade Sanctions

Canada has imposed sanctions on countries, organizations and individuals responsible for or complicit in human rights violations, corruption or terrorism. Companies with operations in Canada must comply with these sanctions or could face significant penalties. Our team of experts will:

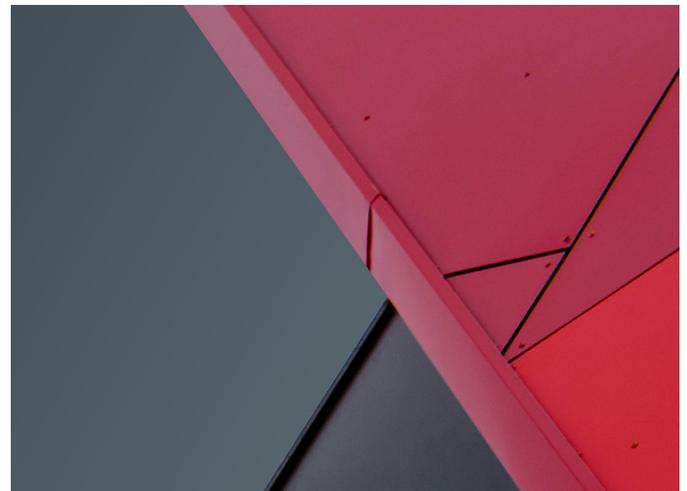
- Work with Canadian and international companies to update or design policies and procedures to ensure compliance with sanctions and anti-money-laundering laws
- Conduct compliance audits
- Prepare submissions to Canada's Department of Foreign Affairs seeking authorization for certain transactions

- Advise importers and exporters on appropriate disclosures
- Prepare and submit notifications of communications to the Attorney General of Canada under the *Foreign Extraterritorial Measures Act*

Anti-Corruption and Fraud

Canada has strengthened its anti-corruption laws and ramped up enforcement activities, exposing Canadian firms to some of the world's toughest criminal and civil liabilities for bribery and corruption. Our team of experts will:

- Provide immediate, real-time crisis response to a warrant, search or inspection by the RCMP, the Competition Bureau, CBSA, UPAC and other police or regulatory agencies
- Defend charges of corruption and bribery of domestic or foreign officials
- Design and implement anti-corruption policies, business codes of conduct and compliance programs
- Conduct internal investigations, audits, and due diligence on transactions with businesses outside Canada
- Assist companies with voluntary disclosures and negotiated resolutions of problematic conduct



What Sets Us Apart

McMillan's International Trade Group contains lawyers who also practice in our renowned Competition & Antitrust Group with expertise on predatory pricing matters, data analysis complex legal project management. Our Competition & Antitrust Group was the winner of the 2018 *Chambers Canada Awards* for "**Competition Team of the Year**". Our litigators represented companies involved in two of the three disputed merger cases before the Competition Tribunal in 2019 and the overlap of the practice and members between the two groups give us unique insights and a competitive edge.

McMillan Vantage Policy Group is the only Canadian public affairs consultancy anchored in a national law firm. Through broad government experience and a large network of contacts, the group is well positioned to bring concerns to the attention of public authorities at all levels of government. The group is also at the forefront of industry developments and events, and plays a key role in advising and helping shape public policies and regulations. Members of McMillan Vantage include former federal and provincial cabinet ministers and officials, campaign chairs, and media and public relations management experts.

Recognition

Leading international and Canadian lawyer ranking publications routinely recognize the McMillan International Trade Group and its lawyers as among the best-in-class:



Recent Representative Matters

Complaints

- Initiated a dumping and countervailing complaint before the CBSA against China and Vietnam on behalf of domestic producers of Upholstered Domestic Seating (2020)
- Successfully represented domestic producers in expiry reviews before the CITT concerning dumping of Oil Country Tubular Goods (the “OCTG 1” and “OCTG 2” cases) and concrete reinforcing bar (the “Rebar” cases)(2020)
- Represented a domestic producer of Oil Country Tubular Goods that is seeking to have the CBSA and the CITT fully enforce Canadian law against misrepresentations and/or fraudulent statements made by an importer of Chinese goods (2020)
- Acted on behalf a German producer in the Steel Plate 9 investigation before the CBSA and CITT (2020)
- Represented producers in the steel industry as they sought to have the Canadian government take measures to protect the domestic energy tubulars and rebar industries, in response to global trade developments relating to steel (2019)

Defences

- Represented a producer before the CBSA on a dispute relating to tariff classification of imported ceiling fans with lights, including preparing and filing appeals (2020)
- Represented a domestic producer of line pipe that opposed an application for judicial review to Federal Court initiated by a Korean producer of line pipe, attacking the decision of the CBSA to impose 88.1% duties on Korean imports (2020)
- Represented the only Canadian producer of Vacuum Insulated Tubing (“VAT”) in attempting to overturn the CBSA’s decision and having VAT recognized as being covered under existing trade remedy findings (2020)
- Acted on behalf of four Japanese Steel producers in the expiry review proceedings relating to the anti-dumping orders issued in the Steel Plate 7 proceedings (2020)
- Led the defence for six Sucker Rod importers against the anti-dumping complaint before the CBSA and CITT (2019)
- Represented a foreign producer, exporter and importer in opposing duties on rare disease pharmaceuticals produced in Sweden (2018)

Advisory Work

- Assisted multi-national technology companies with the importation of consumer electronics into Canada (2020)
- Provided guidance to clients on dealing with the Controlled Goods Program and other security regulators in the context of M&A transactions (2020)
- Advised a major multi-national commodity trading company with navigating and structuring a transaction to address complex economic sanctions issues (2019)
- Advised a North American electronic parts manufacturer with restructuring supply chain to accommodate US-China trade tensions and shift to supplying from Canada to China (2019)

Primary Contacts

Our team is available to answer any questions you might have about our services or our firm. Feel free to reach out to anyone of us.



Dr. A. Neil Campbell

Toronto

Partner, International Trade |
Competition, Antitrust &
Foreign Investment

t: 416.865.7025

e: neil.campbell@mcmillan.ca



Jonathan O'Hara

Ottawa

Partner, International Trade

t: 613.691.6176

e: jonathan.ohara@mcmillan.ca



Jamie M. Wilks

Toronto

Partner, Tax | International Trade

t: 416.865.7804

e: jamie.wilks@mcmillan.ca



Our Firm

McMillan is a leading business law firm serving public, private and not-for-profit clients across key industries in Canada, the United States and internationally. With recognized expertise and acknowledged leadership in major business sectors, we provide solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong.

Our firm values – respect, teamwork, commitment, client service and professional excellence – are at the heart of McMillan's commitment to serve our clients, our local communities and the legal profession.

For more information, please visit our website at www.mcmillan.ca



Vancouver

Royal Centre, 1055 West Georgia Street
Suite 1500, PO Box 11117
Vancouver, British Columbia
Canada V6E 4N7
t: 604.689.9111



Calgary

TD Canada Trust Tower, Suite 1700
421 7th Avenue S.W.
Calgary, Alberta
Canada T2P 4K9
t: 403.531.4700



Toronto

Brookfield Place, Suite 4400
181 Bay Street
Toronto, Ontario
Canada M5J 2T3
t: 416.865.7000



Ottawa

World Exchange Plaza
45 O'Connor Street, Suite 2000
Ottawa, Ontario
Canada K1P 1A4
t: 613.232.71



Montréal

1000 Sherbrooke Street West
Suite 2700
Montréal, Québec
Canada H3A 3G4
t: 514.987.5000



Hong Kong

McMillan LLP
3508, Two Pacific Place
88 Queensway
Hong Kong, China
t: 852.2218.7418