

International Trade

Overview

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, McMillan’s International Trade Group can help you. Governments also look to McMillan for assistance with complex legal issues that require an understanding of political sensitivities and the need for a combination of strategic thinking and tactical excellence.

Representative Transactions

McMillan has been counsel in more than half of the trade remedy investigations initiated since 2015. The following are some of the more recent examples of McMillan’s representation before the Canada Border Services Agency (CBSA) and the Canadian International Trade Tribunal (CITT).

Subject	Year of case	Case Citations	Client country	Client	Other countries involved
Oil Country Tubular Goods 4	2021	OCTG4 2021 IN	Canada	Tenaris Canada	Austria
Oil Country Tubular Goods 3	2021	NQ-2021-004	Canada, Mexico	Tenaris Canada	Mexico
Oil Country Tubular Goods	2021	EA-2021-001	Canada	Tenaris Canada	Turkey, United States
Semi-trailer Container Chassis	2020	PI-2021-002	Canada	Max-Atlas Equipment Inc.	China
Upholstered Domestic Seating	2020	NQ-2021-002	Canada	Palliser Furniture Ltd., Elran Furniture, EQ3, Jaymar Furniture	China, Vietnam

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Heavy Plate	2020	NQ-2020-001	Germany	Aktien-Gesellschaft der Dillinger Hüttenwerke ("Dillinger")	Canada, Chinese Taipei, South Korea, Malaysia, Turkey
Concrete Reinforcing Bar 3	2020	NQ-2020-004	Canada	Max Aicher (North America) Limited	Algeria, Egypt, Indonesia, Italy, Malaysia, Singapore, Vietnam
Concrete Reinforcing Bar 4	2020	NQ-2020-005	Canada	Max Aicher (North America) Limited	Oman, Russia
Wheat Gluten	2020	NQ-2020-003	Belgium, France	Tereos Starch & Sweeteners Belgium	Canada, Australia, Austria, Germany, Lithuania
Grinding Media	2020	NQ-2021-001	Canada	Ash Grove (a division of CRH Canada Group Inc.), Lehigh Hanson Materials Limited and Lafarge Canada Inc.	India
Oil Country Tubular Goods	2019	EA-2019-006 & EA-2019-007	Canada	Western Alliance Tubulars, Victoria International Tubulars, Tenaris Canada	China
Line Pipe	2019	RD-2019-002	Canada	Tenaris Canada	China
Carbon Steel Plate 7	2019	RR-2019-001	Japan	Kobe Steel, Ltd., Nippon Steel Corporation, Nisshin Co., Ltd., JFE Steel Corporation	Brazil, Denmark, Indonesia, Italy, South Korea
Concrete Reinforcing Bar 1	2019	RR-2019-003	Canada	Max Aicher (North America) Limited	China, Turkey, South Korea
Oil Country Tubular Goods 1	2019	RR-2019-005	Canada	Tenaris Canada	China
Oil Country Tubular Goods 2	2019	RR-2019-006	Canada	Tenaris Canada	Chinese Taipei, India, Indonesia, Philippines, South Korea, Thailand, Turkey, Ukraine, Vietnam
Sucker Rods 2	2019	SR2 2019 IN	Brazil, Mexico, Argentina	Tenaris S.A.	Canada
Certain Steel Goods Safeguard	2018	GC-2018-001	Canada	Tenaris Canada, Max Aicher (North America) Limited	World
Sucker Rods	2018	NQ-2018-001	Canada	Apergy Canada ULC	China
Nitisinone Capsules	2018	NQ-2018-005	Sweden	Swedish Orphan Biovitrum AB ("Sobi")	Canada

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54" Gypsum Board	2018	PI-2018-003	United States	Georgia-Pacific Gypsum LLC	Canada
Circular Copper Tube	2018	RR-2018-005	Mexico, United States	Virtus Precision Tube	Brazil, China, Greece, South Korea
Concrete Reinforcing Bar 1	2018	RD-2018-001	Canada	Max Aicher (North America) Limited	China, Turkey, South Korea, Belarus, Chinese Taipei, Hong Kong, Japan, Portugal, Spain
Line Pipe from Korea	2017	NQ-2017-002	Canada	Tenaris Canada	Korea
Oil Country Tubular Goods	2017	RD-2017-001	Canada	Tenaris Canada	Chinese Taipei, India, Indonesia, Philippines, South Korea, Thailand, Turkey, Ukraine, Vietnam
Seamless Casing	2017	RR-2017-006	Canada	Tenaris Canada	China
Gypsum Board	2016	NQ-2016-002 / GC-2016-001	United States	Georgia-Pacific Gypsum LLC	Canada
Concrete Reinforcing Bar 2	2016	NQ-2016-003	Canada	Max Aicher (North America) Limited	Belarus, Chinese Taipei, Hong Kong, Japan, Portugal, Spain
Fabricated Industrial Steel Components	2016	NQ-2016-004	United States/Canada	CH2M Hill Canada Ltd.	China, South Korea, Spain
Silicon Metal 2	2016	PI-2016-004	Russia	United Company RUSAL	Brazil, Canada, Kazakhstan, Laos, Malaysia, Norway, Thailand