

What Goes Around Comes Around...Canada Issues List of Proposed Countermeasures Against U.S. Aluminum Duties

As anticipated, Canada issued on August 13th a **Notice of intent to impose countermeasures** against the United States in response to the Section 232 tariffs that the U.S. administration imposed on Canadian articles of non-alloyed, unwrought aluminum on August 6th. Canada intends to impose 10 percent surtaxes on imports of aluminum and aluminum-containing products from the U.S., representing a proportionate amount of Canadian aluminum products affected by the U.S. tariffs.

The countermeasures will only apply to goods originating from the U.S., which are those eligible to be marked as a good of the U.S. in accordance with the Canadian ***Determination of Country of Origin for the Purposes of Marking Goods (CUSMA Countries) Regulations***. They will take effect by September 16, 2020 and will remain in place until the U.S. eliminates its Section 232 tariffs against Canada. Goods that are in transit to Canada on the day on which these countermeasures come into force are excluded.

The products covered by the countermeasures will be drawn from the proposed list published in the Notice, which is reproduced below. This list encompasses a broad range of aluminum products, from primary products to finished goods (including e.g., doors, windows, climbing and mountaineering articles, refrigerators, washing machines, bicycles and parts, livestock trailers and golf clubs).

Comments on the Proposed List

The Department of Finance has invited written comments from interested stakeholders. Comments must be submitted by email to fin.tariff-tarif.fin@canada.ca no later than September 6, 2020. Submissions, at a minimum, should include the following information:

- Canadian company/industry association name and contact person.
- Relevant eight-digit tariff item(s) and description of the goods of particular interest.
- Reasons for the expressed support for, or concern with, the proposed countermeasures, including detailed information substantiating any expected beneficial or adverse impact.

Tereposky & DeRose regularly provides advice on Canadian trade matters. Should you have any questions regarding this matter, we are at your disposal.

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PROPOSED LIST

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| 2606.00.00 | Aluminum ores and concentrates |
| 2620.40.00 | Slag, ash and residues, containing mainly aluminum |
| 2818.20.00 | Aluminum oxide |
| 2818.30.00 | Aluminum hydroxide |
| 2826.12.00 | Fluorides of aluminum |
| 2827.32.00 | Other chlorides of aluminum |
| 2833.22.00 | Other sulphates of aluminum |
| 3212.90.00 | Pigments used in manufactures of paints and dyes |
| 3815.19.00 | Reaction initiators, reaction accelerators and catalytic preparations, other |
| 7601.10.00 | Unwrought aluminum, not alloyed |
| 7601.20.00 | Unwrought aluminum, aluminum alloys |
| 7602.00.00 | Aluminum waste and scrap |
| 7603.10.00 | Aluminum powders of non-lamellar structure |
| 7603.20.00 | Aluminum powders of lamellar structure; aluminum flakes |

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| 7604.10.00 | Aluminum bars, rods and profiles, not alloyed |
| 7604.21.00 | Hollow profiles, of aluminum alloys |
| 7604.29.00 | Aluminum bars, rods and profiles, of aluminum alloys, other |
| 7605.11.00 | Aluminum wire, not alloyed, of which the maximum cross-sectional dimension exceeds 7 mm |
| 7605.19.00 | Aluminum wire, not alloyed, other |
| 7605.21.00 | Aluminum wire, of aluminum alloys, of which the maximum cross-sectional dimension exceeds 7 mm |
| 7605.29.00 | Aluminum wire, of aluminum alloys, other |
| 7606.11.00 | Aluminum plates, sheets and strip, of a thickness exceeding 0.2 mm, rectangular (square), not alloyed |
| 7606.12.00 | Aluminum plates, sheets and strip, of a thickness exceeding 0.2 mm, rectangular (square), of aluminum alloys |
| 7606.91.00 | Aluminum plates, sheets and strip, of a thickness exceeding 0.2 mm, other, not alloyed |
| 7606.92.00 | Aluminum plates, sheets and strip, of a thickness exceeding 0.2 mm, other, of aluminum alloys |
| 7607.11.00 | Aluminum foil, not backed, rolled but not further worked |
| 7607.19.00 | Aluminum foil, not backed, other |
| 7607.20.00 | Aluminum foil, backed |
| 7608.10.00 | Aluminum tubes and pipes, not alloyed |
| 7608.20.00 | Aluminum tubes and pipes, of aluminum alloys |

- 7609.00.00 Aluminum tube or pipe fittings
- 7610.10.00 Aluminum doors, windows and their frames and thresholds for doors
- 7610.90.10 Aluminum structures and parts of structures; aluminum plates, rods, profiles, tubes and the like, prepared for use in structures, other than doors, windows and their frames and thresholds for doors, for use in Canadian manufactures
- 7610.90.90 Aluminum structures and parts of structures; aluminum plates, rods, profiles, tubes and the like, prepared for use in structures, other than doors, windows and their frames and thresholds for doors, other
- 7611.00.00 Aluminum reservoirs, tanks, vats and similar containers, for any material (other than compressed or liquefied gas), of a capacity exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment
- 7612.10.00 Aluminum collapsible tubular containers
- 7612.90.10 Aluminum aerosol containers, excluding three-piece cans without inserts having a base diameter of 50 mm or more but not exceeding 80 mm
- 7612.90.91 Embossed aluminum cans for use in the packaging of beverages
- 7612.90.99 Aluminum casks, drums, cans, boxes and similar containers, for any material (other than compressed or liquefied gas), of a capacity not exceeding 300 litres, whether or not lined or heat-insulated, but not fitted with mechanical or thermal equipment, other
- 7613.00.00 Aluminum containers for compressed or liquefied gas
- 7614.10.00 Stranded wire, cables, plaited bands and the like, of aluminum, not electrically insulated, with steel core
- 7614.90.00 Stranded wire, cables, plaited bands and the like, of aluminum, not electrically insulated, other
- 7615.10.00 Aluminum table, kitchen or other household articles and parts thereof; aluminum pot scourers and scouring or polishing pads, gloves and the like

- 7615.20.00 Aluminum sanitary ware and parts thereof
- 7616.10.00 Aluminum nails, tacks, staples (other than those of heading 83.05), screws, bolts, nuts, screw hooks, rivets, cotters, cotter-pins, washers and similar articles
- 7616.91.00 Cloth, grill, netting and fencing, of aluminum wire
- 7616.99.10 Articles of aluminum: Cups for use in the manufacture of candles; Ferrules for use in the manufacture of pencils; Fish egg incubators and parts thereof; For climbing or mountaineering; Identification bands for migratory birds; Pigeon countermark leg bands; To be employed in the manufacture of sera, antisera, toxoids, viruses, toxins or antitoxins, virus or bacterial vaccines, bacteriophage or bacterial lysates, allergenics, liver extracts, pituitary extracts, epinephrine or its solutions, insulin (with or without zinc, globin or protamine), and blood plasma or serum of human origin, or fractions thereof, or extenders or substitutes thereof
- 7616.99.90 Other articles of aluminum, other
- 8418.21.00 Refrigerators, household type, compression type
- 8418.29.00 Refrigerators, household type, other
- 8450.11.10 Household washing machines, not including machines which both wash and dry, of a dry linen capacity not exceeding 10 kg, fully-automatic
- 8450.11.90 Household or laundry-type washing machines, including machines which both wash and dry, of a dry linen capacity not exceeding 10 kg, fully-automatic, other
- 8450.12.00 Household or laundry-type washing machines, including machines which both wash and dry, of a dry linen capacity not exceeding 10 kg, with built-in centrifugal dryer
- 8450.19.00 Household or laundry-type washing machines, including machines which both wash and dry, of a dry linen capacity not exceeding 10 kg, other
- 8450.20.00 Household or laundry-type washing machines, including machines which both wash and dry, of a dry linen capacity exceeding 10 kg
- 8532.22.00 Other fixed capacitors, aluminum electrolytic

- 8712.00.00 Bicycles and other cycles
- 8714.91.10 Frame lugs, bottom bracket shells, forks, fork tubing sets, fork bearing assemblies, hydraulic shock absorbing cylinders, spring shock absorbers, rear pivots, cable stops, cable guides and back, chain and seat stays
- 8714.91.90 Other frames and forks, and parts thereof
- 8714.92.00 Wheel rims and spokes of vehicles of headings 87.11 to 87.13, other than bicycle wheels
- 8714.99.10 Bicycle wheels
- 8716.39.10 Aluminum construction drop-centre livestock trailers having a g.v.w. of 11.778 tonnes or more and a length exceeding 12 m
- 9403.10.00 Metal furniture of a kind used in offices
- 9403.20.00 Other metal furniture
- 9406.90.90 Prefabricated buildings, other than of wood
- 9506.31.00 Golf clubs, complete
- 9506.99.00 Articles for sports and general physical exercise (e.g., bats, hockey sticks, playground equipment)
- 9620.00.93 Monopods, bipods, tripods of aluminum