



Ottawa, March 26, 2007

MEMORANDUM D15-2-8

In Brief

REFINED SUGAR

Application of anti-dumping and countervailing duty

1. This memorandum refers to the application of anti-dumping duty on importations of refined sugar originating in or exported from the United States of America, Denmark, the Federal Republic of Germany, the Netherlands and the United Kingdom, and the application of countervailing duty on importations of refined sugar originating in or exported from the European Union.
2. The memorandum is divided into 8 sections, all under “Guidelines and General Information”.
3. A description of the goods is provided.
4. The milestone dates of the investigation are provided, along with the applicable classification numbers.
5. Information regarding normal values of subject goods and the amount of the anti-dumping and/or countervailing duty is provided.



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MEMORANDUM D15-2-8

REFINED SUGAR

This Memorandum refers to the application of anti-dumping and countervailing duties, pursuant to section 3 of the *Special Import Measures Act*, to importations of refined sugar from certain countries. Refined sugar originating in or exported from the United States of America, Denmark, the Federal Republic of Germany, the Netherlands and the United Kingdom is subject to anti-dumping duty. Refined sugar originating in or exported from the European Union is subject to countervailing duty. Such duties are applied as a result of findings by the Canadian International Trade Tribunal (Tribunal) that the dumping and subsidizing of these goods are threatening to cause material injury to the domestic industry.

GUIDELINES AND GENERAL INFORMATION

1. A description of the goods subject to anti-dumping and/or countervailing duty is as follows:

Anti-dumping duty – Refined sugar, refined from sugar cane or sugar beets, in granulated, liquid, and powdered form, originating in or exported from the United States of America, Denmark, the Federal Republic of Germany, the Netherlands and the United Kingdom, excluding the goods listed in the Appendix.

Countervailing duty – Refined sugar, refined from sugar cane or sugar beets, in granulated, liquid, and powdered form, originating in or exported from the European Union, excluding the goods listed in the Appendix.

2. The dates of the proceedings and findings concerning this case are as follows:

Action	Date
Initiation of Investigation	March 17, 1995
Preliminary Determination	July 7, 1995
Final Determination	October 5, 1995
Tribunal's Findings	November 6, 1995
Remission Order	October 23, 1997
Tribunal's Review of Findings	November 3, 2000
Tribunal's Review of Orders	November 2, 2005

3. These goods are generally classified under the following 10-digit Harmonized System classification numbers:

1701.91.00.11	1702.90.11.00
1701.91.00.19	1702.90.12.00
1701.91.00.21	1702.90.13.00
1701.91.00.29	1702.90.14.00
1701.91.00.91	1702.90.15.00
1701.91.00.99	1702.90.16.00
1701.99.00.10	1702.90.17.00
1701.99.00.21	1702.90.18.00
1701.99.00.29	1702.90.30.10
1701.99.00.90	1702.90.60.00

4. The liability for duty results from proceedings conducted under the *Special Import Measures Act* and from the findings of the Tribunal.

5. Information regarding the normal value of the goods in question and the amount of anti-dumping duty payable should be obtained from the exporters. For more details, see Memorandum D14-1-2, *Disclosure of Normal Value and Export Price Established Under the Special Import Measures Act to Importers*, which outlines the conditions under which the Canada Border Services Agency (CBSA) may release the information on normal values to importers. For those exporters that have not been provided with specific normal values or rates of anti-dumping duty, the amount of anti-dumping duty payable is equal to 78% of the FOB selling price of the subject goods to the importer in Canada.

6. The countervailing duty to be applied to all imports of subject goods originating in or exported from the European Union is the sum of the maximum amounts, applicable on the date of shipment to Canada, that are conferred through the export refunds program and the adjustment aid and additional basic aid program. These amounts are fixed by the Commission of the European Communities and published in the *Official Journal of the European Union*.

7. The *Special Import Measures Act* requires that the duty collected not be double counted in cases involving dumping and an export subsidy. Therefore, the anti-dumping duties are reduced by the amount of the export subsidy.

8. This Memorandum is also available on the CBSA Web site at www.cbsa.gc.ca/sima/.

APPENDIX**PRODUCT DEFINITION AND EXCLUSIONS**

The subject goods are defined as:

Refined sugar, refined from sugar cane or sugar beets, in granulated, liquid, and powdered form.

Refined sugar is sold as white granulated, liquid and specialty sugars. Granulated sugar comes in a range of grain fractions (e.g., medium, fine and extra fine). Liquid sugar includes invert sugar. Specialty sugars include soft yellow sugar, brown sugar, icing sugar, demerara sugar and others and may be sold in granulated, liquid or powdered form.

Exclusions as of November 6, 1995

1. Co-crystallized products – For greater clarity, these products are comprised of sugar syrups or liquid sucrose blends and one or more non-sucrose ingredients combined through a co-crystallization process to form a dry solid structure in granulated or powder form.
2. Pearl sugar – For greater clarity, pearl sugar is hard granulated sugar, pellet-formed by subjecting sugar syrup to intense heat. The pellet, which is the size of a pea, is shaped like a football. It is coarser than coarse sugar, i.e. confectioners' sugar.
3. Bottler's floc-free beet sugar – Imported by McNeil Consumer Products Company for use in pharmaceutical preparations.
4. Lyle's Golden Syrup – Produced by Tate & Lyle PLC.
5. Lyle's Pouring Syrup – Produced by Tate & Lyle PLC.
6. Daddy brand wrapped sugar dominoes in 1-kg boxes – For greater clarity, these are sugar cubes which are wrapped in illustrated paper wrappings, each of which contains two sugar cubes.
7. Daddy brand wrapped sugar cubes in 5-kg boxes containing 960 portion – For greater clarity, each portion contains two sugar cubes which are wrapped in illustrated paper wrappings.
8. Saint Louis brand pre-cut brown cane sugar lumps in 1-kg boxes – For greater clarity, these are rough-shaped sugar lumps comprised of brown cane sugar.
9. Daddy brand shaped white sugar pieces in 500-g boxes – For greater clarity, these sugar pieces are pre-cut into diamond, heart, spade and club shapes.
10. Daddy brand brown or blond "Vergeoise" sugar in 500-g cases.
11. Comptoir du Sud brand brown and white sugar pieces in 1-kg and 500-g boxes.
12. Daddy brand brown coffee sugar in 500-g box packets – For greater clarity, this is a large granule brown sugar.
13. Demerara sugar cubes – Produced by Tate & Lyle PLC.
14. Amber sugar crystals – Produced by Tate & Lyle PLC. For greater clarity, these are large sugar crystals in varying shades of brown.
15. Low-colour liquid sucrose with a colour no higher than 10 maximum ICUMSA (International Commission for Uniform Methods of Sugar Analysis) colour units and distiller's grade liquid sucrose imported by Gilbey Canada Inc. for use as ingredients in its production process.

Additional Exclusions as of November 3, 2000

16. Bottler's floc-free beet sugar imported for use in pharmaceutical preparations where it is established by the importer that floc-free beet sugar from Canadian sources does not meet the applicable product specifications.
17. Golden, pouring and other table syrups imported in retail-ready packaging in containers not exceeding 3 litres.
18. Subject to the exception below, specialty wrapped sugar cubes, each individual wrapping containing not more than 3 sugar cubes, imported in retail-ready packages not exceeding 5 kg in weight. This exclusion does not include generic wrapped white sugar cubes (i.e. where the illustration consists of primarily a trade-mark, trade name, company name or other commercial identification as opposed to a unique illustration).

19. Pre-cut specialty shaped sugar pieces, imported in retail-ready packaging, in packages not exceeding 1 kg in weight – For greater clarity, these include diamond-, heart-, spade- and club-shaped sugar but do not include cube- or domino- (i.e. rectangular) shaped sugar.
20. Rough-shaped lumps and pieces, in lumps or pieces weighing between 3 and 10 grams on average, imported in retail-ready packaging, in individual packages not exceeding 1 kg in weight.
21. Very large crystal sugar, in crystals exceeding 0.05 g in weight on average, imported in retail-ready packaging, in individual packages not exceeding 1 kg in weight.
22. Specialty sugar cubes and dominoes (i.e. rectangles), made from demerara, brown, yellow or any other non-white sugar, imported in retail-ready packaging, in packages not exceeding 1 kg in weight – For greater clarity, this does not include any sugar cube or domino made from white granulated sugar.
23. Low-colour liquid sucrose with a colour no higher than 10 ICUMSA (International Commission for Uniform Methods of Sugar Analysis) colour units and distiller's grade liquid sucrose imported for use in the production of distilled spirits where it is established by the importer that low-colour liquid sucrose and distiller's grade liquid sucrose from Canadian sources do not meet the applicable product specifications.
24. Organic sugar meeting the requirements of the Canadian General Standards Board standard No. CAN/CGSB-32.310-99 (Organic Agriculture), the U.S. Federal Organic Foods Production Act of 1990 or any rules adopted under that act, or the European Union EN2092/94 (Organic Regulation), where it is accompanied by a transaction certificate affirming compliance with the standard signed by an ISO Guide 65 accredited certifying authority.

Additional Exclusion as of November 2, 2005

25. Individually wrapped rectangular cane sugar tablets.

REFERENCES

<p>ISSUING OFFICE –</p> <p>Anti-dumping and Countervailing Program Trade Programs Directorate</p>	<p>HEADQUARTERS FILE –</p> <p>4237-80 and 4218-2</p>
<p>LEGISLATIVE REFERENCES –</p> <p><i>Special Import Measures Act</i>, section 3</p>	<p>OTHER REFERENCES –</p> <p>D14-1-2</p>
<p>SUPERSEDED MEMORANDA “D” –</p> <p>D15-2-8, January 13, 2006</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

