



Introducing Our International Trade Group





The McMillan Advantage

We are a market leader for all aspects of international trade law in Canada recognized by Chambers, Lexpert, Who's Who and more.

We help clients navigate the complex world of international trade. We have extensive experience in every dimension of international trade and cross-border strategies.

We are Canada's most active firm when it comes to litigating international trade remedy matters before the Canada Border Services Agency and Canadian International Trade Tribunal. We frequently help Canadian firms who face unfair trade practices from non-Canadian exporters to obtain trade remedy protections, and we assist foreign manufacturers and importers to supply Canadian companies and consumers with competitively priced goods.

We help our clients comply with all applicable export controls, customs matters, and sanctions.

We work with companies looking to expand operations into Canada by providing them with market entry and compliance strategies for all applicable trade and regulatory requirements

The Services We Offer

We offer comprehensive services covering all trade law issues including:

- Anti-Dumping and Countervailing (Anti-Subsidy) Proceedings
- Economic and Trade Sanctions
- Export and Import Controls
- Customs Regulation
- WTO and Trade Agreements

"The team as a whole is great to work with, responsiveness, availability, a clear understanding of the law, and a good ability to balance legal necessities and business realities."

- Chambers and Partners (2021)

McMillan has been counsel in three quarters of Canadian trade remedy investigations initiated in 2020 - 2021 and almost 2/3 of the Canadian trade remedy investigations initiated since 2015.



Anti-Dumping Proceedings

Canadian manufacturers can apply to have anti-dumping, countervailing (subsidy) or safeguard duties imposed on importers that are engaging in unfair pricing practices. Exporters, importers and customers may oppose such proceedings.

The number of new unfair trade investigations has been increasing steadily in Canada since 2017 and reached a near-record level in 2021.

Our team of experts will:

- Prepare complaints to or respond to dumping or countervailing investigations by the Canada Border Services Agency (CBSA)
- Assist producers, importers and customers in injury inquiries before the Canadian International Trade Tribunal (CITT)

- Represent parties in judicial review proceedings before the Federal Court of Appeal or Canada United States Mexico Trade Agreement (CUSMA) dispute resolution panels

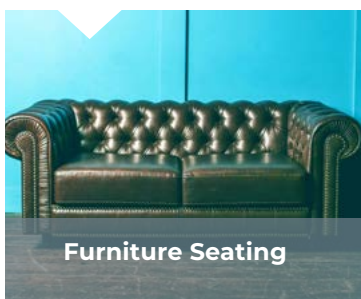
McMillan has been counsel in three quarters of Canadian trade remedy investigations initiated in 2020 - 2021 and almost 2/3 of the Canadian trade remedy investigations initiated since 2015. McMillan has achieved significant successes in these cases:

- Container Chassis - obtained anti-dumping and countervailing duties of 59.1% against chassis imported from China
- Upholstered Domestic Seating – achieved anti-dumping and countervailing duties up to 204% on goods from China and Vietnam
- Concrete Reinforcing Bar - assisted producers to get CBSA to self-initiate an anti-dumping investigation

for first time in more than a decade

- Oil Country Tubular goods (“OCTG”) – obtained a no-injury finding for a Canadian producer of OCTG for its imports of Mexican OCTG from its sister company
- Grinding Media - obtained a full exclusion for Canadian cement producers from anti-dumping and countervailing duties of up to 73% on grinding media imported from India
- Steel Plate 9 - obtained the lowest margins of dumping (6%) before the CBSA and various product exclusions from duties at the CITT for a German exporter
- Gypsum Board - counsel to a major US producer as well as its Canadian importing affiliate in interim review proceedings and the first Binational Panel review of a CITT decision since NAFTA was replaced by CUSMA

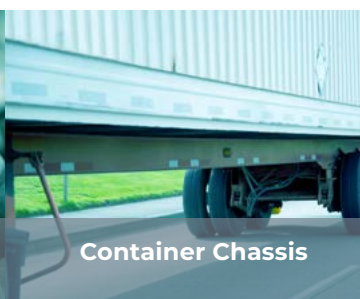
Counsel on 8 of the 9 Canadian Anti-Dumping Cases in 2021 ▶



Furniture Seating



Grinding Media



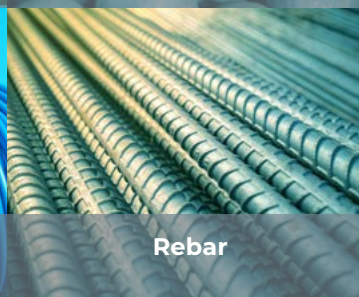
Container Chassis



Oil Country tubular Goods



Oil Country tubular Goods



Rebar



Rebar



Wheat Gluten

Economic and Trade Sanctions

Canada has imposed sanctions on countries, organizations and individuals responsible for human rights violations, corruption and terrorism.

Companies with operations in Canada as well as Canadians anywhere in the world face significant penalties if they do not comply with these sanctions. Asset freezes and dealings prohibitions are also subject to disclosure obligations.

Our team of experts will:

- Work with Canadian and international companies to ensure compliance with sanctions
- Develop compliance programs and conduct compliance audits
- Prepare submissions to Global Affairs Canada in relation to permits and designated persons
- Prepare and submit disclosures related to sanctioned property or notifications of communications to the Attorney General of Canada under the Foreign Extraterritorial Measures Act

Representative matters include:

- Advising numerous Canadian and international companies on the asset freezes, dealings prohibitions, export controls,

import bans, transportation restrictions and other sanctions imposed under the Special Economic Measures Regulations related to Russia, Belarus and Ukraine, related to conflict in the Ukraine

- Working with Canadian and US companies to address compliance issues under Canada's FEMA Order that blocks extraterritorial application of US laws restricting trade and commerce with Cuba
- Providing disclosures to Canadian authorities related to property and transactions subject to sanctions under the Special Economic Measures Act, the Criminal Code and other sanctions provisions relating to China, Iran, and Myanmar amongst others.

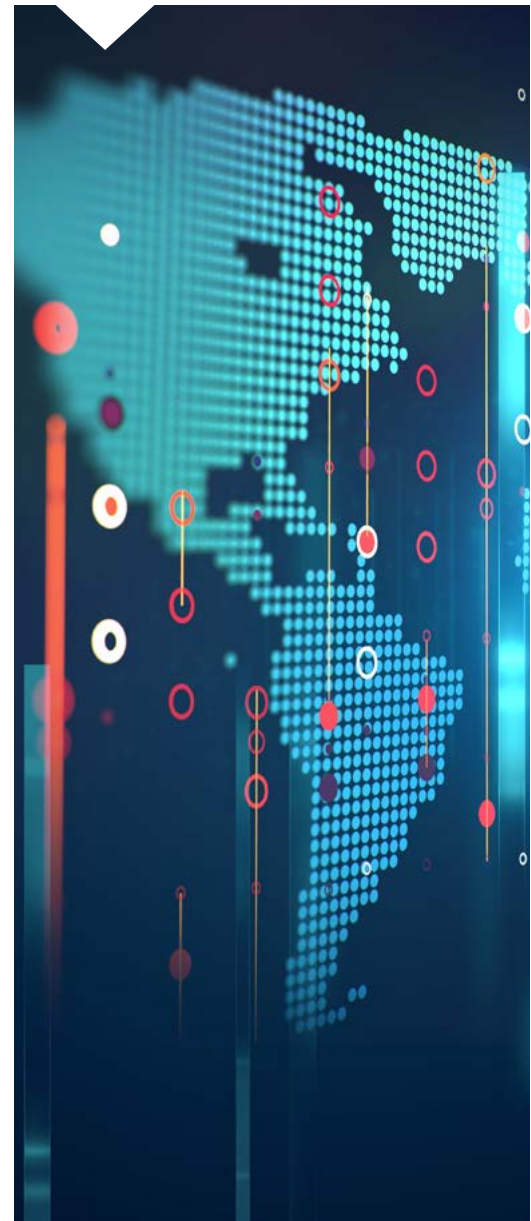
Export and Import Controls

Certain types of goods require permits for import into and/or export from Canada. These include dual-use as well as military-only use items. Canada has recently enacted new brokering requirements for exports which affect how Canadian and international companies can do business.

Our team of experts will:

- Advise on product and technology classifications and compliance under Canada's trade control lists

- Apply for export, import and brokering permits and advisory opinions from Global Affairs Canada
- Respond to cure notices, audits or inspections, and remediation requests initiated by Global Affairs Canada or CBSA
- Provide guidance on registration in the Controlled Goods Program to compliance with the regulations



Representative cases include:

- Assisted multi-national technology companies with the importation of consumer electronics into Canada
- Resolved a \$33 million ascertained forfeiture order related to seven shiploads of cargo with export permit deficiencies with negotiated penalties of \$150,000
- Providing guidance to clients on dealing with the Controlled Goods Program and other security regulators in the context of M&A transactions

for duty issues relevant to imports into Canada

- Assist companies to obtaining preferential tariff treatment available under CUSMA and other free trade agreements
- Represent companies applying for Safe Food for Canadians licences from the Canadian Food Inspection Agency, and complying with other applicable food safety import requirements
- Represent companies in disputes with the CBSA to secure duty relief, recovery, refunds, drawbacks and deferrals, including in CBSA's administrative appeal process and appeals to the CITT and federal courts

multilateral trading agreements and is negotiating further bilateral agreements with the UK, Indonesia and the ASEAN countries. In addition, the Canada Free Trade Agreement contains extensive provisions related to trade and investment between provinces.

Our experts will:

- Advise on the application of trade agreements for Canadian companies as well as international companies seeking to participate in Canadian markets
- Assist companies seeking changes to federal and provincial laws, regulations and policies to work with governments to ensure that they comply with applicable trade agreements

Customs Regulation

Importers must comply with Canadian customs requirements to prevent delays at the border, prevent detention, 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

WTO and Trade Agreements

Canada has numerous bilateral and regional trade agreements including in North America (CUSMA), with Europe (CETA) and with Asia (CPTPP and a bilateral agreement with Korea) as well as dozens of investment protection agreements. Canada also remains actively committed to the World Trade Organization

- Represent companies with interests in dispute settlement proceedings under WTO and other trade agreements in their dealings with relevant governmental authorities
- Initiate claims under the CFTA or under investor-state dispute resolution processes in trade and investment agreements



What Sets Us Apart

Our lawyers are part of an integrated team that includes members of our elite Competition, Antitrust and Foreign Investment Group who frequently act on pricing matters, data analysis and markets. The overlaps of these practices give us unique insights and a competitive edge.



Our team includes former Government of Canada and provincial government officials, including a senior counsel to the Canadian International Trade Tribunal and a former WTO litigator with Global Affairs Canada. This provides McMillan LLP's clients with a deep understanding of Canada's international trade policy and law, and assists our clients when working closely with Canadian regulators.

We also work closely with McMillan Vantage Policy Group, the only Canadian public affairs, government relations and communications consultancy anchored in a national law firm. Members of McMillan Vantage include former federal and provincial cabinet ministers and officials, and media and public relations management experts.

McMillan is a leading Canadian business law firm dedicated to providing solutions-oriented legal advice through our offices in Vancouver, Calgary, Toronto, Ottawa, Montréal and Hong Kong.





Our clients are located worldwide and include Fortune 100 multi-national corporations, financial institutions, private equity firms, institutional investors, along with large and middle market businesses in nearly every business sector. 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

Connect With Us

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. For more information go to: [McMillan International Trade](#).



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