



## FACT SHEET

### Commerce Initiates Antidumping Duty and Countervailing Duty Investigations of Imports of 100- to 150-Seat Large Civil Aircraft from Canada

- On May 18, 2017, the Department of Commerce (Commerce) announced the initiation of antidumping duty (AD) and countervailing duty (CVD) investigations of imports of 100- to 150-seat large civil aircraft (civil aircraft) from Canada.
- The AD and CVD laws provide U.S. businesses and workers with a transparent, quasi-judicial, and internationally accepted mechanism to seek relief from the market-distorting effects caused by injurious dumping and unfair subsidization of imports into the United States, establishing an opportunity to compete on a level playing field.
- For the purpose of AD investigations, dumping occurs when a foreign company sells a product in the United States at less than its fair value. For the purpose of CVD investigations, a countervailable subsidy is financial assistance from a foreign government that benefits the production of goods from foreign companies and is limited to specific enterprises or industries, or is contingent either upon export performance or upon the use of domestic goods over imported goods.
- The petitioner is The Boeing Company (IL).
- The scope of these investigations covers aircraft, regardless of seating configuration, that have a standard 100- to 150-seat two-class seating capacity and a minimum 2,900 nautical mile range, as these terms are defined below.
- “Standard 100- to 150-seat two-class seating capacity” refers to the capacity to accommodate 100 to 150 passengers, when eight passenger seats are configured for a 36-inch pitch, and the remaining passenger seats are configured for a 32-inch pitch. “Pitch” is the distance between a point on one seat and the same point on the seat in front of it.
- “Standard 100- to 150-seat two-class seating capacity” does not delineate the number of seats actually in a subject aircraft or the actual seating configuration of a subject aircraft. Thus, the number of seats actually in a subject aircraft may be below 100 or exceed 150.
- A “minimum 2,900 nautical mile range” means:
  - able to transport between 100 and 150 passengers and their luggage on routes equal to or longer than 2,900 nautical miles; or
  - covered by a U.S. Federal Aviation Administration (FAA) type certificate or supplemental type certificate that also covers other aircraft with a minimum 2,900 nautical mile range.
- The scope includes all aircraft covered by the description above, regardless of whether they enter the United States fully or partially assembled, and regardless of whether, at the time of entry into the United States, they are approved for use by the FAA.

- The merchandise covered by these investigations is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheading 8802.40.0040. The merchandise may alternatively be classifiable under HTSUS subheading 8802.40.0090. Although these HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these investigations is dispositive.
- Although Canadian civil aircraft subject to these investigations have not yet been imported, an April 2016 press release announcing the sale of Canadian civil aircraft to a U.S. airline valued the order to be in excess of \$5 billion.

**NEXT STEPS**

- The U.S. International Trade Commission (ITC) is scheduled to make its preliminary injury determinations on or before June 12, 2017.
- If the ITC determines that there is a reasonable indication that imports of civil aircraft from Canada materially injure, or threaten material injury to the domestic industry in the United States, the investigations will continue, and the Department will announce its preliminary CVD determination in July 2017 and its preliminary AD determination in October 2017, though these dates may be extended. If the ITC’s determinations are negative, the investigations will be terminated.

**ALLEGED DUMPING MARGINS:**

<b>COUNTRY</b>	<b>DUMPING MARGINS</b>
<b>Canada</b>	<b>79.82 percent</b>

**ESTIMATED SUBSIDY RATES:**

<b>COUNTRY</b>	<b>SUBSIDY RATES</b>
<b>Canada</b>	<b>79.41 percent</b>

## CASE CALENDAR:

EVENT	AD INVESTIGATION	CVD INVESTIGATION
<b>Petitions Filed</b>	<b>April 27, 2017</b>	<b>April 27, 2017</b>
<b>DOC Initiation Date</b>	<b>May 17, 2017</b>	<b>May 17, 2017</b>
<b>ITC Preliminary Determinations*</b>	<b>June 12, 2017†</b>	<b>June 12, 2017†</b>
<b>DOC Preliminary Determinations**</b>	<b>October 4, 2017</b>	<b>July 21, 2017</b>
<b>DOC Final Determinations**</b>	<b>December 18, 2017</b>	<b>October 4, 2017</b>
<b>ITC Final Determinations***</b>	<b>February 1, 2018</b>	<b>November 20, 2017†</b>
<b>Issuance of Orders****</b>	<b>February 8, 2018</b>	<b>November 27, 2017†</b>

NOTE: Commerce preliminary and final determination deadlines are governed by statute. For CVD investigations, the deadlines are set forth in sections 703(b) and 705(a)(1) of the Tariff Act of 1930, as amended (the Act). For AD investigations, the deadlines are set forth in sections 733(b) and 735(a) of the Act. These deadlines may be extended under certain circumstances.

†Where the deadline falls on a weekend/holiday, the appropriate date is the next business day.

\* If the ITC makes a negative preliminary determination of injury, the investigations are terminated.

\*\*These deadlines may be extended under the governing statute.

\*\*\*This will take place only in the event of final affirmative determinations from Commerce.

\*\*\*\*This will take place only in the event of final affirmative determinations from Commerce and the ITC.