



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

ORDER

Inquiry No. NQ-2009-005

Polyiso Insulation Board

*Order issued
Friday, February 12, 2010*

IN THE MATTER OF an inquiry, pursuant to section 42 of the *Special Import Measures Act*, respecting faced rigid cellular polyurethane-modified polyisocyanurate thermal insulation board originating in or exported from the United States of America.

ORDER

WHEREAS the Canadian International Trade Tribunal (the Tribunal) is required, pursuant to section 42 of the *Special Import Measures Act*, to make inquiry as to whether the dumping of the aforementioned goods has caused injury or retardation or is threatening to cause injury to the domestic industry;

AND WHEREAS, based upon information available to the Tribunal, Johns Manville Canada Inc. (Johns Manville) is a domestic producer of the goods that are the subject of the Tribunal's inquiry;

AND WHEREAS pricing information is of prime importance for the Tribunal in order to determine if there is injury, retardation or threat of injury to the domestic industry caused by the aforementioned goods;

AND WHEREAS the Producers' Questionnaire requests that selling values be reported on a net "delivered" selling basis and, that the "net delivered selling values" **include** delivery costs (freight, handling and insurance) from the point of direct shipment in Canada, paid by your firm, and included in the selling price, **or an estimate** of the delivery costs incurred by the purchaser, in Canadian dollars;

AND WHEREAS the Producers' Questionnaire indicates that: "If the information requested is not readily available from your records in exactly the form requested, please furnish prepared estimates, with a full explanation of the methodology used to prepare these estimates";

AND WHEREAS the Tribunal considers such information to be relevant and important to the conduct of its inquiry;

AND WHEREAS, pursuant to subsection 17(2) of the *Canadian International Trade Tribunal Act*, the Tribunal has, as regards the production and inspection of documents, the enforcement of its orders and other matters necessary or proper for the due exercise of its jurisdiction, all such powers, rights and privileges as are vested in a superior court of record;

UPON the Tribunal's own motion;

AND UPON being satisfied that Johns Manville has or is likely to have information in its possession or control relevant to the Tribunal's inquiry;

THE TRIBUNAL ORDERS THAT:

1. A duly authorized representative of Johns Manville shall make and deliver to the Tribunal a written return of information under oath or solemn affirmation in fulfilment of the information requirements listed in the attached schedule.
2. Unless Johns Manville attends before the Tribunal **before February 16, 2010**, and satisfies the Tribunal that this order should not have been issued or that the required information cannot reasonably be provided, the required information is to be received no later than close of business (5:00 p.m. Eastern time) **on February 17, 2010**, at the office of the Secretary of the Tribunal at the following address:

The Secretary
Canadian International Trade Tribunal
Standard Life Centre
333 Laurier Avenue West
15th Floor
Ottawa, Ontario
K1A 0G7

3. The information provided by Johns Manville in fulfilment of the information requirements listed in the attached schedule may be designated as confidential by Johns Manville in accordance with sections 43 to 49 of the *Canadian International Trade Tribunal Act*.

Stephen A. Leach

Stephen A. Leach
Presiding Member

Diane Vincent

Diane Vincent
Member

Pasquale Michaele Saroli

Pasquale Michaele Saroli
Member

Susanne Grimes

Susanne Grimes
Acting Secretary

SCHEDULE

Information Required

You are requested to provide “net delivered selling values” when required to do so in the Producers’ Questionnaire. More specifically, it applies to data provided in Schedule II, Schedule III, Schedule V, Schedule XI and Schedule XII of the Producers’ Questionnaire.

If the information requested is not readily available from your records exactly in the form requested, please furnish prepared estimates, with a full explanation of the methodology used to prepare these estimates.

The Producers’ Questionnaire can be downloaded from the Tribunal’s Web site at www.citt-tcce.gc.ca/question/index_e.asp

Definition

Net Delivered Selling Value:

The net delivered selling value includes sales to a third party or an affiliate. It is net of all cash, quantity or deferred discounts, allowances and taxes **whether or not shown on the invoice**. These discounts, allowances and taxes include, **but are not limited to**, discounts and cash discounts, rebates and incentives. However, it **includes** all delivery costs (freight, handling and insurance) from the point of direct shipment in Canada paid by your firm and included in the selling price **or an estimate** of the delivery costs incurred by your customer. It should be stated in Canadian dollars.