



BY ELECTRONIC MAIL

July 22, 2010

To: Counsel and Parties of Record

Subject: Determination on Like Goods
Greenhouse Bell Peppers (Inquiry No. NQ-2010-001)

On May 21, 2010, the Canadian International Trade Tribunal (the Tribunal) determined that there was evidence that disclosed a reasonable indication that the dumping of greenhouse bell peppers originating in or exported from the Netherlands (the subject goods) had caused injury (Preliminary Injury Inquiry No. PI-2009-005).

In its statement of reasons issued on June 7, 2010, the Tribunal found that, based on the information before it, and not having received any submissions from parties on the issue, for the purposes of the preliminary injury inquiry, domestically produced greenhouse bell peppers constituted like goods in relation to the subject goods. However, the Tribunal stated that, as a preliminary matter to its final injury inquiry, it would seek submissions on the issue of whether like goods should be confined to those produced by the greenhouse method.

Accordingly, in the notice of commencement of inquiry of June 22, 2010, the Tribunal invited parties to file evidence and arguments on whether field bell peppers constituted like goods in relation to the subject goods. Parties were also asked to address factors that the Tribunal might examine in considering this question, including:

- the physical characteristics of the goods, such as their appearance (size, colour) and quality;
- the seasonal availability of the goods;
- the market characteristics of the goods, such as pricing (including how price is determined and relative price levels), and distribution channels, and whether the goods fulfil the same customer needs, including, in particular:
 - whether field bell peppers and greenhouse bell peppers are or could be substitutable in certain applications; and
 - whether the relative prices of field bell peppers and greenhouse bell peppers influence the extent of substitutability; and
- any other relevant factors.

On July 7, 2010, the Tribunal circulated responses to its purchasers' questionnaire on market characteristics and afforded parties the opportunity to make comments on them in their

reply submissions on the issue of like goods.

After having considered the evidence on the record, and the arguments made by parties, the Tribunal has determined that field bell peppers produced in Canada are not like goods in relation to the subject goods. Consequently, the Tribunal will confine its inquiry to greenhouse bell peppers.

The reasons for this determination will form part of the Tribunal's statement of reasons for the inquiry.

Yours sincerely,

Gillian Burnett
Acting Secretary