



Ottawa, Tuesday, December 16, 2003

Preliminary Injury Inquiry No. PI-2003-003

IN THE MATTER OF a preliminary injury inquiry, pursuant to subsection 34(2) of the *Special Import Measures Act*, concerning the alleged injurious dumping of wood venetian blinds and slats originating in or exported from Mexico and the People's Republic of China;

AND IN THE MATTER OF a request from Mr. Luc Alarie to have access in this inquiry to information designated as confidential pursuant to paragraph 46(1)(a) of the *Canadian International Trade Tribunal Act*.

DECISION AND STATEMENT OF REASONS OF THE TRIBUNAL

Information designated as confidential was filed with the Canadian International Trade Tribunal (the Tribunal) in the above-mentioned proceedings.

SBM Wood Industries and La Belle Venitienne filed notices of appearance with the Tribunal on November 25, 2003. Trans U.V. Inc. and Sohji-Co Inc. also filed notices of appearance on December 2, 2003. These parties are all represented by Mr. Luc Alarie.

Pursuant to subsection 45(3) of the *Canadian International Trade Tribunal Act*,¹ Mr. Alarie filed declarations and undertakings with the Tribunal in order to have access to the confidential information on record in the above-mentioned proceedings.

Mr. Alarie is the father of Mr. Gabriel Alarie, President, SBM Wood Industries. The Tribunal gave notice of the existence of this relationship to the other interested parties in this case that are represented by counsel and received submissions from those parties concerning Mr. Alarie's access to the confidential record.

Pursuant to subsection 45(3) of the *Act*, the Tribunal has the discretionary power to disclose confidential information filed pursuant to subsection 46(1) to counsel of a party to the proceedings for which it was provided subject to the conditions that the Tribunal deems appropriate in order to prevent the information from being divulged inappropriately.

Having reviewed the submissions received, the Tribunal denies the request from Mr. Alarie to have access in this inquiry to information designated as confidential pursuant to paragraph 46(1)(a) of the *Act*. In the Tribunal's opinion, the family relationship between Mr. Alarie and Mr. Gabriel Alarie, President, SBM Wood Industries, an interested party in this inquiry, creates, or is susceptible of creating, notwithstanding any declaration and undertaking by Mr. Alarie, a reasonable apprehension with regard to the possibility of confidential information being divulged, thereby causing injury to certain companies and/or to the integrity

1. R.S.C. 1985 (4th Supp.), c. 47 [*Act*].

of the process for the protection of confidential information provided by the *Act*. The Tribunal is also of the opinion that, given this situation and the appearance that it gives, or that it is susceptible of giving, it cannot establish conditions of access to the confidential information on the record that could preserve the public's trust in this process that it manages.

Richard Lafontaine

Richard Lafontaine
Presiding Member

Pierre Gosselin

Pierre Gosselin
Member

Meriel V.M. Bradford

Meriel V.M. Bradford
Member

Michel P. Granger

Michel P. Granger
Secretary