

Ottawa, Friday, January 31, 2003

Expiry Review No. RR-2002-002

**CERTAIN PREPARED BABY FOODS ORIGINATING IN OR EXPORTED  
FROM THE UNITED STATES OF AMERICA**

**DISCLOSURE ORDER to Experts Acting on Behalf of the Commissioner of  
Competition**

The Tribunal has received from counsel acting on behalf of the office of the Commissioner of Competition a request that access to the confidential information of record be made available to the individuals listed hereunder, in their capacity as economic and competition law experts pursuant to paragraph 45(5)(a) of the *Canadian International Trade Tribunal Act* :

- Dr. Halldor P. Palsson
- Mr. Calvin Gundy
- Mr. Donald Partridge

a) The Tribunal has received from each of these experts,  
a declaration that:

- (i) they act as expert on behalf of the Commissioner of Competition pursuant to paragraph 45(5)(a) of the *Canadian International Trade Tribunal Act*;
- (ii) they are ordinarily resident in Canada;
- (iii) they have read and understand subsection 45(3) of the *Canadian International Trade Tribunal Act* relating to the non-disclosure of information that is in its nature confidential;

b) an undertaking:

- (a) to use the information disclosed under the conditions of this Undertaking exclusively for duties performed in respect of the subject proceeding;
- (b) not to divulge information disclosed under the conditions of this Undertaking except to a person granted access to such information or to personnel of the Canadian International Trade Tribunal;
- (c) not to reproduce, in any manner, information disclosed under the conditions of this Undertaking without prior written approval by the Canadian International Trade Tribunal;
- (d) to keep confidential and to protect the information disclosed under the conditions of this Undertaking in the following manner, namely,
  - (i) to keep in their office or under their control, at all times, the complete set of documents made available to them under the conditions of this Undertaking, and
  - (ii) to store all documents and materials containing information disclosed under the conditions of this Undertaking in a locked vault, safe or other secure storage device when the documents and materials are not being used;
  - (iii) to work on a stand alone or laptop computer that is not connected to any computer network or accessible in any manner through another computer or other means;
- (e) to return to the Secretary, under the direction of the Secretary, all documents and materials containing information disclosed under the conditions of this Undertaking, including notes, charts

and memoranda based on such information, or to destroy such documents and materials and to file with the Secretary a certificate of destruction pertaining to the destroyed documents and materials at the end of the proceeding or within 10 days after the end of their participation in the proceeding;

- (f) at the same time, to erase all confidential information saved on the laptop or stand alone computer and so confirm in writing with the Tribunal.

### ORDER

Having satisfied itself that Dr. Halldor P. Palsson, Mr. Calvin Gundy and Mr. Donald Partridge are economic and competition law experts as provided for under paragraph 45(5)(a) of the *Canadian International Trade Tribunal Act*, the Tribunal orders that these persons be granted access to confidential information in this review subject to the conditions of their declaration and undertaking.

Patricia M. Close  
Patricia M. Close  
Presiding Member

Zdenek Kvarda  
Zdenek Kvarda  
Member

Ellen Fry  
Ellen Fry  
Member

Michel P. Granger  
Michel P. Granger  
Secretary