



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Dumping and Subsidizing

ORDER

Expiry Review No. RR-2014-004

Certain Whole Potatoes

*Order issued
Wednesday, June 10, 2015*

IN THE MATTER OF an expiry review, pursuant to subsection 76.03(3) of the *Special Import Measures Act*, of the order made by the Canadian International Trade Tribunal on September 10, 2010, in Expiry Review No. RR-2009-002, continuing, without amendment, its order made on September 12, 2005, in Expiry Review No. RR-2004-006, continuing, with amendment, its order made on September 13, 2000, in Review No. RR-99-005, continuing, without amendment, its order made on September 14, 1995, in Review No. RR-94-007, concerning the dumping of whole potatoes, excluding seed potatoes, excluding imports during the period from May 1 to July 31, inclusive, of each calendar year, and excluding red potatoes, yellow potatoes and the exotic potato varieties, regardless of packaging, and white and russet potatoes imported in 50-lb. cartons in the following count sizes: 40, 50, 60, 70 and 80, imported from the United States of America, for use or consumption in the province of British Columbia.

ORDER

WHEREAS the Canadian International Trade Tribunal (the Tribunal) is required, pursuant to subsection 76.03(10) of the *Special Import Measures Act*, to determine whether the expiry of the above-mentioned order is likely to result in injury;

AND WHEREAS, based upon information available to the Tribunal, it appears that Loblaws Inc. (Loblaws) is an importer of the goods that are the subject of the Tribunal's expiry review;

AND WHEREAS, Loblaws was directed to respond to the Tribunal's Importers' Questionnaire (available online) on or about April 30, 2015, with a copy sent on May 5, 2015;

AND WHEREAS the Secretariat to the Canadian International Trade Tribunal subsequently attempted to contact or contacted Loblaws via telephone on several occasions, including on May 4, 5, 8, 12 and 29, and June 1, 3, 5, 6, and 8, 2015, with respect to the completion of the questionnaire;

AND WHEREAS Loblaws has not provided the information requested by the Tribunal in its questionnaire request;

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

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;

AND UPON being satisfied that Loblaws has or is likely to have information in its possession or control relevant to the Tribunal's expiry review;

THE TRIBUNAL ORDERS THAT:

1. A duly authorized representative of Loblaws shall deliver to the Tribunal a certified written return of information in fulfilment of the information requirements listed in the attached schedule.

2. Unless Loblaws satisfies the Tribunal in writing before **12:00 p.m. (Eastern Time) on June 12, 2015**, 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 **12:00 p.m. (Eastern Time) on June 15, 2015**. The information may be filed via the Tribunal's secure E-filing service at https://apps.citt-tcce.gc.ca/sftapp/CITT/html/transfer_e.html or by e-mail at citt-tcce@tribunal.gc.ca, should the risks associated with this method of transmission be accepted by Loblaws, or by sending a hard copy or copy on digital media by courier to the following address:

The Registrar
Canadian International Trade Tribunal Secretariat
333 Laurier Avenue West
15th Floor
Ottawa, Ontario K1A 0G7
Telephone: 613-993-3595

3. The information provided by Loblaws in fulfilment of the information requirements in the Tribunal's Importers' Questionnaire may be designated as confidential by Loblaws in accordance with sections 43 to 49 of the *Canadian International Trade Tribunal Act*.

Ann Penner

Ann Penner
Presiding Member

Stephen A. Leach

Stephen A. Leach
Member

Jason W. Downey

Jason W. Downey
Member

SCHEDULE

Information Required

Please provide the information requested in the table below pertaining to your imports of whole potatoes originating in or exported from the United States of America for use or consumption in the province of British Columbia, excluding: imports during the period from May 1 to July 31, inclusive, of each calendar year, seed potatoes, red potatoes, yellow potatoes, exotic potato varieties, and white and russet potatoes imported in 50-lb. cartons in the following count sizes: 40, 50, 60, 70 and 80.

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

	August 1, 2011, to April 30, 2012	August 1, 2012, to April 30, 2013	August 1, 2013, to April 30, 2014	August 1, 2013, to March 31, 2014	August 1, 2014, to March 31, 2015
Average net delivered purchase value (NDPV)* (\$/cwt)					
Average mark-up applied to FOB/value for duty to obtain NDPV (%)					
* The net delivered purchase value is the laid-in cost net of all cash, quantity or deferred discounts, allowances, taxes, rebates and incentives, whether or not shown on the invoice. However, it includes delivery costs (freight, handling and insurance) to your Canadian warehouse and, where applicable, all import costs, such as customs and other duties, brokerage fees and surcharges.					