



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Appeals

ORDER

Appeal No. AP-2011-015

Levolor Home Fashions Canada

v.

President of the Canada Border
Services Agency

*Order issued
Thursday, October 27, 2011*

IN THE MATTER OF an appeal filed on June 13, 2011, under section 61 of the *Special Import Measures Act*, R.S.C. 1985, c. S-15;

AND IN THE MATTER OF a motion filed by the President of the Canada Border Services Agency on September 1, 2011, made pursuant to rule 24 of the *Canadian International Trade Tribunal Rules*, S.O.R./91-499, for an order to place onto the record of this matter the confidential product exclusion requests filed by Levolor/Kirsch Window Fashions (a Division of Newell Rubbermaid/Newell Window Furnishings Inc.), Home-Rail Ltd. and VAP Global Industries Inc. (collectively the Requestors) in *Aluminum Extrusions* (17 March 2009), Inquiry No. NQ-2008-003, the confidential product exclusion replies filed by the domestic industry in that matter (collectively the Domestic Extruders) and the confidential responses made by the Requestors to those replies.

BETWEEN

LEVOLOR HOME FASHIONS CANADA

Appellant

AND

**THE PRESIDENT OF THE CANADA BORDER SERVICES
AGENCY**

Respondent

ORDER

WHEREAS Levolor Home Fashions Canada consented to the motion made by the President of the Canada Border Services Agency;

WHEREAS the Canadian International Trade Tribunal indicated to the parties that it was willing to grant the motion sought, provided those concerned gave their consent;

AND WHEREAS the Canadian International Trade Tribunal wrote to those concerned by letter dated September 16, 2011, to seek their views with respect to this matter with the following results:

- On September 23, 2011, Mr. Ronald C. Cheng, counsel for the Domestic Extruders, gave authorization with respect to the confidential product exclusion replies of the Domestic Extruders to the requests made by the Requestors; in addition, by way of its representative, Mr. Lothar Stiem, on September 22, 2011, Can Art Aluminum Extrusion Inc. (one of the Domestic Extruders) reiterated its consent;
- On October 11, 2011, Newell Window Furnishings, dba Levelor Home Fashions Canada gave authorization with respect to the information pertaining to Levolor/Kirsch Window Fashions (a Division of Newell Rubbermaid/Newell Window Furnishings Inc.);
- On October 20, 2011, Home-Rail Ltd. refused to consent to the release of its confidential information; and
- VAP Global Industries Inc. did not respond to the Tribunal's correspondence;

THEREFORE, the Canadian International Trade Tribunal hereby orders as follows:

- the confidential product exclusion requests filed by Levolor/Kirsch Window Fashions (a Division of Newell Rubbermaid/Newell Window Furnishings Inc.) in *Aluminum Extrusions* (17 March 2009), Inquiry No. NQ-2008-003, are to be placed onto the confidential record of this matter; and
- the confidential product exclusion replies filed by the Domestic Extruders that pertain to the confidential product exclusion requests filed by Levolor/Kirsch Window Fashions (a Division of Newell Rubbermaid/Newell Window Furnishings Inc.) in *Aluminum Extrusions* (17 March 2009), Inquiry No. NQ-2008-003, are to be placed onto the confidential record of this matter.

AND THEREFORE, the motion, dated September 1, 2011, for the transfer of all other documents requested by the President of the Canada Border Services Agency is denied.

Stephen A. Leach
Stephen A. Leach
Presiding Member

Diane Vincent
Diane Vincent
Member

Jason W. Downey
Jason W. Downey
Member

Dominique Laporte
Dominique Laporte
Secretary