



Ottawa, January 21, 2009

MEMORANDUM D14-1-2

In Brief

DISCLOSURE OF NORMAL VALUES, EXPORT PRICES, AND AMOUNTS OF SUBSIDY ESTABLISHED UNDER THE *SPECIAL IMPORT MEASURES ACT* TO IMPORTERS

1. This memorandum is revised as a result of the Paper Burden Reduction Initiative. The revisions are aimed at eliminating obsolete and duplicated requirements, streamlining certain commercial processes and modifying complex policies and forms.
2. In accordance with the above, the language of paragraph 7 has been modified for clarity.



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DISCLOSURE OF NORMAL VALUES, EXPORT PRICES, AND AMOUNTS OF SUBSIDY ESTABLISHED UNDER THE *SPECIAL IMPORT MEASURES ACT* TO IMPORTERS

This memorandum outlines and explains the policy respecting the release of normal values, export prices and amounts of subsidy to importers.

GUIDELINES AND GENERAL INFORMATION

1. The purpose of this policy is twofold:
 - (a) to provide for the release of normal values, export prices and amounts of subsidy to importers so that properly completed accounting documents may be presented to the Canada Border Services Agency (CBSA), while maintaining the confidentiality of commercial data supplied to the CBSA, and
 - (b) to facilitate responses to importer enquiries.
2. When applicable, the amount of subsidy by exporter will normally be provided in the CBSA's public decision documents, which are available on the CBSA Web site. In cases where the amount of subsidy is not publicly disclosed, the following applies.
3. There are three general reasons for an importer to request information relative to normal values, export prices, and amounts of subsidy. These are indicated below together with the specific policy applicable.

Data Needed for Release or Accounting of Goods Released

4. CBSA officers may release normal values, export prices and amounts of subsidy to importers on a need-to-know basis, i.e. so the importer may obtain release of a shipment of goods or finally account for goods previously released.

Data Needed to Determine Potential Liability for Provisional Duty, Anti-dumping Duty and Countervailing Duty on Goods In-Transit

5. A CBSA officer may provide normal values, export prices and amounts of subsidy to an importer relative to goods, which the importer has purchased and which are in transit, providing the importer makes the request in writing and presents documentary evidence sufficient to satisfy the officer that the goods are indeed in transit.

Data Needed to Determine Potential Liability for Provisional Duty, Anti-dumping Duty and Countervailing Duty on a Possible Importation

6. A CBSA officer may inform a potential importer whether or not quoted prices will incur provisional duty, anti-dumping duty or countervailing duty. Where such an information request involves an exporter that has been provided specific normal values, the potential importer must make the request in writing and support the request with a copy of a price quotation from the exporter. Under no circumstances will a potential importer be given confidential normal values, export prices or the amounts of subsidy. The importer will only be informed whether or not the prices quoted will incur provisional duty, anti-dumping duty or countervailing duty.

7. Where a CBSA officer releases information according to the policy set out in this memorandum, normal values, export prices and amounts of subsidy are subject to change in accordance with sections 55, 56, 57 or 59 of the *Special Import Measures Act* and, should a review take place, accounting documents covering the goods imported may be amended accordingly. As a result of such a review, the CBSA may refund excess duties paid or request additional duties from the importer.

REFERENCES

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| <p>ISSUING OFFICE – Trade Programs Directorate</p> | <p>HEADQUARTERS FILE – 4205-12-7</p> |
| <p>LEGISLATIVE REFERENCES – <i>Special Import Measures Act, sections 55, 56, 57 and 59</i></p> | <p>OTHER REFERENCES – N/A</p> |
| <p>SUPERSEDED MEMORANDA “D” – D14-1-2, August 29, 2008</p> | |

Services provided by the Canada Border Services Agency are available in both official languages.

