

## IMPORTER REQUEST FOR INFORMATION

Information requested under the *Special Import Measures Act* concerning **the Canada Border Services Agency's** re-investigation of

Bicycles, assembled or unassembled, with wheel diameters of 16 inches (40.64 cm) and greater, and frames\* thereof, originating in or exported from Chinese Taipei and the People's Republic of China, excluding bicycles with an FOB Chinese Taipei or People's Republic of China selling price exceeding CAD 225, excluding bicycles with foldable frames and stems, and excluding bicycle frames with an FOB Chinese Taipei or People's Republic of China selling price exceeding CAD 50.

\* Although frames are no longer subject to the Canadian International Trade Tribunal's (Tribunal) order, the Canada Border Services Agency (CBSA) will be reviewing the normal values and export prices of frames during this re-investigation, as frames were still subject to the Tribunal's order for most of the Period of Investigation.

**PERIOD OF INVESTIGATION:** The *Period of Investigation* relates to *subject goods* imported into Canada during the period from **January 1, 2007 to December 31, 2007**.

**RETURN YOUR RESPONSE TO:** SIMA Registry and Disclosure Unit  
Canada Border Services Agency  
Anti-dumping and Countervailing Program  
11<sup>th</sup> Floor  
100 Metcalfe Street  
Ottawa, Ontario, Canada  
K1A 0L8

Tel. (for courier reference only): (613) 948-4605  
Fax: (613) 948-4844

**DUE DATE FOR RESPONSE:** Your complete response must be received by **March 5, 2007**

**FOR FURTHER INFORMATION:** Contact one of the following officers by e-mail or telephone:

[Brian.Hodgson@cbsa-asfc.gc.ca](mailto:Brian.Hodgson@cbsa-asfc.gc.ca) (613) 954-7237

[Johnny.Tong@cbsa-asfc.gc.ca](mailto:Johnny.Tong@cbsa-asfc.gc.ca) (613) 954-7350

***IMPORTANT NOTE***

**Information provided is deemed to be public (non-confidential)  
unless clearly marked confidential.  
Refer to “*Providing Confidential Information?*” in Part C of this RFI  
for further information.**

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## **FOREWORD**

The Canada Border Services Agency (CBSA) sent your company this Request for Information (RFI) because you were identified as a potential importer of the goods subject to this re-investigation. We are asking you for information and documents that will be used to assist in the determination of normal values and export prices.

## **Glossary**

Part B of this RFI is a glossary of terms. The glossary contains an explanation of the italicized and bolded words and terms, for example ***dumped***. Refer to the Table of Contents for the page where the Glossary starts.

## **Contact us**

Contact any of us by phone, fax or e-mail listed on the cover page, by **February 22, 2008**, and let us know if your company will participate in this re-investigation, by providing a response to this RFI.

**If your company is not going to participate in this investigation**, we would like to have the name of a contact person in your company, to send to their attention future required mailings of importance for your imports. Please verify your company's mailing address as well.

If you have any questions or would like more information, contact any of the officers identified on the cover page.

## **INSTRUCTIONS**

### **Confidential and Non-Confidential Information**

Part C of the RFI describes the treatment of confidential and non-confidential information submitted to the CBSA in connection with proceedings under SIMA.

It should be noted that confidential information submitted to the CBSA will be disclosed to independent counsel for other parties in this investigation on request. Part C outlines the instances where the CBSA will disclose confidential information submitted by parties. As well, if your company submits confidential information to the CBSA and the requirements outlined in Part C are not fulfilled, your information cannot be used in this re-investigation.

## INSTRUCTIONS

You are advised to review Part C for additional information respecting the CBSA's treatment of confidential and non-confidential information.

### How to Respond to this RFI

#### 1. Format For Written Responses

Your responses to the RFI should be clear and complete. Complete responses will allow us to fully understand your information and will provide better results for your company. If a question does not apply to your company, explain why it does not apply.

If you feel you are unable to answer all or part of a request, or require clarification of the meaning of a request, please contact one of the officers identified on the cover page.

When preparing your response, copy the question from the RFI and then put your full response below the question. To help you in preparing your response in this format, we can provide you with an electronic copy of this RFI. If you would like an electronic copy, contact one of the officers listed on the front page and we will send it to you immediately.

We ask that you:

- type your response, print and copy on one side of the paper only;
- reduce any oversize documents to standard letter or legal size paper, if possible;
- do not staple the pages, instead use paper clips or elastics to hold your reply together; and
- number all of the pages in order, including the appendices and attachments.

Provide all costs, charges and prices in the currency in which they occurred and identify the currency.

Your response must be in either English or French. Provide any material that you have used to prepare your response in its original language and provide a translation in either English or French.

#### 2. Electronic Responses Format

NOTE: provide a copy of these "Electronic Responses Format" guidelines to others when requesting them to provide you with softcopies.

If your company cannot provide information in any of the electronic formats requested below, contact one of the officers listed on the cover page and we will try to find other options. You can also contact any of the officers if you have questions on how to prepare your electronic responses.

## INSTRUCTIONS

Use the YYYY/MM/DD format for all dates. For example, write July 12, 2007 as 2007/07/12.

All softcopies must be compatible with **Microsoft Office**, i.e. Excel or Access for databases or Word for texts.

You can submit softcopies using **compact discs** (CDs) or **diskettes**.

### **CHECK ALL FILES FOR VIRUSES BEFORE SENDING**

You can submit files in a **compressed format** using WinZip version 8.1 or compatible. If you send us information in a compressed format, provide a list of all of the electronic files you are submitting. Include the file name, file type, number of records and the RFI request number that the file answers.

Remember to provide a paper copy of all the information you provide electronically.

### **3. Number of Copies Required**

Provide an original plus two (2) printed, photocopy ready, copies of the confidential version and an original plus one (1) printed, photocopy ready, copy of the non-confidential version of your response. The original confidential and non-confidential copies must include all appendices as described in this RFI. The other two confidential copies and the non-confidential copy can consist of only a cover page for each Appendix, indicating that a hard copy of the appendix has been included with the original copy.

A submission without the required copies or a non-confidential version of the submission is an incomplete response.

Also provide two (2) copies of any information you are submitting in electronic format. Affix labels to all diskettes and compact discs, describing the contents and indicating whether the material is confidential or non-confidential. All diskettes must be checked for computer viruses and certified that they are virus free before being forwarded to the CBSA.

A complete copy of your submission must be maintained at your company's premises, in case an on-site verification of your submission is done.

### **Verification Meeting**

It may be necessary for us to verify the information in your reply. You must provide a complete reply, which includes all of the documents requested, before we will conduct a verification meeting. After we receive your reply, if a visit is required, we will contact you to arrange a time and the appropriate location at your premises.

The purpose of the meeting is to verify the information provided. It is not a second opportunity for your company to provide new or additional information.

## **INSTRUCTIONS**

### **Source Documents**

You should keep all source documents and working papers, used to prepare replies to this RFI, for examination during a verification meeting. We may require that photocopies be made of selected source documents.

### **Counsel or Consultant**

If your company has hired counsel or a consultant to represent you, we need a letter of authorization from your company. This letter of authorization will allow us to discuss confidential information, release confidential material and provide copies of all correspondence about your company to your representative. We will not discuss any confidential matters about your company with your representative until a letter of authorization has been provided to us.

### **Results of the re-investigation**

We will provide your company with the results of our re-investigation. We will explain how your company's imports will be affected and give instructions for importing subject goods.

## PART A: REQUEST FOR INFORMATION – ALL IMPORTS

- A1.** Provide your company's complete mailing address (and corporate address if different), telephone and fax numbers.
- A2.** Provide the name and position of the officer in your company responsible for your response to this RFI, their telephone number, fax number and e-mail address.
- A3.** Please provide:
- a) the name, address, e-mail address, telephone and fax numbers of all exporters (foreign vendors) from whom your company imported the goods during the *Period of Investigation (POI)*, from January 1, 2007 to December 31, 2007;
  - b) the name of any exporter that is not the manufacturer of the subject goods and, if known, the name, address, telephone and fax number of the manufacturer of the goods; and
  - c) the name of all *associated exporters* from which you imported the subject goods during the *POI*.
- A4.** For the *POI*, January 1, 2007 to December 31, 2007, provide the value and quantity of your company's importations of the subject goods from each exporter identified in A3.
- A5.** Please provide a copy of the following statements and clearly indicate both gross and net profit margins on each statement:
- 1) your company's audited income statement, including all notes, for the last fiscal year;
  - 2) a divisional income statement for the *POI* from January 1, 2007 to December 31, 2007 for the division responsible for the subject goods; and
  - 3) a product income statement for the *POI* from January 1, 2007 to December 31, 2007 for the goods subject to this investigation only.

PART B: GLOSSARY

**PART B: Glossary**

Associated, Associated Exporter, Associated Customer	<i>Persons</i> or companies <i>related</i> to each other, or that do not deal with each other at arm's length. For example, individuals are related by blood, marriage or adoption. Companies directly or indirectly controlled by the same person, or by the same company, that are not dealing with each other at arm's length.
Brokerage Fees	The amount paid to a customs broker for import or export services.
Cash Discount	This is a discount to the selling price of the goods, given to customers for the early payment of invoices. It is also called a prompt payment discount. Example: 2% 10, net 30 days.
Date of Sale	The date of sale is the date that the parties establish the material terms of <i>sale</i> . This is usually the date the order is confirmed. In some situations, the date of the contract or invoice may be the date of sale, if this is when the material terms of the sale were established. If any of the terms of sale are subsequently revised, the date of the revision becomes the date of sale.
Date of Shipment	The date of shipment is the date the goods began their continuous journey from the vendor to the customer.
Discount or Factor Accounts Receivable	The sale, usually at a discount, of a company's accounts receivable.
Dumped	Dumped means that the <i>normal value</i> of the goods exceeds the <i>export price</i> .
Export Price	Export price is the price assigned to a product exported to Canada. Export price is the usually the lesser of the exporter's adjusted selling price for the goods, or the Canadian importer's adjusted purchase price. In certain circumstances, export price is the resale price in Canada of imported goods, to unrelated purchasers, deducting expenses and an amount for profit.
Freight	All costs, charges and expenses associated with shipping products by air, water, or overland by rail or truck. The costs, charges and expenses associated with shipping products by land may sometimes include the charges and expenses associated with inland waterways. These costs may be requested separately in the appendices.

PART B: GLOSSARY

Identical Goods	Identical goods are goods that are identical in all respects to the <i>subject goods</i> exported to Canada.
Like Goods	Like goods are goods in the exporter's domestic market that are identical in all respects to the goods exported to Canada. If there are no <i>identical goods</i> , like goods are goods with similar characteristics and uses - <i>similar goods</i> .
Ministerial Specification	A Ministerial specification is a method used to determine <i>normal value</i> , <i>export price</i> or amount of <i>subsidy</i> , when the regular methods do not apply. It is often used when an exporter does not cooperate in an investigation, for new products exported to Canada, or when a new exporter begins shipping to Canada.
Model	Model is the generic term used throughout this RFI to identify individual products, with various distinct characteristics.
Normal Value	<p>Normal value is a price assigned to a <i>model</i>. The basis of the normal value is the price at which an exporter sells <i>like goods</i> in their domestic market, for consumption in the ordinary course of trade, to unrelated purchasers. Where the CBSA cannot determine a normal value using domestic selling prices, we calculate a normal value using the total cost of production, plus an amount for administrative, selling and all other costs, and an amount for profit.</p> <p>When the above methods cannot be used, the SIMA provides for alternate methods of calculating normal value. We base the normal value on a <i>Ministerial specification</i> in the absence of the required information.</p>
Period of Investigation (POI)	The POI is the period during which <b>importations into Canada</b> will be investigated, to determine if they have been <i>dumped and/or subsidized</i> . For this investigation the POI is from <b>January 1, 2007 to December 31, 2007</b> .
Person or Persons	Person includes an individual, partnership, corporation or association.

PART B: GLOSSARY

<p>Related</p>	<p><i>Persons</i> are considered to be related if:</p> <ul style="list-style-type: none"> <li>• they are connected by blood relationship;</li> <li>• a person is an officer or director of the other;</li> <li>• a person is an officer or director of the same two corporations, associations, partnerships or other organizations;</li> <li>• they are partners;</li> <li>• one is the employer of the other;</li> <li>• they directly or indirectly control or are controlled by the same person;</li> <li>• one directly or indirectly controls or is controlled by the other;</li> <li>• any other person directly or indirectly owns, holds or controls 5% or more of the outstanding voting stock or shares of each such person or;</li> <li>• one directly or indirectly owns, holds or controls 5% or more of the outstanding voting stock or shares of the other.</li> </ul>
<p>Sale or Sales</p>	<p>Is an exchange of goods, property or services for an agreed sum of money or credit. A sale includes leasing, renting and an irrevocable tender. A sale also includes an agreement to sell, lease or rent.</p>
<p>Similar Goods</p>	<p>Similar goods are goods that are not identical in all respects but have similar uses and characteristics.</p>
<p>Subject Goods</p>	<p>Subject goods are the goods that are subject to this investigation. Subject goods imported into Canada have <i>identical goods</i> or <i>similar goods</i> produced in Canada.</p>
<p>Subsidy</p>	<p>A financial contribution by a government of a country that gives a benefit to persons engaged in the production, manufacture, growth, processing, purchase, distribution, transportation, sale, export or import of goods. A subsidy includes any form of income or price support that gives a benefit.</p> <p>A subsidy does not include any duty or internal tax that is refunded on export.</p>
<p>Trade Level</p>	<p>Trade level is the level a company occupies in the distribution chain for a product. The most important factor in determining the trade level of a company is the trade level of their customer. An example of typical trade levels is, in order: manufacturer; national distributor; regional distributor; wholesaler; retailer; and end-user.</p>

## PART B: GLOSSARY

Transaction Number	The transaction number refers to the Canada Customs Coding Form – B3, for commercial importations. This is a 14 digit number on the form, in Field No. 2 - Transaction Number.
Warehousing	All costs, charges and expenses associated with storing goods while en route to Canada, such as bonded warehouse fees.

## **PART C: Treatment of Confidential & Non-Confidential Information**

### **Why Provide Confidential and Non-confidential Information?**

The Special Import Measures Act requires that confidential information submitted to the CBSA be accompanied by a non-confidential (public) version of the information. The following explains how non-confidential and confidential information will be handled and how to prepare both confidential and non-confidential submission of your information.

### **How Your Non-Confidential Information is Handled**

Your non-confidential information will be given to any party that asks for this information for the purposes of the proceeding.

### **How Your Confidential Information is Handled**

There are certain times when we will release your confidential information: first, to independent counsel for a party to the proceeding; and second, to Canadian courts, tribunals and panels.

1. Confidential information will be provided to independent counsel for a party to the proceeding. Counsel includes any *person* who represents another party in the proceeding and includes legal counsel. A party is a person, or business, that participates in and has a direct interest in the proceeding.

Counsel must ask for the confidential information in writing and must provide a written guarantee to the CBSA stating that they will:

- only use the information in relation to this proceeding;
- not give out the information;
- protect the information;
- not copy the information without the CBSA's permission;
- destroy the information when they are done;
- provide the CBSA with a written notice that the information is destroyed; and
- report any violations or possible violations to the CBSA.

We will not give your confidential information to independent counsel if we believe that it might cause harm to you or your business.

## **PART C – TREATMENT OF CONFIDENTIAL & NON-CONFIDENTIAL INFORMATION**

2. Confidential information will be given to the Canadian International Trade Tribunal, any Court in Canada, a Bi-national or a World Trade Organization (WTO) Panel, to act on appeals. These organizations will use your information to fulfill their responsibilities under Canadian law, NAFTA or WTO Agreements. The confidential information is subject to the rules of procedure of the court or panel to which it is provided.

### **Providing Only Non-confidential Information?**

If you decide that your reply to this *RFI* does not contain confidential information, every page of your reply should be marked "NON-CONFIDENTIAL". You must make a statement, in a covering letter, that you do not consider any information in your submission to be confidential.

### **Providing Confidential Information?**

If your reply to this *RFI* contains confidential information, this reply, along with all of the attachments and supporting documents, will be your confidential submission. You must:

1. clearly indicate, by either enclosing the information within square brackets or by shading the information, all confidential information contained in this submission. An example of the bracketing method is provided in the “Non-confidential Edited Version If Providing Confidential Information” section below; and
2. clearly mark "CONFIDENTIAL" on every page of the confidential submission, including all attachments.

If you have a submission with confidential information, for the CBSA to be able to use your information, you must provide a **non-confidential version**. It is important that your non-confidential version is complete, as it will be provided to other parties involved in this review if they ask for it.

Your non-confidential version may be in the form of:

- an edited version; or
- a non-confidential summary.

## PART C – TREATMENT OF CONFIDENTIAL & NON-CONFIDENTIAL INFORMATION

### Non-confidential Edited Version If Providing Confidential Information

An edited version has the confidential information removed, to create a non-confidential version. You must leave enough detail to provide an understanding of the confidential information removed.

In **Part D**, which must be attached with your non-confidential version, you must:

- A) explain briefly the nature of the confidential information removed in your non-confidential version; and
- B) give the reasons why you request that the information be treated confidential, as explained in this part of the RFI.

In the following example, the text indicates the nature of the **[confidential information]** that has been deleted.

The confidential response to a request may be: The selling price of model ABC to our Canadian distributor was US\$**[25.99]** per unit.

The edited version of this response may be: The selling price of model ABC to our Canadian distributor was US\$[ ] per unit. In this example, the nature of the information removed in the non-confidential version relates to “selling price information”.

**NOTE: the spacing between the brackets [ ] should reflect the same spacing as in the confidential version.**

As a further example, the following would represent an acceptable edited version of an export sales listing. A sample page for a multi-page listing could look like this:

1	2	3	4	5	6	7
IMPTR	DATSHIP	INVNUM	INVDATA	QUANTITY	EXTSP	NETSP
[ ]	2006/02/16	14064555	2006/02/16	[ ]	[ ]	[ ]
[ ]	2006/03/14	14179020	2006/03/12	[ ]	[ ]	[ ]
[ ]	2006/04/14	14253018	2006/04/16	[ ]	[ ]	[ ]
[ ]	2006/05/09	14474937	2006/05/09	[ ]	[ ]	[ ]
	...		...			

## **PART C – TREATMENT OF CONFIDENTIAL & NON-CONFIDENTIAL INFORMATION**

### **Non-confidential Summary Where Non-confidential Edited Version Not Enough**

Where deleting information for a non-confidential edited version would not leave enough detail to provide an understanding of the confidential information removed, a non-confidential summary of the deleted information must be included, describing the confidential information that has been removed.

If you intend to provide a non-confidential summary of an appendix or attachment, the non-confidential narrative would normally be accompanied by at least one (1) sample page, with the confidential data removed, of the related appendix or attachment.

### **Review of Non-Confidential Submission**

The non-confidential version of your submission will be reviewed by the CBSA to ensure that it is in sufficient detail to convey a reasonable understanding of the substance of the information submitted in the confidential version.

If CBSA determines that an adequate non-confidential edited version or a non-confidential summary of information designated as confidential has not been provided by the respondent, and the respondent fails to justify why it cannot be provided, does not take corrective action or does not submit a revised version, the CBSA will not use the CONFIDENTIAL information provided by your firm in the proceedings. As a result, the CBSA's determination will be based on the best information available. It is imperative that companies delete only the minimum information necessary to protect their interests and only what is confidential.

**PART D: Non-Confidential Statement**

Nature of information removed in the non-confidential version  
and reasons for designating information as confidential

**[Note: this document should be reproduced, completed and signed on the letterhead of your company or of your counsel.]**

**Answers to the Request for Information (RFI)**

- A) Explain briefly the nature of the confidential information removed in your non-confidential version response to the RFI requests.

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- B) Reasons why you request that the information be treated confidential, as explained in **Part C** of the RFI.

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I, \_\_\_\_\_, \_\_\_\_\_ of \_\_\_\_\_  
(Print name) (Print Position) (Print name of company)

Signed: \_\_\_\_\_

## PART E: Request For Information Checklist

Please respond to each of the following questions by placing a checkmark in the “yes” or “no” column. **If a response is no**, provide an explanation as to why you have not complied with the instructions.

<b>Question 1:</b>	<b>Yes</b>	<b>No</b>	
Did you provide a confidential and non-confidential version of your response, in accordance with the disclosure instructions in the Request?			If no, reason:
<b>Question 2:</b>	<b>Yes</b>	<b>No</b>	
Did you complete Part D, providing reasons for designating information as confidential?			If no, reason:
<b>Question 3:</b>	<b>Yes</b>	<b>No</b>	
Did you bracket or shade the confidential information in the confidential response?			If no, reason:
<b>Question 4:</b>	<b>Yes</b>	<b>No</b>	
Did you place empty brackets or shade area where information was omitted from the non-confidential version?			If no, reason:
<b>Question 5:</b>	<b>Yes</b>	<b>No</b>	
Did you provide the requested number of hard copies (3) of the confidential and non-confidential versions of your submissions?			If no, reason:
<b>Question 6:</b>	<b>Yes</b>	<b>No</b>	
Did you provide the requested number of electronic copies (2) of the confidential and non-confidential versions of your submissions?			If no, reason:
<b>Question 7:</b>	<b>Yes</b>	<b>No</b>	
Has your submission met the follow criteria:			
<ul style="list-style-type: none"> <li>• Be single-sided only and not stapled or bound (pages should be held together by clips or elastics);</li> </ul>			
<ul style="list-style-type: none"> <li>• Be numbered consecutively from start to finish, including appendices and attachments;</li> </ul>			
<ul style="list-style-type: none"> <li>• Be provided on 8 ½” x 11” or A4 paper. If possible, please reduce any oversize documents to fit these paper sizes; and</li> </ul>			
<ul style="list-style-type: none"> <li>• Be photocopy ready. For example company brochures and annual reports should be presented so that they can be copied as is.</li> </ul>			