



**BY E-MAIL: Tom@bcveg.com**

Mr. Tom Demma  
General Manager  
BC Vegetable Marketing Commission  
#207, 15252 – 32<sup>nd</sup> Avenue  
Surrey, British Columbia  
V3S 0R7

September 18, 2014

Dear Mr. Demma:

I am writing to inform you that the Canada Border Services Agency (CBSA) has, today, concluded a re-investigation, in accordance with the *Special Import Measures Act* (SIMA), respecting the normal values and export prices of certain whole potatoes originating in or exported from the United States of America, for use or consumption in the Province of British Columbia.

The CBSA has not received any responses from exporters to the Dumping Request for Information. As such, normal values for all future shipments of subject goods will be determined in accordance with a ministerial specification based on the total costs and expenses associated with growing and harvesting potatoes, using various US university cost studies, plus an amount for profit and an estimated amount for packing, administration and selling the goods, as specified by the Minister. **Specific normal values may be found in Appendix 1.** The normal values will be effective for the subject goods released from the CBSA on or after **September 18, 2014** as well as any entries of subject goods under appeal that have yet to be re-determined at the time of the conclusion of the re-investigation.

In addition, please note that the CBSA has discontinued the application of “mostly” prices, as reported in the National Potato and Onion Report published by the Federal-State Market News Service, United States Department of Agriculture (USDA) for the determination of export prices. As of **September 18, 2014**, export prices will be determined based on the lesser of the importer’s purchase price and the exporter’s selling price, in accordance with the standard provisions of SIMA. Where, however, the export price cannot be determined in this manner, it will be determined by a ministerial specification based on the declared selling price to the Canadian importer as reflected on the customs documentation that is presented in accounting for the goods, adjusted by deducting from the selling price all costs, charges, expenses, duties and taxes described in subparagraphs 24(a)(i) to (iii) of SIMA, where this information is included with the customs documentation.

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For your information, I have enclosed a copy of the *Notice of Conclusion of Re-investigation*, which will be posted on the CBSA's Web site at:  
[www.cbsa-asfc.gc.ca/sima-lmsi/ri-re/menu-eng.html](http://www.cbsa-asfc.gc.ca/sima-lmsi/ri-re/menu-eng.html).

Should you have any questions pertaining to this re-investigation, please contact Hugo Dumas by e-mail at [Hugo.Dumas@cbsa-asfc.gc.ca](mailto:Hugo.Dumas@cbsa-asfc.gc.ca) or by telephone at 613-954-2975.

Yours truly,

A handwritten signature in black ink, appearing to read "Mary Donais". The signature is fluid and cursive, with the first name "Mary" and last name "Donais" clearly distinguishable.

Mary Donais  
Acting Manager  
Consumer Products Division  
Trade and Anti-dumping Programs Directorate

Enclosures

## APPENDIX 1

### NORMAL VALUES

<u>Product</u>	<u>Normal Value/cwt</u>
5x10 lb film/mesh bags	\$14.63
10x5 lb film/mesh bags	\$15.84
50 lb Carton	\$14.69
50 lb Sack	\$15.00
100 lb Sack	\$12.67
10 lb paper/poly bags	\$14.63
15 lb paper/poly bags	\$14.63
20 lb paper/poly bags	\$14.63

The normal values are applicable irrespective of the count size or type of the subject goods.

## Notice of Conclusion of Re-investigation

### Certain Whole Potatoes

Dumping file #: 4237-53

Dumping case #: AD/518, AD/689

Ottawa, September 18, 2014

The **Canada Border Services Agency** (CBSA) has today concluded a re-investigation, in accordance with the *Special Import Measures Act* (SIMA), of the normal values and export prices of certain whole potatoes originating in or exported from the United States of America, for use or consumption in the province of British Columbia.

The re-investigation was initiated on May 21, 2014, as part of the ongoing enforcement of the finding of the Anti-dumping Tribunal dated June 4, 1984, and of the finding of the Canadian Import Tribunal dated April 18, 1986, subsequently continued, with amendments, by the Canadian International Trade Tribunal's (Tribunal) orders of 1990, 1995, 2000, 2005 and 2010.

The following products are excluded from the Tribunal's finding:

- seed potatoes;
- imports during the period from May 1 to July 31, inclusive, of each calendar year;
- 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.

The subject goods are generally classified under the following 10-digit Harmonized System classification numbers:

0701.90.00.10

0701.90.00.20

At the initiation of the re-investigation, the CBSA sent a Request for Information (RFI) to importers, exporters and growers to solicit information on the costs and selling prices of subject and like goods. The information was requested for purposes of updating the normal values and export prices for subject goods imported into Canada.

Given that no exporters or producers provided a response to the CBSA's RFI, normal values will therefore be determined by a ministerial specification under SIMA. Accordingly, the normal values for all exporters will be based on the total costs and expenses associated with growing and harvesting potatoes, using various US university cost studies, plus an amount for profit and an estimated amount for packing, administration and selling the goods, as specified by the Minister. The normal values will be effective for the subject goods released from the CBSA on or after September 18, 2014.

An analysis of export prices during the current re-investigation period has confirmed that export prices declared on customs documentation are accurate and reflect published market prices. As such, the methodology used to determine the export prices under ministerial specification has been modified and aligned with that used for the enforcement of all other current anti-dumping cases.

Accordingly, the specification provides that where the export price cannot be determined under the other provisions of SIMA, it shall be based on the declared selling price to the Canadian importer as reflected on the customs documentation that is presented in accounting for the goods, adjusted by deducting from the selling price all costs, charges, expenses, duties and taxes described in subparagraphs 24(a)(i) to (iii) of SIMA, where this information is included with the customs documentation.

Where a producer or exporter becomes aware that there have been substantial changes to domestic prices, market conditions or costs associated with production and sales of subject goods, the CBSA should be advised in order that normal values can be reviewed and updated if required, to reflect current conditions. Similarly, the amount of export charges to be deducted from the export price may also need revision to reflect current conditions. Where changes have occurred and the CBSA has not been advised in a timely manner, the extent of these changes could warrant retroactive assessments of anti-dumping duties.

Importers are reminded that it is their responsibility to calculate and declare their anti-dumping duty liability. If importers are using the services of a customs broker to clear importations, the brokerage firm should be advised that the goods are subject to anti-dumping measures and be provided with sufficient information necessary to clear the shipments. To determine their liability for anti-dumping duty, importers should contact the exporters to obtain the applicable normal values. For further information on this matter, refer to Memorandum D14-1-2, *Disclosure of Normal Values, Export Prices, and Amounts of Subsidy Established Under the Special Import Measures Act to Importers*, on the CBSA's Web site at: [www.cbsa-asfc.gc.ca/publications/dm-md/d14-eng.html](http://www.cbsa-asfc.gc.ca/publications/dm-md/d14-eng.html).

The *Customs Act* applies, with any modifications that the circumstances require, with respect to the accounting and payment of anti-dumping duties. As such, failure to pay the duties within the prescribed time will result in the application of the interest provisions of the Act.

Should the importer disagree with the determination made on any importation of goods, a request for re-determination may be filed with the Director General, Trade and Anti-Dumping Programs Directorate, 11<sup>th</sup> Floor, 100 Metcalfe St., Ottawa, Ontario, K1A 0L8. Such a request must be received within 90 days from the making of the determination, in the form and manner outlined in Memorandum D14-1-3, Procedures for Making a Request for a Re-determination or an Appeal Under the *Special Import Measures Act*, on the CBSA's Web site at: [www.cbsa-asfc.gc.ca/publications/dm-md/d14-eng.html](http://www.cbsa-asfc.gc.ca/publications/dm-md/d14-eng.html).

Any questions concerning the above should be directed to:

SIMA Registry and Disclosure Unit  
Trade and Anti-dumping Programs Directorate  
Canada Border Services Agency  
100 Metcalfe Street, 11<sup>th</sup> Floor  
Ottawa, Ontario  
K1A 0L8

Fax: 613-948-4844

General e-mail: [simaregistry-depotlmsi@cbsa-asfc.gc.ca](mailto:simaregistry-depotlmsi@cbsa-asfc.gc.ca)

Officers' names and contact information:

Hugo Dumas: 613-954-2975

Mary Donais: 613-952-9025