

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL



TRIBUNAL CANADIEN
DU COMMERCE
EXTÉRIEUR

TEXTILE REFERENCE GUIDE

OCTOBER 1996

If you have questions regarding investigations into requests for textile tariff relief at the Tribunal, please contact:

The Canadian International Trade Tribunal
Research Branch
Standard Life Centre
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INTRODUCTION

On July 14, 1994, the Canadian International Trade Tribunal (the Tribunal) received terms of reference from the Minister of Finance (the Minister) pursuant to section 19 of the *Canadian International Trade Tribunal Act* (the CITT Act), whereby the Tribunal was directed to investigate requests from domestic producers for tariff relief on imported textile inputs for production and to make recommendations in respect of those requests to the Minister. The Minister revised the terms of reference on March 20 and July 24, 1996.

Since many requests were expected to deal with textile inputs of a seasonal nature in the apparel industry, it was considered essential that the Tribunal deal with those requests expeditiously. Accordingly, the Tribunal was directed to make its recommendations within specific and very short time frames, depending upon the urgency of the request. At the same time, the Tribunal was directed to ensure that its recommendations not only meet the competitive needs of Canadian business but also maximize net economic gains for Canada.

As directed by the Minister, before implementing the textile reference in September 1994, the Tribunal consulted with the Canadian textile and downstream industries and their respective associations in developing procedural guidelines to facilitate this process. The Tribunal further consulted with its stakeholders in 1995 and 1996 to review the administration of the textile reference, as well as the proposed changes to procedures arising from both the revised terms of reference and past practice. This revised version of the *Textile Reference Guide* incorporates all changes that have been made further to these consultations. The Tribunal is confident that the new set of administrative procedures and guidelines will improve an already transparent, inexpensive and cost-effective process that is easily accessible to domestic producers and consistent with the terms of reference and the Tribunal's governing legislation.

Appended to this guide are the following documents: the transmittal letter and the revised terms of reference received from the Minister on July 24, 1996; the Textile Reference Guidelines (the Textile Guidelines); the confidentiality provisions of the CITT Act; the schedule of events in a 120-day investigation; a summary of the information which will be required from appropriate domestic producers for the purpose of the Tribunal's investigation; a sample statement of proof of service; and, finally, the requester's questionnaire.

INVESTIGATIONS INTO REQUESTS FOR TEXTILE TARIFF RELIEF

A. Which Textile Inputs are Covered?

A domestic producer may apply for tariff relief on an imported textile input used, or proposed to be used, for production. The textile inputs for which tariff relief may be requested are the fibres, yarns and fabrics of Chapter 51, 52, 53, 54, 55, 56, 58, 59 or 60, with the exception, until at least July 1, 1999, of knitting yarns, solely of cotton or solely of cotton and polyester staple fibres, measuring more than 190 decitex, of Chapter 52 or subheading No. 5509.53, other than those used to make sweaters, having a horizontal self-starting finished edge and the outer surfaces of which are constructed essentially with 9 or fewer stitches per 2 centimetres (12 or fewer stitches per inch) measured in the horizontal direction; certain monofilaments or strips and textile and plastic combinations of Chapter 39; rubber thread and textile and rubber combinations of Chapter 40; and products of textile glass fibres of Chapter 70 of Schedule I to the *Customs Tariff*. Because the Tribunal has the jurisdiction to conduct investigations only with respect to these textile inputs which are being used, or proposed to be used, for production, a request that pertains to any other textile input will be rejected by the Tribunal.

Reference	Textile Input:	paragraph 2, Textile Guidelines
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B. Types of Relief Available

The tariff relief that may be recommended by the Tribunal to the Minister may include tariff provisions specific to a company, a textile input, time and/or an end use. The recommendation could be for tariff relief for either a specific or an indeterminate period of time. However, the Tribunal will only recommend tariff relief that is administrable on a cost-effective basis.

C. Who May File a Request?

A request may be filed by one or more domestic producers engaged in the purchase of, or proposing to purchase, a textile input for production. A request may also be filed by any person or association acting on behalf of such producers.

A commercial entity that subcontracts the transformation of an imported textile input into an end product will be considered a producer, as long as it exerts sufficient control over the production of the end product. Also, a producer that is not currently engaged in production, but that wishes to obtain tariff relief for a specific textile input, needs to demonstrate to the Tribunal that it has made a substantial commitment to start production, using the textile input, in the near future. For example, an agreement to purchase or lease manufacturing equipment and the hiring of personnel could be evidence of this commitment.

A requester may file more than one request at a time, but each request must be complete and self-contained.

Reference	Requester: Filing a Request: Producer Status:	paragraph 2, Textile Guidelines paragraph 3, Textile Guidelines Request No. TR-94-005, Hemisphere Productions Inc. Request No. TR-94-020, Sunsoakers Inc. Request No. TR-94-003, Canastro Textiles Inc.
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D. Counsel

A party may choose to be represented by counsel before the Tribunal. Where a party intends to be represented by counsel, counsel are required to file with the Tribunal a notice of appearance in Form II of the Textile Guidelines. Where counsel wish to have access to confidential information, they must file with the Tribunal a declaration and undertaking in Form III of the Textile Guidelines.

The disclosure of confidential information is governed by the confidentiality provisions of the CITT Act, as further described under the heading "Protection of Confidential Information."

Reference	Notice of Appearance:	subparagraph 9(2), Textile Guidelines
	Declaration and Undertaking:	paragraph 12, Textile Guidelines
	Confidential Information:	sections 43 to 49, CITT Act

E. Contents of a Request

A domestic producer requesting tariff relief on a textile input for production must complete the questionnaire at Appendix 7. A properly documented request shall contain all the information requested in that questionnaire. Part I requires the requester to provide for the public record, among other things, the reasons for the request, a description of the textile input and its end use, the specific tariff relief sought, experience with sourcing domestic identical or substitutable textile inputs (e.g. defined in terms of factors such as commercial availability of directly competing textile inputs and market acceptance) and anticipated benefits from the requested tariff relief. Part II requires the provision of confidential information in respect of, among other things, price comparisons between the imported textile input and domestic identical or substitutable textile inputs, and various production, import, export and cost data.

A separate request should generally be made for each textile input described at the 8-digit level of Schedule I to the *Customs Tariff*, with further break-out of the tariff provided where necessary or possible. In addition, any concessionary code listed in Schedule II to the *Customs Tariff* or in the 1988 "Customs Duties Reduction or Removal Order" applicable to the textile input must be provided. The Tribunal will entertain requests for tariff relief at the more aggregated 6-digit level, where appropriate. In certain circumstances, requests which fall in different headings or subheadings of the *Customs Tariff* will be considered, but only if the request contains all the information required and the Tribunal is satisfied that it can conduct the necessary research within the allotted time frame.

Samples of the textile input must accompany the request. In the case of fabrics, three full-width samples, each measuring one metre in length, are required; in the case of yarns, two samples of 250 linear metres on the original spool are required; and, in the case of fibres, one sample of 150 grams is required.

Reference	Contents of a Request:	paragraph 3, Textile Guidelines
	Confidential Information:	sections 43 to 49, CITT Act paragraphs 11 and 12, Textile Guidelines

F. Filing a Request

The original and 15 copies of the completed requester's questionnaire must be filed with the Secretary of the Tribunal.

The samples as defined in the "Product" section of the requester's questionnaire are required to be submitted along with the original copy of the completed questionnaire only; additional samples are not required with each copy of the completed questionnaire.

A request may be filed by mail or hand delivery with the Secretary of the Tribunal.

Reference	Filing a Request:	paragraph 3, Textile Guidelines
	Filing of Documents:	paragraph 8, Textile Guidelines

G. Notification of a Request

Upon receipt of a request for tariff relief, and before commencement of an investigation, the Tribunal will issue a brief electronic notice containing: the name of the requester; address; date of request; description of the textile input and end use; and tariff item. This information will be put on the Tribunal's Web site on the Internet. This notice does not guarantee that the request will be investigated and will not indicate when an investigation will be commenced.

During the period up to the commencement of the investigation, hard copies of the public version of a request for tariff relief and of the Department of National Revenue's report (i.e. laboratory analysis and tariff classification) will be provided, on request, to associations and, exceptionally, to individuals that do not belong to an association.

The minimum period of time for the notification of a request before an investigation is commenced will be 30 days.

Reference	Internet Address:	www.citt.gc.ca
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H. Commencement of an Investigation

Where the Tribunal receives a request for tariff relief, it must be satisfied that the request is properly documented. A request only qualifies as being properly documented if it contains all the information requested in the requester's questionnaire.

When the Tribunal is satisfied that the request is properly documented, it will commence an investigation as soon as possible after the minimum notification period of 30 days. A notice of commencement of investigation will be sent to the requester, all known interested parties and any appropriate government department or agency, such as the Department of National Revenue, the Department of Foreign Affairs and International Trade, the Department of Industry and the Department of Finance. The notice will be put on the Tribunal's bulletin board service, Factsline and Web site on the Internet. It will also be published in the *Canada Gazette*, Part I.

A copy of the public information of the properly documented request will accompany the notice sent to all known interested parties.

Where a request is not properly documented, does not provide all the public information requested or is too broad, the Secretary of the Tribunal will indicate to the requester where the request is deficient and ask that additional information be provided to the Tribunal.

Reference	Properly Documented Request:	subparagraph 3(2), Textile Guidelines
	Commencement of an Investigation:	paragraph 5, Textile Guidelines
	Notice of Commencement of Investigation:	paragraphs 6 and 7, Textile Guidelines
	Bulletin Board Service:	(613) 990-7605 or (613) 993-0722
	Factsline:	(613) 956-7139
	Internet Address:	www.citt.gc.ca

I. Consolidation of Requests for Tariff Relief

From time to time, requests may be received which cover the same, or virtually the same, textile input.

Where the information received or subsequently sought by the Tribunal is applicable to all of the requests, the resources of the parties and the Tribunal may be best served if the requests are investigated together. In some cases, requests which are consolidated may result in a broadening of the overall scope of the investigation.

If, before an investigation is commenced, the Tribunal feels that consolidating requests is appropriate, it may choose to do so. Notice of the scope of the investigation will be provided in the notice of commencement of investigation. All interested parties would know the scope of the investigation and be able to provide their comments during the course of the investigation.

If, following commencement of an investigation, the Tribunal feels that consolidating two or more requests is appropriate, it will communicate with the parties for their views on the proposal. The Tribunal will only consider the feasibility of a minor expansion of the scope of an investigation, such as for slightly heavier fabric. Parties seeking a significant expansion of the scope of an investigation will be advised to file a separate request. Upon considering the submissions received, the Tribunal will decide whether the considerations of fairness and efficiency warrant consolidating requests. Notice of the consolidation of requests and resulting scope of the investigation will be provided on the Tribunal's bulletin board service, Factsline and Web site on the Internet, in the *Canada Gazette*, Part I or using other appropriate means.

Reference	Consolidation of Requests:	paragraph 20, Textile Guidelines
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J. Who May be a Party to an Investigation?

To participate in the Tribunal's investigation, the requester or an interested party must file a notice of appearance in Form I of the Textile Guidelines with the Tribunal on or before the date specified in the notice of commencement of investigation. In any investigation, interested parties include domestic producers, certain associations and other persons who are entitled to be heard by the Tribunal because their rights or pecuniary interests may be affected by the Tribunal's recommendations. The domestic producers contemplated in the definition of "interested party" include competitors of the requester, suppliers of textile inputs that are identical to or substitutable for the imported textile input and downstream users of goods produced from the textile input.

A list of the parties to an investigation will be distributed to all parties at approximately day 25 of the investigation.

Reference	Interested Party:	paragraph 2, Textile Guidelines
	Notice of Commencement of	
	Investigation:	paragraph 6, Textile Guidelines
	Notice of Appearance:	paragraph 9, Textile Guidelines

K. Distribution of Samples

All samples provided before the commencement of an investigation will, upon request, be available for viewing only at the Tribunal’s premises.

After commencement of an investigation, samples submitted by the requester, along with the Department of National Revenue’s report, will be distributed to industry associations interested in the investigation. Parties not belonging to an association can also obtain the samples, on request, from the Secretary of the Tribunal.

All samples submitted by domestic producers of textile inputs identical to or substitutable for the imported textile input will be distributed to the requester at the time of distribution of the case material, i.e. usually at day 60 of the investigation, or earlier in the case of expedited proceedings. All samples will be identified with an exhibit number and will be included on the Tribunal’s list of exhibits.

During the investigation, samples will be available for viewing at the Tribunal’s premises.

Confidential samples will generally not be accepted by the Tribunal.

L. Information Gathering

To prepare a staff investigation report, the Tribunal staff may gather information through plant visits or questionnaires. Information will be obtained from the requester and interested parties, such as a domestic producer of identical or substitutable textile inputs, for the purpose of determining whether the tariff relief sought will maximize net economic gains for Canada. The type of information required by the Tribunal from domestic producers is set out in Appendix 5.

In normal circumstances, a public hearing is not required, and the Tribunal will dispose of the matter on the basis of the full written record, including the request, the staff investigation report and all submissions and evidence filed with the Tribunal. However, a party may request that the Tribunal hold a public hearing. A written request for a public hearing must be made as early as possible, given the short time frame within which the Tribunal must make its recommendations to the Minister. In addition, such a request must be accompanied by detailed arguments in support of the need for a public hearing. The Tribunal will hold a public hearing only where it is satisfied that such a hearing is necessary or desirable.

Reference	Government Submissions:	paragraph 10, Textile Guidelines
	Public Hearings:	paragraph 17, Textile Guidelines

M. Opportunities for Comment

The procedures developed for the conduct of the Tribunal's investigations envisage the full participation of the requester and all interested parties. Interested parties may be asked to respond to questionnaires. In addition, they can file preliminary submissions on the investigation on or before the date specified in the schedule accompanying the notice of commencement of investigation. This date is usually around day 30 of the investigation. Interested parties are invited to make their positions regarding the request known to the Tribunal as early as possible in the investigation.

When the requester or an interested party files a notice of appearance, it becomes a party to the proceedings and, at approximately day 60 of the investigation, it will receive a copy of the public case material (including the staff investigation report) gathered to that point. At approximately day 81 of the investigation, a party, other than the requester, may file submissions, including evidence, in response to the properly documented request, the staff investigation report and any information provided by a government department or agency. At approximately day 90 of the investigation, the requester may subsequently file submissions with the Tribunal in response to the staff investigation report and any information provided by a government department or agency or other party.

The schedule accompanying the notice of commencement of investigation will specify the date on or before which parties must file their submissions or responses with the Tribunal. The original and eight copies of these submissions or responses must be filed with the Secretary of the Tribunal.

A public submission or a public response must be served by a party on all other parties to the proceedings as per the list of parties provided by the Tribunal. A confidential submission or a confidential response must be served by a party on all counsel to the proceedings who have been granted access to confidential information. A document is properly served if it is transmitted by telecopier or left at a party's address for service.

A party must also file proof of service of a document with the Tribunal. Proof of service may be a signed statement by a person on behalf of a party, stating the names of the parties served with a document, as well as the addresses, telecopier numbers, if applicable, date and method of service. Attached as Appendix 6 is an example of such a statement.

Reference	Notice of Commencement of Investigation:	paragraph 6, Textile Guidelines
	Notice of Appearance:	paragraph 9, Textile Guidelines
	Availability of Information:	paragraph 13, Textile Guidelines
	Submissions by Parties:	paragraph 14, Textile Guidelines
	Filing of Documents:	paragraph 8, Textile Guidelines
	Service of Documents:	paragraph 16, Textile Guidelines

N. Time Frame of an Investigation

The Tribunal will normally complete its investigation and submit its recommendations to the Minister within 120 days from the date of commencement of the investigation. Attached as Appendix 4 is a schedule of events that the Tribunal expects will occur within the 120-day time frame.

In exceptional cases, the Tribunal will complete its investigation and submit its recommendations to the Minister within an earlier specified time frame, which the Tribunal determines to be appropriate. The

Tribunal will only consider conducting an investigation within such a time frame where the requester has alleged that critical circumstances exist and provides reasons in support of its allegations.

Critical circumstances are defined as circumstances that would cause harm which would be difficult to repair if action were not taken expeditiously. The type of harm contemplated by critical circumstances includes, *inter alia*, a loss of market opportunity and/or severe financial hardship, so that the timing of the Tribunal's investigation and recommendations to the Minister will be critical.

Where the Tribunal determines that critical circumstances exist, its investigation will involve the same schedule of events as in the 120-day time frame, but within a shorter period of time.

Reference	Critical Circumstances:	paragraph 4 and subparagraph 5(2), Textile Guidelines
	Recommendations to the Minister:	paragraph 18, Textile Guidelines

O. Protection of Confidential Information

Where confidential information is provided to the Tribunal, such information falls within the protection of the CITT Act. Confidential information will be provided in a request for tariff relief and may be provided in a subsequent submission or in a response to the Tribunal. Counsel who have been granted access to confidential information must be served with both the public and confidential versions of the submission or the response, while all other parties must be served with only the public version of the document.

Where a document containing confidential information is filed (other than a Tribunal questionnaire where confidential information is clearly designated as such), the submitting or responding party must provide a non-confidential edited version or non-confidential summary in sufficient detail to convey a reasonable understanding of the substance of the confidential information. Alternatively, a statement with explanation must be submitted when a non-confidential edited version or non-confidential summary cannot be made or would disclose facts for which there is a proper reason to keep confidential. Where a party fails to provide a non-confidential edited version or non-confidential summary of the confidential information, or a statement with explanation that such a non-confidential edited version or non-confidential summary cannot be made or would disclose facts, the confidential information may not be taken into account by the Tribunal.

The confidentiality provisions of the CITT Act provide that Tribunal members and staff shall not disclose confidential information in such a manner as to be available for the use of any business competitor or rival of the reporting person, firm or corporation. Accordingly, the Tribunal will only distribute the confidential information contained in a properly documented request, submission, response or other document, to counsel who are not directors, servants or employees of the party on whose behalf they are acting and who have filed a declaration and undertaking with the Tribunal. All other participants to the Tribunal's investigation will receive only the public version of the document.

Reference	Confidential Information:	sections 43 to 49, CITT Act paragraphs 11 and 12, Textile Guidelines
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P. Timeliness of Submissions

It is important that parties provide submissions or evidence in accordance with the time frames established by the Tribunal. The textile tariff relief process cannot operate efficiently or fairly if parties ignore

the time frames. Parties that have been asked to provide submissions or evidence by a certain date will be expected to comply with that date.

Any party that seeks to file a submission or evidence after the specified date must first obtain permission from the Tribunal. An application for such permission must:

1. state why the submission or evidence is late;
2. explain the relevance of the submission or evidence to the case under investigation; and
3. explain why the filing of the submission or response should be allowed.

Upon receiving and reviewing such an application, the Tribunal may choose to accept all, part or none of the submission or evidence.

Q. Recommendations to the Minister

The Tribunal will normally issue its recommendations, with reasons, to the Minister within 120 days from the date of commencement of the investigation. In exceptional cases, where the Tribunal determines that critical circumstances exist, the Tribunal will issue its recommendations within an earlier time frame as specified at the commencement of the investigation.

In its analysis of requests, the Tribunal must assess the economic impact on domestic producers, on a “commercial cost/benefit” basis, of reducing or removing a tariff and make recommendations that will maximize net economic gains for Canada. The Tribunal takes into consideration a variety of factors in these assessments, including its staff’s preliminary analyses of the quantifiable costs and benefits of granting tariff relief to textile producers and users (but not to governments, although potential tariff revenue losses are normally identified), as well as more qualitative factors.

The Tribunal will not consider any request for retroactive tariff relief other than in the most exceptional circumstances.

Reference Recommendations to the Minister: paragraph 18, Textile Guidelines

R. Review Process

Where the Minister has made an order for tariff relief pursuant to a recommendation by the Tribunal, certain domestic producers may make a request to the Tribunal to commence an investigation for the purpose of reviewing the order. Where the tariff relief is for a specific period of time, a request to recommend the renewal, amendment or termination of the order may be made. Where the tariff relief is for an indeterminate period of time, a request to recommend an amendment to, or termination of, the order may be made.

Certain domestic producers may request a review of an order providing tariff relief on a textile input. These producers include the initial requester and its competitors that use an identical textile input, suppliers of identical or substitutable textile inputs and downstream users of goods produced from the textile input. In addition, any other domestic producer whose rights or pecuniary interests may be affected by the order may file a request for review with the Tribunal. This latter class would include apparel manufacturers that compete with the requester which use a substitutable textile input and domestic producers that have made a substantial commitment to establish or reestablish production of an identical or substitutable textile input.

Where the Tribunal receives a request for review, it will inform parties to the initial investigation of the request and give them an opportunity to make submissions on the request. The procedures contemplated in a review are similar to those in the initial investigation pursuant to which the tariff relief was recommended.

A review to amend or terminate an order for tariff relief will be warranted where the Tribunal is satisfied that there is a reasonable indication of a change in the circumstances that led to the initial recommendation. For example, domestic production of an identical or substitutable textile input may have commenced since tariff relief was granted. Similarly, a domestic producer may have made a substantial commitment to commence such production since tariff relief was granted. Such a review will not usually be initiated within one year after implementation of the tariff relief.

A request to commence an investigation for the purpose of recommending the renewal of an order for tariff relief for a specific period of time, with or without amendment, should be made not less than six months prior to the scheduled expiry of the order.

Reference	Review Process:	paragraph 19, Textile Guidelines
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S. Annual Report to the Minister

The Tribunal will provide the Minister with an annual status report on the investigation process and make recommendations for changes to the investigation process that may be appropriate to maximize net economic gains for Canada. Copies of these reports are available on the Tribunal's bulletin board service, Factsline and Web site on the Internet. Hard copies are also available from the Secretary of the Tribunal.

Reference	Annual Status Report, November 1995
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July 24, 1996

Mr. Anthony Eyton
Chairman
Canadian International Trade Tribunal
17th Floor, Standard Life Center
333 Laurier Avenue, West
Ottawa, Ontario
K1A 0G7

Dear Mr. Eyton:

I am writing further to my letters of July 6, 1994 and March 20, 1996, which establish the terms of reference for the Tribunal to follow in conducting, under section 19 of the *Canadian International Trade Tribunal Act*, investigations into requests from Canadian producers for tariff relief on imported textile inputs that they use in their manufacturing operations.

I am directing the Tribunal, when initiating new investigations on requests for tariff relief on imported textile inputs, within the rules of procedures developed for this reference, to:

- a) examine any properly documented request that it receives from a domestic producer for tariff relief on any of the following textile inputs used in its downstream manufacturing activities: fibres, yarns¹ and fabrics of Chapters 51, 52, 53, 54, 55, 56, 58, 59, or 60 of the *Customs Tariff*; certain monofilaments or strips and textile and plastic combinations of Chapter 39; rubber thread and textile and rubber combinations of Chapter 40; and, products of textile glass fibres of Chapter 70;
- b) conduct open and transparent investigations of these requests, ensuring that reasonable steps are taken to advise interested parties of any properly documented request for tariff relief and that all parties that have indicated an intention to participate in an investigation have the opportunity to make their views know[n], through written submissions or public hearings, as the Tribunal may determine to be necessary;
- c) assess the economic impact on domestic textile and downstream producers (on a commercial cost/benefit basis) of reducing or removing the tariff; and,
- d) make recommendations:
 - with reasons described as transparently as possible, while respecting the confidentiality of commercially-sensitive business information, on the appropriateness of reducing or removing the tariff;
 - which are administrable on a cost effective basis and which could include company, textile input, time and/or "end-use" specific tariff provisions;

1. Knitting yarns, solely of cotton or solely of cotton and polyester staple fibres, measuring more than 190 decitex, of Chapter 52 or subheading No. 5509.53. other than those used to make sweaters, having a horizontal self-starting finished edge and the outer surfaces of which are constructed essentially with 9 or fewer stitches per 2 centimetres (12 or fewer stitches per inch) measured in the horizontal direction, are not included in the textile tariff reference, at least until July 1, 1999.

- specifying whether relief should be granted for a specific or indeterminate period, which could include elements such as duration and initiation procedures
- who and when - for renewal, extension or amendment investigations, as circumstances warrant. (Where indeterminate relief is recommended, the Tribunal should establish a framework under which the recommendation would be reconsidered, if the circumstances that led to the initial recommendations have changed sufficiently to warrant such an investigation, including who may apply and when);
- which should not cover goods beyond those established at the initiation of the investigation, except where sufficient notice is given for interested parties to respond;
- which should be consistent with Canada's international rights and obligations under its bilateral and multilateral trade agreements; and,
- which, ultimately, should maximize net economic gains to Canada.

In performing its economic impact assessments, the Tribunal is directed to take into account all relevant economic factors, including, where appropriate:

- a) the extent to which the current and requested textile tariff structures represent, or would represent, a significant factor in investment and/or business decisions by domestic producers;
- b) the impact of tariff rate differentials, particularly those between Canada and the U.S., on competitiveness and investment;
- c) a domestic versus foreign price comparison, of the relevant textile input, based on recent attempts by the applicant to source the specific textile input from domestic and foreign producers;
- d) substitutability of imported textile inputs with domestic textile inputs (in terms of such factors as commercial availability of directly competing textile products and market acceptance); and,
- e) the ability of domestic producers, vis-à-vis foreign producers, to serve the Canadian downstream industries (bearing in mind such things as: industry sourcing patterns/market share; history of company sales; marketing and service history; repeat orders; delivery and other technical requirements; investment and business plans of current and potential suppliers; and, any extenuating circumstances).

The Tribunal should ensure that its recommendations are made as soon as practicable:

- i) within 120 days from the receipt of a properly documented request, and,
- ii) within any earlier specified time frame, which the Tribunal determines to be appropriate, in cases of critical circumstances, after receipt of a properly documented case.

In assessing requests for tariff relief, the Tribunal should bear in mind:

- a) the effect on domestic textile and downstream producers of tariff and non-tariff liberalization flowing from the Canada-U.S. Free Trade Agreement, the North American Free Trade Agreement and the GATT 1994 Agreement; and,
- b) the effect of the elimination of full manufacturing duty drawback on non-NAFTA inputs post-1996, in the case of exports to the U.S. and 2001, in the case of exports to Mexico.

Finally, I would ask that the Tribunal continue to provide, on an annual basis, a status report on this investigation process and make recommendations for changes that may be appropriate to maximize net economic gains for Canada.

Sincerely,

The Honourable Paul Martin, P.C., M.P.

TEXTILE REFERENCE GUIDELINES*Application*

1. The Textile Reference Guidelines (the Textile Guidelines) apply to all proceedings conducted by the Canadian International Trade Tribunal (the Tribunal), pursuant to the reference made to the Tribunal by the Minister of Finance (the Minister) on July 14, 1994, as amended on March 20 and July 24, 1996, under section 19 of the *Canadian International Trade Tribunal Act* (the CITT Act), for investigation and recommendations in respect of a request for tariff relief on imports by a domestic producer that is engaged in the purchase of, or proposes to purchase, a textile input for production.

Definitions

2. In the Textile Guidelines,

“critical circumstances” means circumstances that would cause harm which would be difficult to repair if action were not taken expeditiously;

“interested party” includes:

(a) a domestic producer engaged in the purchase, for production, of any textile input that is the subject of an investigation;

(b) a domestic producer of textile inputs that are identical to or substitutable for the textile input that is the subject of an investigation;

(c) a domestic producer engaged in the purchase, for production, of any goods produced from the textile input that is the subject of an investigation;

(d) any association whose purpose is to represent the interests of the requester or any other interested party referred to in clause (a), (b) or (c) above; and

(e) any other person who, because that person’s rights or pecuniary interests may be affected or for any other reason, is entitled to be heard by the Tribunal;

“party” means the requester or an interested party that has filed a notice of appearance in Form I of the Textile Guidelines in accordance with paragraph 9 of the Textile Guidelines;

“requester” means one or more domestic producers engaged in the purchase of, or proposing to purchase, a textile input for production that have requested tariff relief pursuant to the Textile Guidelines;

“Secretary” means the Secretary of the Tribunal and includes any other officer or employee of the Tribunal during any period that the officer or employee is authorized to act as Secretary;

“textile input” means fibres, yarns and fabrics of Chapters 51, 52, 53, 54, 55, 56, 58, 59 and 60; certain monofilaments or strips and textile and plastic combinations of Chapter 39; rubber thread and textile and rubber combinations of Chapter 40; and products of textile glass fibres of Chapter 70 of Schedule I to the *Customs Tariff*, purchased, or proposed to be purchased, for production by a domestic producer. Knitting yarns, solely of cotton or solely of cotton and polyester staple fibres, measuring more than 190 decitex, of Chapter 52 or subheading No. 5509.53, other than those used to make sweaters, having a horizontal self-starting finished edge and the outer surfaces of which are constructed essentially with 9 or fewer

stitches per 2 centimetres (12 or fewer stitches per inch) measured in the horizontal direction, are not included in the textile tariff reference, until at least July 1, 1999.

Request by Domestic Producer

3. (1) A requester, or any person or association acting on behalf of the requester, may file a request with the Tribunal for tariff relief on a textile input.

(2) A request referred to in subparagraph (1) shall contain all the information requested in the requester's questionnaire.

(3) A request shall be filed by sending, by mail or hand delivery, the original and 15 copies of the completed requester's questionnaire referred to in subparagraph (2) to the Secretary.

(4) Where the Tribunal has received a request under subparagraph (1), the requester may be asked to provide such additional information as considered necessary in order for the request to be properly documented.

Critical Circumstances

4. (1) Where a requester considers that critical circumstances exist, it may request the Tribunal to conduct its investigation and to issue its recommendations to the Minister expeditiously.

(2) A request under subparagraph (1) shall be included in the request for tariff relief under paragraph 3 of the Textile Guidelines.

(3) A request under subparagraph (1) shall be supported by submissions, including evidence, which demonstrate that critical circumstances exist.

Commencement of an Investigation

5. (1) The Tribunal shall commence an investigation where it is satisfied that a request under paragraph 3 of the Textile Guidelines is properly documented.

(2) Where a request is made to the Tribunal under paragraph 4 of the Textile Guidelines, the Tribunal shall determine whether critical circumstances exist based on the information before it.

Notice of Commencement of Investigation

6. Where the Tribunal commences an investigation, the Secretary shall forthwith cause to be published in the *Canada Gazette*, Part I, a notice of commencement of investigation setting out the following information:

(a) the statutory authority for the investigation;

(b) the subject-matter of the investigation, together with such other details of the investigation as the Tribunal directs;

(c) the date on or before which the requester and any interested party must file a notice of appearance in Form I of the Textile Guidelines;

(d) where a request is made under paragraph 4 of the Textile Guidelines, the Tribunal's determination of whether critical circumstances exist;

- (e) the address to which any submissions or correspondence may be sent or delivered and at which information in respect of the investigation may be obtained; and
- (f) such other information as the Tribunal specifies.

7. The Secretary shall send a copy of the notice of commencement of investigation by hand delivery, telecopier or registered mail to:

- (a) the requester;
- (b) all known interested parties;
- (c) any government department or agency that the Tribunal considers to be appropriate.

Filing of Documents

8. The date of filing of a document shall be considered to be:

- (a) where the document is filed by mail or hand delivery, the date stamped by the Secretary on receipt of the document; and
- (b) where the document is filed by telecopier, the date of transmission.

Appearances

9. (1) The requester and any interested party that proposes to participate in the Tribunal's investigation shall file with the Tribunal a notice of appearance in Form I of the Textile Guidelines containing the information indicated in that form on or before the date specified in the notice of commencement of investigation as the date on or before which a person must file a notice of appearance.

(2) Where a person referred to in subparagraph (1) states in a notice of appearance in Form I of the Textile Guidelines the name of counsel by whom the person will be represented, counsel so named shall file with the Tribunal a notice of appearance in Form II of the Textile Guidelines on or before the date specified in the schedule accompanying the notice of commencement of investigation as the date on or before which counsel for a party must file a notice of appearance.

Government Submissions

10. (1) For purposes of its investigation, the Tribunal may request information that it considers appropriate from any government department or agency.

(2) Where the Tribunal requests information under subparagraph (1), the Secretary shall request, in writing, the information required and provide directions on procedures for filing the information.

Submission of Confidential Information

11. Where a person who provides information to the Tribunal in an investigation wishes some or all of the information to be kept confidential, and the person is providing a non-confidential edited version or non-confidential summary of the information pursuant to paragraph 46(1)(b) of the CITT Act, in addition to the document referred to in paragraph 46(1)(a) of the CITT Act, the person shall provide:

- (a) one set of documents containing the confidential information and marked "confidential" or "*confidentiel*" on the top of each page that contains confidential information; and
- (b) one set of documents from which the confidential information has been deleted.

Disclosure of Confidential Information to Counsel

12. (1) All counsel for a party who wish to have access to confidential information provided to the Tribunal for the purpose of an investigation, other than a director, servant or employee of the party, shall file with the Tribunal a declaration and undertaking in Form III of the Textile Guidelines.

(2) After the filing by counsel of a declaration and undertaking referred to in subparagraph (1), the Tribunal shall cause counsel to be notified, in the manner that it considers appropriate in the circumstances, of its decision to grant access and, if access is not granted, it shall serve counsel with a notification, in writing, setting out the reasons why access is not granted.

(3) Where the Tribunal decides not to grant access to confidential information to counsel, those counsel are not entitled to receive or examine any confidential information provided to, or to be present when any confidential information is provided orally to, the Tribunal.

(4) Where counsel have been granted access to confidential information submitted by a party, counsel shall not communicate the confidential information, including for filing or serving the information, by any means, including orally, by physical reproduction or electronic means, unless authorized by the Tribunal.

Availability of Information

13. In an investigation, the Secretary shall:

- (a) make available to each party or counsel for the party all of the information that has been provided to the Tribunal for the purpose of the investigation that has not been designated as confidential; and
- (b) make all confidential information that has been provided to the Tribunal for the purpose of the investigation available to all counsel who have filed a declaration and undertaking in Form III of the Textile Guidelines and who have been granted access to the confidential information,

that has not otherwise been served on the parties pursuant to the Textile Guidelines.

Submissions by Parties

14. (1) A party, other than the requester, may file a submission, including evidence, with the Tribunal on or before the date specified in the schedule accompanying the notice of commencement of investigation as the date on or before which a party shall file a submission.

(2) The requester may file a response on or before the date specified in the schedule accompanying the notice of commencement of investigation as the date on or before which a response shall be filed.

(3) A submission or a response shall be filed by sending, by mail or hand delivery, the original and eight copies of the submission or the response to the Secretary.

(4) Subject to paragraph 12, a party filing a submission or a response under this paragraph shall forthwith serve a copy of the submission or the response on all other parties to the proceedings and, in the case of confidential information, serve a copy of the submission or the response on counsel who have been granted access to this information.

(5) At any time during an investigation, the Tribunal may:

- (a) require further information to be provided by any party; or
- (b) request a submission from any person and provide directions on procedures for filing the submission.

Late Submissions

15. (1) Subject to subparagraph (2), a party shall not file a submission or a response after the date specified in the schedule accompanying the notice of commencement of investigation as the date on or before which a party shall file a submission or a response.

(2) A party that seeks to file a late submission or a late response shall apply to the Tribunal, indicating:

- (a) the reasons why the submission or the response was not filed on time;
- (b) the relevance of the submission or the response to the matter under investigation; and
- (c) why the filing of the submission or the response should be allowed.

(3) An application under subparagraph (2) shall be made by filing, by mail or hand delivery, with the Secretary, the original and eight copies of the application.

(4) On application under subparagraph (2), the Tribunal may allow a late submission or a late response to be filed in whole or in part.

(5) The Tribunal shall cause a party to be notified of its decision under subparagraph (4) and, if the filing in whole is not allowed, it shall notify the party, in writing, setting out its reasons why the filing in whole is not allowed.

Service of Documents

16. (1) Service of a submission or a response shall be made:

- (a) by transmitting the document by telecopier to the address for service; or
- (b) by leaving the document at the address for service.

(2) In the absence of proof to the contrary, the date of service of a document shall be considered to be:

- (a) where the document is left at the address for service, the date of delivery; and
- (b) where the document is served by telecopier, the date of transmission.

(3) Proof of service of a submission or a response shall be filed with the Tribunal in the format set out in Appendix 6 forthwith after service of the document.

Hearings

17. (1) In normal circumstances, a public hearing is not required in an investigation pursuant to the Textile Guidelines, and the Tribunal shall dispose of the matter on the basis of the information before it.

(2) Notwithstanding subparagraph (1), a party may request that the Tribunal hold a public hearing, and such request shall be filed with the Secretary.

(3) On its own initiative, or where a request for a public hearing is made under subparagraph (2), the Tribunal may direct that a public hearing be held where it considers it necessary or desirable.

Issuance of Recommendations

18. The Tribunal shall make its recommendations to the Minister as soon as practicable:

- (a) within 120 days from the commencement of an investigation; or
- (b) where critical circumstances exist, within any earlier time frame that the Tribunal determines to be appropriate.

Request for Renewal or Amendment

19. (1) Where the Minister has made an order for tariff relief for a specific period of time pursuant to a recommendation by the Tribunal, prior to the expiry of the order, a request may be made to the Tribunal to commence an investigation for the purpose of recommending the renewal, amendment or termination of the order.

(2) Where the Minister has made an order for tariff relief for an indeterminate period of time pursuant to a recommendation by the Tribunal, a request may be made to the Tribunal to commence an investigation for the purpose of recommending an amendment to, or termination of, the order.

(3) A request under subparagraph (1) or (2) may be made by a domestic producer included in any of clauses (a) through (c) and (e) of the definition of “interested party” in paragraph 2 of the Textile Guidelines in respect of the textile input that was the subject of the investigation that led to the order for tariff relief.

(4) A request to the Tribunal under subparagraph (1) or (2) shall be filed with the Secretary and set out the following information:

- (a) the name, address for service, telephone number and telecopier number, if any, of the domestic producer making the request and of counsel for the domestic producer, if any;
- (b) the nature of the domestic producer’s interest in the order;
- (c) the grounds on which the domestic producer believes that commencement of an investigation is warranted and a statement of the facts on which the grounds are based; and
- (d) the nature of the order that the domestic producer believes the Tribunal should recommend to the Minister.

(5) A request referred to in subparagraph (1) or (2) shall be filed by sending, by mail or hand delivery, the original and 15 copies of the request to the Secretary.

(6) On receipt of a request referred to in subparagraph (1) or (2), the Tribunal shall inform the parties to the investigation that led to the order for tariff relief of its receipt of the request and shall give them an opportunity to make representations to the Tribunal concerning the request.

(7) Upon consideration of the information provided pursuant to subparagraphs (4) and (6), the Tribunal may commence an investigation, where warranted, for the purpose of making a recommendation to the Minister, as the nature of the request referred to in subparagraph (1) or (2) may require.

(8) Paragraphs 1, 2, 6 to 18 and 20 of the Textile Guidelines apply, with such modifications as the circumstances require, to an investigation initiated pursuant to a request referred to in subparagraphs (1) and (2).

Consolidation of Requests

20. (1) Before commencement of an investigation, the Tribunal may consolidate two or more requests where it determines it to be appropriate in the circumstances.

(2) Following commencement of an investigation, the Tribunal may, upon receiving and considering submissions from the parties, consolidate two or more requests into the investigation where it determines it to be appropriate in the circumstances.

Form I

Canadian International Trade Tribunal

IN THE MATTER OF an investigation under the CITT Act with respect to *(specify the textile input that is the subject of the investigation)*

Notice of Appearance (party)

The Secretary
Canadian International Trade Tribunal
Ottawa, Ontario
K1A 0G7

Notice is hereby given that the undersigned, *(the requester or an interested party)*, in the investigation intends to participate in the investigation commencing the ____ day of _____, 19____. The undersigned is an interested party because *(state the nature of interest)*

The undersigned will not be represented by counsel.

or

The undersigned will be represented by counsel, whose name is _____ and whose address for service is _____.

Dated at _____, _____, this ____ day of _____, 19____.

Signature: _____

Name (Print): _____

Address: _____

NOTE: The requester or an interested party may type this form on its own letterhead.

Any irrelevant paragraph or words should be omitted.

Counsel must file a notice of appearance in Form II of the Textile Guidelines.

For access to confidential information, counsel must file a declaration and undertaking in Form III of the Textile Guidelines.

Form II

Canadian International Trade Tribunal

IN THE MATTER OF an investigation under the CITT Act with respect to *(specify the textile input that is the subject of the investigation)*

Notice of Appearance (counsel)

The Secretary
Canadian International Trade Tribunal
Ottawa, Ontario
K1A 0G7

Notice is hereby given that the undersigned appears as counsel for

a party before the Tribunal in the above matter.

The address for service of the undersigned is:

Dated at _____, _____, this _____ day of _____, 19 _____.

Signature: _____

Name (Print): _____

Address: _____

Form III

Canadian International Trade Tribunal

IN THE MATTER OF an investigation under the CITT Act with respect to (state or describe the matter before the Tribunal)

Declaration and Undertaking

I, (name), act as counsel of record for (name of party that I represent).

In this capacity, I request access to the confidential information in the record of the proceeding.

Declaration

I hereby declare that

- (a) I am ordinarily resident in Canada;
- (b) I am not a director, servant or employee of a party to the proceeding for which I act or of any other person known by me to be a party in the proceeding; and
- (c) I have read and understand subsection 45(3) of the CITT Act relating to the non-disclosure of information that is in its nature confidential.

Undertaking

I hereby undertake

- (a) to use the information disclosed under the conditions of this undertaking exclusively for duties performed in respect of the subject proceeding;
- (b) not to divulge information disclosed under the conditions of this undertaking except to a person granted access to such information or to personnel of the Tribunal;
- (c) not to reproduce, in any manner, information disclosed under the conditions of this undertaking without prior written approval by the Tribunal;
- (d) to keep confidential and to protect the information disclosed under the conditions of this undertaking in the following manner, namely,
 - (i) I will keep in my office or under my control, at all times, the complete set of documents made available to me under the conditions of this undertaking, and
 - (ii) I will store all documents and materials containing information disclosed under the conditions of this undertaking in a locked vault, safe or other secure storage device when the documents and materials are not being used;
- (e) to return to the Secretary, under the direction of the Secretary, all documents and materials containing information disclosed under the conditions of this undertaking, including notes, charts and memoranda based on such information, or to destroy such documents and materials and to file with the Secretary a

certificate of destruction pertaining to the destroyed documents and materials at the end of the proceeding or within 10 days after the end of my participation in the proceeding;

(f) if the party that I represent files a notice of change of counsel of record, within 10 days after the filing of that notice,

(i) to return to the Secretary, under the direction of the Secretary, all documents and materials containing information disclosed under the conditions of this undertaking, including notes, charts and memoranda based on such information,

(ii) to destroy such documents and materials and to file with the Secretary a certificate of destruction pertaining to such destroyed documents and materials, or

(iii) to entrust such documents and materials to the new counsel who is replacing me in the proceeding, who has signed a declaration and undertaking and who has been granted access to such information;

(g) to report promptly to the Tribunal any violation of a declaration and undertaking; and

(h) to inform the Tribunal immediately of any changes in the facts referred to in this undertaking.

Dated at _____, _____, this _____ day of _____, 19 _____.

Signature: _____

Name (Print): _____

Address: _____

CHAPTER 47 (4th Supp.)

An Act to establish the Canadian International Trade Tribunal
and to amend or repeal other Acts in consequence thereof

[1988, c. 56, assented to
13th September, 1988]

SHORT TITLE

Short title **1.** This Act may be cited as the *Canadian International Trade Tribunal Act*.

DISCLOSURE OF INFORMATION

Definition of “information” **43.** In sections 44 to 49, “information” includes evidence.

Information to be disclosed **44.** Where information is provided to the Tribunal for the purposes of any proceedings before the Tribunal, every party to the proceedings has, unless the information is information to which subsection 45(1) applies, a right, on request, to examine the information during the normal business hours of the Tribunal and a right, on payment of the prescribed fee, to be provided with copies of any such information that is in documentary form or in any other form in which it may be readily and accurately copied.

Information to be disclosed **44.1** (1) Where information is provided to the Tribunal for the purposes of proceedings before the Tribunal under the *Special Import Measures Act* in respect of goods imported from a NAFTA country, other than proceedings under section 33, subsection 34(1), section 35 or subsection 45(1) or 61(1) of that Act, the Secretary of the Tribunal shall, on request, provide the government of that country with copies of any such information that is in documentary form or in any other form in which it may be readily and accurately copied, unless the information is information to which subsection 45(1) of this Act or subsection 84(1) of that Act applies.

Definition of “government” (2) For the purposes of subsection (1), “government” has the meaning assigned to the expression “government of a NAFTA country” by subsection 2(1) of the *Special Import Measures Act*.

Information not to be disclosed **45.** (1) Where a person designates information as confidential pursuant to paragraph 46(1)(a) and that designation is not withdrawn by that person, no member and no person employed in the public service of Canada who comes into possession of that information while holding that office or being so employed shall, either before or after ceasing to hold that office or being so employed, knowingly disclose that information, or knowingly allow it to be disclosed, to any other person in any manner that is calculated or likely to make it available for the use of any business competitor or rival of any person to whose business or affairs the information relates.

Disclosure of summary or statement	(2) Subsection (1) does not apply in respect of any non-confidential edited version or non-confidential summary of information or statement referred to in paragraph 46(1)(b).
Disclosure to counsel	<p>(3) Notwithstanding subsection (1), information to which that subsection applies that has been provided to the Tribunal in any proceedings before the Tribunal may be disclosed by the Tribunal to counsel for any party to those proceedings or to other proceedings arising out of those proceedings for use by that counsel only in those proceedings, subject to such conditions as the Tribunal considers are reasonably necessary or desirable to ensure that the information will not, without the written consent of the person who provided the information to the Tribunal, be disclosed by counsel to any person in any manner that is calculated or likely to make it available to</p> <p>(a) any party to the proceedings or other proceedings, including a party who is represented by that counsel; or</p> <p>(b) any business competitor or rival of any person to whose business or affairs the information relates.</p>
Definition of “counsel”	(4) In subsection (3), “counsel”, in relation to a party to proceedings, includes any person, other than a director, servant or employee of the party, who acts in the proceedings on behalf of the party.
Designation of information as confidential	<p>46. (1) Where a person who provides information to the Tribunal for the purposes of proceedings before the Tribunal wishes some or all of the information to be kept confidential, the person shall submit to the Tribunal, at the time the information is provided,</p> <p>(a) a statement designating as confidential the information that the person wishes to be kept confidential, together with an explanation as to why that information is designated as confidential; and</p> <p>(b) a non-confidential edited version or non-confidential summary of the information designated as confidential pursuant to paragraph (a) in sufficient detail to convey a reasonable understanding of the substance of the information or a statement</p> <p>(i) that such a non-confidential edited version or non-confidential summary cannot be made, or</p> <p>(ii) that such a non-confidential edited version or non-confidential summary would disclose facts that the person has a proper reason for wishing to keep confidential,</p> <p>together with an explanation that justifies the making of the statement.</p>
Interpretation	<p>(2) A person who designates information as confidential pursuant to paragraph (1)(a) fails to comply with paragraph (1)(b) where</p> <p>(a) the person does not provide the non-confidential edited version, the non-confidential summary or the statement referred to in paragraph (1)(b);</p> <p>(b) the person provides a non-confidential edited version or a summary of the information designated as confidential pursuant to paragraph (1)(a) but the Tribunal is satisfied that it does not comply with paragraph (1)(b);</p>

	<p>(c) the person provides a statement referred to in paragraph (1)(b), but does not provide an explanation that justifies the making of the statement; or</p> <p>(d) the person provides a statement referred to in paragraph (1)(b), but the Tribunal is satisfied that the explanation given as justification for the making of the statement does not justify the making thereof.</p>
Where there has been failure to comply	<p>47. (1) Where a person has designated information as confidential pursuant to paragraph 46(1)(a) and the Tribunal considers that such a designation is warranted, but the person has failed to comply with paragraph 46(1)(b), the Tribunal shall cause the person to be informed of the failure, of the ground on which the person has so failed and of the application of subsection 48(3) if the person fails to take, within the time limited therefor by or pursuant to that subsection, such action as is necessary for the person to take in order to comply with paragraph 46(1)(b).</p>
Where Tribunal considers designation unwarranted	<p>(2) Where a person has designated information as confidential pursuant to paragraph 46(1)(a) and the Tribunal considers that, by reason of its nature, extent or availability from other sources or of the failure of the person to provide any explanation as to why it was designated as confidential, the designation of that information as confidential is unwarranted, the Tribunal shall cause the person</p> <p>(a) to be notified of the fact that the Tribunal considers the designation to be unwarranted and of its reasons for so considering; and</p> <p>(b) where the person has failed to comply with paragraph 46(1)(b), to be informed as provided in subsection (1).</p>
Withdrawal of designation or submission of explanation	<p>48. (1) Where a person is notified pursuant to paragraph 47(2)(a) with respect to any information that the person has designated as confidential pursuant to paragraph 46(1)(a), the person may, within fifteen days after being so notified,</p> <p>(a) withdraw the designation, or</p> <p>(b) submit to the Tribunal an explanation or further explanation as to why the information was designated as confidential</p> <p>and, where the person does neither of those things within those fifteen days, that information shall not thereafter be taken into account by the Tribunal in the proceedings for the purposes for which it was provided, unless the Tribunal obtains that information from a source other than that person.</p>
Tribunal to reconsider	<p>(2) Where, pursuant to subsection (1), a person submits to the Tribunal, within the fifteen days referred to in that subsection, an explanation or further explanation as to why the information was designated as confidential, the Tribunal shall again consider whether, taking into account that explanation or further explanation, the designation of the information as confidential is warranted and, if it decides that it is not warranted, shall cause the person to be notified that the information will not thereafter be taken into account by the Tribunal in the proceedings for the purposes for which it was provided, in which case the information shall not thereafter be taken into account by the Tribunal in those proceedings, unless the Tribunal obtains the information from a source other than that person.</p>

Where failure to comply not rectified

(3) Subject to subsection (4), where a person who has been informed pursuant to section 47 that the person has failed to comply with paragraph 46(1)(b) with respect to any information does not, within fifteen days after being so informed or within such longer time not exceeding thirty days after being so informed as the Tribunal, either before or after the expiration of the fifteen days, in its discretion allows, take such action as is necessary for the person to take in order to comply with paragraph 46(1)(b), the Tribunal shall cause the person to be notified that the information will not thereafter be taken into account by the Tribunal in the proceedings for the purposes for which it was provided, in which case the information shall not thereafter be taken into account by the Tribunal in those proceedings, unless the Tribunal obtains the information from a source other than that person.

Exception

(4) Subsection (3) does not apply in respect of any information that the Tribunal is prohibited by subsection (1) or (2) from taking into account in the proceedings for the purposes for which the information was provided.

Other information

49. Where

(a) information given or elicited in the course of any proceedings before the Tribunal is, in the opinion of the Tribunal, in its nature confidential, or
(b) the Deputy Minister of National Revenue indicates to the Tribunal in writing that subsection 84(1) of the *Special Import Measures Act* applies to information filed with the Secretary pursuant to paragraph 38(3)(b) of that Act,

the information shall not knowingly be disclosed by any member or person employed in the public service of Canada who comes into possession of the information in any manner that is calculated or likely to make it available for the use of any business competitor or rival of any person to whose business or affairs the information relates.

REQUEST FOR TARIFF RELIEF	
SCHEDULE OF EVENTS IN A 120-DAY INVESTIGATION	
DAY	ACTION
1	Tribunal is satisfied that the request is properly documented and issues a notice of commencement of investigation. Copy of public version of properly documented request sent to interested parties along with questionnaire and to any appropriate government department or agency.
8-15	Notice of commencement of investigation published in <i>Canada Gazette</i> , Part I.
15-22	Notices of appearance filed.
25	List of parties to the investigation distributed to parties.
35	All information received from government and collected by staff.
60	All case material distributed to parties.
81	Submissions from parties.
90	Response from requester.
120	Recommendations to Minister.

INFORMATION REQUIRED FROM DOMESTIC PRODUCERS

The following is an example of the information required by the Tribunal from domestic producers of textile inputs identical to or substitutable for the textile input(s) for which tariff relief is being sought.

PART I**PUBLIC INFORMATION****GENERAL**

1. The identity of the firm and counsel for the firm, if any, including:
 - (a) business name;
 - (b) location of the production facilities where the textile inputs considered to be identical to or substitutable for the textile input(s) for which tariff relief is being sought are produced;
 - (c) address, telephone number and telecopier number of head office, and name, corporate title, telephone number and telecopier number of contact person;
 - (d) address, telephone number and telecopier number of counsel; and
 - (e) address for service of documents.
2. A brief production history of the firm, including principal goods currently produced. If, in the past, the firm has produced textile inputs considered to be identical to or substitutable for the textile input(s) for which tariff relief is being sought, the provision of the date on which it ceased production and the reasons for ceasing production in Canada.

POSITION

3. The firm's position regarding the request and reasons for supporting or opposing the request.

PRODUCT

4. Samples of the textile inputs produced by the firm in Canada which it considers to be identical to or substitutable for the textile input(s) for which tariff relief is being sought. In the case of fabrics, three full-width samples, each measuring one metre in length; in the case of yarns, two samples of 250 linear metres on the original spool; and, in the case of fibres, one sample of 150 grams.
5. A detailed description of the physical characteristics of the textile inputs produced by the firm in Canada which it considers to be identical to or substitutable for the textile input(s) for which tariff relief is being sought. In the case of fabrics, fibre type, fibre content, yarn type, yarn size, yarn weight, yarn twist factor, fabric construction, fabric width and fabric weight; in the case of yarns, fibre type, fibre content, yarn construction, yarn type, yarn size, yarn weight and yarn twist factor; and, in the case of fibres, fibre type, fibre construction, fibre content and fibre weight. Also, the production process used and other special characteristics, such as finishing, design, colour combinations, washability, etc.
6. If the firm is not presently producing identical or substitutable textile inputs, but intends to produce such textile inputs, the provision of an indication of the time and investment required to begin production of these textile inputs.

7. Reasons why the firm considers these textile inputs to be identical to or substitutable for the textile input(s) for which tariff relief is being sought.
8. A description of the process by which the textile inputs are or will be produced and, if the process is, or will be, totally or partly subcontracted, an indication of which operations are or will be subcontracted.
9. A description of the principal end uses for the textile inputs produced, or proposed to be produced, by the firm.

DOMESTIC SUPPLY

10. The names and addresses of the firm's five major domestic competitors that produce textile inputs which the firm has identified as identical to or substitutable for the textile input(s) for which tariff relief is being sought and that sell these textile inputs to firms that produce the end product(s) as described in the request.
11. Comments on the claim of benefits made by the requester in its request, if tariff relief is granted.
12. Any other information that may be useful in explaining the firm's position.

PART II

CONFIDENTIAL INFORMATION

Note: Information requested in this part is considered to be confidential in nature and will be treated as such in accordance with sections 43 to 49 of the CITT Act.

GENERAL

13. The names of the firm's five major Canadian purchasers of the textile inputs identified as being identical to or substitutable for the textile input(s) for which tariff relief is being sought. Also, company name, address, telephone number and contact person.
14. Current employment, distinguishing between total company employment, broken down by administrative and production personnel and the number of employees engaged directly in the production of the textile inputs produced by the firm which it considers to be identical to or substitutable for the textile input(s) for which tariff relief is being sought.

DOMESTIC PRODUCTION AND SALES

15. Commercial information on the textile inputs which are produced, or could be produced, by the firm in Canada which it considers to be identical to or substitutable for the textile input(s) for which tariff relief is being sought, including the volume of domestic production, volume of domestic sales, average unit selling price (net of discounts, allowances and taxes, but including delivery costs) and unit gross margin (equals unit selling price less unit cost of raw materials, chemicals, labour, overhead and transportation) on the firm's domestic sales of these textile inputs, broken down by textile input produced for: (1) the most recent 12-month period (to be specified by the Tribunal); and (2) estimated for the next 12-month period (to be specified by the Tribunal).

16. The average unit gross margin earned on the firm's domestic sales of the different textile inputs identified above in each of the past three years.
17. The firm's minimum acceptable unit gross margin for the different textile inputs identified above and an explanation of how these amounts are determined.
18. The minimum percentage price differential that would make the textile inputs produced by the firm which are considered to be identical to or substitutable for the textile input(s) for which tariff relief is being sought uncompetitive with the imported textile input(s) and the provision of an explanation.
19. The estimated percentage, in terms of volume and dollar sales, of total plant sales for which the production (or anticipated production) of these textile inputs accounts (or would account) and the share of production of these textile inputs that is estimated to be used or consumed internally (including sales to affiliated firms) for further processing for: (1) the most recent 12-month period (to be specified by the Tribunal); and (2) for the next 12-month period (to be specified by the Tribunal).
20. The minimum production run required and minimum quantities that must be ordered by any one customer.
21. The firm's current plant capacity for producing textile inputs considered to be identical to or substitutable for the textile input(s) for which tariff relief is being sought. The current plant capacity utilization rate of the production of these textile inputs.
22. The minimum yearly order quantities to justify dedicating additional plant capacity.
23. The normal lead time required to fill an order.
24. The provision of an explanation of whether the textile inputs produced by the firm in Canada which it considers to be identical to or substitutable for the subject textile input(s) are exclusively produced (i.e. sales are confined or limited to a particular customer or customers) and whether a comparable selling treatment would be extended to the requester and at what terms (price, volume, delivery time, payment period, etc.).
25. A description of any other customized commercial services offered to customers for these identical or substitutable textile inputs.

IMPORTS

26. If the firm is an importer of textile inputs considered to be identical to or substitutable for the textile input(s) for which tariff relief is being sought, the provision of the volume, value for duty and landed value (landed at the firm's facilities) of the firm's annual imports of these textile inputs. Data to be broken down between imports for open-market sales and imports for internal use (including imports for resale to affiliated firms) for further processing. Data to cover the most recent 12-month period (to be specified by the Tribunal) and estimated data for imports for the next 12-month period (to be specified by the Tribunal).

EXPORTS

27. The volume and average unit delivered value (net of discounts, allowances and taxes, but including delivery costs) of the firm's annual exports, if any, of each textile input produced, or proposed to be produced, by the firm in Canada which it considers to be identical to or substitutable for the textile input(s) for which tariff relief is being sought and the destination of those textile inputs. Data to cover the most recent 12-month period (to be specified by the Tribunal) and estimated data to cover the next 12-month period (to be specified by the Tribunal).

ANTICIPATED COSTS

28. A description of the estimated economic impact on the firm that would result if the requested tariff relief were granted (i.e. loss of sales volume, reduced prices, reduction in unit gross margin [unit gross margin equals unit selling price less unit cost of raw materials, chemicals, labour, overhead and transportation], decrease in employment, etc.). Data to cover the most recent 12-month period (to be specified by the Tribunal) and estimated data to cover the next 12-month period (to be specified by the Tribunal).

END PRODUCT INFORMATION

29. If the firm is an integrated producer, the provision of the volume and average unit delivered value (net of discounts, allowances and taxes, but including delivery costs) of the firm's domestic sales of each end product produced from the textile inputs considered to be identical to or substitutable for the textile input(s) for which tariff relief is being sought and of every other product produced by the firm using these textile inputs. Data to cover the most recent 12-month period (to be specified by the Tribunal) and estimated data for sales anticipated for the next 12-month period (to be specified by the Tribunal).

SAMPLE STATEMENT OF PROOF OF SERVICE

Letterhead

The undersigned certifies that on *(date)*, the following parties *(or counsel)* were served with a copy of *(identify document)* by hand delivery at the following address(es) and/or by telecopier at the following telecopier number(s):

(Signature of Representative of Party)

APPENDIX 7

REQUESTER'S QUESTIONNAIRE

CANADIAN INTERNATIONAL TRADE TRIBUNAL

REQUEST FOR TARIFF RELIEF

REQUESTER'S QUESTIONNAIRE

This information is for the use of the Canadian International Trade Tribunal (the Tribunal) to assist it in investigating your request for tariff relief. A properly documented request shall contain all the information requested in this questionnaire. As a requester, you are required to complete this questionnaire and the notice of appearance (Form I) and return them to the Secretary, Canadian International Trade Tribunal, Standard Life Centre, 333 Laurier Avenue West, 15th Floor, Ottawa, Ontario K1A 0G7, Telecopier No. (613) 990-2439.

Information that is confidential in nature will be treated in accordance with sections 43 to 49 of the *Canadian International Trade Tribunal Act* (the CITT Act), which require that it shall not be made public in such a manner as to be available for the use of any business competitor or rival of the reporting person, firm or corporation.

CERTIFICATION

The undersigned certifies that the information herein supplied is complete and correct to the best of his/her knowledge and belief. The undersigned also certifies that a non-confidential edited version or non-confidential summary of the confidential information herein supplied cannot be provided.

Date

Signature of Authorized Official

Telephone

Telecopier

Name and Title of Authorized Official
(Please print)

GENERAL INSTRUCTIONS

1. This questionnaire has been designed to minimize the burden of responding on participants. Space has been provided to accommodate your comments and explanations. Should you require additional space to answer any question, please use separate sheets and attach them to the questionnaire.
2. This questionnaire is divided into two parts:

PART I — deals with information that is public in nature. However, any request to treat any portion of this information as confidential must be fully justified in writing.

PART II — deals with information that is confidential in nature and that will not be made public in such a manner as to be available for the use of any business competitor or rival of the reporting person, firm or corporation.
3. If the answer to any question is “none,” “not applicable” or “not available,” please indicate which of these situations applies rather than leave the space blank.
4. If certain data are not readily available, please provide estimates and indicate whether the data have been estimated and how.
5. Where information is requested for “the most recent 12-month period” or the “next 12-month period,” the exact period used must be specified (e.g. September 1, 1993, to August 31, 1994). (If data for the most recent calendar year provides representative information, please use calendar years.)
6. Metric measurements should be used at all times where feasible and where industry norms permit. For example, in cases relating to fabrics, the data requested regarding volume should be provided in square metres and the price or cost data on a dollar per square metre basis. In cases relating to yarns, volume should be provided in linear metres and price or cost data on a dollar per linear metre basis. In cases relating to fibres, volume should be provided in grams and price or cost data on a dollar per gram basis.
7. The original and 15 copies of this completed questionnaire must be filed with the Secretary of the Tribunal.
8. The questionnaire may be filed by mail or hand delivery with the Secretary of the Tribunal.
9. The samples as defined in the “Product” section of this questionnaire are required to be submitted along with the original copy of the completed questionnaire only; additional samples are not required with each copy of the completed questionnaire.

CANADIAN INTERNATIONAL TRADE TRIBUNAL

REQUESTER'S QUESTIONNAIRE

PART I

PUBLIC INFORMATION

GENERAL

1. Please provide the identity of your firm and counsel for your firm, if any, including:

Business Name	Location of the production facilities where the textile input(s) for which tariff relief is being sought will be incorporated into the end product(s)
HEAD OFFICE	CONTACT PERSON
	Name and Corporate Title
Address	Telephone Telecopier
Telephone Telecopier	
COUNSEL	FOR SERVICE OF DOCUMENTS
Name	
	Address
Address	
Telephone Telecopier	

2. Please indicate the tariff relief being sought by completing the following:

Specific Period of Time _____
Please Specify

OR

Indeterminate Period of Time

Country(ies) of Export _____
Please Specify

Requested Effective Date of Tariff Relief if Granted _____

3. Please provide a brief production history of your firm, including principal goods currently produced.

PRODUCT

4. Please provide samples of the textile input(s) for which tariff relief is being sought. In the case of fabrics, please provide three full-width samples, each measuring one metre in length; in the case of yarns, two samples of 250 linear metres on the original spool; and, in the case of fibres, one sample of 150 grams.

5. Please provide a detailed description of the physical characteristics of the textile input(s) for which tariff relief is being sought. In the case of fabrics, include the fibre type, fibre content, yarn type, yarn size, yarn weight, yarn twist factor, fabric construction, fabric width and fabric weight; in the case of yarns, include the fibre type, fibre content, yarn construction, yarn type, yarn size, yarn weight and yarn twist factor; and, in the case of fibres, include the fibre type, fibre construction, fibre content and fibre weight. Also, please specify the production process used, e.g. carding, combing, dry forming, wet forming, bonding, needlepunching, ring spinning, open-end spinning, etc., and other special characteristics, such as finishing, design, colour combinations, washability, etc.

(i) For **FABRICS**, please provide:

Fabric	_____	_____	_____	_____	_____
Fibre Type	_____	_____	_____	_____	_____
Fibre Content	_____	_____	_____	_____	_____
Yarn Type	_____	_____	_____	_____	_____
Yarn Size	_____	_____	_____	_____	_____
Yarn Weight	_____	_____	_____	_____	_____
Yarn Twist Factor	_____	_____	_____	_____	_____
Fabric Construction	_____	_____	_____	_____	_____
Fabric Width	_____	_____	_____	_____	_____
Fabric Weight	_____	_____	_____	_____	_____
Production Process	_____	_____	_____	_____	_____
Other Special Characteristics	_____	_____	_____	_____	_____

(ii) For **YARNS**, please provide:

Yarn	_____	_____	_____	_____	_____
Fibre Type	_____	_____	_____	_____	_____
Fibre Content	_____	_____	_____	_____	_____
Yarn Construction	_____	_____	_____	_____	_____
Yarn Type	_____	_____	_____	_____	_____
Yarn Size	_____	_____	_____	_____	_____
Yarn Weight	_____	_____	_____	_____	_____
Yarn Twist Factor	_____	_____	_____	_____	_____
Production Process	_____	_____	_____	_____	_____
Other Special Characteristics	_____	_____	_____	_____	_____

(iii) For **FIBRES**, please provide:

Fibre	_____	_____	_____	_____	_____
Fibre Type	_____	_____	_____	_____	_____
Fibre Construction	_____	_____	_____	_____	_____
Fibre Content	_____	_____	_____	_____	_____
Fibre Weight	_____	_____	_____	_____	_____
Production Process	_____	_____	_____	_____	_____
Other Special Characteristics	_____	_____	_____	_____	_____

6. Please provide the current tariff item or classification number under which the textile input(s) is/are classified and the country of origin of the textile input(s) for which you are requesting tariff relief.

Textile Input	Tariff Item or Classification Number	Country of Origin
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

7. Is/are the textile input(s) subject to any concessionary tariff codes (i.e. Annex Codes), to any import or export restraints, such as quotas, or to ex-quota treatment?

Yes

Yes

No

No

If so, please provide details.

- 8. Please identify the physical characteristics of the textile input(s) for which you are requesting tariff relief that differentiate it/them from identical or substitutable textile inputs which may be available from domestic sources, for example, fabric widths, the yarn twist factor, the use of fibres such as silk or fine animal hair, the use of unusual finishes, etc. Include an explanation of why these characteristics are required.

- 9. If there are no special physical characteristics which distinguish the textile input(s) for which you are requesting tariff relief from identical or substitutable textile inputs available domestically, please elaborate and indicate which other factors, such as price, delivery times, available quantities, etc., account for your preference for the textile input(s) for which you are requesting tariff relief.

- 10. Please provide a description of the production process that you perform, or propose to perform, on the textile input(s) and, if the process is, or will be, totally or partly subcontracted, an indication of which operations are, or will be, subcontracted.

- 11. Please provide the principal end product(s) incorporating the textile input(s) and the current classification of the end product(s).

End Product	Tariff Item or Classification Number
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>
<hr/>	<hr/>

DOMESTIC SUPPLY

12. Please discuss your experience, over the past two years, with the domestic producers' ability to supply textile inputs that are identical to or substitutable for the textile input(s) for which you are requesting tariff relief. Include an explanation of any recent efforts that you have made to obtain identical or substitutable textile inputs from domestic producers. If identical or substitutable textile inputs from domestic producers are not considered to be acceptable, please explain why they are not.

13. Please provide the names, addresses, telephone numbers and contact persons of companies canvassed and of any other known domestic producers of textile inputs which your firm considers to be identical to or substitutable for the textile input(s) for which you are requesting tariff relief, along with a brief description of the domestic identical or substitutable textile input(s).

Company	Address	Telephone	Contact Person	Identical or Substitutable Textile Input
<hr/>	<hr/> <hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/> <hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/> <hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/> <hr/>	<hr/>	<hr/>	<hr/>
<hr/>	<hr/> <hr/>	<hr/>	<hr/>	<hr/>

14. Please provide the names of your five major domestic competitors producing the end product(s) manufactured using the textile input(s) for which you are requesting tariff relief and/or identical or substitutable textile inputs. Include the company name, address, telephone number and contact person.

Company	Address	Telephone	Contact Person
_____	_____ _____	_____	_____
_____	_____ _____	_____	_____
_____	_____ _____	_____	_____
_____	_____ _____	_____	_____
_____	_____ _____	_____	_____

ANTICIPATED BENEFITS

15. Please describe the reasons for making the request for the tariff relief that is being sought. Include the anticipated benefits to your firm, for the next 12-month period, over and above anticipated duty cost savings. Also include the anticipated effects on employment and production.

PART II

CONFIDENTIAL INFORMATION

Note: Information requested in this part is considered to be confidential in nature and will be treated as such in accordance with sections 43 to 49 of the CITT Act.

NAME OF REQUESTER: _____

GENERAL

17. Please provide the names of your firm's five major Canadian purchasers of the end product(s) manufactured using the textile input(s) for which tariff relief is being sought. Include company name, address, telephone number and contact person. If the end product(s) is/are manufactured solely or primarily for export, please indicate and list your five major foreign customers.

Company	Address	Telephone	Contact Person
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

18. Please report your firm's total number of employees broken down by administrative and production personnel and the number of employees engaged directly in the production of the end product(s) using the textile input(s) for which you are requesting tariff relief?

	Number of Employees
Administrative Personnel	_____
Production Personnel	_____
TOTAL	_____
Direct Employment	_____

IMPORTS

19. Please provide the volume, value for duty, amount of duty paid and the landed cost of your imports, broken down by country of origin and textile input (if more than one), of the textile input(s) for which tariff relief is being sought:

(a) For the most recent 12-month period (_____)
Please Specify

Country of Origin	Textile Input	Volume (square metres for fabrics, linear metres for yarns and grams for fibres)	Total Value for Duty	Total Duty Paid	Total Landed Cost
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

(b) Estimated for the next 12-month period (_____)
Please Specify

Country of Origin	Textile Input	Volume (square metres for fabrics, linear metres for yarns and grams for fibres)	Total Value for Duty	Total Duty Paid	Total Landed Cost
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

20. Please provide the names of your suppliers of the textile input(s) for which tariff relief is being sought, including addresses, telephone numbers and contact persons.

Foreign Supplier/ Domestic Importer	Address	Telephone	Contact
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

DOMESTIC

21. Please provide the percentage breakdown of the textile input(s) for which tariff relief is being sought and of domestic identical or substitutable textile input(s) that you currently use.

Textile Input(s) for Which Tariff Relief Is Being Sought	Domestic Identical or Substitutable Textile Input(s)
_____	_____

22. Please provide the volume and total delivered price of your purchases, if any, of domestic identical or substitutable textile input(s).

Data for the most recent 12-month period. (_____)
Please Specify

Textile Input	Total Volume (square metres for fabrics, linear metres for yarns and grams for fibres)	Total Delivered Price
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

END PRODUCT INFORMATION

23. Please provide the volume and average delivered selling price (net of discounts, allowances and taxes, but including delivery costs), or anticipated delivered selling price, at the wholesale trade level, of one unit of end product produced, or proposed to be produced, incorporating the textile input(s) for which tariff relief is being sought. Please provide the quantity of the textile input required to produce one unit of end product. Please specify if different textile inputs are used for different end products.

(a) For the most recent 12-month period (_____)
Please Specify

Textile Input	End Product	Volume Produced <small>(square metres for fabrics, linear metres for yarns and grams for fibres)</small>	Average Delivered Selling Price	Quantity of Textile Input Used Per End Product	Landed Cost of Textile Input Used Per End Product	Duty Cost of Textile Input Per End Product
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

(b) Estimated for the next 12-month period (_____)
Please Specify

Textile Input	End Product	Volume Produced <small>(square metres for fabrics, linear metres for yarns and grams for fibres)</small>	Average Delivered Selling Price	Quantity of Textile Input Used Per End Product	Landed Cost of Textile Input Used Per End Product	Duty Cost of Textile Input Per End Product
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

24. Please provide an estimate of your total plant sales for which the end product(s) account, in terms of sales volume and dollar sales.

Data for the most recent 12-month period (_____)
Please Specify

Percentage of Sales Volume

Percentage of Dollar Sales

25. If you are an importer of an end product which you also produce, or propose to produce from the textile input(s) for which tariff relief is being sought, please provide the volume and value (landed at your facilities) of your annual imports of the end product.

(a) For the most recent 12-month period (_____)
Please Specify

End Product Imported	Country of Origin	Volume of End Product Imported (square metres for fabrics, linear metres for yarns and grams for fibres)	Landed Value of End Product Imported
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(b) Estimated for the next 12-month period (_____)
Please Specify

End Product Imported	Country of Origin	Volume of End Product Imported (square metres for fabrics, linear metres for yarns and grams for fibres)	Landed Value of End Product Imported
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

26. Please provide the volume and average delivered value (net of discounts, allowances and taxes, but including delivery costs) of your annual exports, if any, of each end product produced, or proposed to be produced, from the textile input(s) for which tariff relief is being sought and the destination of those end products.

For the most recent 12-month period (_____)
Please Specify

End Product	Volume of Annual Exports (square metres for fabrics, linear metres for yarns and grams for fibres)	Average Delivered Value of Exports	Destination/Country
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Form I

Canadian International Trade Tribunal

IN THE MATTER OF an investigation under the CITT Act with respect to (*specify the textile input that is the subject of the investigation*)

Notice of Appearance (party)

The Secretary
Canadian International Trade Tribunal
Ottawa, Ontario
K1A 0G7

Notice is hereby given that the undersigned, (*the requester or an interested party*), in the investigation intends to participate in the investigation commencing the ____ day of _____, 19____. The undersigned is an interested party because (*state the nature of interest*)

The undersigned will not be represented by counsel.

or

The undersigned will be represented by counsel, whose name is _____ and whose address for service is _____.

Dated at _____, _____, this ____ day of _____, 19____.

Signature: _____

Name (Print): _____

Address: _____

NOTE: The requester or an interested party may type this form on its own letterhead.
Any irrelevant paragraph or words should be omitted.
Counsel must file a notice of appearance in Form II of the Textile Guidelines.
For access to confidential information, counsel must file a declaration and undertaking in Form III of the Textile Guidelines.