

Delegation

I, Alain Jolicoeur, President, Canada Border Services Agency, pursuant to subsection 9(1) of the *Canada Border Services Agency Act*^a, hereby delegate any power, duty or function that I am authorized to exercise or perform under a provision of the *Special Import Measures Act*^b that is set out in the attached Schedule to any officer holding a position set out in relation to that provision in the Schedule or, in his or her absence, to the person carrying out his or her duties and functions.

Dated at Ottawa, Province of Ontario, this.....day of, 2006.

Alain Jolicoeur
President
Canada Border Services Agency

^a S.C.2005,C- 38

^b R.S.1985, c. S-15

Schedule

Authorized to the Executive Vice-president, Vice-president, Admissibility Branch of the Canada Border Services Agency

Provision of the <i>Special Import Measures Act</i>	Description of Function or Duty
Subsection 8(1)	Consider whether the imposition of provisional duty is necessary to prevent injury, retardation or threat of injury.
Subsection 31(1)	Form an opinion whether there is evidence of dumping or subsidizing and a reasonable indication that the dumping or subsidizing has caused injury or retardation or is threatening to cause injury. Cause an investigation to be initiated respecting the dumping or subsidizing of any goods.
Subsection 31(7)	Cause an investigation to be initiated respecting the dumping or subsidizing of any goods described in a notice from the Tribunal pursuant to section 46.
Subsection 31.1(2)	Initiate an investigation where there is a determination by the Committee or an arbitration body that a subsidy is not a non-actionable subsidy.
Subsection 31.1(3)	Initiate an investigation with respect to a subsidy where the Committee or an arbitration body makes a re-determination that the subsidy is no longer a non-actionable subsidy.
Subsection 31.1(4)	Form an opinion whether: a subsidy that was not notified to the Committee is non-actionable; or a subsidy that was non-actionable may, as a result of substantial modification to the nature or delivery of the subsidy, no longer be non-actionable.
Subsection 33(1)	Decide not to cause an investigation to be initiated following receipt of a properly documented complaint.

Subsection 33(2)	<p>Form an opinion whether the evidence discloses a reasonable indication that the dumping or subsidizing has caused injury or retardation or is threatening to cause injury.</p> <p>Refer the question of injury to the Tribunal after deciding not to cause an investigation to be initiated.</p>
Paragraph 35(1)(a)	<p>Conclude that: there is insufficient evidence of dumping or subsidizing to justify proceeding with the investigation; or that the margin of dumping of, or the amount of subsidy on, the goods from a country or countries is insignificant; or the actual and potential volume of dumped or subsidized goods is negligible.</p>
Subsection 35(2)	<p>Cause an investigation to be terminated.</p>
Paragraph 35.1(1)(a)	<p>Cause an investigation initiated under section 31 to be terminated in relation to the dumping of goods of Chile.</p>
Subsection 38(1)	<p>Make a preliminary determination of dumping or subsidizing.</p>
Subsection 39(1)	<p>Extend the time period referred to in section 38 to 135 days.</p>
Paragraph 39(1)(d)	<p>Form an opinion whether circumstances make it unusually difficult to make a decision within ninety days.</p>
Paragraph 41(1)(a)	<p>Conclude that the goods have been dumped or subsidized, and the margin of dumping of, or amount of subsidy on, the goods is not insignificant.</p> <p>Make a final determination of dumping or subsidizing.</p>
Paragraph 41(1)(b)	<p>Conclude that there is no exporter.</p> <p>Cause an investigation to be terminated where there is no exporter.</p>
Subsection 41.1(1)	<p>Reconsider the matter and make a new final determination or decision where a final determination or decision is referred back by a Court.</p>

Subsection 41.1(2)	Where a final determination or decision is referred back by a Binational Panel, reconsider the final determination or decision and confirm or rescind it or, in the case of a final determination, vary it.
Subsection 41.1(3)	Reconsider a final determination or decision within such period as is specified by the panel or the Federal Court of Appeal or, in the case of the Court of Appeal, within 90 days if a period is not specified.
Paragraph 41.1(4)(b)	Resume the investigation that was terminated.
Subsection 49(1)	Form an opinion whether observance of the undertaking(s) will eliminate the margin of dumping or the amount of subsidy or any injury, retardation or threat of injury that is being caused by the dumping or subsidizing. Accept an undertaking.
Subparagraphs 50(a)(ii), (iii)	After accepting an undertaking, cause to suspend: a) the collection of provisional duties with respect to the goods; and b) the investigation, unless a request to complete the investigation and injury inquiry was made.
Paragraph 52(1)(a)	Conclude that an undertaking has been or is being violated.
Paragraphs 52(1)(b), (c)	Conclude that the undertaking would not have been accepted if information (now) available was available, or circumstances (now) prevailing had prevailed, at the time of acceptance of the undertaking.
Paragraph 52(1)(d)	Terminate the undertaking for any of the reasons specified in paragraphs (a), (b) or (c).
Paragraph 52(1)(f)	Cause the investigation to be resumed, where it has been suspended.
Paragraph 52(1.1)(d)	Terminate the undertakings for the reasons specified in paragraph (a), (b) or (c).
Subsection 52(1.2)	Conclude that, notwithstanding the termination of the undertaking(s), the conditions in paragraph 49(1)(a) or (b) would no longer exist.

	Terminate the undertakings when satisfied that certain conditions no longer exist.
Subsection 52(1.3)	Direct that all proceedings not be terminated despite the termination of an undertaking.
Subsection 52(2)	Determine whether the undertakings that have not been and are not being violated account for substantially all the imports into Canada of the goods. Decline to take any action under subsection (1) unless there is good reason to.
Subsection 53(1)	Conclude that the undertaking continues to serve the purpose for which it was intended and it does not have to be terminated. Renew an undertaking, subject to the provisions referred to in this subsection.
Subsection 53(3)	Direct that all proceedings not be terminated despite the termination of an undertaking.
Subparagraph 53.1(1)(a)(i)	Reconsider the matter and make a new decision where a decision to renew or not to renew is set aside and the matter is referred back by a court.
Subparagraph 53.1(2)(a)(i)	Reconsider the decision and confirm, rescind or vary it where a decision to renew or not to renew is referred back by a panel.
Subsection 76.01(1)	Request the Tribunal to conduct an interim review of an order or finding or an aspect of an order or finding described in sections 3 to 6.
Subsection 76.02(1)	Request the Tribunal to review an order or finding, other than one described in sections 3 to 6.
Paragraph 76.03(3)(b)	Request the Tribunal to initiate an expiry review.
Paragraph 76.1(1)(a)	Review any decision, determination or re-determination or any portion of a decision, determination or re-determination made under the Act.

Subsection 76.1(2)	<p>Continue the decision, determination or re-determination with or without amendment or rescind the decision, determination or re-determination and make another one.</p> <p>Consider whether it is necessary to amend or rescind a decision, determination or re-determination and make another one.</p>
Subsection 76.1(3)	Give reasons for the action taken under subsection (2) and specify the goods and, where practicable, the name of the supplier and the country of export to which the decision, determination or re-determination applies.
Subsection 76.1(4)	Notify the Minister of Finance of any decision, determination or re-determination continued or made under subsection (2).
Subparagraph 91(1)(d)(i)	Reconsider any final determination of dumping or subsidizing, and confirm the final determination, rescind it or make amendments to it.
Paragraph 91(1)(e)	Take the action required in section 41 within 60 days of the Tribunal's ruling.
Paragraph 91(1)(f)	Cause an investigation to be commenced.
Paragraph 91(1)(g)	Request that the Tribunal reconsider an order or finding made as a result of the inquiry referred to in paragraph 90(c).
Regulation 38(a)	Join more than one properly documented complaint for the purpose of initiating a single investigation.
Regulation 38(c)	Join more than one dumping or subsidy investigation or one or more dumping and subsidy investigations and carry out one investigation.

Authorized to the Executive Vice-president, Vice-president, Admissibility Branch and Director General, Trade Programs Directorate, Admissibility Branch of the Canada Border Services Agency

Provision of the <i>Special Import Measures Act</i>	Description of Function or Duty
Subsection 2(1)	In relation to a form, prescribe the form.
Subsection 20(2)	Refuse to designate a country if the conditions in paragraph (a) or (b) are met.
Paragraph 20(2)(a)	Form an opinion whether certain goods are dumped.
Paragraph 20(2)(b)	Form an opinion whether the price has been influenced by a country described in paragraphs (1)(a) and (b).
Subsection 30.2(2)	<p>Form an opinion whether there are significant variations in the prices of goods from a particular exporter among: purchasers; regions in Canada; or time periods.</p> <p>Determine the margin of dumping in relation to any goods from that exporter to be the weighted average of the margins of dumping in relation to individual sales of goods of that exporter.</p> <p>Consider which individual sales are relevant to the determination of the margin of dumping in relation to any goods from an exporter.</p>
Subsection 31(8)	Initiate an investigation respecting the dumping or subsidizing of goods after receipt of advice from the Tribunal, pursuant to a reference under subsection 33(2), that the evidence discloses a reasonable indication of injury, retardation, or the threat of injury.
Paragraph 37(a)	Provide the Tribunal with such information and material as required under the rules of the Tribunal.
Paragraph 38(1)(a)	Specify, in relation to each exporter, in respect of dumped goods, the estimated margin of dumping and the goods to which the preliminary determination applies.
Paragraph 38(1)(b)	Specify, in relation to each exporter, in respect of subsidized goods, the estimated amount of subsidy and the goods to which the preliminary

	<p>determination applies.</p> <p>Where the whole or any part of a subsidy is a prohibited subsidy, specify that there is a prohibited subsidy and estimate its amount.</p>
Paragraph 38(1)(c)	Form the belief as to who, on the basis of the information available, is the importer in Canada and specify the name.
Subsection 38(2)	<p>Form an opinion whether the provision of an export subsidy is not inconsistent with a country's obligations under the General Agreement on Tariffs and Trade 1994.</p> <p>Refuse to specify or estimate anything pursuant to subparagraph (1)(b)(iii) after having regard to the matters specified in the subsection.</p>
Subparagraphs 41(1)(a)(iii), (iv)	Specify, in relation to each exporter of the goods, the information listed in subparagraphs (iii) and (iv).
Subsection 41(2)	<p>Form an opinion whether the provision of an export subsidy is not inconsistent with a country's obligations under the General Agreement on Tariffs and Trade 1994.</p> <p>Refuse to specify or estimate anything pursuant to clause (1)(a)(iv)(C) after having regard to the matters specified in the subsection.</p>
Subsection 51(1)	Terminate an undertaking where a written request is made by a party identified in either paragraph (a) or (b) within 30 days after the date of notice of acceptance of the undertaking.
Subsection 51(2)	Cause the investigation to be resumed where an undertaking has been terminated under subsection (1).
Section 51.1	<p>Form an opinion whether observance of the undertaking will cause the selling price to importers in Canada to increase by more than the estimated margin of dumping or amount of subsidy.</p> <p>Accept an undertaking from an exporter or government that had not previously offered one.</p>
Subsection 62(1)	Appeal to the Federal Court of Appeal on a question of law.

Paragraph 76.03(7)(a)	Determine whether the expiry of the order or finding is likely to result in the continuation or resumption of dumping or subsidizing.
Subsection 76.03(9)	Provide the Tribunal with any information and material that is required under the rules of the Tribunal.
Subsection 78(1)	Form the belief, on reasonable grounds, that a person in Canada is able to provide evidence relevant to: any proceedings undertaken before the initiation of an investigation; the investigation; or the estimation of duty. Require, in writing, the person to provide evidence relevant to an investigation.
Subsection 78(2)	Include in the written notice: sufficient information for the person to identify the evidence required; the time within which and the manner and form in which the evidence is to be provided; and a copy or summary of this section and sections 82 to 85.
Subsection 78(5)	Extend the time within which the evidence is to be provided.
Subsection 81(1)	Require, in writing, any person in Canada to whom goods are sold to pay a sum not exceeding the amount of duty payable.
Paragraph 84(2)(b)	Disclose information for purposes of proceedings before a panel or Appellate Body of the WTO.
Subsection 84(3)	Disclose confidential information to counsel for a party to proceedings under this Act. Specify the manner and time for release of the confidential information. Determine conditions that are reasonably necessary to ensure that the information will not be disclosed or made available to any party mentioned in paragraph (a) or (b), without the consent of the person who submitted it.
Subsection 84(3.1)	(Form the opinion) whether the disclosure might result in material harm to the business or affairs of the person who designated the information confidential.

	Decide not to disclose confidential information to counsel for a party to proceedings under the Act.
Subsection 89(1)	Request the Tribunal for a ruling on who is the importer.
Subsection 89(2)	Provide the Tribunal with the information required in paragraphs (a), (b) and (c).
Paragraph 89(2)(c)	Determine any additional information that may be useful to the Tribunal.
Paragraph 89(2)(d)	Give notice of the request to such persons as the rules of the Tribunal require or as the Tribunal may require.
Section 95	Provide any person interested in the importation of goods with the name of the importer of the goods.
Regulation 37.2(1)	Consider the factors identified in paragraphs (a) to (j) when making a decision under paragraph 76.03(7)(a) of the Act.

In addition, the Director General, Trade Programs Directorate, shall, upon the making of decisions referred to, cause notice to be given and other actions to be taken as specified in the following provisions of the *Special Import Measures Act*:

- Subparagraphs 50(a)(i), 50(a)(iv), 53.1(1)(a)(ii), 53.1(2)(a)(ii), 91(1)(d)(ii);
- Paragraphs 34(1)(a), 34(1)(b), 35(2)(b), 41.1(1)(b), 41.1(2)(b), 52(1)(e), 52(1.1)(e), 76.03(7)(b), 89(2)(d);
- Subsections 31(1), 31(6), 31.1(4), 33(1), 35.1(2), 38(3), 39(1), 39(2), 41(3), 41(4), 51(2), 53(4), 59(3.1), 59(4);
- Section 83.1;
- Regulations 40(1), 40(3).

Authorized to the Executive Vice-president, Vice-president, Admissibility Branch, Director General and Directors, Trade Programs Directorate, Admissibility Branch of the Canada Border Services Agency

Provision of the <i>Special Import Measures Act</i>	Description of Function or Duty
Subsection 2(1)	Specify the information that is required from a complainant in addition to the information described in sub-paragraphs (b)(i) and (ii) of the definition of “properly documented”.
Subsection 2(7.3)	Determine whether the subsidy is specific having regard to the factors in paragraphs (a) to (d).
Subsection 2(7.4)	<p>Consider whether the presence of any of the factors in paragraphs 2(7.3)(a) to (d) is due to the extent of diversification of economic activities within the jurisdiction of the granting authority, or the length of time that the subsidy program has been in operation.</p> <p>Form the opinion whether the presence is due to the factors set out in either paragraph (a) or (b) of this subsection.</p> <p>If the presence is due to the factors set out in either paragraph (a) or (b), find the subsidy not to be specific.</p> <p>If the presence is not due to the factors set out in either paragraph (a) or (b), find the subsidy to be specific.</p>
Section 10	Form an opinion as to what portion of the margin of dumping is attributable to an export subsidy.
Subsection 32(1)	<p>Determine whether a complaint is properly documented.</p> <p>Where the complaint is properly documented, cause the complainant and the government of the country of export to be informed in writing of its receipt and that it is properly documented.</p> <p>Where the complaint is not properly documented, cause the complainant to be informed of its receipt</p>

	and of the additional information and material that is needed in order for the complaint to be properly documented.
Section 41.2	Take into account the provisions of paragraphs 10 and 11 of Article 27 of the Subsidies Agreement.
Subsection 49(2)	Refuse to accept an undertaking where: the price to importers in Canada will increase by more than the estimated margin of dumping or amount of subsidy; a preliminary determination has not been issued; or it is not practicable to administer the undertaking.
Paragraph 49(2)(a)	Form an opinion whether observance of the undertaking will cause the price at which the goods will be sold to importers in Canada to increase by more than the estimated margin of dumping or amount of subsidy.
Paragraph 49(2)(c)	Form an opinion whether it would be practicable to administer the undertaking.
Subsection 49(4)	Refuse to accept an undertaking by reason of it being offered after such period of time as is prescribed for purposes of this subsection.
Subsection 49(5)	Consider any representations received from the importer, exporter, and government of the country of export or any other interested person.
Subsection 59(1)	Re-determine any determination or re-determination referred to in sections 55, 56, 57 or 59 in accordance with the provisions of paragraphs (a), (b), (c), (d), (e).
Paragraph 59(1)(e)	Deem it advisable to re-determine a determination or re-determination within two years.
Subsection 59(1.1)	Re-determine any re-determination in accordance with paragraph (a) or (b).
Subsection 59(2)	Re-determine any determination or re-determination referred to in sections 55, 56, 57 or 59 at any time for the purpose of giving effect to a decision of a panel under Part I.1 or II.
Subsection 59(3)	Re-determine a determination made under subsection 55 or a re-determination made under paragraph 57(a) or (b) within one year when a request has been made under the appropriate section of the Act.

Subsection 60(2)	Form an opinion whether: the goods were resold by the person referred to in paragraph 25(1)(c) who purchased the goods from the importer or by a subsequent purchaser at a price that is lower than the total of the price at which the seller acquired the goods and the administrative, selling and all other costs directly or indirectly attributable to the sale of the goods; and the export price, determined under section 24, of the goods is unreliable for a reason set out in subparagraph 25(1)(b)(ii).
Section 83.1	Where information is provided to the President for purposes of any proceedings under this Act in respect of goods of a NAFTA country and on receipt of a request from the government of that NAFTA country, provide copies of any such information that is requested that is in documentary form or that is in any other form in which it may be readily and accurately copied, unless the information is information to which subsection 84(1) applies.
Subsection 87(2)	Consider again whether, taking into account an explanation or further explanation provided, the designation of information as confidential is warranted, and if it is not warranted, cause the person providing it to be notified that the information will not be taken into account.

Authorized to the Executive Vice-president, Vice-president, Admissibility Branch, Director General, Directors and Group Managers, Trade Programs Directorate, Admissibility Branch of the Canada Border Services Agency

Provision of the <i>Special Import Measures Act</i>	Description of Function or Duty
Subsection 12(2)	Return an overpayment to an importer or owner of the goods.
Subsection 13.2(3)	Initiate a review, on an expedited basis, of the normal value, export price or amount of subsidy, as the case may be, after receiving a request to do so. Either confirm or amend the value, price or amount on completion of the review.
Paragraph 15(d)	Select a period of 60 days or specify a period of 60 days or longer. Form an opinion whether the nature of the trade or the fact that the goods are sold for future delivery requires that sales during a period preceding the date of sale or delivery to the importer be taken into account.
Paragraph 16(1)(a)	Form an opinion whether there was such a number of sales of like goods made by the exporter at the place described in paragraph 15(e) as to permit a proper comparison with the sale to the importer.
Paragraph 16(1)(b)	Form an opinion whether there was such a number of sales to purchasers at the same or substantially the same trade level as the importer as to permit a proper comparison with the sale to the importer.
Paragraph 16(1)(c)	Form an opinion whether there was not, by reasons set out in subparagraph (i) or (ii), such a number of sales as to permit a proper comparison with the sale to the importer. Specify one or more vendors who shall be deemed to be the exporter.
Paragraph 16(2)(b)	Determine a period of not less than six months.
Section 17	Exercise the option to apply either paragraph (a) or (b).

Paragraph 17(b)	Form an opinion whether the price is representative of the prices at which like goods were sold during the period.
Section 18	Form an opinion whether goods are being imported without a trademark in order to avoid the operation of section 15 and whether it is probable that a trademark will subsequently be applied.
Section 19	<p>Form an opinion whether there was such a number of sales that comply with the terms and conditions in section 15 or subsection 16(1) as to permit a proper comparison with the sale to the importer.</p> <p>Exercise the option to apply either paragraph (a) or (b).</p> <p>Form an opinion whether the price of goods sold by the exporter to importers in any country other than Canada fairly reflects the market value of goods.</p>
Paragraph 20(1)(a)	Form the opinion whether goods shipped directly to Canada from a prescribed country where the government substantially determines the domestic prices that are not the same as they would be if determined in a competitive market.
Paragraph 20(1)(b)	Form an opinion whether goods are shipped directly to Canada from a country where the government has a monopoly or substantial monopoly of its export trade and substantially determines domestic prices in that country that are not the same as they would be if determined in a competitive market.
Paragraph 20(1)(c)	<p>Designate any country other than Canada for the application of subparagraph (i) or (ii).</p> <p>Designate the application of either subparagraph (i) or (ii).</p> <p>Form an opinion whether sufficient information has been furnished or is available to enable the normal value to be determined.</p>
Paragraph 20(1)(d)	Designate any country other than Canada or the country from which the goods were shipped directly to Canada.

Paragraph 25(1)(b)	Form an opinion whether the export price as determined under section 24 is unreliable by reasons set out in subparagraph (i) or (ii).
Subsection 25(2)	Form an opinion whether the export price, without making a deduction for duties referred to in subparagraph 25(1)(c)(i) or (1)(d)(v), is equal to or greater than the normal value of the goods.
Subsection 30.3(1)	Form an opinion whether it would be impracticable to determine a margin of dumping in relation to all goods under consideration because of the factors listed in this subsection. Determine whether to apply paragraph (a) or (b). Determine margins of dumping in relation to paragraph (a) or (b).
Paragraph 30.3(1)(a)	Form an opinion as to the largest percentage of goods that can reasonably be investigated.
Paragraph 30.3(1)(b)	Form an opinion whether samples of the goods from each of the countries whose goods are under consideration are statistically valid.
Subsection 30.3(2)	Determine a margin of dumping in relation to any goods under consideration that were not included in the percentage or sample referred to in subsection 30.3(1) where paragraphs (a) and (b) apply.
Paragraph 30.3(2)(b)	Form an opinion whether it is practicable to determine margins of dumping.
Subsection 55(1)	Cause a designated officer to determine whether the goods are goods of the same description as goods described in an order or finding and the normal value, export price or amount of subsidy on the goods, and, where applicable, the amount of export subsidy.
Paragraph 85(2)(b)	Decide whether a non-confidential edited version or a non-confidential summary of the information designated as confidential pursuant to paragraph 85(1)(a) complies with paragraph 85(1)(b).
Paragraph 85(2)(d)	Decide whether an explanation given in respect of a statement provided under paragraph 85(1)(b) justifies the statement.

Subsections 86(1), (2)	Consider whether the designation of information as confidential is warranted.
Subsection 86(1)	Cause a person who has failed to comply with paragraph 85(1)(b) to be informed of such failure; the grounds of the failure and the application of subsection 87(3) if corrective action is not taken.
Subsection 86(2)	If the confidential designation is unwarranted, cause the person to be so notified, the reasons for that decision and, where the person has failed to comply with paragraph 85(1)(b), inform the person.
Subsection 87(1)	Disregard information where the conditions in paragraph (a) or (b) have not been met and the information is not obtained elsewhere.
Subsection 87(3)	<p>Allow additional time for a person who has failed to comply with paragraph 85(1)(b) to take corrective action.</p> <p>If the person does not comply with paragraph 85(1)(b) at the expiration of the time allowed, cause the person to be notified that the information will not be taken into account.</p>

Authorized to the Executive Vice-president, Vice-President, Admissibility Branch, Director General, Directors, Group Managers, Trade Programs Directorate and officers holding a position in the Trade Programs Directorate, Admissibility Branch.

In the regions, authorized to the Client Services Officers and the Compliance Verification Officers, Operations Branch of the Canada Border Services Agency

Provision of the <i>Special Import Measures Act</i>	Description of Function or Duty
Subsection 12(2)	Conclude that, due to a clerical or arithmetical error, duty was paid that should not have been paid.
Subsection 29(1)	Form an opinion whether sufficient information has been furnished or is available to enable the determination of the normal value or export price as provided in sections 15 to 28.
Subsection 30.4(2)	Form an opinion whether sufficient information has been provided or is otherwise available to enable the determination of the amount of subsidy in the prescribed manner.
Section 96	<p>Form the belief (on reasonable grounds) that goods sold to an importer in Canada or goods located, or in the course of production out of Canada, are or may be of the same description as goods to which an order or finding of the Tribunal applies and will or may be imported into Canada.</p> <p>Determine what information will be useful for the purposes of estimating a margin of dumping of or the amount of subsidy on the goods and seek such information.</p> <p>Determine an appropriate manner and form for seeking the information.</p>