



IMPORTER REQUEST FOR INFORMATION

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

**CERTAIN WATERPROOF RUBBER FOOTWEAR
FROM THE PEOPLE'S REPUBLIC OF CHINA
AND
CERTAIN WATERPROOF RUBBER FOOTWEAR AND/OR PLASTIC
FROM VIETNAM**

- PERIOD OF INVESTIGATION:** The *Period of Investigation* relates to *subject goods* imported into Canada during the period from **October 1, 2007 to September 30, 2008**
- RETURN YOUR RESPONSE TO:** Canada Border Services Agency
Anti-dumping and Countervailing Program
SIMA Registry and Disclosure Unit
100 Metcalfe Street, 11th Floor
Ottawa, Ontario, Canada
K1A 0L8
- DUE DATE FOR RESPONSE:** Your complete response must be received by **March 20, 2009.**
- FOR FURTHER INFORMATION:** Contact one of the following officers by telephone:
- Véronique Pouliot 613-954-1641
R.D. Cousineau 613-954-7183
- Fax: 613-948-4844
- Or by e-mail at: simaregistry@cbsa-asfc.gc.ca

IMPORTANT NOTE

**Information provided is deemed to be public (non-confidential)
unless clearly marked CONFIDENTIAL.
Refer to the Instructions section for further information.**

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Foreword

The Canada Border Services Agency (CBSA) sent your company this Request for Information (RFI) because you were identified as a possible importer of the goods that we are investigating. We are asking for certain information and documents to determine if the goods that your company imported into Canada were *dumped*.

Glossary

This RFI contains a glossary that provides an explanation of the italicized and bolded words and terms, for example *dumped*.

Contact Us

Contact one of the officers listed on the cover page by fax or e-mail, by **March 10, 2009**, and let us know if your company will be participating in this investigation by providing a response to this RFI.

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

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

SUBJECT GOODS

Product Definition

The subject goods originating in or exported from the Peoples Republic of China are defined as:

Waterproof footwear and waterproof footwear in nearly finished form, constructed wholly or in part of rubber and/or thermoplastic rubber (TPR), originating in or exported from the People's Republic of China. The distinctive feature of waterproof footwear is that both the sole portion and a portion of the upper, sufficient to give waterproof protection to the foot, are incorporated in a waterproof component which may be made of rubber or TPR. The goods subject to this investigation include waterproof footwear worn over the foot constructed to various heights, and waterproof footwear made of waterproof footwear bottoms combined with tops made of textiles or other materials. They may be constructed with or without liners, linings, fasteners or safety features.

Excluded from the definition of subject goods are ski boots; skating boots; and goods already covered in the CITT order number RR-2004-008, namely, snowmobile boots; rubber-bottom leather-top boots; all-rubber riding boots for equestrian purposes, and rubber “safety footwear” defined as footwear that meets safety standards established by the Canadian Standards Association.

The subject goods originating in or exported from Vietnam are defined as:

Waterproof footwear and waterproof footwear in nearly finished form, constructed wholly or in part of rubber, thermoplastic rubber (TPR) and/or plastic, originating in or exported from Vietnam. The distinctive feature of waterproof footwear is that both the sole portion and a portion of the upper, sufficient to give waterproof protection to the foot, are incorporated in a waterproof component which may be made of rubber, TPR and/or plastic. The goods subject to this investigation include waterproof footwear worn over the foot constructed to various heights, and waterproof footwear made of waterproof footwear bottoms combined with tops made of leather, textiles or other materials. They may be constructed with or without liners, linings, fasteners or safety features.

Excluded from the definition of subject goods are ski-boots and skating boots.

Additional Product Information

Waterproof footwear described as “waterproof rubber footwear” is produced, wholly or in part of natural rubber and/or synthetic rubber, by vulcanization, injection moulding, cementing or other processes. The term synthetic rubber includes thermoplastic rubber (TPR).

Waterproof footwear described as “waterproof plastic footwear” is constructed wholly or in part of plastic. It is made from plastic resins by injection moulding or other processes. The term “plastic” includes polyvinyl chloride (PVC), polyurethane (PU), ethylene vinyl acetate (EVA) and other plastics. PVC is the plastic most commonly used to date in this class of footwear.

Waterproof bottoms are boat-like components intended for incorporation in finished waterproof footwear. Waterproof bottoms are normally produced through the vulcanization, injection-moulded and/or cementing processes.

For greater clarity, the waterproof bottom can consist of rubber, TPR, plastic or any combination of these materials. Where more than one of these materials is used in the waterproof bottom, the material with the greatest surface area will be considered as the defining material for the waterproof bottom.

A “Top” refers to the component which is attached to a waterproof bottom by stitching or other means.

For more clarity, “waterproof footwear in nearly finished form” includes footwear that can be rendered waterproof by the insertion of a plug, flap, etc. in or near the sole.

In addition, footwear that incorporates decorative stitching near the sole in the moulded or vulcanized boat-like component of the footwear is considered to be subject goods.

Waterproof footwear includes footwear worn over the foot, with or without liners, linings, fasteners or safety features. These include red sole rubber boots, rain boots, hunting and fishing boots. In certain styles, such as duck shoes or winter boots, a boat-like (or shell-like) waterproof bottom may have trimmings, attachments, liners, collars or tops of synthetic or natural fabric, leather or imitation leather, or other materials.

The product range of subject goods includes footwear manufactured for men, women, youth, and children.

For purposes of this investigation, over-the-shoe rubbers or overshoes are not considered to be subject goods.

For purposes of this investigation, “*waterproof*” is defined as follows:

If the exterior of the bottom is partially submerged in water for a period of 24 hours, and water is not detected on the inside surface of the footwear, the sample is considered waterproof.

Classification of Imports

The subject goods are typically classified under the following Harmonized System (HS) codes:

6401.10.11.00	6402.19.90.90	6404.11.99.90
6401.10.19.00	6402.91.10.00	6404.19.90.20
6401.10.20.00	6402.91.90.91	6404.19.90.91
6401.92.11.00	6402.91.90.92	6404.19.90.92
6401.92.12.00	6402.91.90.93	6404.19.90.93
6401.92.91.90	6403.19.90.90	
6401.92.92.90	6403.40.00.10	
6401.99.11.00	6403.91.00.91	
6401.99.12.00	6403.91.00.92	
6401.99.19.00	6403.91.00.93	
6401.99.20.00		

INSTRUCTIONS

Confidential and Non-Confidential Information

Description of the treatment of confidential and non-confidential information submitted to the CBSA in connection with proceedings under the *Special Import Measures Act* (SIMA) is provided on pages 11 to 15 of this RFI

It should be noted that confidential information submitted to the CBSA will be disclosed to independent counsel for other parties in these investigations on request. The section referred to in these pages of the RFI outlines the instances where the CBSA will disclose confidential information submitted by parties. As well, if your company submits confidential information to the CBSA and the requirements that are therein outlined are not fulfilled, your information cannot be used in these investigations.

You are advised to review the content of pages 11 to 15 of the RFI for additional information respecting the CBSA's treatment of confidential and non-confidential information.

How to Respond to this RFI

1. Format For Written Responses

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

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

When preparing your response, copy the question from the RFI and then put your full response below the question. To help you in preparing your response in this format, we have provided you with an electronic copy of this RFI.

We ask that you:

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

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

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

2. Electronic Responses Format

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

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

Use the YYYY/MM/DD format for all dates. For example, write August 12, 2007 as 2007/08/12.

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

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

CHECK ALL FILES FOR VIRUSES BEFORE SENDING

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

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

3. Number of Copies Required

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

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

Also provide one (1) copy of any information you are submitting in electronic format. Affix labels to all compact discs or diskettes, describing the contents and indicating whether the

material is confidential or non-confidential. All diskettes and CDs must be checked for computer viruses and certified that they are virus free before being forwarded to the CBSA.

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

Verification Meeting

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

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

Source Documents

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

Counsel or Consultant

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

Results of the Investigation

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

GLOSSARY

Associated, Associated Exporter, Associated Customer	<i>Persons</i> or companies <i>related</i> to each other, or that do not deal with each other at arm's length. For example, individuals are related by blood, marriage or adoption. Companies directly or indirectly controlled by the same person, or by the same company, that are not dealing with each other at arm's length.
Brokerage Fees	The amount paid to a customs broker for import or export services.
Cash Discount	This is a discount to the selling price of the goods, given to customers for the early payment of invoices. It is also called a prompt payment discount. Example: 2% 10, net 30 days.
Date of Sale	The date of sale is the date that the parties establish the material terms of <i>sale</i> . This is usually the date the order is confirmed. In some situations, the date of the contract or invoice may be the date of sale, if this is when the material terms of the sale were established. If any of the terms of sale are subsequently revised, the date of the revision becomes the date of sale.
Date of Shipment	The date of shipment is the date the goods began their continuous journey from the vendor to the customer.
Discount or Factor Accounts Receivable	The sale, usually at a discount, of a company's accounts receivable.
Dumped	Dumped means that the <i>normal value</i> of the goods exceeds the <i>export price</i> .
Export Price	Export price is the price assigned to a product exported to Canada. Export price is usually the lesser of the exporter's adjusted selling price for the goods, or the Canadian importer's adjusted purchase price. In certain circumstances, export price is the resale price in Canada of imported goods, to unrelated purchasers, deducting expenses and an amount for profit.
Freight	All costs, charges and expenses associated with shipping products by air, water, or overland by rail or truck. The costs, charges and expenses associated with shipping products by land may sometimes include the charges and expenses associated with inland waterways. These costs may be requested separately in the appendices.
Identical Goods	Identical goods are goods that are identical in all respects to the <i>subject goods</i> exported to Canada.
Like Goods	Like goods are goods in the exporter's domestic market that are identical in all respects to the goods exported to Canada. If there are no <i>identical goods</i> , like goods are goods with similar characteristics and uses – <i>similar goods</i> .

Ministerial Specification	A Ministerial specification is a method used to determine <i>normal value</i> , <i>export price</i> or amount of <i>subsidy</i> , when the regular methods do not apply. It is often used when an exporter does not cooperate in an investigation, for new products exported to Canada, or when a new exporter begins shipping to Canada.
Model	<p>Model is the generic term used throughout this RFI to identify individual products with various distinct characteristics.</p> <p>With respect to Waterproof Footwear, you can distinguish a model by the following: (1) Product Type – e.g. rubber boot, duck shoe, rubber bottom/nylon top, etc. (2) Brand Name e.g. Bombardier, Columbia, Polaris, Sorel, etc. (3) Construction process used, e.g.. cement, stitched, vulcanized, slush moulded, injection moulded, etc., (4) Chief material of the Upper - e.g. Nylon, leather, rubber, PVC, synthetic material, etc. (5) Material of the bottom – e.g. rubber, TPR, etc (6) Gender – e.g. men, women, youth, children.</p>
Normal Value	<p>The basis of the normal value is the price at which an exporter sells <i>like goods</i> (typically on a <i>model</i> basis) in their domestic market, for consumption in the ordinary course of trade, to unrelated purchasers. Where the CBSA cannot determine a normal value using domestic selling prices, we calculate a normal value using the total cost of production, plus an amount for administrative, selling and all other costs, and an amount for profit.</p> <p>When the above methods cannot be used, the SIMA provides for alternate methods of calculating normal value. The CBSA may base the normal value on a <i>Ministerial specification</i> in the absence of the required information.</p>
Period of Investigation (POI)	The POI is the period during which importations into Canada will be investigated, to determine if they have been <i>dumped</i> . For this investigation, the POI is from October 1, 2007 to September 30, 2008 .
Person or Persons	Person includes an individual, partnership, corporation or association.

Related	<p>Persons are considered to be related if:</p> <ul style="list-style-type: none"> • they are connected by blood relationship; • a person is an officer or director of the other; • a person is an officer or director of the same two corporations, associations, partnerships or other organizations; • they are partners; • one is the employer of the other; • they directly or indirectly control or are controlled by the same person; • one directly or indirectly controls or is controlled by the other; • any other person directly or indirectly owns, holds or controls 5% or more of the outstanding voting stock or shares of each such person or; • one directly or indirectly owns, holds or controls 5% or more of the outstanding voting stock or shares of the other.
Sale or Sales	Is an exchange of goods, property or services for an agreed sum of money or credit. A sale includes leasing, renting and an irrevocable tender. A sale also includes an agreement to sell, lease or rent.
Similar Goods	Similar goods are goods that are not identical in all respects but have similar uses and characteristics.
Subject Goods	Subject goods are the goods that are subject to this investigation. Subject goods imported into Canada have identical goods or similar goods produced in Canada.
Trade Level	Trade level is the level a company occupies in the distribution chain for a product. The most important factor in determining the trade level of a company is the trade level of their customer. An example of typical trade levels is, in order: manufacturer; national distributor; regional distributor; wholesaler; retailer; and end-user.
Transaction Number	The transaction number refers to the Canada Customs Coding Form – B3, for commercial importations. This is a 14-digit number on the form, in Field No. 2.
Warehousing	All costs, charges and expenses associated with storing goods while en route to Canada, such as bonded warehouse fees.

TREATMENT OF CONFIDENTIAL & NON-CONFIDENTIAL INFORMATION

Why Provide Confidential and Non-Confidential Information?

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

Treatment of Your Non-Confidential Information

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

Treatment of Your Confidential Information

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

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

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

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

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

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

Providing Only Non-Confidential Information?

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

Providing Confidential Information?

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

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

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

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

- a non-confidential edited version; or
- a non-confidential summary version, where the edited version would not contain enough information to convey a reasonable understanding of the information submitted in the confidential version

Non-Confidential Edited Version

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

In the document shown on page 15 of the RFI, which must be attached with your non-confidential version, you must:

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

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

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

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

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

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

The edited version of this response may be: The selling price of model ABC to our Canadian distributor was US[] per unit. In this example, the nature of the information removed in the non-confidential version relates to “selling price information”. **NOTE: the spacing in the shaded area [] should reflect the same spacing as in the confidential version.**

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

1	2	3	4	5	6	7
IMPTR	DATSHIP	INVNUM	INVDATE	QUANTITY	EXTSP	NETSP
[]	2007/02/16	14064555	2007/02/16	[]	[]	[]
[]	2007/03/14	14179020	2007/03/12	[]	[]	[]
[]	2007/04/14	14253018	2007/04/16	[]	[]	[]
[]	2007/05/09	14474937	2007/05/09	[]	[]	[]

Or this:

1	2	3	4	5	6	7
IMPTR	DATSHIP	INVNUM	INVDATE	QUANTITY	EXTSP	NETSP
████	2007/02/16	14064555	2007/02/16	████	████	████
████	2007/03/14	14179020	2007/03/12	████	████	████
████	2007/04/14	14253018	2007/04/16	████	████	████
████	2007/05/09	14474937	2007/05/09	████	████	████

Non-Confidential Summary Version

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

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

Review of Non-Confidential Submission

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

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

NON-CONFIDENTIAL STATEMENT

Nature of Information Deleted in the Non-confidential Version and Reasons for Designating Information as Confidential

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

Section 1 – Answers to the RFI

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

- B) Reasons why you request that the information be treated confidential, as explained in pages 12 to 16 of the RFI.

Section 2 – Appendices, Attachments and Supporting Documents

- A) Explain briefly the nature of the confidential information in Appendices, attachments and supporting documents, removed in your non-confidential version.

- B) Reasons why you request that the information be treated confidential, as explained in pages 12 to 16 of the RFI.

I, _____, _____ of _____
(Print name) (Print Position) (Print name of company)

Signed: _____

Part I

**INFORMATION REQUESTED UNDER
THE *SPECIAL IMPORT MEASURES ACT* CONCERNING**

**CERTAIN WATERPROOF RUBBER FOOTWEAR
FROM THE PEOPLE'S REPUBLIC OF CHINA
AND
CERTAIN WATERPROOF RUBBER AND/OR PLASTIC FOOTWEAR
FROM VIETNAM**

SECTION A: Imports of All Subject Goods

Electronic format is required for some of the information requested in this Section. Refer to the Instructions, “Electronic Responses Format”, for guidelines on how to submit electronic information. NOTE: provide a copy of the “Electronic Responses Format” guidelines to others when requesting them to provide you with electronic information.

- A1. Provide your company's complete name and mailing address (and corporate address if different), telephone and fax numbers.
- A2. Provide the name and position of the officer in your company responsible for your response to this RFI, their telephone number, fax number and e-mail address.
- A3.
 - a) Indicate the ***trade level***, with respect to the subject goods, at which your company operates in Canada, such as manufacturer, national distributor, distributor, retailer or end-user;
 - b) Describe your company's sales responsibilities regarding the subject goods, after importation; and
 - c) Explain the operations of your business with regard to the distribution, warehousing, marketing and sale of the subject goods.
- A4.
 - a) Provide the name, address, e-mail address, telephone and fax numbers of all exporters (foreign vendors) from whom your company imported the subject goods during the ***Period of Investigation (POI)***, from **October 1, 2007 to September 30, 2008**;
 - b) Provide the name of any exporter that is not the manufacturer of the subject goods and, if known, the name, address, telephone and fax number of the manufacturer of the goods; and
 - c) Provide the name of all ***associated exporters*** from which your company imported the subject goods during the ***POI***.
- A5. Detail how:
 - a) your company orders the subject goods from the exporters and indicate the lead time required to fill an order;
 - b) the exporter invoices your company for the sales; and
 - c) your company pays the exporters, including the payment terms (for example, net 30).

- A6.** Identify and explain the various shipping terms (for example CIF, FOB, etc.) for your importations of the subject goods.
- A7.** Provide details of any direct or indirect services, rebates, other goods, warranties or guarantees offered by the exporters or manufacturers to your customers, or any subsequent Canadian purchasers of the subject goods.
- A8.** Identify any third parties involved in the transaction between your company and the exporter, such as purchasing, buying or selling agents. Provide their name, address and describe the functions they perform and their salary or commission, if known. Indicate if any of the agents are *related* to your company.
- A9.** For the *POI*, from **October 1, 2007 to September 30, 2008**, provide a detailed list, as specified in Appendix A, of your company's importations of the *subject goods*, from each exporter listed in A4. This list provides certain details for each importation, broken down by individual product number. If your company had placed **orders** for any subject goods during the *POI* that were not imported by **September 30, 2008**, include those orders in your response. Do a primary sort by “Exporter”, a secondary sort by “*Model*” and a tertiary sort by “*Date of Sale*”.

Label this list “Appendix A - Imports of Subject Goods into Canada - with Transaction Details”.

- A10.** Select four importations from the imports listed in A9. Include in your sample an importation from each *associated exporter*, if any.

Provide the following documents for each of the importations selected:

- a) Purchase order (if not shown, indicate the terms and conditions of sale);
 - b) Order confirmation;
 - c) Canada Customs entry form;
 - d) Customs invoice;
 - e) Commercial invoice;
 - f) Bill of lading;
 - g) Freight invoice for any expenses incurred by, or on behalf of your company, for the movement of the goods from the point of shipment to the final destination in Canada;
 - h) Credit or debit notes;
 - i) Proof of payment; and
 - j) Any other documents, including required certificates for the exportation or importation of the subject goods.
- A11.** Indicate if any agreement exists between your company and the exporter, or between any parties, regarding the payment or reimbursement of anti-dumping duties which may become payable. Provide a copy of any written agreement.

A12. Identify any financial or other agreements between your company and the exporter, or between any parties, that would directly or indirectly affect or relate to:

- a) the price of the subject goods;
- b) the sale of the subject goods;
- c) the exporter's or manufacturer's net return on their *sale* of the subject goods; or
- d) your company's net cost for the subject goods.

A13. Where an importer has purchased subject goods from an associated exporter, the CBSA must perform a reliability test of the transaction price between the two parties. In short, this test is performed on the basis of the resale price in Canada by the importer less all costs and expenses incurred and an amount for profit. Pursuant to section 22 of the Special Import Measures Regulation, the amount for profit will reflect the profit that generally results from sales of like goods in Canada, by vendors who are at the same or substantially the same trade level as the importer, to purchasers in Canada who are not associated with those vendors.

In the event that CBSA has to perform this test on importers who are purchasing subject goods from associated exporters, please provide a copy of the following statements and clearly indicate both gross and net profit margins on each statement:

- a) your company's audited income statement, including all notes, for the last fiscal year;
- b) a divisional income statement for the *POI* from **October 1, 2007 to September 30, 2008** for the division responsible for the subject goods; and
- c) a product income statement for the *POI* from **October 1, 2007 to September 30, 2008** for the goods subject to this investigation only.

SECTION B: Imports of Subject Goods From Associated Exporters

This section applies to importers of goods from *associated* exporters.

The definition of *associated* is in the glossary.

Electronic format is required for some of the information requested in this Section. Refer to the Instructions, “Electronic Responses Format”, for guidelines on how to submit electronic information. NOTE: Provide a copy of the “Electronic Responses Format” guidelines to others when requesting them to provide you with electronic information.

Associated Exporters

- B1.** Explain in detail the relationship between your company and each of your *associated exporters*.
- B2.** Identify and describe all costs, charges and expenses that were incurred by your company for the *sale*, export, shipment, receipt and *warehousing* of the goods from your *associated exporter*, up to the point of your sale to the Canadian purchaser.
- B3.** Provide details of any allowances, such as those of an advertising or promotional nature, granted by any of your *associated exporters* to your company or directly to your Canadian customers.

Your Company’s Canadian Sales

- B4.** Where the subject goods are sold to your customers in Canada in a condition that is not the same as imported, or if they are assembled, packaged or further manufactured in Canada prior to their sale, explain in detail the difference in condition, assembly, packaging or further manufacturing. The cost related to this process should be included in your response to question B2 above along with other cost.
- B5.** Identify any of your Canadian customers with whom you are *associated*. Provide full details of the relationship.
- B6.** For your *sales* of the subject goods to **unrelated Canadian customers**, provide the following:
 - a) **Selling price** - explain the method used to determine your selling prices to unrelated customers. If you sell to more than one *trade level*, explain for each trade level. Provide a list of prices in effect during the *POI*, **October 1, 2007 to September 30, 2008**;

- b) **Discounts and rebates** - explain the various types of discounts and rebates granted to unrelated customers, such as *cash discounts*, off-invoice, volume rebates, goods provided free of charge, etc. Provide the criteria for granting such discounts;
 - c) **Payment terms** - indicate the terms and conditions of payment granted to your unrelated customers, whether on a cash or credit term basis. Explain any options offered. Indicate the cost to your company if it is the usual practice to *discount or factor accounts receivable*;
 - d) **Freight policy** – indicate and explain your company's *freight* policy to unrelated customers, such as f.o.b. warehouse, delivered basis, billed separately, etc.; and
 - e) Any other terms and conditions.
- B7.** For the *POI*, from **October 1, 2007 to September 30, 2008**, as specified in Appendix B, provide a detailed list of your company's Canadian *sales*, to **unrelated customers**, of the subject goods you identified in Appendix B. This list of sales provides certain details for each sales invoice, broken down by individual product number. Do a primary sort by “Customer Name” and a secondary sort by “Model Number”.
- Label this list “Appendix B - Sale of Subject Goods to Unrelated Canadian Customers - with Transaction Details”.
- B8.** Unless already provided under question A13, please provide a copy of the following statements and clearly indicate both gross and net profit margins on each statement:
- a) your company’s audited income statement, including all notes, for the last fiscal year;
 - b) a divisional income statement for the *POI*, from **October 1, 2007 to September 30, 2008** for the division responsible for the subject goods; and
 - c) a product income statement for the *POI*, from **October 1, 2007 to September 30, 2008** for the goods subject to this investigation only.

APPENDIX A

THIS APPENDIX IS IN REFERENCE TO REQUEST A9

Imports of Subject Goods into Canada – With Transaction Details

Refer to the “Electronic Responses Format” guidelines for providing electronic information. For explanations of the short forms found in the following table, refer to the definitions on the following pages. Include **orders** for any subject goods, made during the **POI**, that were not imported by **September 30, 2008**.

Sort: a primary sort by “**Exporter**”, a secondary sort by “**Model**” and a tertiary sort by “**Date of Sale**”.

1	2	3(a)	3(b)	3(c)	3(d)	3(e)	3(f)
		Description					
Exporter	Model	Product Type	Brand	Constr	Matup	Matbot	Gender

4	5	6	7	8	9	10
Date of Sale	Invoice Number	Invoice Date	Place of Shipment	Date of Shipment	Shipping Terms	Port of Entry

11	12	13	14	15	16
Transaction Number	Date of Release	Quantity	Unit Selling Price	Currency	Extended Selling Price

17	18	19	20	21	22	23
Costs, Charges and expenses Included in the Exporter’s Selling Price						
Inland Freight	Ocean/Overland Freight	Port Charges	Container Charges	Dock Charges	Insurance	Warehouse

24	25	26	27	28
Brokerage	Bank Charges	Duties	Taxes	Cash Discounts

29	30	31	32	33	34
Rebates & Allowances	Other Discounts	Net Extended Selling Price	Net Unit Selling Price	Payment Terms	Date of Payment

Description:

The column names specified in the following summary must be used in your printouts and the computer data files submitted to the CBSA. If some of these columns are not applicable, exclude them from your report, prepare an explanation and attach it to your response. In any column which requests dates, present the information in date format: YY/MM/DD.

- Column 1: **Exporter** - Indicate the exporter of the product.
- Column 2: **Model** - Identify the model name and/or number of the products.
- Column 3(a): **Product Type** - Indicate the product/style type.
e.g., Rubber boot, duck shoe, rubber bottom/nylon top, etc
- Column 3(b): **Brand** - Indicate the Brand Name of Footwear.
e.g., Bombardier, Columbia, Polaris, Sorel, etc.
- Column 3(c): **Constr** - Construction process used, i.e. Cement, stitched, vulcanized, slush moulded, injection moulded, injection moulded and cement, etc.
- Column 3(d): **Matup** – Indicate the main material of the upper, i.e. Nylon, leather, rubber, PVC, synthetic material, etc.
- Column 3(e): **Matbot** – Indicate the main material of the bottom, i.e. PVC, TPR, rubber, etc.
- Column 3(f): **Gender** – Indicate the gender of the product e.g. men, women, youth, and child.
- Column 4: **Date of Sale** - Indicate the *date of sale* (refer to definition in Glossary). The date to be inserted is generally the date of acknowledgment of the customer's order.
- Column 5: **Invoice Number** - Indicate the *invoice number*.
- Column 6: **Invoice Date** - Report the *date of the invoice* issued by your company.
- Column 7: **Place of Shipment** - Indicate *place* from where the goods were shipped to you from the exporter.
- Column 8: **Date of Shipment** - Indicate the date the goods were *shipped* to you from the exporter (i.e. the date the product left the factory/warehouse).
- Column 9: **Shipping Terms** - Indicate whether the goods were *sold* CIF, FOB, etc.
- Column 10: **Port of Entry** - Indicate the *port* where the goods entered Canada.
- Column 11: **Transaction Number** - Insert the *transaction number* (Customs declaration).

- Column 12: **Date of Release** - Indicate *date* subject goods released from Canadian Customs.
- Column 13: **Quantity** - Indicate the *quantity* of the product shipped in units.
- Column 14: **Unit Selling Price** - Indicate the *unit-selling* price recorded on the invoice.
- Column 15: **Currency** - Indicate the *currency* of settlement for the sale.
- Column 16: **Extended Selling Price** - Indicate full *invoice values*. Value should be extended value of quantity multiplied by unit selling price.
- Column 17: **Inland Freight** - Indicate the amount of *inland freight* included in the selling price of the product for freight charges to the importer in Canada.
- Column 18: **Ocean/Overland Freight** - Indicate the amount of *ocean and overland freight* included in the selling price for freight charges to the importer in Canada.
- Column 19: **Port Charges** - Indicate amount of *port charges* included in selling price.
- Column 20: **Container Charges** - Indicate the amount of *container freight charges* included in the selling price of the product for leasing or renting a container.
- Column 21: **Dock Charges** - Indicate amount of *dock charges* included in the selling price.
- Column 22: **Insurance** - Indicate the amount included in the selling price for *insuring* the goods while being shipped to the importer's premises.
- Column 23: **Warehousing** - Indicate the amount included in the selling price for expenses incurred in *warehousing* the goods while en route to Canada.
- Column 24: **Brokerage Fees** - Indicate the amount included in the selling price for *brokerage fees* incurred in the importation of the goods into Canada.
- Column 25: **Bank Charges** - Indicate amount included in the selling price for *bank charges*.
- Column 26: **Duties** - Indicate the amount included in the selling price for *duties*.
- Column 27: **Taxes** - Indicate the amount included in the selling price for *taxes* incurred in the importation of the goods into Canada.
- Column 28: **Cash Discounts** - Indicate any *cash discounts* received from the exporter.
- Column 29: **Rebates and Allowable Discounts** - Indicate other *rebates or allowable* discounts received from the exporter.
- Column 30: **Other Discounts** - Indicate any *other discounts* received.

- Column 31: **Net Extended Selling Price** - Indicate *net selling* price after all above deductions have been backed out from extended selling price.
- Column 32: **Net Unit Selling Price** - Indicate the *net selling* price per unit.
- Column 33: **Payment Terms** - Indicate *payment terms* for the sale. (i.e. 2% 10, net 30 days).
- Column 34: **Date of Payment** - Indicate the *date payment* was made.

APPENDIX B

Sales of Subject Goods to Unrelated Canadian Customers – With Transaction Details

Refer to the “Electronic Responses Format” guidelines for providing electronic information.

Refer to Appendix A for explanations of the short forms found in the following table.

Sort: a primary sort by “**Customer Name**”, a secondary sort by “***Model***” and a tertiary sort by “***Date of Sale***”.

1(a)	1(b)	2	3(a)	3(b)	3(c)	3(d)	3(e)	3(f)
			Description					
Customer Name	Customer Address	<i>Model</i>	Product Type	Brand	Constr	Matup	Matbot	Gender

4	5	6	7	8	9	10
<i>Date of Sale</i>	Date of Shipment	Invoice Number	Invoice Date	Quantity	Unit Selling Price	Extended Selling Price

11(a)	11(b)	11(c)	11(d)	11(e)	11(f)	12	13
Costs, Charges and Expenses Included in Your Selling Price							
Cash Discount	Other Discount	Rebates	Freight	Taxes	Other	Net Extended Selling Price	Net Unit Selling Price

Part II

INFORMATION REQUESTED UNDER THE *SPECIAL IMPORT MEASURES ACT* CONCERNING

CERTAIN WATERPROOF RUBBER FOOTWEAR AND/OR PLASTIC FROM COUNTRIES OTHER THAN CHINA AND VIETNAM

Foreword

The CBSA is asking your company to provide additional information and documents with respect to importations of waterproof footwear of rubber and/or plastic from countries other than China and Vietnam. This information may be used as a possible means of confirm the size of the apparent Canadian market.

Imports of the Waterproof Footwear from Countries other than China and Vietnam

Electronic format is required for some of the information requested in this Section. Refer to the Instructions, “Electronic Responses Format”, for guidelines on how to submit electronic information. NOTE: provide a copy of the “Electronic Responses Format” guidelines to others when requesting them to provide you with electronic information.

1. For the ***POI***, from **October 1, 2007 to September 30, 2008**, provide the following information pertaining to your importations of waterproof footwear from countries other than China and Vietnam:

Country	Waterproof Rubber		Waterproof Plastic	
	Quantity Pairs	Value \$C	Quantity Pairs	Value \$C

REQUEST FOR INFORMATION CHECKLIST

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

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