

C 53531

Memo for Mr. Robb

The special duties provided by various Acts now on the Statutes may be divided into two classes:

1. Defensive
2. Retaliative

Defensive Legislation

Chapter 42 - The Customs Act - has this section:

43. If at any time it appears to the satisfaction of the Governor in Council on a report from the Minister, that natural products of a class or kind produced in Canada are being imported into Canada, either on sale or on consignment, under such conditions as prejudicially or injuriously to affect the interests of Canadian producers, the Governor in Council may, in any case or class of cases, authorize the Minister to value such goods for duty, notwithstanding any other provisions of this Act, and the value so determined shall be held to be the fair market value thereof.

The weakness of this Section is that it is doubtful if it will apply to goods which bear a specific and not an ad-valorem rate of duty.

Chapter 44 - The Customs Tariff - has this Section:

6. In the case of articles exported to Canada of a class or kind made or produced in Canada, if the export or actual selling price to an importer in Canada is less than the fair market value of the same article sold for home consumption in the usual and ordinary course in the country whence exported to Canada at the time of its exportation to Canada, there shall, in addition to the duties otherwise established, be levied, collected and paid on such article, on its importation into Canada, a special or dumping duty, equal to the difference between the said

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