

Agency, President) (2011), 15 T.T.R. (2d) 336; *Minister of National Revenue v. Yves Ponroy Canada* (2000), 259 N.R. 38; *Cycles Lambert Inc. v. Canada* (Border Services Agency), 2015 FCA 45, 469 N.R. 313; *Canada* (Border Services Agency) v. *SAF-HOLLAND Canada Ltd.*, 2014 FCA 3, 456 N.R. 174; *Star Choice Television Network Inc. v. Canada* (Customs and Revenue Agency), 2004 FCA 153; *Minister of National Revenue (Customs and Excise) v. Schrader Automotive Inc.* (1999), 240 N.R. 381; *Dunsmuir v. New Brunswick*, 2008 SCC 9, [2008] 1 S.C.R. 190; *Newfoundland and Labrador Nurses' Union v. Newfoundland and Labrador (Treasury Board)*, 2011 SCC 62, [2011] 3 S.C.R. 708; *Canada Post Corp. v. Public Service Alliance of Canada*, 2010 FCA 56, [2011] 2 F.C.R. 221, rev'd 2011 SCC 57, [2011] 3 S.C.R. 572; *Helly Hansen Leisure Canada Inc. v. Canada Border Services Agency*, 2009 FCA 345, 397 N.R. 323; *Canada Customs and Revenue Agency v. Agri Pack*, 2005 FCA 414, 345 N.R. 1; *Funtastic Ltd. v. Chief Executive Officer of Customs*, [2008] AATA 528; *Canada Border Services Agency v. Outils Gladu Inc.*, 2009 FCA 215, 393 N.R. 58; *Rona Corporation Inc. v. Canada* (Border Services Agency) (2008), 12 T.T.R. (2d) 295; *Primaplas Pty. Ltd. v. Chief Executive Officer of Customs*, [2016] FCAFC 40; *National Bank of Greece (Canada) v. Katsikonouris*, [1990] 2 S.C.R. 1029.

By Côté J. (dissenting)

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APPEAL from a judgment of the Federal Court of Appeal (Pelletier, Near and Scott JJ.A.), 2014 FCA 266, [2014] F.C.J. No. 1134 (QL), 2014 CarswellNat 4603 (WL Can.), setting aside a decision of the Canadian International Trade Tribunal, 2013 CanLII 4408, [2013] C.I.T.T. No. 4 (QL), 2013 CarswellNat 6770 (WL Can.). Appeal allowed, Côté J. dissenting.

Jan E. Brongers and Michael Taylor, for the appellant.

Michael Kaylor and Jennifer Klinck, for the respondent.

The judgment of McLachlin C.J. and Abella, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon and Brown JJ. was delivered by

BROWN J. —

I. Introduction

[1] In wintertime ice hockey is the delight of everyone.¹ Across the country, countless players of

¹ "In summertime village cricket is the delight of everyone" (*Miller v. Jackson*, [1977] 1 Q.B. 966 (C.A.), at p. 976, per Lord Denning M.R.).

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Convention de Vienne sur le droit des traités, R.T. Can. 1980 n° 37, art. 31.
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POURVOI contre un arrêt de la Cour d'appel fédérale (les juges Pelletier, Near et Scott), 2014 CAF 266, [2014] A.C.F. n° 1134 (QL), 2014 CarswellNat 6196 (WL Can.), qui a annulé une décision du Tribunal canadien du commerce extérieur, 2013 CanLII 4408, [2013] T.C.C.E. n° 4 (QL), 2013 CarswellNat 6771 (WL Can.). Pourvoi accueilli, la juge Côté est dissidente.

Jan E. Brongers et Michael Taylor, pour l'appellant.

Michael Kaylor et Jennifer Klinck, pour l'intimée.

Version française du jugement de la juge en chef McLachlin et des juges Abella, Cromwell, Moldaver, Karakatsanis, Wagner, Gascon et Brown rendu par

LE JUGE BROWN —

I. Introduction

[1] L'hiver, le hockey fait la joie des petits et des grands¹. Chaque jour, d'un bout à l'autre du pays,

¹ [TRADUCTION] « En été, les parties de cricket au village font la joie des petits et des grands » (*Miller c. Jackson*, [1977] 1 Q.B. 966 (C.A.), p. 976, le lord Denning, maître des rôles).