



Ottawa, Friday, July 20, 2001

Inquiry No. NQ-2001-001

IN THE MATTER OF an inquiry of the Canadian International Trade Tribunal respecting certain flat hot-rolled carbon and alloy steel sheet and strip originating in or exported from Brazil, Bulgaria, the People's Republic of China, Chinese Taipei, India, the Republic of Korea, the former Yugoslav Republic of Macedonia, New Zealand, Saudi Arabia, South Africa, Ukraine and the Federal Republic of Yugoslavia, and the subsidizing of the same goods originating in or exported from India.

AND IN THE MATTER OF the filing of a notice of appearance and a declaration and undertaking by Mr. Evgeny Pavlenko engaged by Tracon Consultants Ltd. as consultant, seeking access to the confidential record in respect of the above-noted inquiry in his capacity as counsel of record for BHP New Zealand Steel Ltd.

ORDER OF THE TRIBUNAL

WHEREAS, information designated confidential has been filed with the Canadian International Trade Tribunal (the Tribunal) in the above-noted proceedings;

WHEREAS, BHP New Zealand Steel Ltd. filed a notice of appearance received by the Tribunal on May 7, 2001, and is represented by Mr. Donald Goodwin of Tracon Consultants Ltd. (Tracon), Ottawa, Ontario;

WHEREAS Mr. Evgeny Pavlenko filed a notice of appearance with the Tribunal on May 7, 2001, as counsel of record also representing BHP New Zealand Steel Ltd;

WHEREAS, on May 7, 2001, Mr. Pavlenko filed a declaration and undertaking with the Tribunal for access to the confidential information in the record of the above-noted proceedings in accordance with subsection 45(3) of the *Canadian International Trade Tribunal Act*;

AND WHEREAS, the Tribunal, under subsection 45(3) of the *Canadian International Trade Tribunal Act*, may disclose confidential information filed pursuant to subsection 46(1) to counsel for any party to those proceedings or to other proceedings arising out of those proceedings, for use by counsel only in those proceedings, subject to any conditions that the Tribunal considers reasonably necessary or desirable;

WHEREAS on July 16, 2001, the Tribunal circulated to counsel of record Mr. Pavlenko's curriculum vitae along with a letter of May 8, 2001, filed by Mr. Goodwin of Tracon which provided additional details in regards to Mr. Pavlenko's curriculum vitae;

WHEREAS Mr. Goodwin's letter of May 8, 2001, indicated that Mr. Pavlenko was formerly a Trade Commissioner of the Russian Federation and advises clients from Russia on issues of trade matters, that he is an independent consultant engaged by Tracon on a full-time basis on trade matters and that he is not an employee of Tracon;

AND WHEREAS, on July 18, 2001, counsel for IPSCO and STELCO objected to the request for access to the confidential record by Mr. Pavlenko;

AND WHEREAS, UPON CONSIDERATION of Mr. Pavlenko's curriculum vitae, and of Mr. Goodwin's letter of May 8, 2001, as well as the objections received, the Tribunal finds no evidence that Mr. Pavlenko does not meet the requirements of his declaration and undertaking and is satisfied that no reasons that would justify not granting him access to the confidential record in this matter exist;

NOW THEREFORE THE TRIBUNAL ORDERS:

THAT Mr. Pavlenko be granted access to the confidential record in these proceedings and in other proceedings arising out of these proceedings, subject to the terms and conditions contained in his declaration and undertaking and to the further condition that he may only obtain access to the confidential record through or under the control and direction of Mr. Goodwin of Tracon Consultants Ltd. in the offices of Mr. Goodwin, in Ottawa, Ontario, or through or under the control and direction of Mr. Goodwin of Tracon Consultants Ltd. at the offices of the Canadian International Trade Tribunal in Ottawa, Ontario, as acknowledged by Mr. Goodwin.

Pierre Gosselin
Pierre Gosselin
Presiding Member

Richard Lafontaine
Richard Lafontaine
Member

Ellen Fry
Ellen Fry
Member

Michel P. Granger
Michel P. Granger
Secretary

ACKNOWLEDGEMENT OF MR. DONALD GOODWIN

I acknowledge that Mr. Evgeny Pavlenko will receive access to the confidential information subject to the terms and conditions contained in his Declaration and Undertaking and that he may only obtain access in my office in Ottawa, Ontario, or at the offices of the Canadian International Trade Tribunal in Ottawa, Ontario, under my direction and control.

Dated at _____ this _____ day of _____ 2001.

Signature: _____

Name (*Print*): _____

Address: _____

