



Ottawa, Monday, October 22, 2001

File Nos. PR-2000-044R and PR-2000-049R to PR-2000-053R

IN THE MATTER OF a determination by the Canadian International Trade Tribunal, dated May 14, 2001, relating to six complaints filed by Polaris Inflatable Boats (Canada) Ltd., under subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C. 1985, (4th Supp.) c. 47;

AND IN THE MATTER OF a decision of the Federal Court of Appeal, which set aside that part of the Canadian International Trade Tribunal's determination referring to the application and interpretation of the provisions of the *North American Free Trade Agreement* on the grounds that it should be considered as having been made *per incuriam*, and directed that the determination be rephrased.

DETERMINATION OF THE TRIBUNAL

The Canadian International Trade Tribunal, further to a decision of the Federal Court of Appeal,¹ hereby amends as follows its determination on the above-mentioned complaints:

Pursuant to subsections 30.15(2) and (3) of the *Canadian International Trade Tribunal Act*, the Canadian International Trade Tribunal recommends, as a remedy, that the requirements of the Department of Fisheries and Oceans, including those of the Canadian Coast Guard, for rigid hull inflatable boats contained in solicitation Nos. F1701-000169/A, F5575-000232/A, F2599-002425/A and F3036-00C032/A be reissued according to the provisions of the *Agreement on Internal Trade*.

The Canadian International Trade Tribunal further recommends that the Department of Public Works and Government Services and the Department of Fisheries and Oceans not exercise the options in the contracts issued to Zodiac Hurricane Technologies Inc. as a result of solicitation Nos. F3059-00AP01/A and F1808-000171/A and, instead, issue new solicitations for the rigid hull inflatable boats covered by the said options in accordance with the *Agreement on Internal Trade*.

Zdenek Kvarda
Zdenek Kvarda
Presiding Member

Michel P. Granger
Michel P. Granger
Secretary

1. *Canada (Attorney General) v. Polaris Inflatable Boats (Canada)* (26 September 2001), A-358-01 (FCA).