



BY FACSIMILE

July 18, 2006

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Subject: Solicitation No. 9F028-064201/A
CPI Canada Inc. (File No. PR-2006-017)

The Canadian International Trade Tribunal (the Tribunal) (Elaine Feldman, Presiding Member) has reviewed the complaint filed by CPI Canada Inc. on July 13, 2006, and has decided not to initiate an inquiry into the complaint.

The Tribunal has reviewed the information provided and is of the view that it does not have jurisdiction to look into the matter. Subsection 7(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (Regulations) sets out three conditions which must be satisfied before the Tribunal may conduct an inquiry in respect of a complaint. One of the conditions is that the complaint be in respect of a designated contract.

A designated contract, according to section 3 of the Regulations, is defined, in part, as a contract concerning a procurement of goods or services by a government institution. In addition, subsection 3(2) defines a government institution, in part, as one of the federal government entities set out in the Schedule of Canada in Annex 1001.1a- 1 of the *North American Free Trade Agreement* (NAFTA) or under the heading "CANADA" in Annex 502.1A of the *Agreement on Internal Trade* (AIT), or under Annex 1 of the *Agreement on Government Procurement* (AGP).

Solicitation No. 9F028-064201/A concerns a contract for the procurement of goods by the Canadian Space Agency (CSA). The CSA is not included in Annex 1001.1a-1 of NAFTA, Annex 1 of the AGP or Annex 502.1A of the AIT. In addition, the CSA is expressly excluded from the coverage of Chapter Five of the AIT pursuant to Annex 502.2A of the AIT. Therefore, the CSA is not a government institution and the contract in issue does not constitute a designated contract for the purpose of paragraph 7(1)(b) of the Regulations.

In light of the foregoing, the Tribunal does not have jurisdiction to inquire into the complaint as the procurement by the CSA is excluded from the coverage of Chapter Ten of NAFTA, the AGP and Chapter Five of the AIT. Therefore, the Tribunal will not conduct an inquiry into this complaint and this matter is hereby concluded.

Yours sincerely,

Hélène Nadeau
Secretary