



BY FACSIMILE

February 12, 2007

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Re: Comtrex Communications Inc. (File No. PR-2006-037)

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Ellen Fry) has dismissed your complaint on the ground that the Tribunal does not have the jurisdiction to conduct an inquiry into the procurement action in this case.

In accordance with section 7 of the *Canadian International Trade Tribunal's Procurement Inquiry Regulations (Regulations)*, a complaint must be in respect of a designated contract, which is defined in section 3 of the *Regulations* as being: ". . . any contract or class of contract concerning a procurement of goods or services or any combination of goods or services, as described in Article 1001 of [the North American Free Trade Agreement] NAFTA, in Article 502 of the Agreement on Internal Trade [AIT] or in Article I of the Agreement on Government Procurement [AGP]. . .".

All three of the above trade agreements contain provisions allowing the government to exclude a procurement from coverage if the procurement is related to national security (Article 1018(1) of *NAFTA*, Article 1804 of the *AIT* and Article XXIII(1) of the *AGP*).

On February 1, 2007, Public Works and Government Services Canada (PWGSC) sent a letter in which the Acting Assistant Deputy Minister of its Acquisitions Branch confirmed that the solicitation in question was subject to the national security exception mentioned above.

Consequently, the Tribunal does not have the jurisdiction to conduct an inquiry into your complaint and considers the matter closed.

Yours sincerely,

Hélène Nadeau
Secretary

c.c.: Ms. Christine Cowan (without attachment)
PWGSC