



BY FACSIMILE

May 15, 2007

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Subject: Industry Self Management Feasibility Study
Helicopter Engineers and Pilots Association, Canada (File No. PR-2007-013)

The Canadian International Trade Tribunal (the Tribunal) (Presiding Member: Zdenek Kvarda) has reviewed the complaint submitted on behalf of Helicopter Engineers and Pilots Association, Canada (HEPAC) on May 7, 2007, and has decided not to initiate an inquiry into the complaint.

Subsection 7(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* sets out three conditions which must be met 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.

The complaint indicates that the Department of Transport is conducting discussions with non-profit aviation associations, including HEPAC, with regard to transferring the tactical responsibility and accountability of the helicopter industry to the private sector. However, the complaint does not contain any evidence that a contract has been entered into, or is proposed to be entered into, with any of these organizations. The complaint indicates that the Helicopter Association of Canada has conducted a feasibility study but not that this study was the result of a procurement or contract.

The Tribunal can only inquire into a complaint that relates to a contract that has been awarded, or is proposed to be awarded, for goods or services that are covered by one of the following trade agreements: the *Agreement on Internal Trade*, the *Agreement on Government Procurement*, and the *North American Free Trade Agreement*.

Given that the complaint has not indicated the presence of such a contract, the Tribunal does not have the jurisdiction to conduct an inquiry into the complaint and considers the matter closed.

Yours sincerely,

Hélène Nadeau
Secretary