



Canadian International
Trade Tribunal

Tribunal canadien du
commerce extérieur

CANADIAN
INTERNATIONAL
TRADE TRIBUNAL

Procurement

DECISION

File PR-2021-067

Thales Canada Inc.

*Decision made
Thursday, January 13, 2022*

*Decision issued
Wednesday, January 19, 2022*

IN THE MATTER OF a complaint filed pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*, R.S.C., 1985, c. 47 (4th Supp.).

BY

THALES CANADA INC.

AGAINST

THE DEPARTMENT OF PUBLIC WORKS AND GOVERNMENT SERVICES

DECISION

CONSIDERING that the complaint made by Thales Canada Inc. meets the requirements of sections 6 and 7 of the *Canadian International Trade Tribunal Procurement Inquiry Regulations* (Regulations);

NOTING, however, that the documents pertaining to the solicitation in issue (invitation to qualify W6369-20CY06/C) refer, in paragraph 1.5, to the fact that a national security exception has been invoked in regard to the procurement process but do not include a copy of the letter required by subsection 10(3) of the Regulations;

MINDFUL that subsection 10(2) of the Regulations requires the Canadian International Trade Tribunal to dismiss a complaint in respect of which a national security exception set out in various trade agreements, including the Canadian Free Trade Agreement, is properly invoked by the relevant government institution, as long as the requirements of subsection 10(3) of the Regulations are met;

CONSIDERING, however, that there is currently no information on file which would allow the Tribunal to independently verify that any national security exception has been properly invoked in regard to the solicitation in issue, as per the requirements of subsection 10(3) of the Regulations;

Pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*, the Tribunal has decided to conduct an inquiry into the complaint.

Frédéric Seppey

Frédéric Seppey

Presiding Member