



Canadian International  
Trade Tribunal

Tribunal canadien du  
commerce extérieur

CANADIAN  
INTERNATIONAL  
TRADE TRIBUNAL

# Procurement

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## ORDER

File PR-2023-041

Malvern Panalytical, a Division of  
Spectris Canada Inc.

v.

National Research Council of  
Canada

*Order issued  
Wednesday, December 27, 2023*

IN THE MATTER OF a complaint filed by Malvern Panalytical, a Division of Spectris Canada Inc., pursuant to subsection 30.11(1) of the *Canadian International Trade Tribunal Act*;

AND FURTHER TO a decision to conduct an inquiry into the complaint pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act*;

AND FURTHER TO the withdrawal of the complaint by Malvern Panalytical, a Division of Spectris Canada Inc.

**BETWEEN**

**MALVERN PANALYTICAL, A DIVISION OF SPECTRIS CANADA  
INC.**

**Complainant**

**AND**

**THE NATIONAL RESEARCH COUNCIL OF CANADA**

**Government  
Institution**

**ORDER**

WHEREAS Malvern Panalytical, a Division of Spectris Canada Inc., filed the above-mentioned complaint on November 27 and 28, 2023;

AND WHEREAS the Canadian International Trade Tribunal decided, on December 5, 2023, to inquire into the complaint, pursuant to subsection 30.13(1) of the *Canadian International Trade Tribunal Act* (CITT Act) and subsection 7(1) of the *Canadian International Trade Tribunal Procurement Inquiry Regulations*;

AND WHEREAS the Tribunal received, on December 15, 2023, an extension request from the National Research Council of Canada for the filing of the Government Institution Report;

AND WHEREAS the Tribunal received, on December 18, 2023, a request for leave from Anton Paar Canada Inc. to intervene in this proceeding;

AND WHEREAS the Tribunal has not yet made its decision on the requests referred to above;

AND WHEREAS, on December 21, 2023, Malvern Panalytical, a Division of Spectris Canada Inc., notified the Tribunal that it agreed to withdraw its complaint;

AND WHEREAS, on December 26, 2023, Malvern Panalytical, a Division of Spectris Canada Inc., confirmed its intention to irrevocably withdraw the complaint and not pursue it further before the Tribunal;

AND WHEREAS subsection 30.13(5) of the CITT Act provides that the Tribunal may cease conducting the inquiry;

THEREFORE, pursuant to subsection 30.13(5) of the CITT Act, the Tribunal ceases its inquiry. As a result of the withdrawal and the Tribunal's decision to cease its inquiry, the requests referred to above are now moot.

Each party will bear its own costs.

Frédéric Seppey  
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Frédéric Seppey  
Presiding Member