

During the period of investigation, NHCI's electricity rate did not vary as per the terms of the Risk and Profit Sharing Program. However, NHCI did receive a discount on its electricity rate beyond that received by other industrial customers in Quebec. Commerce found that this preferential electricity rate was limited to a specific enterprise and was therefore countervailable. However, as discussed above, a subsequent changed circumstances review determined that the revised electricity rates did not constitute a subsidy. The net subsidy was 6.18% (original investigation).

5.8 Programs Determined not to be Countervailable

5.8.1 Federal-Provincial Programs

5.8.1.1 Research Conducted by the Institute of Magnesium Technology (IMT)

The IMT was incorporated in 1989 as a private, non-profit company dedicated to the promotion of the magnesium industry. The creation of the IMT was a joint effort of the federal and Quebec governments and the magnesium industry. The IMT provided magnesium processors with the expertise and equipment necessary for development work, as well as for the improvement of products and processes. Initial funding was provided by the federal and Quebec governments under the Canada-Quebec Subsidiary Agreement on Scientific and Technological Development. However, the IMT aimed to be a self-sustaining body through membership fees and research contracts.

Commerce's practice with regard to the countervailability of research and development assistance is that when the results of the research are made available to the public, including competitors in the United States, the assistance does not confer a countervailable benefit. The IMT had 30 members throughout the world, including in the United States. Commerce concluded that IMT's research was not countervailable because membership in the Institute was open to all parties, and these parties could obtain research performed by the IMT on equal terms.

5.8.2 Provincial Programs

5.8.2.1 Manpower Training Program

This program was administered by the Quebec Ministry for Manpower and Income Security, and was offered to individuals for training and retraining. NHCI received payments for teaching materials and teacher services used in the training of employees and non-employees of the company. Commerce did not countervail this program since there were no *de jure* or *de facto* limitations pertaining to the eligible enterprises, and since the program was offered and provided to individuals employed or seeking employment and to companies providing such training within a large number and broad range of industrial sectors in Quebec.