

6. Litigation -

There were several important cases in 1991 in which EAITC was successful for the most part. For a full explanation of these cases, please see our Litigation Report which is distributed by our Unit several times per year. Deserving special merit are the CARI case (civil) and the MARTIN case (criminal), in which the validity of the Act and the quota schemes used in its administration are challenged and the ANTRIM YARDS case, in which the Softwood Lumber Products Export Charge Exemption Order was challenged under the Charter.

7. Other -

In the Bills and Draft Regulations section of this Annual Report, there is a list of numerous statutory instruments that were handled by our Unit in 1991, most of which deal with trade law issues. In addition, our Unit was engaged in providing advice on the day to day administration of the EIPA including legal advice related to the following:

- the controls on exports of red cedar logs from Indian reserves and the obvious Charter issues that flow from the issuance of permits to Indians only
- the loss of eligibility for supplementary import permits due to under utilization of quota
- enforcement problems flowing from the enforcement sections in EIPA and the Customs Act (involving consultations with Revenue Canada -- Customs and Excise and the RCMP)
- the effect of the expiry of the Multifibre Arrangement on the enforcement of bilateral agreements in Canada
- the power of the Minister to delegate her functions under EIPA to the MINT
- the transfer of poultry import quotas in alleged violation of EIPA
- the re-export of ex-quota imports of restrained textile fabrics
- the issuance of import permits for goods on condition that they enter a public bonded warehouse
- the controls in respect of goods exported to the USA for further manufacture and resale
- the statutory requirement to table intergovernmental arrangements before Parliament and whether the requirement is fulfilled by Minister's announcement
- the possible ban on trade with Thailand of species listed in CITES Appendices
- revision to General Import Permits no: 4 and 10 (textiles and clothing)