

CANADA – MEASURES RELATING TO THE FEED-IN TARIFF PROGRAM

Request for Consultations by the European Union

Addendum

The following communication, dated 22 August 2011, from the delegation of the European Union to the delegation of Canada and to the Chairperson of the Dispute Settlement Body, is circulated in accordance with Article 4.4 of the DSU.

Canada – Measures Relating to the Feed-in-Tariff Program - Addendum to the European Union's request for consultations (WT/DS426/1, G/L/959, G/TRIMS/D/28, G/SCM/D87/1) dated 16 August 2011; the following text was erroneously omitted from the request for consultations.

ANNEX

Statement of Available Evidence with Regard to the Existence and Nature of the Subsidies in Question

The European Union's request for consultations dated 16 August 2011 identifies the prohibited subsidies that are the subject of this request for consultations.

The evidence set out below is evidence available to the European Union at this time regarding the existence and nature of those subsidies. The European Union reserves the right to supplement or alter this list in the future.

The evidence presently available to the European Union includes the following:

- The *Electricity Act, 1998*, S.O. 1998, c. 15 (Can. Ont.), as amended, "http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_98e15_e.htm"
- The *Green Energy and Green Economy Act, 2009*, S.O. 2009, c. 12 (Can. Ont.), http://www.ontla.on.ca/bills/bills-files/39_Parliament/Session1/b150ra.pdf
- The *Electricity Restructuring Act, 2004*, S.O. 2004, c. 23 (Can. Ont.), "http://www.e-laws.gov.on.ca/html/source/statutes/english/2004/elaws_src_s04023_e.htm"
- FIT direction from George Smitherman, Deputy Premier and Minister of Energy and Infrastructure, Province of Ontario, to Colin Anderson, Chief Executive Officer, Ontario Power Authority (September 24, 2009).
- OPA, FIT Program Website, and contents therein, <http://fit.powerauthority.on.ca/Page.asp?PageID=1115&SiteNodeID=1052>
- OPA, microFIT Program Website, and contents therein, <http://microfit.powerauthority.on.ca/>
- OPA, Feed-In Tariff Program: Program Overview (2010), "http://fit.powerauthority.on.ca/Storage/11160_FIT_Program_Overview_August_new_price_version_1.3.1_final_for_posting-oct_27.pdf"
- OPA, Micro Feed-In Tariff Program: Program Overview (2010), <http://microfit.powerauthority.on.ca/pdf/microFIT-Program-Overview.pdf>
- OPA, Feed-In Tariff Program: FIT Rules, Ver. 1.5.1 (15 July 2011), <http://fit.powerauthority.on.ca/sites/default/files/FIT%20Rules%20Version%201.5.1.pdf>
- OPA, Feed-In Tariff Program: FIT Rules, Ver. 1.3.1 (2 July 2010), http://www.fit.powerauthority.on.ca/Storage/101/11066_FIT_Rules_Version_1.3.1.pdf
- OPA, Feed-In Tariff Program: microFIT Rules, Ver.1.6.1 (10 August 2011), "<http://microfit.powerauthority.on.ca/sites/default/files/microFIT%20Rules%20Version%201.6.1.pdf>"
- OPA, Feed-In Tariff Program: microFIT Rules, Ver. 1.6 (8 December 2010), <http://microfit.powerauthority.on.ca/pdf/microFIT-Rules.pdf>
- OPA, FIT Contract, Ver. 1.5.1 (15 July 2011) <http://fit.powerauthority.on.ca/sites/default/files/FIT%20Contract%20Version%201.5.1.pdf>

- OPA, FIT Contract, Ver. 1.3.1 (2 July 2010),
http://www.fit.powerauthority.on.ca/Storage/101/11061_FIT_Contract_Version_1.3.1.pdf
- OPA, microFIT Contract Ver.1.6.1. (10 August 2011),
["http://microfit.powerauthority.on.ca/sites/default/files/microFIT%20Contract%20Version%201.6.1_0.pdf"](http://microfit.powerauthority.on.ca/sites/default/files/microFIT%20Contract%20Version%201.6.1_0.pdf)
- OPA, microFIT Contract, Ver. 1.5 (25 August 2010),
<http://microfit.powerauthority.on.ca/pdf/microFIT-Contract-1.5.pdf>
- OPA, FIT Contract Form of Domestic Content Plan, OPACM- FORM-DOMESTIC CONTENT PLANT (2010-04) (2010),
["http://www.fit.powerauthority.on.ca/Storage/102/11141_FIT_Domestic_Content_Plan_AM_09202010.pdf"](http://www.fit.powerauthority.on.ca/Storage/102/11141_FIT_Domestic_Content_Plan_AM_09202010.pdf)
- OPA, microFIT Domestic Content Grid, "<http://microfit.powerauthority.on.ca/pdf/microFIT-Domestic-Content.pdf>"
- OPA, FIT Appendix I – Standard Definitions, Ver. 1.3.1 (July 2, 2010),
["http://www.fit.powerauthority.on.ca/Storage/101/11069_FIT_Standard_Definitions_Version_1.3.1.pdf"](http://www.fit.powerauthority.on.ca/Storage/101/11069_FIT_Standard_Definitions_Version_1.3.1.pdf)
- OPA, FIT Application Form (1 December 2009),
http://fit.powerauthority.on.ca/Storage/10918_FIT_Application_Form.pdf
- OPA, online microFIT Application, Application Instruction Version 1.1
<http://microfit.powerauthority.on.ca/pdf/microFIT-Application-Instructions.pdf>
- OPA, FIT Price Schedule (13 August 2010),
["http://www.fit.powerauthority.on.ca/Storage/102/11128_FIT_Price_Schedule_August_13_2010.pdf"](http://www.fit.powerauthority.on.ca/Storage/102/11128_FIT_Price_Schedule_August_13_2010.pdf)
- OPA, FIT Price Schedule (3 June 2011)
["http://fit.powerauthority.on.ca/sites/default/files/FIT%20Price%20Schedule_June%203%202011.pdf"](http://fit.powerauthority.on.ca/sites/default/files/FIT%20Price%20Schedule_June%203%202011.pdf)
- OPA, microFIT Price Schedule (August 13, 2010),
<http://microfit.powerauthority.on.ca/pdf/microFIT-Program-price-schedule.pdf>
- OPA, Interpretations of the Domestic Content Requirements (14 December 2009),
["http://fit.powerauthority.on.ca/Storage/10869_Questions_and_Answers_on_Domestic_Content_Grid_Cells_Dec_14_09.pdf"](http://fit.powerauthority.on.ca/Storage/10869_Questions_and_Answers_on_Domestic_Content_Grid_Cells_Dec_14_09.pdf)
- OPA, Table of Final Domestic Content Interpretations (last update 10 August 2011),
<http://www.microfit.powerauthority.on.ca/table-final-interpretations>
- OPA, Draft Domestic Content Interpretations;
["http://www.fit.powerauthority.on.ca/Storage/103/11230_Domestic_Content_Exhibit_D_March_22_2011.pdf"](http://www.fit.powerauthority.on.ca/Storage/103/11230_Domestic_Content_Exhibit_D_March_22_2011.pdf) (proposed interpretations, Exhibit D, 22 March 2011)
["http://www.fit.powerauthority.on.ca/Page.asp?PageID=122&ContentID=10682&SiteNodeID=1140&BL_ExpandID=273"](http://www.fit.powerauthority.on.ca/Page.asp?PageID=122&ContentID=10682&SiteNodeID=1140&BL_ExpandID=273) (past domestic content draft interpretation)
http://www.fit.powerauthority.on.ca/Storage/103/11213_Domestic_Content_March_11_10.pdf (proposed changes to FIT Contract, Exhibit D, 15 September 2010)
http://www.fit.powerauthority.on.ca/Storage/103/11214_Domestic_Content_June_29_10.pdf (past requests for feedback on draft interpretations, 29 June 2010)

http://www.fit.powerauthority.on.ca/Storage/103/11213_Domestic_Content_March_11_10.pdf
(proposed changes to FIT Contract, Exhibit D, posted 11 March 2010)

- OPA, FIT Program Domestic Content FAQ (2011),
"http://www.fit.powerauthority.on.ca/Page.asp?PageID=834&ContentID=10544&SiteNodeID=1126&BL_ExpandID="
 - OPA, FIT Program Pricing and Payment FAQ (2011),
"http://www.fit.powerauthority.on.ca/Page.asp?PageID=834&ContentID=10511&SiteNodeID=1126&BL_ExpandID="
 - OPA, FIT Program Resources – Domestic Content (2010),
"http://www.fit.powerauthority.on.ca/Page.asp?PageID=122&ContentID=10598&SiteNodeID=1054&BL_ExpandID="
 - OPA, FIT Program Contract Management – Settlement (2010),
"http://www.fit.powerauthority.on.ca/Page.asp?PageID=122&ContentID=10393&SiteNodeID=1113&BL_ExpandID="
 - OPA, FIT Program Participation and Eligibility – Domestic Content (2010),
"<http://www.fit.powerauthority.on.ca/Page.asp?PageID=122&ContentID=10605&SiteNodeID=1104>"

Press Release, OPA, Ontario's Feed-In Tariff Program Backgrounder (10 March 2010),
"[http://fit.powerauthority.on.ca/Storage/10899_FIT - CAE Event - Backgrounder - FINAL.pdf](http://fit.powerauthority.on.ca/Storage/10899_FIT_-_CAE_Event_-_Backgrounder_-_FINAL.pdf)"
 - Press Release, OPA, Ontario's Landmark Green Energy Plan Delivers (10 March 2010),
"[http://fit.powerauthority.on.ca/Storage/10898_FIT - CAE Event News Release - FINAL.pdf](http://fit.powerauthority.on.ca/Storage/10898_FIT_-_CAE_Event_News_Release_-_FINAL.pdf)"
 - Ontario, Legislative Assembly, Official Report of Debates (Hansard), No. L112 (23 February 2009) (exchange between Hon. George Smitherman and MPP Paul Miller on "Green Power Generation"),

http://www.ontla.on.ca/house-proceedings/transcripts/files_pdf/23-FEB-2009_L112.pdf
 - Independent Electricity System Operator, The Power System,
http://www.ieso.ca/imoweb/siteShared/power_system.asp
 - OPA, 2010-2012 Business Plan (September 2009),
"[http://archive.powerauthority.on.ca/Storage/112/15979_2010-2012_OPA_Business_Plan - FRENCH.pdf](http://archive.powerauthority.on.ca/Storage/112/15979_2010-2012_OPA_Business_Plan_-_FRENCH.pdf)"
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