



For Secretaries

**DISCLOSURE UNDERTAKING FOR BINATIONAL PANEL REVIEW
UNDER SUBSECTION 77.021(2) OF THE *SPECIAL IMPORT MEASURES ACT* AND
ARTICLE 1904 OF THE *NORTH AMERICAN FREE TRADE AGREEMENT***

FOR OFFICIAL USE ONLY

Disclosure Undertaking No. _____

DECLARATION

I, _____, Secretary of the
Name (please print)
_____ section of the Secretariat, hereby declare that:
Canadian, U.S. or Mexican

- (a) I ordinarily reside in Canada, the United States or Mexico;
- (b) I have read and understand section 77.034 of the *Special Import Measures Act* under which every person who contravenes or fails to comply with a Disclosure Undertaking is liable, if found guilty of an offence punishable on summary conviction, to a fine not exceeding one hundred thousand dollars and, if found guilty of an indictable offence, to a fine not exceeding one million dollars; and
- (c) I am aware that every person who contravenes or fails to comply with a Disclosure Undertaking may be subject to sanctions in the United States in accordance with section 777(f) of the *Tariff Act of 1930*, as amended, or in Mexico in accordance with article 93 of the *Ley de Comercio Exterior*.

UNDERTAKING

I hereby undertake:

- (a) to use the information disclosed under the terms and conditions of this Undertaking exclusively for duties performed in respect of a panel review or extraordinary challenge proceeding for which such information was so disclosed;
- (b) not to divulge information disclosed under the terms and conditions of this Undertaking, except to a person granted access to such information under a Disclosure Order of the Canadian International Trade Tribunal or to personnel of the Canadian International Trade Tribunal;
- (c) not to reproduce documents and materials containing information disclosed under the terms and conditions of this Undertaking, except at the request of a person who, for the purpose of a panel review or an extraordinary challenge proceeding, has access to such information pursuant to a Disclosure Order of the Canadian International Trade Tribunal or at the request of personnel of the Canadian International

Trade Tribunal;

(d) to report promptly to the Canadian International Trade Tribunal any violation of a Disclosure Undertaking;

(NOTE: The examination of documents and materials in transit between Canada and the United States or between Canada and Mexico by Customs authorities will not be considered to be a violation of this Undertaking.)

(e) to inform the Canadian International Trade Tribunal immediately of any changes in the facts referred to in this Undertaking;

(f) to keep confidential and to protect the information disclosed under the terms and conditions of this Undertaking in the following manner:

(i) I will store all documents and materials containing information disclosed under the terms and conditions of this Undertaking in a locked vault, safe or other secure storage device when these documents and materials are not being used,

(ii) I will not take any document or material containing information disclosed under the terms and conditions of this Undertaking from the offices of the Secretariat, except, under lock or seal, in the ordinary course of the business of the Secretariat or pursuant to the direction of a panel or extraordinary challenge committee, and

(iii) I will maintain a log indicating the disposition of the documents and materials disclosed under the terms and conditions of this Undertaking and I will make it available to the Canadian International Trade Tribunal upon request;

(g) to cause to be destroyed all documents and materials containing information disclosed pursuant to a Disclosure Order of the Canadian International Trade Tribunal which are returned to the office of the Secretariat following completion of a panel review or extraordinary challenge proceeding, including notes, charts and memoranda based on any such information; and

(h) to certify to the Canadian International Trade Tribunal that all documents and materials which were returned to the office of the Secretariat have been destroyed.

DATED at _____, _____ this _____ day of _____ 20 _____

Signature of the Secretary

Name (please print)

Address