



For Members of Panels and Extraordinary Challenge Committees

**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. _____

IN THE MATTER OF the panel review of

Title of the definitive decision as per the first request for panel review

commenced on _____
month/day/year

I, _____, in my capacity as a member of the
Name (please print)

_____, request access to the information in the administrative record.
Panel or Extraordinary
Challenge Committee

DECLARATION

I hereby declare that:

- (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 the subject panel review or related extraordinary challenge proceeding;
- (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;
- (d) to report promptly to the Canadian International Trade Tribunal and to the Canadian Secretary 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, and
 - (ii) I will not take any document or material containing information disclosed under the terms and conditions of this Undertaking from my office or business premises, except, under lock or seal, in the ordinary course of the business of the panel or committee or pursuant to the direction of a panel or a committee;
- (g) to return to the Canadian Secretary all documents and materials containing information disclosed under the terms and conditions of this Undertaking, including notes, charts and memoranda based on any such information, or to destroy such documents and materials and to file with the Canadian Secretary a certificate of destruction pertaining to such destroyed documents and materials
 - (i) within 10 days of the publication of a Notice of Completion of Panel Review for the subject panel review in the Canada Gazette and the Federal Register or the Diario Oficial de la Federación, or
 - (ii) within 10 days of the publication of a Notice of Completion of Extraordinary Challenge in the Canada Gazette and the Federal Register or the Diario Oficial de la Federación; and
- (h) if I resign or am removed from my position as a member of the Panel or Extraordinary Challenge Committee,

(i) to return to the Canadian Secretary all documents and materials containing information disclosed under the terms and conditions of this Undertaking, including notes, charts and memoranda based on any such information,

(ii) to destroy such documents and materials and to file with the Canadian Secretary a certificate of destruction pertaining to such destroyed documents and materials, or

(iii) to entrust such documents and materials to the new member who is replacing me on the Panel or Extraordinary Challenge Committee and who has been granted access to such information under a Disclosure Order of the Canadian International Trade Tribunal,

within 10 days of my resignation or removal.

I intend to give access to information disclosed under the terms and conditions of this Undertaking to the assistants, employees and persons under contract listed in Appendix A. Each of them will sign a Disclosure Undertaking and will be bound individually by the terms and conditions of that Undertaking.

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

Signature of member of Panel or Extraordinary Challenge Committee, as the case may be

Name (please print)

Occupation (i.e. lawyer, professor, etc.)

Address

APPENDIX A

**ASSISTANTS TO, EMPLOYEES OF AND PERSONS UNDER CONTRACT
TO MEMBERS OF PANELS OR EXTRAORDINARY CHALLENGE
COMMITTEES TO BE GIVEN ACCESS TO INFORMATION**

Following are the names and titles of all assistants, employees, and persons under contract to whom I intend to give access to the information disclosed under the terms and conditions of this Disclosure Undertaking. Each assistant, employee and person under contract will sign a Disclosure Undertaking and will be bound individually by the terms and conditions of that Disclosure Undertaking, if access is granted.

Name	Title (and address if different from address of the member of the panel or Extraordinary Challenge Committee)

Signature of member of Panel or Extraordinary Challenge Committee	Date (month/day/year)
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