



For Court Reporters, Translators and Interpreters

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 _____ Name (please print)

_____, request access to the information in the administrative record. Court reporter, translator or interpreter

DECLARATION

I hereby declare that:

- (a) I ordinarily reside in Canada, the United States or Mexico;
(b) I am not a director, servant or employee, within the meaning of subsection 45(4) of the Canadian International Trade Tribunal Act, of any participant in this panel review/extraordinary challenge proceeding or of any other person who would gain competitive advantage through knowledge of the proprietary information sought in this Disclosure Undertaking;
(c) I do not participate in the competitive decision-making activity for any of the participants in this panel review/extraordinary challenge proceeding or for any other person who would gain competitive advantage through knowledge of the proprietary information sought in this Disclosure Undertaking. For

the purposes of this paragraph, competitive decision-making activity includes advice on production, sales, operations or investments;

(d) I do not currently intend to enter into any of the relationships described in paragraphs (b) and (c) within 12 months after the publication of the final decision in the subject panel review or, if appropriate, extraordinary challenge proceeding;

(e) 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

(f) 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, pursuant to the direction of a panel or a committee; and

(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,

(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, or

(iii) within 10 days of ceasing to hold my position of court reporter, translator or interpreter, if I cease to hold such position before completion of the subject panel review or related extraordinary challenge proceeding,

whichever is earlier.

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

Signature of court reporter, translator or interpreter

Name (please print)

Position title

Address

Employer