

ANNEX

ARRANGEMENT
BETWEEN THE
DIRECTORATE GENERAL OF.....OF THE EUROPEAN
COMMISSION
AND
THE DEPARTMENT OF.....OF CANADA
ON THE SHARING OF NON-PUBLIC INFORMATION

The Directorate General of of the European Commission and the Department ofof Canada (“the Parties”) have recognized a need to further strengthen their relationship as encouraged by the voluntary Framework for Regulatory Cooperation between the Government of Canada and the Commission (“the Framework”).

The Parties consider that one of the aims of the Framework includes exchanging between each other the benefit of information, expertise, research and ideas for alternative approaches to regulation, which may make it desirable to facilitate the sharing of non-public information in the interest of better regulatory cooperation. Non-public information” is understood to consist of any information not in the public domain.

In order to permit such an exchange of information, the Parties have recorded in this Arrangement the protection they will provide, consistent with applicable legislation or regulations, to non-public information, which they may exchange between each other in respect of regulatory activities covered by the Framework.

This Arrangement does not contain legal obligations for the Parties. In particular, it does not require them to exchange any information and they may limit the scope of the information exchanged under this Arrangement as appropriate.

The exchange of information under this Arrangement may be subject to prior authorization from persons or organizations that originally provided the information to either Party and that may become the subject of an exchange under this Arrangement.

The Parties undertake to use any information which has been exchanged under this Arrangement, and is not otherwise in the public domain, only for the purposes of the Framework and not for any other purpose.

Either Party will take due account of any suggestion made by the other Party with regard to the functioning of the exchange of information envisaged in this Arrangement.

The Parties will inform each other in due time of any changes in the applicable legislation or regulations which may affect the exchange of information envisaged in this Arrangement.

When a request is received by either Party for disclosure to third parties of non-public information exchanged under this Arrangement, the Party receiving the request will consult with the other Party before disclosing the information concerned. Each Party will take into account, to the extent possible, the views provided by the other Party in arriving at a decision whether to disclose the non-public information concerned.

The Directorate General ofof the European Commission will not disclose to third parties non-public information, including confidential commercial information, that was provided to its officials or representatives by the Department ofof Canada, subject to Regulation (EC) No 1049/2001 or any other applicable domestic law of the European Communities. In case the Directorate General ofof the European Commission is under a legal obligation to disclose certain non-public information that was obtained from the Department of of Canada, it will immediately inform the Department.

The Department ofof Canada will not disclose to third parties non-public information, including confidential commercial information, that was provided to its officials or representatives by the Directorate General of..... of the European Commission, subject to the Access to Information Act, the Privacy Act or any other applicable domestic law of Canada. In case the Department ofof Canada is under a legal obligation to disclose certain non-public information that was obtained from the Directorate General ofof the European Commission it will immediately inform the Directorate General.

The foregoing represents the understanding reached between the Parties, not binding in international law, on the matters referred to in this Arrangement.

Signed at _____ on this _____ day of _____, 200X, in the English and French languages, each version being equally valid.

For the Directorate General
of.....of the European
Commission

For the Department ofof Canada

