



For Employees of and Persons Under
Contract to the Secretariat

**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, _____, an employee of or
Name (please print)
a person under contract to the _____ section of the Secretariat,
Canadian, U.S. or Mexican
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 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, on the authorization of the Secretary, 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 and to the 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 the offices of the Secretariat, except, under lock or seal, in the ordinary course of the business of the Secretariat pursuant to the direction of the Secretary; and

(g) to return to the Secretary all documents and materials containing information disclosed pursuant to a Disclosure Order of the Canadian International Trade Tribunal in respect of a panel review or extraordinary challenge proceeding, including notes, charts and memoranda based on any such information, upon completion of a panel review or extraordinary challenge proceeding.

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

Signature of the employee of or person under contract to the Secretariat

Name (please print)

Position title

Address