



For Assistant-Counsel, Professionals, Agents and
Employees of Counsel of Record

**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

The undersigned who are assistant-counsel, professionals retained by, or under the control or direction of,
agents or employees of:

Name of counsel of record

Address of counsel of record

acting in the subject panel review and any related extraordinary challenge proceeding for

Name of participant in the panel review

request access to proprietary information in the administrative record.

DECLARATION

Each of the undersigned hereby declares that he or she:

- (a) ordinarily reside in Canada, the United States or Mexico;
- (b) is 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) does 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) does 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) has read and understands 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) is 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

Each of the undersigned hereby undertakes:

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

(i) to 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) not to take any document or material containing information disclosed under the terms and conditions of this Undertaking from his or her business premises;

(e) to return to the counsel of record 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, promptly after the completion of the subject panel review or related extraordinary challenge proceeding, or upon change of counsel of record, whichever is earlier:

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

(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.)

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

For the purposes of the subject panel review and any related extraordinary challenge proceeding, the above-mentioned counsel of record intends to give access to proprietary information disclosed under a Disclosure Order of the Canadian International Trade Tribunal to the following assistant-counsel, professionals retained by, or under the control or direction of, agents and employees of said counsel of record. Each of the undersigned acknowledges that he or she is bound individually by the terms and conditions in this Disclosure Undertaking.

1) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

2) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

3) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

4) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

5) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

6) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

7) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

8) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)

9) _____
Signature Date (month/day/year)

Name (please print) Title

Address (if different from counsel of record's address)