

4. Canada shall, no later than the date on which a Review Panel is established pursuant to Article 13.15 respecting a matter within the scope of paragraph 3, notify Ukraine in writing of whether any recommendation of a Review Panel in a report under Article 13.16 or any monetary assessment imposed by a Review Panel under Annex 13-C with respect to Canada shall be addressed to Her Majesty in right of Canada or Her Majesty in right of the province concerned.

5. Canada shall make its best efforts to have as many of its provinces as possible accept to be added to the declaration referred in paragraph 1.

Chapter 14: Transparency

Section A – Publication, Notification and Administration of Laws

Article 14.1: Definitions

For the purposes of this Section:

ruling of general application means an administrative ruling or interpretation applying to situations of fact and persons falling within the general scope of that ruling or interpretation and establishing a norm of conduct but does not include:

- (a) a determination or ruling made in an administrative or quasi-judicial proceeding that applies to a particular person, good or service of the other Party in a specific case; or
- (b) a ruling that adjudicates with respect to a particular act or practice.

Article 14.2: Publication

1. Each Party shall ensure that its legislation, procedures and administrative rulings of general application respecting a matter covered by this Agreement are promptly published or made available in such a manner as to enable interested persons and the other Party to become acquainted with them.

2. To the extent possible, each Party shall:

- (a) publish in advance any measure that it proposes to adopt; and
- (b) provide interested persons and the other Party a reasonable opportunity to comment on those proposed measures.

Article 14.3: Notification and Provision of Information

1. To the extent possible, each Party shall notify the other Party of an actual or proposed measure that the Party considers might materially

affect the operation of this Agreement or substantially affect the other Party's interests under this Agreement.

2. At the request of the other Party, a Party shall promptly provide information and respond to questions pertaining to an actual or proposed measure, even if the Party was previously notified of that measure.

3. Any notification or information provided pursuant to this Article is without prejudice as to whether the measure is consistent with this Agreement.

Article 14.4: Administrative Proceedings

In order to ensure that measures of general application affecting matters covered by this Agreement are applied in a consistent, impartial and reasonable manner, each Party shall ensure that in its administrative proceedings where the measures referred to in Article 14.2 are applied to particular persons, goods or services of the other Party:

- (a) if possible, persons of the other Party that are directly affected by a proceeding are provided reasonable notice, in accordance with that Party's domestic procedures, when a proceeding is initiated, including a description of the nature of the*

proceeding, a statement of the legal authority under which the proceeding is initiated and a general description of the issues in question;

- (b) a person referred to in sub-paragraph (a) are afforded a reasonable opportunity to present facts and arguments in support of their positions prior to a final administrative action, when permitted by time, the nature of the proceeding, and the public interest; and*
- (c) the administrative procedures are in accordance with the law of each Party.*

Article 14.5: Review and Appeal

1. Each Party shall establish or maintain judicial, quasi-judicial or administrative bodies or procedures for the purpose of prompt review and, if warranted, correction of final administrative actions in matters covered by this Agreement. Each Party shall ensure that its respective bodies are impartial and independent of the office or authority entrusted with administrative enforcement and do not have a substantial interest in the outcome of the matter.

2. Each Party shall ensure that the parties to the administrative proceedings, referred to in paragraph 1, have the right to:

- (a) a reasonable opportunity to support or defend their respective positions; and
- (b) a decision based on the evidence and submissions of record or, if required by Party's legislation, the record compiled by the administrative authority.

3. Each Party shall ensure, subject to appeal or review as provided in its legislation, that decisions referred to in paragraph 3(b) are implemented by, and govern the practice of, the offices or authorities with respect to the administrative action at issue.

Article 14.6: Cooperation on Promoting Increased Transparency

The Parties agree to cooperate in bilateral, regional and multilateral fora on ways to promote transparency in respect of international trade and investment.

Section B – Anti-Corruption

Article 14.7: Definitions

For the purposes of this Section:

foreign public official means a person holding a legislative, executive, administrative, or judicial office of a foreign country, whether

appointed or elected, and a person exercising a public function for a foreign country, including for a public agency or public enterprise;

official of a public international organization means an international civil servant or any person who is authorized by such an organization to act on behalf of that organization;

public official means a person:

- *(a) holding a legislative, executive, administrative or judicial office of a Party;*
 - *(i) whether appointed or elected;*
 - *(ii) whether permanent or temporary;*
 - *(iii) whether paid or unpaid; and*
 - *(iv) irrespective of that person's seniority,*
- *(b) who performs a public function, including for a public agency or public enterprise, or provides a public service, as defined in the domestic law of the Party and as applied in the pertinent area of law of that Party; or*
- *(c) defined as a "public official" in domestic law of a Party.*

Article 14.8: Statement of Principles

The Parties affirm their resolve to prevent and combat bribery and corruption in international trade and investment.

Article 14.9: Anti-Corruption Measures

1. With a view to preventing and combating bribery and corruption in international trade and investment, each Party shall adopt or maintain the legislative or other measures as may be necessary to establish as criminal offences:

- (a) the promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official themselves or another person or entity, in order that the official act or refrain from acting in the exercise of their official duties;*
- (b) the solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official or another person or entity, in order that the official act or refrain from acting in the exercise of their official duties;*
- (c) the promise of, offering of or giving to a foreign public official or an official of a public international organization, directly or indirectly, of an undue advantage, for the official themselves or another person or entity, in order that the official act or refrain from acting in the exercise of their official duties, in order to obtain*

or retain business or other undue advantage in relation to the conduct of international business; and

- (d) aiding, abetting or conspiring to commit any of the offences described in sub-paragraphs (a) through (c).

2. Each Party shall adopt such measures as may be necessary to establish its jurisdiction over criminal offences referred to in paragraph 1 that are committed in its territory.

3. Each Party shall ensure that its sanctions for offences referred to in paragraph 1 take into account the gravity of that offence.

4. Each Party shall adopt such measures as may be necessary consistent with its legal principles, to establish the liability of enterprises for participation in the offences referred to in paragraph 1. In particular, each Party shall ensure that enterprises held liable for an offence under this Section are subject to effective, proportionate and dissuasive criminal or non-criminal sanctions, including monetary sanctions.

5. Each Party shall consider incorporating in its domestic legal system at the national level appropriate measures to provide protection against any unjustified treatment of a person who reports, in good faith and on reasonable grounds, facts to the competent authorities concerning offences referred to in paragraph 1.

Article 14.10: Cooperation in International Fora

The Parties recognize the importance of regional and multilateral initiatives to prevent and combat bribery and corruption in international trade and investment. The Parties agree to work together to advance efforts in regional and multilateral fora to prevent and combat bribery and corruption in international trade and investment, including encouraging and supporting appropriate initiatives.

Chapter 15: Trade-related cooperation

Article 15.1: Trade-Related Cooperation

1. Recognizing that trade-related cooperation is a catalyst for the reforms and investments necessary to foster trade-driven economic growth and adjustment to liberalized trade, the Parties undertake to promote trade-related cooperation, with the following objectives:

- (a) to strengthen the capacities of the Parties to maximize the opportunities and benefits deriving from this Agreement;
- (b) to strengthen and develop cooperation at a bilateral, regional or multilateral level;