

**2007-2008 Estimates** 

**Report on Plans and Priorities** 

The Honourable David Emerson Minister of International Trade

# TABLE OF CONTENTS

SEC	ΓΙΟΝ 1: OVERVIEW	
1.1	MESSAGE OF THE MINISTER	1
1.2	MANAGEMENT REPRESENTATION STATEMENT	
1.3	DEPARTMENTAL OVERVIEW	
	1.3.1 REASON FOR EXISTENCE	
	1.3.2 FINANCIAL AND HUMAN RESOURCES	
1.4	DEPARTMENTAL PLANS AND PRIORITIES	
1.5	LINK TO THE GOVERNMENT OF CANADA OUTCOME AREAS	
-	ΓΙΟΝ 2: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC COME	
2.1	STRATEGIC OUTCOME	7
2.2		
	PROGRAM ACTIVITY - ADMINISTRATION OF INTERNATIONAL TRADE DISPUTE SETTLEMENT MECHANISMS	7
	2.2.1 IMPROVED SUPPORT TO PANELS AND COMMITTEES	8
	2.2.2 UNBIASED AND EQUITABLE ADMINISTRATIVE PROCESS	
	2.2.3 OPENNESS AND ACCOUNTABILITY	
	2.2.4 INCREASED NATIONAL AND INTERNATIONAL	
	COLLABORATION	9
	2.2.5 OPERATIONAL EFFICIENCY AND EFFECTIVENESS	9
	2.2.6 HIGHEST QUALITY OF SERVICE	9
	2.2.6.1 HEALTHY WORK ENVIRONMENT	10
	2.2.6.2 ADAPTABLE WORKFORCE	
	2.2.6.3 ORGANIZATIONAL LEARNING	10
2.3	WHAT THE PRIORITIES MEAN FOR CANADIANS	10
2.4	PERFORMANCE MEASUREMENT STRATEGY	10
2.5	KEY PROGRAM	11
SEC	ΓΙΟΝ 3: SUPPLEMENTARY INFORMATION	
3.1	HOW WE ARE ORGANIZED	12
	ROLES	
3.3	RESPONSIBILITY CHART	
3.4	ORGANIZATION LINK TO GOVERNMENT OF CANADA'S	
	OUTCOME AREAS	13
3.5	FINANCIAL TABLES	15
TAB	LE 1: DEPARTMENTAL PLANNED SPENDING AND FULL TIME	
	EQUIVALENTS	15
тар	LE 2: VOTED AND STATUTORY ITEMS LISTED IN MAIN	
IAD	ESTIMATES	14
	LDIIIIAILD	IU

TABLE 3: SERVICES RECEIVED WITHOUT CHARGE	16
TABLE 4: SUMMARY OF CAPITAL SPENDING BY PROGRAM ACTIV	VITY 16
TABLE 5: RESOURCE REQUIREMENT BY BRANCH OR SECTOR	17
ANNEX A – MANDATE	18
ANNEX B – GUIDING PRINCIPLES	19
ANNEX C – HOW TO CONTACT US	20

#### **SECTION 1: OVERVIEW**

### 1.1 Message of the Minister

As a trading nation, Canada's continued prosperity depends on the secure, predictable and enhanced market access provided by trade agreements such as the North American Free Trade Agreement (NAFTA). The NAFTA has contributed importantly to the robust and steady growth our economy is displaying. Since 1993, Canada's trade in merchandise with its NAFTA partners has more than doubled to reach \$599 billion in 2005, a 122% increase. Canada's trade in services with its NAFTA partners has also increased, from \$46.4 billion in 1994 to \$82.7 billion in 2004. Finally, total Foreign Direct Investment in Canada reached \$415.6 billion in 2005, of which more than 64% came from its NAFTA partners.

However, it is important not to take all this success for granted. With the emergence of fierce global competition by countries like China, India and Brazil, we are forced to move beyond the status quo. We are committed to working with the U.S. and Mexico to find ways to further increase trade and investment in North America, to foster competitiveness and prosperity in all three economies so that North America is well positioned to compete in the new trading environment.

The Canadian Section of the NAFTA Secretariat, through its services of increasing quality in the management of international trade dispute settlement processes, also has a role to play in strengthening Canada's international trade performance. Exporters and investors are far more likely to engage in international commerce when they have access to an impartial dispute settlement mechanism and services, should disagreements arise.

In 2007-2008, the NAFTA Secretariat, Canadian Section, will continue to focus on increased research support to panels and committees, on the improvement of its case management system and on continuous learning. As well, it will continue its efforts to fully implement all provisions of the Public Service Modernization Act. These steps will allow it to continue to offer high-quality services in managing NAFTA's rules-based dispute resolution system, which provides critical stability and transparency for Canadian businesses and investors as they continue to seek new opportunities and secure market access abroad.

The Honourable David Emerson Minister of International Trade

## 1.2 Management Representation Statement

I submit for tabling in Parliament, the 2007-2008 Report on Plans and Priorities for the NAFTA Secretariat, Canadian Section.

This document has been prepared based on the reporting principles contained in the Guide for the Preparation of Part III of the 2007-2008 Estimates: Reports on Plans and Priorities and Departmental Performance Reports:

- It adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- It is based on the department's Strategic Outcome and Program Activity Architecture that were approved by the Treasury Board;
- It presents consistent, comprehensive, balanced and reliable information;
- It provides a basis of accountability for the results achieved with the resources and authorities entrusted to it; and
- It reports finances based on approved planned spending numbers from the Treasury Board Secretariat.

Françoy Raynauld, Ph.D.
Secretary
NAFTA Secretariat, Canadian Section

Date

## 1.3 Departmental Overview

#### 1.3.1 Reason for Existence

The NAFTA Secretariat's corporate purpose is to maintain a high level, impartial and independent service in the administration of the dispute settlement provisions of the North American Free Trade Agreement, in order to help preserve the benefits of free trade for all stakeholders.

The NAFTA Secretariat, Canadian Section, is an independent federal agency created in 1994 by an Act of Parliament (*the North American Free Trade Agreement Implementation Act*) (see ANNEX A for the mandate of the NAFTA Secretariat).

The Canadian Section reports to Parliament, for financial accountability purposes, through the Minister of International Trade (see Section 3.7 – Responsibility Chart).

The NAFTA Secretariat is a unique organization established by the Free Trade Commission, pursuant to Article 2002 of the NAFTA. It comprises the Canadian, the United States and the Mexican national sections.

The national sections, which are "mirror-images" of each other, are located in Ottawa, Washington and Mexico City, and each is headed by a Secretary appointed by her/his respective government.

Additional information on the background and operations of the NAFTA Secretariat may be found at the Secretariat's Internet site: <a href="www.nafta-sec-alena.org/canada/index\_e.aspx">www.nafta-sec-alena.org/canada/index\_e.aspx</a>

#### 1.3.2 Financial and Human Resources

The following boxes provide information regarding planned spending on financial and human resources for the coming three-year period (see Section 2 for details):

#### **Financial Resources**

2007-2008	2008-2009	2009-2010
\$3,001,000	\$3,001,000	\$3,001,000

#### **Human Resources**

2007-2008	2008-2009	2009-2010
13 FTEs	13 FTEs	13 FTEs

## 1.4 Departmental Plans and Priorities

The Secretariat uses an established strategic framework, based on a logic model that included intermediate and immediate outcomes for developing its plans and priorities. The strategic framework is consistent with the Canadian Section Program Activity Architecture that complies with the Treasury Board's common reporting requirements.

Table 1 summarizes the departmental priorities and planned spending for 2007-2008. This is further described in detail in Section 2.

**Table 1: Departmental Priorities** 

		Planned Spending	
Priorities	Type	<b>2007-2008</b> (\$thousands)	
Improved Support to Panels and Committees	Ongoing	650	
2. Unbiased and Equitable Administrative Process	Ongoing	500	
3. Openness and accountability	Ongoing	320	
4. Increased national and international collaboration	Ongoing	381	
5. Operational efficiency and effectiveness	Ongoing	550	
6. Highest Quality of Service	Ongoing	600	

Table 2 summarizes the departmental priorities by strategic outcome for 2007-2008 and the planned spending associated with it.

**Table 2: Departmental Priorities by Strategic Outcome** 

		Planned Spending (\$ thousands)			
	<b>Expected Results</b>	2007-2008	2008-2009	2009-2010	Contributes to the following Priority
	Strategic Outcome:  A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada.				
Program Activity:  Administration of International Dispute Settlement Mechanisms	improved support to panels     unbiased and equitable administrative processes     increased national and international collaborations     improved management practices.     knowledgeable and adaptive workforce	3,001	3,001	3,001	Priorities 1 – 6

#### 1.5 Link to the Government of Canada Outcome Areas

The program activity of the NAFTA Secretariat, Canadian Section, contributes to the achievement of the Government of Canada's "A Strong and Mutually Beneficial North American Partnership" outcome area (see Section 3.8 for Whole of Government Framework).

The following table shows NAFTA Secretariat's alignment of program activity and strategic outcome to Government of Canada's outcome area.

Table 3: NAFTA Secretariat's alignment of program activity and strategic outcome to Government of Canada area

NAFTA Secretariat's Strategic Outcome	NAFTA Secretariat's Program Activity	Link to Government of Canada Outcome Area
A highly efficient, impartial and rules- based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada.	Administration of International Dispute Settlement Mechanisms.	A Strong and Mutually Beneficial North American Partnership.

# SECTION 2: ANALYSIS OF PROGRAM ACTIVITIES BY STRATEGIC OUTCOME

## 2.1 Strategic Outcome

A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada.

The NAFTA Secretariat, Canadian Section, has one strategic outcome and two program activities (administration of international trade dispute and corporate services). Our strategic outcome is directly aligned with one of the Government of Canada's outcomes, which is "A Strong and Mutually Beneficial North American Partnership" (see Section 3.8 for Organization Link to Government of Canada's Outcome Areas).

# 2.2 Program Activity - Administration of International Trade Dispute Settlement Mechanisms

Table 4 shows priorities by our key program activity, which is the administration of international trade dispute settlement mechanisms. Information on corporate services is also incorporated in the key program activity.

**Table 4: Priorities by Program Activity** 

Program Activity	Planned Activities	Planned Spending
Administration of International Dispute Settlement Mechanisms	<ul> <li>provide procedural advice</li> <li>provide administrative support</li> <li>applying fair and equitable administrative process</li> <li>provide timely access to case documents</li> <li>planning and coordination with other national sections</li> <li>strengthen library and reference centre services</li> <li>continuous learning</li> <li>organizational learning</li> <li>provide corporate reporting to central agencies</li> <li>review of agency's policies</li> <li>improvement of the Registry Information System and website</li> </ul>	3,001,000

The two boxes below show information on planned spending on financial and human resources over the coming three-year period with respect to the administration of international trade disputes.

#### Financial Resources:

2007-2008	2008-2009	2009-2010
\$3,001,000	\$3,001,000	\$3,001,000

#### **Human Resources:**

2007-2008	2008-2009	2009-2010
13 FTEs	13 FTEs	13 FTEs

To achieve its strategic outcome through proper administration of its key program activity, the NAFTA Secretariat, Canadian Section has established the following priorities:

**2.2.1 Improved Support to Panels and Committees** – The NAFTA Secretariat, Canadian Section is committed to administer the dispute settlement processes in a timely, fairly and effective manner. The major tasks include case management, administrative, technical and logistical support to panels and committees, including the administration of a court-like registry at a level comparable to other registries of superior courts of record in Canada.

In addition, the Canadian Section will continue to increase the assets of its library and reference centre for the benefit of panelists and theirs assistants in the three NAFTA countries, as well as academics and trade experts interested by international trade dispute resolution processes (visit <a href="http://www.nafta-sec-alena.org/canada/index\_e.aspx?CategoryId=79">http://www.nafta-sec-alena.org/canada/index\_e.aspx?CategoryId=79</a>). Through local municipal libraries' inter-library loan protocol, the Secretariat's collection is also available to the general public.

**2.2.2 Unbiased and Equitable Administrative Process** – Fundamental to the effectiveness of the NAFTA Secretariat is its independence from the three national governments that are Parties to the Agreement. This independence allows it to offer impartial guidance, accurate information and timely administrative support to the panels of experts who hear and decide on cases brought before them.

To this end the NAFTA Secretariat, Canadian Section is committed to applying fair and equitable procedural and administrative policies that are governed by the rules and regulations as well as legal principles applicable to the proceedings.

**2.2.3 Openness and Accountability -** The NAFTA Secretariat, Canadian Section is committed to the promotion of a corporate culture that ensures transparent management processes and accountability to the NAFTA Free Trade Commission, the Government and the public.

The ISO 9001: 2000 Quality management system was fully implemented in 2006-2007 fiscal year. This quality system calls for continuous improvements and is expected to further our commitment to maintaining the highest quality of service in the administration of dispute settlement mechanisms.

**2.2.4** Increased National and International Collaboration - Collaboration with the other national sections in joint administration of panels as well as in joint development of policies and programs aimed at facilitating the operations of the dispute resolution processes is of paramount importance in fulfilling the mandate of the NAFTA Secretariat.

To this end, the Canadian Section will continue its coordination and collaborative endeavour with the other national sections in joint policy and systems development as well as in the joint administration of dispute settlement panels.

Additionally, we will continue with our multi-year project of digitization of all completed panel review documents for preservation, speedy retrieval process and research purposes. As well, we will improve and modernize the Registry Information System and the website in order to better serve our clients.

**2.2.5 Operational Efficiency and Effectiveness -** The NAFTA Secretariat, Canadian Section is committed to employing new information technologies to further develop and enhance systems and processes that improve the overall effectiveness and efficiency of the dispute settlement processes.

To this end, we will continue our collaborative endeavor with the Mexican and the Unites States national sections in utilizing information technology infrastructure that promotes information sharing and improved productivity.

- **2.2.6 Highest Quality of Service -** The NAFTA Secretariat, Canadian Section must be able to recruit on a timely basis, retain competent and dedicated employees, and provide them with a work environment conducive to their learning and development. Therefore, a continued focus must be placed on the strategic management of human resources. This year, our performance objectives include:
  - **2.2.6.1 Healthy Work Environment** The NAFTA Secretariat, Canadian Section is committed to a work environment that puts a priority on teamwork, communications and respect. This will be done by offering staff new opportunities to provide input to decision-making, by continuing

to foster good internal communications and to recognize staff for good performance and for taking initiative.

**2.2.6.2 Adaptable Workforce** – The Secretariat will emphasize career development, continuous learning and retention. During this fiscal year, the new Talent Management Policy will be fully implemented.

**2.2.6.3 Organizational Learning** – The Secretariat will provide employees with the appropriate tools and support needed to do their job. The Secretariat will promote sharing of information and knowledge, document policies, operating procedures and guidelines in order to help retain corporate knowledge. It will put in place an organization-wide learning strategy and plan as stated in the new Talent Management Policy.

### 2.3 What the priorities mean for Canadians

As one of the world's most active trading nations, Canada benefits immensely from the existence of agreements to govern trade and especially, the resolution of trade disputes. Since the establishment of the Canada-United States Free Trade Agreement and its successor the North American Free Trade Agreement, Canada has experienced dramatic economic growth that has created hundreds of thousands of jobs for Canadians and contributed to strengthening our national economy. The federal government recognizes that trade policy and trade relations are crucially important to the achievement of Canada's economic and social goals. Rules-based international trade dispute settlement system is therefore a crucial part of "international affairs' framework of the Government of Canada.

#### 2.4 Performance Measurement Strategy

In 1994, in conjunction with the Treasury Board Secretariat, the Canadian Section completed a comprehensive benchmark survey of its services and stakeholders satisfaction. At the completion of each panel review, the Canadian Section has been monitoring the satisfaction with its services by requesting that stakeholders complete a monitoring questionnaire. The most important service qualities clients are asked to rate include:

- satisfaction with accuracy, relevance and quality of information;
- the impartiality of the information provided;
- provision of guidance by senior staff on the dispute settlement;
- processes, rules of procedures and code of conduct;
- accessibility to documents and staff;
- independence of the Secretariat, Canadian Section as a separate government agency; and
- scheduling of panel hearings/panel meetings/conference calls.

This ongoing feedback enables the Section to evaluate its services on an ongoing basis and to maintain its high service standards as well as abide by its guiding principles (see Annex B).

Additionally, the Canadian Section obtains feedbacks on its program and activities from its employees at regular management meetings and other key strategic planning meetings.

## 2.5 Key Program

As indicated in Sections 1 and 2 above, the NAFTA Secretariat, Canadian Section, has a single strategic outcome to achieve and one key program activity to administer. The Secretariat principally provides independent professional support to the expert panels that adjudicate countervailing and antidumping duty disputes involving the NAFTA parties. Since its establishment, the Secretariat has become a centre of expertise on the management of the dispute settlement process. It has developed effective and efficient procedures, attracted rosters of highly qualified trade law experts from which panelists are chosen to hear cases, and ensured the smooth administration of the NAFTA's dispute settlement machinery.

During the 2007-2008 fiscal year, the three national sections of the NAFTA Secretariat will continue to administer all panel proceedings that were filed in prior years and that were still active at the time of writing this report. As well, additional panel reviews could be filed during the planning period. The Registry will process and preserve panel review documents, organize panel hearings, issue panel decisions and orders, while ensuring confidentiality of business proprietary information. Research activities, speedy service and timely communication throughout the life of panel proceedings will also be carried out.

#### SECTION 3: SUPPLEMENTARY INFORMATION

### 3.1 How We Are Organized

Each national section of the NAFTA Secretariat maintains a court-like registry relating to panel and committee proceedings. The involved national sections provide joint administration of panel and committee proceedings and share equally all expenses related to such proceedings. As a result, the national sections have harmonized their registry operations and records management practices. Further, the three national sections have jointly developed and administer the Integrated Registry Information System and the NAFTA Trilateral website, which are hosted by the Canadian Section. In light of this, the Canadian Section's relationship with its counterpart sections in the United States and Mexico is fundamental to its effective performance.

#### 3.2 Roles

In the administration of the dispute settlement provisions of the relevant free trade agreements (see ANNEX A for details), the NAFTA Secretariat, Canadian Section, provides professional and advisory support to panels and committees and coordinates all panel and financial aspects of the process.

In addition to the assistance provided in support of the dispute resolution process, the Canadian Section is also involved in facilitating the operation of these agreements through the provision of information and professional services. This is achieved through initiatives such as the establishment of an Internet Web site, the maintenance of a library and reference centre, research and analysis of trade related issues and, through collaboration with other national sections, establishment of management, policy, and procedural frameworks.

#### 3.3 Responsibility Chart

The NAFTA Secretariat, Canadian Section, has one program and one business line. For financial purposes accountability, the reporting structure is to Parliament through the Minister of International Trade (see figure 1).

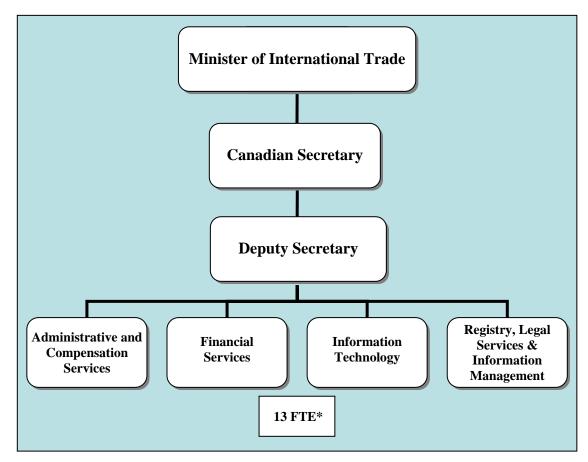


Figure: 1 The NAFTA Secretariat, Canadian Section's Organizational Structure

#### 3.4 Organization Link to Government of Canada's Outcome Areas

One of the fundamental features of the NAFTA is its efficient trade dispute settlement processes. These processes provide critical stability and transparency for Canadian business and investors as they continue to seek new opportunities and secure market access abroad. Canadian businesses can export their products with the knowledge that rules exist to ensure traded products are treated fairly and that procedures are in place to settle disputes impartially on the rare occasions when they occur. Hence, the program activity and strategic outcome of the NAFTA Secretariat contributes to the achievement of the Government of Canada's "A Strong and Mutually Beneficial North American Partnership" outcome area.

<sup>\*</sup> Full Time Equivalent (FTE): A full time equivalent is the unit of measurement for personnel resources and refers to the employment of one person for one full year or the equivalent thereof. FTEs are not subject to Treasury Board control but are disclosed in Part III of the Estimates in support of personnel expenditure requirements.

Table 4 provides a linkage between the NAFTA Secretariat's strategic outcome and its corresponding program activity to the "Whole of Government Framework".

**Table 4: Departmental alignment of Strategic Outcome and Program Activity to Government of Canada's Outcome Areas** 

WHOLE OF GOVERNMENT FRAMEWORK					
Government of Canada's Policy areas	Government of Canada's Outcome Areas	NAFTA Secretariat's Strategic Outcome	NAFTA Secretariat's Program Activity		
International Affairs	A Strong and Mutually Beneficial North American Partnership	A highly efficient, impartial and rules-based international trade dispute resolution process that benefits Canadian exporters to NAFTA countries, as well as NAFTA country exporters doing business in Canada	Administration of International Dispute Settlement Mechanisms		

## 3.5 FINANCIAL TABLES

The following tables 1-5 provide a summary of the financial resources required by the NAFTA Secretariat, Canadian Section to operate. The total planned spending for the 2007-2008 fiscal year will be \$3,001,000. Over the coming three years, the funding level is expected to remain stable.

**Table 1: Departmental Planned Spending and Full Time Equivalents** 

(\$ thousands)	Forecast Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010
Administration of International Trade Dispute Settlement Mechanisms	\$ 2,991	\$ 3,001	\$ 3,001	\$ 3,001
Budgetary Main Estimates (gross)	2,991	3,001	3,001	3,001
Non-Budgetary Main Estimates (gross)	0	0	0	0
Less: Respendable revenue	0	0	0	0
Total Main Estimates	2,991	3,001	3,001	3,001
Adjustment:				
Treasury Board Vote 15	13	0	0	0
Total Adjustment	13	0	0	0
Total Planned Spending	3,004	3,001	3,001	3,001
Total Planned Spending	3,004	3,001	3,001	3,001
Less: Non-Respendable revenue	0	0	0	0
Plus: Cost of services received without charge	241	236	236	236
Total Departmental Spending	3,245	3,237	3,237	3,237
Full Time Equivalents	13	13	13	13

**Table 2: Voted and Statutory Items Listed in Main Estimates** 

2007-2008 (\$ thousands)				
Vote or Statutory Item	Truncated Vote or Statutory Wording	2007-2008 Main Estimates	2006-2007 Main Estimates	
55	Program Expenditures	2,802	2,802	
(S)	Contributions to employee benefit plans	199	202	
	Total	3,001	3,004	

**Table 3: Services Received Without Charge** 

(\$ thousands)	Administration of International Trade Dispute Settlement Mechanisms	Total
Accommodation provided by Public Works and Government Services Canada (PWGSC)	161	161
Contributions covering employers' share of employees' insurance premiums and expenditures paid by Treasury Board of Canada Secretariat (excluding revolving funds)	75	75
Total 2007-2008 Services received without charge	236	236

**Table 4: Summary of Capital Spending by Program Activity** 

(\$ thousands)	Forecast Spending 2006-2007	Planned Spending 2007-2008	Planned Spending 2008-2009	Planned Spending 2009-2010
Administration of International Trade Dispute Settlement Mechanisms	3,004	3,001	3,001	3,001
Total	3,004	3,001	3,001	3,001

**Table 5: Resource Requirement by Branch or Sector** 

(\$ thousands)	Administration of International Trade Dispute Settlement Mechanisms Full-time equivalent	Total Planned Spending
Corporate	5	1,220
Financial Services	1	120
Information Technology	1	210
Registry Services	6	1,451
Total	13	3,001

#### **MANDATE**

The mandate of the Secretariat is set out in Article 2002.3 of the NAFTA and reads:

The Secretariat shall:

- (a) provide assistance to the Commission;
- (b) provide administrative assistance to:
  - (i) panels and committees established under Chapter Nineteen (Review and Dispute Settlement in Antidumping and Countervailing Duty Matters), in accordance with the procedures established pursuant to Article 1908; and
  - (ii) panels established under this Chapter, in accordance with procedures established pursuant to Article 2012; and
- (c) as the Commission may direct:
  - (i) support the work of other committees and groups established under this Agreement; and
  - (ii) otherwise facilitate the operation of this Agreement.

In 1997 and then again in 2002, the Canadian Section's mandate was expanded to include the administration of the dispute settlement processes under the following trade agreements:

- the Canada-Israel Free Trade Agreement (CIFTA);
- the Canada-Chile Free Trade Agreement (CCFTA); and
- the Canada-Costa Rica Free Trade Agreement (CCRFTA).

Legislation governing the work of the Canadian Section is as follows:

- the North American Free Trade Agreement Implementation Act;
- the Special Imports Measures Act;
- the Canada-Israel Free Trade Agreement Implementation Act;
- the Canada-Chile Free Trade Agreement Implementation Act; and
- the Canada-Costa Rica Free Trade Agreement Implementation Act.

## ANNEX B

## **GUIDING PRINCIPLES**

Commitment to an Unbiased and Equitable Administrative Process	The NAFTA Secretariat, Canadian Section, is committed to administering the dispute settlement provisions of the relevant Free Trade Agreements and other Bilateral Agreements as directed by the Parties in a manner which ensures unbiased administrative processes, equity, security and fairness.
Commitment to Service Quality	The NAFTA Secretariat, Canadian Section, is committed to maintaining the highest quality of administration to all dispute settlement proceedings and to investing in technologies that will sustain future operations.
Support to Stakeholders	The NAFTA Secretariat, Canadian Section, is committed to supporting and providing services to its stakeholders in dispute resolution in a manner that is impartial, responsive, accessible and timely.
Openness and Accountability	The NAFTA Secretariat, Canadian Section, is committed to the promotion of a corporate culture that implements transparent management processes and accountability to both the NAFTA Free Trade Commission and to the public.
Operational Efficiency	The NAFTA Secretariat, Canadian Section, is committed to pursuing alternative service delivery in order to enhance information access and sharing and to improve operating practices.
Continuous Learning	The NAFTA Secretariat, Canadian Section, is committed in having in place professional and motivated employees and to offer them the opportunity to advance their careers through continuous learning.

#### **HOW TO CONTACT US**

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