

## SECTION A – DEFINITIONS

### ARTICLE 1

#### Definitions

For the purpose of this Agreement:

“**competition authority**” means:

- (a) for Burkina Faso, the chairperson of the *Commission Nationale de la Concurrence et de la Consommation* (“National Commission on Competition and Consumer Affairs”) or a successor to be notified to Canada by diplomatic note; and
- (b) for Canada, the Commissioner of Competition or a successor to be notified to Burkina Faso by diplomatic note;

“**confidential information**” means confidential business information or information that is privileged or otherwise protected from disclosure under the law of a Party;

“**covered investment**” means, with respect to a Party, an investment in its territory that is owned or controlled, directly or indirectly, by an investor of the other Party existing on the date of entry into force of this Agreement, as well as an investment made or acquired thereafter;

“**disputing party**” means either the respondent Party or the investor that has made a claim under Section C (Settlement of Disputes between an Investor and the Host Party);

“**enterprise**” means an entity constituted or organized under applicable law, whether or not for profit, whether privately owned or governmentally owned, including a corporation, trust, partnership, sole proprietorship, joint venture or other association and a branch of any such entity;

“**existing**” means in effect on the date of entry into force of this Agreement;

“**financial institution**” means a financial intermediary or other enterprise that is authorized to do business and regulated or supervised as a financial institution under the law of the Party in whose territory it is located;

“**financial service**” means a service of a financial nature, including insurance, and a service incidental or auxiliary to a service of a financial nature;

“**ICSID**” means the International Centre for Settlement of Investment Disputes established by the ICSID Convention;

“**ICSID Convention**” means the *Convention on the Settlement of Investment Disputes between States and Nationals of Other States*, done at Washington on 18 March 1965;

“**information protected under its competition laws**” means:

- (a) for Burkina Faso, protected information provided under *Loi n°15/94/ADP portant organisation de la concurrence au Burkina Faso* [the Burkina Faso Competition Act], or a successor enactment; and
- (b) for Canada, information within the scope of Section 29 of the *Competition Act*, R.S.C. 1985, c. 34, or a successor provision;