

## SOR/92-584; 9 October, 1992

In an effort to reach as many businesspeople as possible, the Federal Court of Canada has instructed that CanadExport publish the following in two consecutive issues, the first being Dec. 1, 1992.

### FOREIGN EXTRATERRITORIAL MEASURES ACT

#### Foreign Extraterritorial Measures (United States) Order, 1992

WHEREAS the United States is proposing to adopt a measure, set out in section 1706 (a)(1) of the National Defense Authorization Act for Fiscal Year 1993, as passed by the United States Congress on October 5, 1992, which affects section 515.559 of the Cuban Assets Control Regulations, 31 C.F.R., Part 515, and constitutes a measure affecting trade or commerce between Canada and Cuba;

AND WHEREAS, in the opinion of the Attorney General of Canada, that measure is likely to adversely affect significant Canadian interests in relation to trade or commerce between Canada and Cuba involving business carried on in whole or in part in Canada or is otherwise likely to infringe Canadian sovereignty;

THEREFORE, the Attorney General of Canada, with the concurrence of the Secretary of State for External Affairs, pursuant to section 5 of the Foreign Extraterritorial Measures Act, hereby revokes the Foreign Extraterritorial Measures (United States) Order (1990), made on October 31, 1990\*, and makes the annexed Order requiring persons in Canada to give notice of communications relating to, and prohibiting such persons from complying with, an extraterritorial measure of the United States that adversely affects trade or commerce between Canada and Cuba in substitution therefor.

Ottawa, October 9, 1992

Kim Campbell  
Attorney General  
of Canada

Concurred: Barbara McDougall  
Secretary of State  
for External Affairs

ORDER REQUIRING PERSONS IN CANADA TO GIVE NOTICE OF COMMUNICATIONS RELATING TO, AND PROHIBITING SUCH PERSONS FROM COMPLYING WITH, AN EXTRATERRITORIAL MEASURE OF THE UNITED STATES THAT ADVERSELY AFFECTS TRADE OR COMMERCE BETWEEN CANADA AND CUBA

#### Short Title

1. This Order may be cited as the *Foreign Extraterritorial Measures (United States) Order, 1992*.

#### Interpretation

2. In this Order, "corporation" means a corporation that is registered or incorporated under the laws of Canada or of a province and that carries on business in whole or in part in Canada; (*personne morale*); "extraterritorial measure of the United States" means the measure set out in section 1706(a)(1) of the *National Defense Authorization Act for Fiscal Year 1993*, as passed by the United States Congress on October 5, 1992, to the extent that it affects trade or commerce between Canada and Cuba. (*mesure extraterritoriale des États-Unis*)

#### Notice

3. Every corporation and every officer of a corporation who receives, in respect of any trade or commerce between Canada and Cuba, any directives, instructions, intimations of policy or other communications relating to an extraterritorial measure of the United States from a person who is in a position to direct or influence the policies of the corporation in Canada shall give notice thereof to the Attorney General of Canada.

#### Prohibition

4. No corporation shall comply with an extraterritorial measure of the United States in respect of trade or commerce between Canada and Cuba or with any directives, instructions, intimations of policy or other communications relating thereto that are received from a person who is in a position to direct or influence the policies of the corporation in Canada.

\*SOR/90-751, 1990 *Canada Gazette*, Part II, p. 4918

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