

**"persistent pattern"** means a sustained or recurring course of action or inaction beginning after the date of entry into force of this Agreement;

**"province"** means a province of Canada, and includes the Yukon Territory and the Northwest Territories and their successors; and

**"territory"** means for a Party the territory of that Party as set out in Annex 44.1.

2. Except as otherwise provided in Annex 44.2, for purposes of Article 14(1) and Part Five:

- (a) **"environmental law"** means any statute or regulation of a Party, or provision thereof, the primary purpose of which is the protection of the environment, or the prevention of a danger to human life or health, through
  - (i) the prevention, abatement or control of the release, discharge, or emission of pollutants or environmental contaminants,
  - (ii) the control of environmentally hazardous or toxic chemicals, substances, materials and wastes, and the dissemination of information related thereto, or
  - (iii) the protection of wild flora or fauna, including endangered species, their habitat, and specially protected natural areas

in the Party's territory, but does not include any statute or regulation, or provision thereof, directly related to worker safety or health.

- (b) For greater certainty, the term **"environmental law"** does not include any statute or regulation, or provision thereof, the primary purpose of which is managing the commercial harvest or exploitation, or subsistence or aboriginal harvesting, of natural resources.
- (c) The primary purpose of a particular statutory or regulatory provision for purposes of subparagraphs (a) and (b) shall be determined by reference to its primary purpose, rather than to the primary purpose of the statute or regulation of which it is part.

3. For purposes of Article 14(3), **"judicial or administrative proceeding"** means:

- (a) a domestic judicial, quasi-judicial or administrative action pursued by the Party in a timely fashion and in accordance with its law. Such actions comprise: mediation; arbitration; the process of issuing a license, permit, or authorization; seeking an assurance of voluntary compliance or a compliance agreement; seeking sanctions or remedies in an administrative or judicial forum; and the process of issuing an administrative order; and