

ANNEX 41A

CANADIAN DOMESTIC ENFORCEMENT AND COLLECTION

1. For the purposes of this Annex, "panel determination" means:
 - (a) a determination by a panel under Article 39(4)(b) or 5(b) that provides that Canada shall pay a monetary enforcement assessment; and
 - (b) a determination by a panel under Article 39(5)(b) that provides that Canada shall fully implement an action plan where the panel:
 - (i) has previously established an action plan under Article 39(4)(a)(ii) or imposed a monetary enforcement assessment under Article 39(4)(b); or
 - (ii) has subsequently determined under Article 40 that Canada is not fully implementing an action plan.
2. Canada shall adopt and maintain procedures that provide that:
 - (a) subject to subparagraph (b), the Commission, at the request of a complaining Party, may in its own name file in a court of competent jurisdiction a certified copy of a panel determination;
 - (b) the Commission may file in court a panel determination that is a panel determination described in paragraph 1(a) only if Canada has failed to comply with the determination within 180 days of when the determination was made;
 - (c) when filed, the panel determination, for purposes of enforcement, shall become an order of the court;
 - (d) the Commission may take proceedings for enforcement of a panel determination that is made an order of the court, in that court, against the person against whom the panel determination is addressed in accordance with paragraph 6 of Annex 46;
 - (e) proceedings to enforce a panel determination that has been made an order of the court shall be conducted by way of summary proceedings;
 - (f) in proceedings to enforce a panel determination that is a panel determination described in paragraph 1(b) and that has been made an order of the court, the court shall promptly refer any question of fact or any question of interpretation of the panel determination to the panel that made the panel determination, and the decision of the panel shall be binding on the court;