

Article 42: National Security

Nothing in this Agreement shall be construed:

- (a) to require a Party to make available or provide access to information the disclosure of which it determines to be contrary to its essential security interests; or
- (b) to prevent a Party from taking any actions that it considers necessary for the protection of its essential security interests relating to
 - (i) arms, ammunition and implements of war, or
 - (ii) the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices.

Article 43: Funding of the Commission

Each Party shall contribute an equal share of the annual budget of the Commission, subject to the availability of appropriated funds in accordance with the Party's legal procedures. Neither Party shall be obligated to pay more than the other Party in respect of an annual budget.

Article 44: Definitions

1. For purposes of this Agreement:

A Party has not failed to "effectively enforce its environmental law" or to comply with Article 5(1) in a particular case where the action or inaction in question by agencies or officials of that Party:

- (a) reflects a reasonable exercise of their discretion in respect of investigatory, prosecutorial, regulatory or compliance matters; or
- (b) results from *bona fide* decisions to allocate resources to enforcement in respect of other environmental matters determined to have higher priorities;

"citizen" means a citizen as defined in Annex 44.1 for the Party specified in that Annex;

"non-governmental organization" means any scientific, professional, business, non-profit, or public interest organization or association which is neither affiliated with, nor under the direction of, a government;