(b) where the exporting Party refuses to conduct a visit, or that Party fails to respond to the communication referred to in paragraph 2 of Section 7 within the period referred to in paragraph 4 of Section 7; or

(c) where the information provided to the customs authority of the importing Party pursuant to Section 6 or 7, is not sufficient to prove that the good qualifies as an originating good of the exporting Party.

3. After carrying out the procedures outlined in Section 6 or 7 as the case may be, the customs authority of the importing Party shall provide the competent governmental authority of the exporting Party with a written determination of whether or not the good qualifies as an originating good of the exporting Party, including findings of fact and the legal basis for the determination. The competent governmental authority of the exporting Party shall inform such determination by the customs authority of the importing Party to the exporter, or the producer of the good in the exporting Party, whose premises were subject of the visit referred to in Section 7.

Section 9
Confidentiality

1. Each Party shall maintain, in accordance with its laws and regulations, the confidentiality of information provided to it as confidential pursuant to this Annex, and shall protect that information from disclosure that could prejudice the competitive position of the persons providing the information.

2. Information obtained by the customs authority of the importing Party pursuant to this Annex:

(a) may only be used by such authority for the purposes of this Annex; and

(b) shall not be used by the importing Party in any criminal proceedings carried out by a court or a judge, unless the information is requested to the exporting Party and provided to the importing Party, through the diplomatic channels or other channels established in accordance with the applicable laws of the exporting Party.

Section 10
Penalties and Measures against Fraudulent Acts

Each Party shall establish or maintain, in accordance with its laws and regulations, appropriate penalties or other measures against its exporters to whom a certificate of origin has been issued and the producers of a good in the exporting Party referred to in subparagraph 6(b) of Section 3 who have committed fraudulent acts in connection with a certificate of origin, including submission of false declarations or documents to its competent governmental authority of the exporting Party or its designees.

Section 11
Implementing Procedures

Upon the date of entry into force of this Agreement, the Joint Committee shall adopt the Implementing Procedures that provide detailed regulations pursuant to which the customs authorities and the competent governmental authorities of the Parties shall implement their functions under this Annex.