ARTICLE 9

Cooperation in enforcement activities

The Parties shall, through their technical agents or competent authorities, provide when requested, subject to applicable laws and regulations, as well as the availability of required resources, mutual cooperation and assistance in investigations or enforcement activities regarding any alleged or suspected violation of any laws or regulations falling within the scope of this Agreement. In addition, each Party shall notify the other Party promptly of any investigation when mutual interests are involved.

ARTICLE 10

Confidentiality and protection of data and information

1. Each Party shall, in accordance with its laws and regulations, maintain the confidentiality of data and information received from the other Party under this Agreement. Such data and information may only be used by the Party receiving the data and information for the purposes of this Agreement.

2. In particular, subject to their respective laws and regulations, the Parties shall neither disclose to a third party, including the public, nor permit their competent authorities to disclose to a third party, including the public, any data and information received from the other Party under this Agreement that constitute trade secrets, intellectual property, confidential commercial or financial information, proprietary data, or information that relates to an ongoing investigation. To this end, such data and information shall be considered as confidential.

3. A Party or a competent authority of a Party may, when providing data or information to the other Party or a competent authority of the other Party, designate data or information that it considers to be confidential and not to be subject to disclosure. In that case, the Party or its competent authority shall clearly mark such data or information as confidential.

4. If a Party disagrees with the designation made by the other Party or a competent authority of that Party in accordance with paragraph 3 of this Article, the former Party may request consultations with the other Party pursuant to the provisions of Article 16 to address the issue.

5. Each Party shall take all reasonable precautions necessary to protect data and information, received under this Agreement, from unauthorised disclosure.

6. The Party receiving data and information from the other Party under this Agreement shall not acquire any proprietary rights in such data and information by reason of its receipt from the other Party.