

APPENDIX C

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
GOVERNMENT OF CANADA AND THE
GOVERNMENT OF THE UNITED STATES OF AMERICA
AS TO NOTIFICATION, CONSULTATION AND COOPERATION
WITH RESPECT TO
THE APPLICATION OF NATIONAL ANTITRUST LAWS

The Government of Canada and the Government of the United States of America:

Recognizing that the close links between the economies of the two countries may lead to situations in which the application of the antitrust laws of one Party conflicts with the interests of the other Party;

Reaffirming the importance that each Party attaches to the effective enforcement of its own antitrust laws;

Acknowledging that there are differences between the Parties on the appropriate application of national antitrust laws to conduct occurring wholly or partly outside the territory of the applying Party, and on the appropriate use of investigative measures to obtain documents or information from the territory of the other Party, including differences on the application or applicability of principles of international law in these situations; and that the Parties reserve their respective positions in this regard;

Noting that the application of United States antitrust laws in the past occasionally has conflicted with Canadian policies and has raised jurisdictional issues in Canada;

Noting the OECD Recommendation of 1979 concerning cooperation in the control of restrictive business practices, the 1959 bilateral Understanding announced by Minister of Justice Fulton and Attorney General Rogers and its renewal and expansion in 1969 by Minister of Consumer and Corporate Affairs