

the necessary court application, the requesting authority will usually have to give an undertaking to pay all costs incurred.

b. Antitrust matters.

The Competition Act (Statutes of Canada 1986, c. 26) and the Criminal Code (Revised Statutes of Canada 1970, c. C-34) do not provide for special administrative or judicial assistance to a foreign authority wishing to request information directly from natural or legal persons located in Canada. The foreign authority must use letters of request (*see supra*).

Canadian authorities will not carry out an inquiry on behalf of foreign authorities although they are prepared, in accordance with principles of international law, comity, and pursuant to specific agreements, to assist foreign authorities in establishing communication with the appropriate provincial officials. They will co-operate and assist foreign authorities subject to compliance with Canadian legislation, considerations of national interest, and certain safeguards respecting confidentiality. Should the request for information concern the conduct of present or former provincial employees or officials, appropriate contact must be arranged through Canadian officials and Canada retains the right for its officials to participate in any such contact. Certain established procedures must be complied with before requests for information can be made by foreign authorities. For instance, Canadian authorities would expect to be notified a reasonable period in advance of the initiation of any action to seek information from private persons located in Canada, whether in the form of a request for production of documents or by the personal visit of foreign antitrust officials. Canadian authorities will not normally discourage a response by such persons except where they find that access to such information is contrary to a significant national interest.

Voluntary in-person interviews by foreign antitrust officials with private persons in the form of conversations and not voluntary formal depositions are not illegal, but the Canadian government expects that this would be preceded by notification and consultation. Canadian officials also retain the right to attend such interviews.

Attempts by foreign authorities to obtain information located in Canada should be made by voluntary process in the first instance, and such requests should be framed as narrowly and specifically as possible and with the objective of minimizing