

4. If a competent judicial authority of a Party, in relation to a prosecution or other proceeding, issues a subpoena or order relating to the production of information or evidence referenced in paragraph 2(a), or the appearance of a witness referenced in paragraph 2(b), that Party may make a request for such information, evidence or appearance pursuant to paragraph 3, and the relevant participating agency shall use best efforts to facilitate such request.

5. When the Party receiving a request believes that information, evidence or testimony sought pursuant to this Article may include, or give rise to the disclosure of, information that it views as privileged or otherwise sensitive, it shall so advise the requesting Party. Either Party may request consultations to determine whether there are limitations on disclosure, assertions of privilege, restrictions on a potential witness's testimony or other conditions that may be sufficient to address the concerns of the Party receiving a request.

6. Before denying or postponing the provision or facilitation of information, evidence or testimony pursuant to this Article, the Party receiving a request shall, through its Central Authority and in consultation with its relevant prosecution authorities, promptly inform the Central Authority of the requesting Party of the reason for considering denial or postponement. The Central Authority of the requesting Party shall consult with its relevant prosecution authorities to determine whether it may accept the information, evidence or testimony subject to such terms and conditions as the other Party may deem necessary. If the requesting Party accepts assistance subject to such terms and conditions, then it shall comply with said terms and conditions.

7. Unless required by domestic law, a requesting Party shall not use or disclose information, evidence or testimony provided by the other Party other than for the purposes for which it was requested without the prior consent of the Central Authority of the other Party. However, information, evidence or testimony made public in such prosecution or proceeding may thereafter be used for any purpose.

8. Nothing in this Article shall limit or otherwise affect the rights and obligations of the Parties under other agreements or treaties governing cooperation and mutual assistance in the investigation, prosecution and suppression of crime.