

to the purposes for which the information will be used. Each Party will oppose, to the extent possible under its law, any application for disclosure not authorized by the other. In addition, the Parties recognize that there may be limitations imposed by their laws on the disclosure by one Party to the other of certain classes of information each possesses.

(2) The Parties agree that notifications and consultations pursuant to this Understanding will, unless otherwise indicated, be deemed exchanges of confidential information between the Parties, and that their occurrence or substance will not be disclosed unless the providing Party consents to disclosure or disclosure is compelled by law. However, after an individual or business entity has been advised by the investigating Party of an investigation or inquiry, the notified Party may communicate the fact of notification to that individual or entity and may communicate with the individual or entity regarding such information as the investigating Party has disclosed to that individual or entity. The investigating Party will, at the request of the other Party, inform the other Party of the time and manner in which any request for information from the territory of the other Party will be made. The investigating Party will provide such information as promptly as possible.

11. Private Antitrust Suits

(1) When a private antitrust suit has been commenced in a court of one of the Parties relating to conduct which has been the subject of notification and consultations under this Understanding, the Party in whose court the suit is pending will, if so requested by the other Party, inform the court of the substance and outcome of the consultations.

(2) When the conduct dealt with in a private antitrust suit has not been the subject of notification and consultation under this Understanding, the Party in whose court the suit is pending may, at the request of the other Party or on its own initiative, inform the court of how the national interest of the other Party may be implicated by the suit or may offer to the court such other facts or views as it considers appropriate in the circumstances.

12. Status of Earlier Understandings

This Understanding, which does not constitute an international agreement, supersedes the bilateral Understanding announced in 1959 by Minister of Justice Fulton and Attorney