i) Seek harmonization of certain procedural requirements such as notification (based on a common definition of merger and common forms), waiting periods, and timelines for review. Merging parties should be required to indicate if they have notified other agencies. There should be provision for national treatment regarding access to domestic redress procedures on the basis of existing statutes. Such procedural harmonization would not eliminate the risks of abuse of process, but would put limits on such risks. These discussions could take place in the future NAFTA Working Group on Trade and Competition.

ii) Seek greater exchange of market information between enforcement agencies within the free trade area. Explore the possibility of easing confidentiality rules. Consideration should be given to each agency being able to request the other to enforce an order requesting information located in the other's territory. The agency receiving the request would have the final say about whether the request is reasonable or not.

iii) Seek agreement on eliminating discriminatory provisions.

iv) Establish a work program to review options for reducing the potential for jurisdictional conflict, including dispute settlement or comity provisions.

Such an approach would:

- Protect the most important aspects of Canadian sovereignty. Any results could serve as a model for future cooperation in the OECD or GATT context, just as existing provisions of the FTA have served as model for certain discussions in the Uruguay Round. This approach is compatible with and does not pre-judge the outcome of current discussions in the OECD on trade and competition.

- Minimize the need for changes in U.S. and Canadian legislation. Some of the proposed changes can be implemented at the administrative level.

- Not entail negotiations aimed at bringing Canada to U.S. "standards" in areas such as private suits and treble damages, and thresholds/safehavens.