

Statement by the Commission

(regarding the information to be provided to the Member States)

In accordance with the principles which govern the relationship between the Commission and the Member States in the application of the Competition rules as enshrined, for example, in Council Regulation No 17/62, and in accordance with Article X.3 of the Agreement between the European Communities and Canada regarding the application of their competition laws,

- the Commission shall forward to the Member State or Member States whose important interests are affected the notification sent by the Commission or received from the Canadian competition authority. Member States shall be notified as soon as is reasonably possible and in the language of the exchange. Where the Commission sends information to the Canadian authorities, Member States shall be informed at the same time.
- the Commission shall also notify the Member State or Member States whose important interests are affected of any cooperation or coordination of enforcement activities, as soon as is reasonably possible.

For the purposes of this statement, it is considered that the important interests of a Member State are affected where the enforcement activities in question:

- (i) are relevant to enforcement activities of the Member State;
- (ii) involve anti-competitive activities, other than mergers or acquisitions, carried out wholly or in part in the territory of the Member State;
- (iii) involve conduct believed to have been required, encouraged or approved by the Member State;
- (iv) involve a merger or acquisition in which:
 - one or more of the parties to the transaction; or
 - a company controlling one or more of the parties to the transaction;
 is a company incorporated or organised under the laws of the Member State;
- (v) involve the imposition of, or application for, remedies that would require or prohibit conduct in the territory of the Member State; or
- (vi) involve the Canadian competition authority seeking information located in the territory of the Member State.

In addition, at least twice a year at meetings of government competition specialists, the Commission will inform all the Member States about the implementation of the Agreement, and particularly about the contacts which have taken place with the Canadian competition authority as regards the forwarding to the Member States of information received by the Commission under the Agreement.