

tion by voluntary means in the first instance, unless it concludes that in the specific circumstances compulsory process should be used. Examples of such circumstances include, but are not limited to, concern that evidence might otherwise be destroyed or removed or that voluntary compliance would not be forthcoming. If the Party in whose territory the information is located requests consultations, the process normally will not be issued until there has been a reasonable opportunity for consultation. If exceptional circumstances require that the process be issued before there has been an opportunity for requested consultation, the Party that issued the process will not seek to enforce compliance until a reasonable period for consultation, if requested, has elapsed.

(4) When requests for information located in the territory of the other are made, they will be framed as narrowly and specifically as possible in order to minimize the financial and administrative burden on the recipient.

(5) After notification and consultation or waiver thereof, and subject to paragraph 5, voluntary in-person interviews with private persons may generally be conducted in the territory of the other Party. Such Party retains the right to attach any conditions to the conduct of an interview that it deems appropriate, including the attendance of its officials at such interviews.

## 9. Exchange of Information between Governments

In furtherance of principles of international comity, the Parties will cooperate with and assist each other in the enforcement of their respective antitrust laws through the exchange of information. This exchange will be subject to compliance with national laws, considerations of national interest and the establishment of adequate safeguards respecting confidentiality referred to in paragraph 10 below.

## 10. Confidentiality of Intergovernmental Communications

(1) The issues of confidentiality that arise in exchanges of information between the Parties are acknowledged to be matters of importance, and each Party will use its best efforts to assure confidentiality to the extent consistent with its national law. The Parties agree that the degree to which either Party discloses information to the other pursuant to this Understanding may be subject to and dependent upon the acceptability of the assurances given by the other with respect to confidentiality and with respect