

5.           Extraterritoriality: The Treaty includes an article that, in principle, obliges the USA to use the treaty mechanism, rather than unilateral measures such as extraterritorial subpoenas, to obtain evidence from Canada. This obligation, of course, is a reciprocal one. Furthermore, the treaty allows the Requested State to deny assistance when execution of the request would be contrary to its public interest. Finally, in a separate exchange of notes, Canada and the USA have stated their intention to continue consultations and co-operation regarding U.S. subpoenas for bank documents located in Canadian banks in third countries.