

7. Elimination or Minimization of Conflicts

(1) Each Party will normally refrain from initiating or continuing particular elements of any investigative or enforcement procedures, to the extent they affect a national interest or require the seeking of information from the territory of the other Party, until either (i) a reasonable period has elapsed after notification without receipt of a response requesting consultations, or (ii) it has in good faith provided the other Party with an opportunity for requested consultations and has given serious consideration to any information and views provided in the course of the consultations. Where, because of an exceptional circumstance, immediate action must be taken, an opportunity for consultation will be provided as soon as feasible thereafter.

(2) The Party which believes its significant national interests are likely to be affected by the proposed actions of the other Party will, consistent with paragraph 10 below and its national laws and interests, explain in sufficient detail its significant national interests and its role, if any, in the activity in question to enable the other Party to give serious consideration to them.

(3) The good faith consideration that is to be accorded to the national interest of the other Party during consultations may lead to the avoidance or minimization of a conflict of national interests. If each Party asserts that its own national interest is predominant and it is unable to defer to the expressed national interest of the other, they will nonetheless seek to reduce, by accommodation and compromise, the scope and intensity of the conflict and its effects.

8. Information from Private Persons

(1) Either Party may utilize whatever means it considers necessary to obtain for antitrust investigations and proceedings relevant information located in its own territory, whether or not an entity from which information is sought has a parent or subsidiary in the territory of the other.

(2) Where, in the opinion of the investigating Party, information is adequately available from sources within its territory, that Party will, in the first instance, attempt to obtain such information from those sources before seeking it from the territory of the other Party.

(3) If a Party intends to seek information located in the territory of the other Party, it will attempt to obtain the informa-