

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 Canada in whose territory the information is located requests consultation, 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 United States will not seek to enforce compliance until a reasonable period for consultation, if requested, has elapsed.

When requests for information located in Canada are made, they must be framed as narrowly and specifically as possible in order to minimize the financial and administrative burden on the recipient.

After notification and consultation or waiver thereof, voluntary interviews with private persons may generally be conducted in Canada. However, Canada 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.

Notifications and consultations pursuant to this Understanding are, unless otherwise indicated, deemed exchanges of confidential information between Canada and the United States, and their occurrence or substance must not be disclosed unless the providing party consents to disclosure or disclosure is compelled by law. However, after an individual or business entity has been advised by the investigating party of an investigation or inquiry, the notified party may communicate the fact of notification to that individual or entity regarding such information as the investigating party has disclosed to that individual or entity. The investigating party must, at the request of the other party, inform that party as promptly as possible of the time and manner in which any request for information from the territory of the other party will be made.

When a private antitrust suit has been commenced in an American court relating to conduct which has been the subject of notification and consultations, the American Government will if so requested by the Canadian Government, inform the court of the substance and the outcome of the consultations. In the absence of such prior notification and consultations, the American