

With regard to costs, the requesting state does not pay a fee for the execution of the letters of request, but is required to pay the expenses and fees of witnesses and translators, and the costs of obtaining documents and other fees and charges if applicable, according to the tariff in the requested province.

In every instance where the letters of request are not executed by the authority to whom they are addressed, the latter will promptly inform the diplomatic or consular officer by whom they were transmitted stating the grounds on which the execution has been refused, or the judicial authority to whom they have been forwarded.

Although the treaties permit the transmission of the letters of request directly from the foreign embassy or consulate to the provincial Attorney General's Department, a practice has developed of transmitting them through the Department of External Affairs to the provinces. In a number of cases the foreign lawyer transmits the documents directly to the provincial authority designated in the treaty as a matter of expeditious procedure.

The 1977 Entente between France and the Province of Quebec contains elaborate provisions for the transmission and execution of letters of request in civil, commercial and administrative matters (see Appendix B).

Canada is not a party to any multilateral treaty on the taking of evidence abroad in civil or commercial matters, such as the 1970 Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters.

b. Canada - U.S.A.: Antitrust Matters.

The Memorandum of Understanding between the two states as to notification, consultation and co-operation with respect to the application of national antitrust laws provides that the parties will notify each other whenever they become aware that their antitrust investigations or proceedings or actions relating to antitrust investigations or proceedings of the other party, involve national interests of the other or require the seeking of information located in the territory of the other. (For the text of the Understanding see Appendix C).

If the United States intends to seek information located in Canada, in furtherance of an antitrust investigation or inquiry, it must attempt to obtain the information by voluntary means