

ARTICLE II

Notification

1. Each Party shall, subject to Article X(1), notify the other Party in the manner provided by this Article and Article XII with respect to its enforcement activities that may affect important interests of the other Party.

2. Enforcement activities that may affect the important interests of the other Party and therefore ordinarily require notification include those that:

- (a) are relevant to enforcement activities of the other Party;
- (b) involve anticompetitive activities, other than mergers or acquisitions, carried out in whole or in substantial part in the territory of the other Party;
- (c) involve mergers or acquisitions in which
 - one or more of the parties to the transaction, or
 - a company controlling one or more of the parties to the transaction, is a company incorporated or organized under the laws of the other Party or of one of its provinces or states;
- (d) involve conduct believed to have been required, encouraged or approved by the other Party;
- (e) involve remedies that expressly require or prohibit conduct in the territory of the other Party or are otherwise directed at conduct in the territory of the other Party; or
- (f) involve the seeking of information located in the territory of the other Party.

3. Notification pursuant to this Article shall ordinarily be given as soon as a Party's competition authority becomes aware that notifiable circumstances are present, and in any event in accordance with paragraphs 4 through 8 of this Article.

4. When the competition authority of a Party requests that a person provide information, documents or other records located in the territory of the notified Party, or requests oral testimony in a proceeding or participation in a personal interview by a person located in the territory of the notified Party, notification shall be given

- (a) in the case of either voluntary or compulsory compliance with a request for written information, documents or other records, at or before the time that the request is made; and
- (b) in the case of oral testimony or personal interviews, at or before the time arrangements for the interview or testimony are made.