

- D. "Person" means any natural person or legal entity, including corporations, unincorporated associations, partnerships, or bodies corporate existing under or authorized by the laws of either the United States, its States, or its Territories, the laws of Ireland, or its Territories, or the laws of other sovereign states.
- E. "Request" means a request for assistance under this Memorandum.
- F. "Requested Participant" means the Participant from which assistance is sought under this Memorandum, or which has provided such assistance.
- G. "Requesting Participant" means the Participant seeking or receiving assistance under this Memorandum.

II. Object and Scope of Assistance

- A. The Participants recognize that it is in their common interest to share Evidence that will: facilitate effective enforcement of their respective Consumer Protection Laws; avoid unnecessary duplication; facilitate coordinated investigations, research, and consumer and business education Laws; lthic7enate 2("Personbetshas)TJ/TT2 nsum

2. using best efforts to cooperate in the detection and investigation of violations of the Participants' Consumer Protection Laws;
 3. using best efforts to obtain, or arrange the obtaining of Evidence at the request of a Participant, including
 - a. taking the testimony or statements of Persons or otherwise obtaining information from Persons;
 - b. obtaining documents, records or other forms of documentary Evidence; or
 - c. locating or identifying Persons or things;
 4. using best efforts to assist in service of process;
 5. using best efforts to share appropriate consumer complaint information; and
 6. in appropriate cases, coordinating enforcement against cross-order violations of the Participants' respective Consumer Protection Laws.
- F. Nothing in this Memorandum is intended to prevent a Participant from seeking assistance from or providing assistance to another Participant pursuant to other practices.
- G. This Memorandum is intended to be used solely for the purpose of law enforcement assistance between the Participants. The provisions of this Memorandum are not intended to give rise to a right on the part of any private person to obtain, suppress, or exclude any Evidence.
- H. Nothing in this Memorandum is intended to compel a Person to provide Evidence in violation of any legally applicable right, privilege, or restriction.
- I. Nothing in this Memorandum is intended to affect the right of a Participant to seek Evidence on a voluntary basis or otherwise lawful basis from a Person located in the territory of the other Participant, nor is it intended to preclude any such Person from voluntarily providing Evidence to a Participant.

III. Requests for Assistance

- A. Requests by the ODCA should be addressed to: Associate Director, International Division of Consumer Protection, FTC. Requests by the FTC should be addressed to: Assistant Director, Enforcement 2, ODCA.
- B. Requests should include, if applicable:
 1. identification of the Persons subject to any investigation or proceeding;
 2. a general description of the subject matter and nature of any investigation or

- proceeding to which the Request relates;
3. where applicable, a description of the Evidence sought;
 4. where applicable, the identity and location of any Person who is to be served with process;
 5. where applicable, a description of the action that the Requesting Participant is requesting that the Requested Participant take;
 6. where applicable, a description of procedural or evidentiary requirements bearing on the manner in which the Requesting Participant desires the Request to be executed;
 7. requirements, if any, for confidential treatment of the Request or its contents; and
 8. any other information that the Requesting Participant believes would be helpful in facilitating review or execution of a Request.
- C. Requests may also be submitted by completing the ICPEN Information Request Pro Forma.
- D. Staff of the Participants should consult with each other regarding a Request in order to work out details regarding the manner and timing of executing the Request.

IV. Limitations on Assistance

- A. Consistent with its national laws, international obligations, enforcement policies and other important interests, a Participant should use its best efforts to provide assistance in response to a Request. The Requested Participant may decline to provide assistance.
- B. Notwithstanding any other provision of this Memorandum, a Participant should not communicate information to the other Participant if such communication is prohibited by the laws governing the Participant possessing the information or would be incompatible with that Participant's important interests.
- C. Before denying a Request, the Requested Participant should consult with the Requesting Participant to determine whether assistance may be given in part, subject to specified terms and conditions. If a Request is denied, the Requested Participant should provide the Requesting Participant with a written explanation of the basis for denial.
- D. The determination as to whether to grant a Request in whole or in part is delegated to the Associate Director, International Division of Consumer Protection, in the case of the FTC, and to the Director of Consumer Affairs, or a person acting on his/her behalf, in the case of the ODCA.

V. Confidentiality

IX. Duration of Cooperation

Annex A

Consumer Information Act, 1978

European Communities (Misleading Advertising) Regulations, 1988

Package Holidays and Travel Trade Act, 1995

European Communities (Unfair Terms in Consumer Contracts) Regulations, 1995 as amended by European Communities (Unfair Terms in Consumer Contracts) (Amendment) Regulations, 2000

European Communities (Contracts for Time Sharing of Immovable Property – Protection of Purchasers) Regulations, 1997 as amended by European Communities (Contracts for Time Sharing of Immovable Property – Protection of Purchasers) (Amendment) Regulations, 2000

European Communities (Protection of Consumers in Respect of Contracts Made by Means of Distance Communication) Regulations, 2001

European Communities (Requirements to Indicate Product Prices) Regulations, 2002

European Communities (Directive 2000/31/EC) Regulations, 2003