

# **Competition Policy**

## **COMPETITION POLICY**

### **Article X.1: Competition Law and Authorities**

1. Each Party shall maintain national competition laws that proscribe anticompetitive business conduct and unfair business practices with the objective of ensuring open, competitive, and fair markets and shall take appropriate action with respect to such conduct or practices.
2. Each Party shall endeavor to apply its national competition laws to all commercial activities in its territory.<sup>1</sup>
3. Each Party shall maintain a national authority or authorities responsible for the enforcement of its national competition laws.
4. Each Party shall ensure that the enforcement policies of its national competition authority or authorities include:
  - (a) treating persons from another Party no less favorably than persons of the Party in like circumstances; and
  - (b) considering, if applicable, the effect of enforcement activities on related enforcement activities by any other Party's national competition authority or authorities.

### **Article X.2: Cooperation**

1. The Parties recognize the importance of cooperation and coordination among their respective national competition authorities to promote competition and foster effective competition law enforcement.
2. The Parties' national competition authorities shall endeavor to cooperate regarding their competition policies and in the enforcement of their respective national competition laws, to the extent compatible with each Party's laws and important interests and within reasonably available resources. Such cooperation, based on such mechanisms that exist or may be developed, may include:
  - a. coordination of investigations that raise common competition law enforcement concerns;

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<sup>1</sup> For greater certainty, nothing in paragraph 2 shall be construed to preclude a Party from applying its national competition laws to commercial activities outside its borders that have an effect in its jurisdiction.

- b. exchanging information and experiences on development of competition policies;  
and
- c. sharing best practices on promotion of competition.

**Article X.3: Non-Application of Dispute Settlement**

1. No Party shall have recourse to dispute settlement under Chapter XX (Dispute Settlement) for any matter arising under this Chapter.