

Any matter arising under this Chapter shall not be subject to the dispute settlement mechanism provided for in Chapter 14 (Dispute Settlement) of this Agreement.

ARTICLE 10.5

Contact Points

1. Each Party shall designate a contact point to monitor the implementation of this Chapter. The contact points shall work collaboratively to facilitate the implementation of this Chapter.
2. The Parties shall provide each other with the names and contact details of their contact points.
3. The Parties shall promptly notify each other of any change to their contact points.

ARTICLE 10.6

Further Negotiations

The Parties may enter into negotiations with a view to liberalising their respective government procurement markets and discussing potential market access issues, if necessary.

CHAPTER 11

COMPETITION

ARTICLE 11.1
Basic Principles

1. The Parties recognise the importance of free and undistorted competition in their trade relations and respect the differences in their capacity in the area of competition policy.
2. Each Party shall, in accordance with its respective laws and regulations, take measures which it considers appropriate by proscribing anti-competitive business conduct, in order to promote the efficient functioning of its respective market and consumer welfare.
3. The measures each Party adopts or maintains to proscribe anti-competitive business conduct shall be taken in conformity with the principles of transparency, non-discrimination and fairness.

ARTICLE 11.2
Anti-Competitive Practices

1. The Parties shall take all necessary measures in accordance with their respective laws and regulations in order to prevent and restrict anti-competitive practices that affect trade between the Parties. Particular attention shall be given to the following practices which are incompatible with the proper operation of this Agreement:
 - a) all agreements between enterprises, decisions by associations of enterprises and concerted practices between enterprises which have

as their object or effect the prevention, restriction or distortion of competition;

b) abuse by one or more enterprises of a dominant position; and

c) unfair competition.

2. The issues concerning state monopolies and enterprises entrusted with special or exclusive rights shall not be subject of this Chapter.

ARTICLE 11.3

Cooperation

1. The Parties recognise the importance of cooperation activities relating to competition law enforcement and competition policy. Cooperation shall be conducted in accordance with the respective laws and regulations and based on the availability of the necessary resources. Cooperation shall include exchange of non-confidential information, consultations, cooperation in enforcement activities, as provided for in paragraph 2 of this Article, and technical assistance, including:

a) exchange of experience regarding the promotion and enforcement of competition law and policy;

b) joint seminars on competition law and law enforcement activities of the Parties; and

c) any other form of cooperation as agreed by the Parties.

2. Cooperation in law enforcement is carried out as follows:

- a) if a Party considers that its interests are affected in the territory of the other Party in the sense of Article 11.2 of this Agreement, it may request that the other Party initiates appropriate enforcement activities. Such request shall take place if possible at an early stage of the anti-competitive practice under Article 11.2 of this Agreement and should be of sufficient detail;
- b) the requested Party shall carefully consider the possibility for initiating enforcement activities or expanding ongoing enforcement activities in accordance with the requirements of its respective laws and regulations and inform the requesting Party of the results of such consideration as soon as practically possible;
- c) if enforcement activities are initiated or expanded, the requested Party shall inform the requesting Party of their outcome and, to the extent possible, of significant interim developments; and
- d) nothing in this Chapter shall limit the discretion of the requested Party to decide whether to undertake enforcement activities with respect to the anti-competitive practices identified in the request, or precludes the requesting Party from withdrawing its request.

ARTICLE 11.4

Consultations

1. To foster understanding between the Parties, or to address specific matters that arise under this Chapter, each Party shall, upon request of the other Party, enter into consultations. Such consultations shall be without prejudice to the rights of each Party to enforce their respective laws and regulations. In the request for consultations, the requesting Party shall indicate how the matter affects trade between the Parties. The Party receiving such request shall promptly hold consultations in order to achieve mutually satisfactory results in consistence with the provisions of this Chapter.
2. During the consultations in accordance with this Article, the requested Party shall provide full and sympathetic consideration to the matter that is the subject of consultations within a reasonable period of time. Both Parties shall aspire to reach consensus on the issue of concern through constructive dialogues.
3. If a Party considers that its interests are still affected after consultations in accordance with this Article, it may request consultations in the Joint Committee.

ARTICLE 11.5

Use of Information

1. Where a Party provides information to the other Party for the purposes of implementing this Chapter, such information shall be used by the latter Party only for such purposes and shall not be disclosed or transferred to any other organisation and/or individual without the consent of the Party providing the information.
2. Notwithstanding any other provision of this Chapter, neither Party is required to communicate information to the other Party if such communication is prohibited by their respective laws and regulations.

ARTICLE 11.6

Non-Application of Chapter 14 (Dispute Settlement)

Any matter arising under this Chapter shall not be subject to the dispute settlement mechanism provided for in Chapter 14 (Dispute Settlement) of this Agreement.

ARTICLE 11.7

Contact Points

1. Each Party shall designate a contact point to monitor the implementation of this Chapter. The contact points shall work collaboratively to facilitate the implementation of the provisions of this Chapter.
2. The Parties shall exchange information containing the names of the designated competent authorities that shall act as their contact points and the contact details of relevant officials in such organisations, including

telephone and facsimile numbers, email addresses and other relevant details.

3. The Parties shall promptly notify each other of any change to their contact points or relevant contact details.

CHAPTER 12

SUSTAINABLE DEVELOPMENT

ARTICLE 12.1

Objectives

1. The Parties agree to implement this Chapter in a manner consistent with labour and environmental protection, and sustainable use of their resources. In this regard the Parties shall:
 - a) strengthen cooperation on environmental and labour issues; and
 - b) promote sustainable development.
2. The Parties recognise that economic development, social development and environmental protection are interdependent and mutually supportive components of sustainable development.
3. The Parties shall endeavour to promote their trade relations for the purposes of sustainable development to the extent possible.