

CHAPTER 9

COMPETITION

ARTICLE 9

Rules of Competition concerning Undertakings

1. The following practices of undertakings are incompatible with the proper functioning of this Agreement in so far as they may affect trade between the Parties:

- (a) agreements between undertakings, decisions by associations of undertakings 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 undertakings of a dominant position in the territory of a Party as a whole or in a substantial part thereof.

2. The provisions of paragraph 1 shall also apply to the activities of public undertakings, and undertakings to which the Parties grant special or exclusive rights, in so far as the application of these provisions does not obstruct the performance, in law or in fact, of the particular public tasks assigned to them.

3. The provisions of paragraphs 1 and 2 shall not be construed so as to create any direct obligations for undertakings.

4. The Parties involved shall cooperate and consult in their dealings with anti-competitive practices as outlined in paragraph 1, with the aim of putting an end to such practices or their adverse effects on trade. Cooperation may include the exchange of pertinent information that is available to the Parties. No Party shall be required to disclose information that is confidential under its domestic legislation.

5. If a Party considers that a given practice continues to affect trade in the sense of paragraph 1, after cooperation or consultations in accordance with paragraph 4, it may request consultations in the Joint Committee. The Parties involved shall give to the Joint Committee all the assistance required in order to examine the case. The Joint Committee shall, within 30 days from the receipt of the request, examine the information provided in order to facilitate a mutually acceptable solution of the matter.