

## **CHAPTER 10**

### **COMPETITION**

#### ARTICLE 10.1

##### ***Rules of Competition***

1. The Parties recognise that the following practices of enterprises are incompatible with the proper functioning of this Agreement insofar as they may affect trade between the Parties:

(a) agreements, decisions by associations and concerted practices which have as their object or effect the prevention, restriction or lessening of competition; and

(b) abuse of dominant position that would prevent or restrict competition.

2. The provisions of paragraph 1 shall also apply to state owned enterprises or enterprises with 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 under domestic laws, rules and regulations.

3. The rights and obligations under this Chapter shall only apply between the Parties.

#### ARTICLE 10.2

##### ***Cooperation***

1. The competent authorities of the Parties concerned shall cooperate and consult in their dealings with anti-competitive practices referred to in paragraph 1 of Article 10.1 (Rules of Competition), with the aim of putting an end to such practices or their adverse effects on trade, in a manner consistent with their domestic laws, rules and regulations.

2. Cooperation may include exchange of pertinent information that is available to the Parties. No Party shall be required to disclose information that is confidential according to its domestic laws, rules and regulations.

#### ARTICLE 10.3

##### ***Consultations***

1. A Party may request consultations regarding any matter under this Chapter. The addressed Party or Parties shall promptly reply to the request and enter into consultations in good faith. The Parties shall make every attempt to arrive at a mutually acceptable solution.

2. If a Party considers that a given practice continues to affect trade in the sense of Article 10.1 (Rules of Competition), after cooperation or consultations, it may refer the matter to the Joint Committee. The Parties involved shall give to the Joint Committee all the assistance required in order to examine the matter and, where appropriate, eliminate the practice objected to.

#### ARTICLE 10.4

##### ***Dispute Settlement***

No Party may have recourse to dispute settlement under Chapter 13 (Dispute Settlement) for any matter arising under this Chapter.