

CHAPTER 7

COMPETITION

ARTICLE 7

Rules of Competition concerning Undertakings

1. The following practices are incompatible with the proper functioning of this Agreement in so far as they may affect trade between an EFTA State and Ukraine:
 - (a) agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition in the territory of each Party;
 - (b) abuse by one or more undertakings of a dominant position in the territory of each Party.
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. Nothing in paragraph 2 shall be construed as preventing a Party from establishing or maintaining a public enterprise, entrusting enterprises with special or exclusive rights or maintaining such rights.
4. The provisions of paragraphs 1 and 2 shall not be construed so as to create any direct obligations for undertakings.
5. The Parties recognize the importance of cooperation and consultations with the aim of putting an end to anti-competitive practices as outlined in paragraphs 1 and 2 or their adverse effects on trade. The Parties may conduct such cooperation and consultations through their competent authorities. Cooperation shall include the exchange of pertinent information that is available to the Parties. No Party shall be required to disclose information that is confidential according to its law.
6. To foster understanding between the Parties, or to address any matter arising under this Chapter, and without prejudice to the autonomy of each Party to develop, maintain and enforce its competition policy and legislation, a Party may request consultations within the Joint Committee. This request shall indicate the reasons for the consultations. Consultations in accordance with Article 9.3 shall be held promptly with a view to reaching a conclusion consistent with the objectives set forth in this Chapter. The Parties concerned shall give to the Joint Committee all the support and information needed.

7. With the exception of the right for consultations in accordance with paragraph 6, no Party may have recourse to dispute settlement under this Agreement for any matter arising under this Article.