

CHAPTER 10 COMPETITION

Article 10.1 Anticompetitive Behaviour Affecting Trade

1. The following practices of enterprises are incompatible with the proper functioning of this Agreement in so far as they may adversely affect trade between an EFTA State and India:
 - (a) 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; and
 - (b) abuse by one or more enterprises of a dominant position in the territory of a Party.
2. The provisions of paragraph 1 shall also apply to the activities of public enterprises, and enterprises 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 enterprises.

Article 10.2 Cooperation

1. The Parties involved may, through their competent authorities, cooperate in their dealings with anticompetitive practices as outlined in paragraph 1 of Article 10.1, with the aim of putting an end to such practices or their adverse effects on trade. Cooperation may include exchange of non-confidential information that is available to the Parties.
2. The Parties may engage in cooperation activities on general matters of competition law and policy. Upon request of a Party, the requested Party may make available to the requesting Party public information concerning its competition laws and related enforcement activities.

Article 10.3 Consultations

1. Upon request of a Party, the Parties may enter into consultations regarding any matter arising under this Chapter, including the effects of the practices outlined in paragraph 1 of Article 10.1 on trade. In its request, the Party shall submit all relevant non-confidential information to discuss this matter, and if relevant, how such a practice affects trade between the Parties.

2. To facilitate discussion of the matter that is the subject of the consultations, each Party may provide relevant non-confidential information to the Joint Committee.

Article 10.4
Non-Application of Dispute Settlement

No Party shall have recourse to Chapter 12 (Dispute Settlement) for any matter arising under this Chapter.

Article 10.5
Review

The Parties may review the provisions of this Chapter 2 years from the entry into force of this Agreement.