

Chapter 9 Competition Policy

Article 9.1: Objective

1. The objective of this Chapter is to contribute to the fulfillment of the objectives of this Agreement, through the promotion of fair competition and the proscription of anti-competitive practices within the free trade area.
2. For purposes of this Chapter, anti-competitive practices as specified in the Parties' respective competition laws include, but are not limited to, the following:
 - (a) anti-competitive horizontal arrangements between competitors;
 - (b) abuse of dominant position or substantial market power; and
 - (c) anti-competitive mergers and acquisitions or economic concentrations.

Article 9.2: Promotion of Competition

1. Each Party shall promote competition by adopting or maintaining national competition laws that proscribe anti-competitive practices in its territory and shall take measures as it deems appropriate and effective to counter such practices.
2. Each Party shall maintain one or more authorities responsible for enforcing measures to promote competition and for the enforcement of its competition laws. The enforcement policy of the Parties' authorities shall be consistent with the principles of transparency, timeliness, non-discrimination and procedural fairness.
3. Each Party shall maintain its autonomy in developing and enforcing its competition laws.

Article 9.3: Cooperation

1. The Parties recognize the importance of cooperation and coordination to further effective competition law and policy development in the free trade area, and agree to cooperate on these matters in accordance with the provisions of this Chapter and subject to their respective domestic laws.
2. Both Parties will seek to enhance a better understanding, communication and cooperation between the authorities responsible for the

enforcement of their respective competition laws, in relation to the issues related to this Chapter.

Article 9.4: Consultations

1. To foster understanding between the Parties, or to address specific matters that arise under this Chapter, a Party shall, at the request of the other Party, enter into consultations. In its request, the Party shall indicate, if relevant, how the matter affects trade or investment between the Parties. The Party to which a request is addressed shall consider the issue of concern to the other Party, and inform it of the outcome of such consideration.

2. Any information or documents exchanged between the Parties in relation to any consultations conducted pursuant to this Chapter shall be kept confidential.

Article 9.5: Transparency and Information Request

1. The Parties shall publish or otherwise make publicly available their competition laws, including information on any exemptions provided under such laws.

2. On request, each Party shall make available to the other Party public information concerning its competition law enforcement activities, including any competition law enforcement activities that may affect the requesting Party's trade or investment within the free trade area, provided that this is not contrary to the Parties' competition laws and does not affect any investigation being carried out.

Article 9.6: Dispute Settlement

1. Nothing in this Chapter permits a Party to challenge any decision made by any authority of the other Party in enforcing the applicable competition laws.

2. Neither Party shall have recourse to any dispute settlement procedures under this Agreement for any issue arising from or relating to this Chapter.