CHAPTER 15
COMPETITION AND CONSUMER PROTECTION

Article 15.1
Objectives

The aim of this Chapter is to contribute to the fulfilment of the objectives of this Agreement by promoting economic efficiency and consumer welfare through the promotion of competition and cooperation on consumer protection.

Article 15.2
Definitions

For the purposes of this Chapter:

(a) the term "anticompetitive activities" means any conduct or transaction that adversely affects competition and may be subject to penalties or other relief under the competition laws of either Party;

(b) the term "competition authority" means:

(i) for Australia, the Australian Competition and Consumer Commission, or its successor; and

(ii) for Japan, the Fair Trade Commission, or its successor; and

(c) the term "competition law" means:

(i) for Australia, Parts IV and XIA of the *Competition and Consumer Act 2010*, and any regulations made under those Parts; and provisions of other Parts in so far as they relate to Part IV, but not including Part X; as well as any amendments thereto;

(ii) for Japan, the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Trade (Law No. 54 of 1947) and its implementing regulations as well as any amendments thereto; and

(iii) for both Australia and Japan, such other laws and regulations as the Parties may from time to time mutually determine to be a "competition law".

Article 15.3
Promotion of Competition by Addressing Anticompetitive Activities

1. Each Party shall, subject to its laws and regulations, take measures which it considers appropriate to promote competition, especially by addressing anticompetitive activities.

2. Any measures referred to in paragraph 1 shall be consistent with the principles of transparency, non-discrimination and procedural fairness.

Article 15.4
State-Owned Enterprises

In addition to Article 15.3, bearing in mind the relationship between the promotion of competition and other policy objectives, the Parties recognise that seeking to ensure that governments do not provide competitive advantages to state-owned enterprises simply because they are state owned can contribute to the promotion of competition.

Article 15.5
Cooperation on Addressing Anticompetitive Activities

1. The Parties recognise the importance of cooperation to further the promotion of competition.