CHAPTER 13

COMPETITION

Article 13.1: Objectives

The objectives of this Chapter are to promote competition in markets, and enhance economic efficiency and consumer welfare, through the adoption and maintenance of laws and regulations to proscribe anti-competitive activities, and through regional cooperation on the development and implementation of competition laws and regulations among the Parties. The pursuit of these objectives will help the Parties to secure the benefits of this Agreement, including facilitating trade and investment among the Parties.

Article 13.2: Basic Principles

1. Each Party shall implement this Chapter in a manner consistent with the objectives of this Chapter.

2. Acknowledging each Party's rights and obligations under this Chapter, the Parties recognise:

   (a) the sovereign rights of each Party to develop, set, administer, and enforce its competition laws, regulations, and policies; and

   (b) the significant differences that exist among the Parties in capacity and level of development in the area of competition law and policy.

Article 13.3: Appropriate Measures against Anti-Competitive Activities[1]

1. Each Party shall adopt or maintain competition laws and regulations to proscribe anti-competitive activities[2], and shall enforce those laws and regulations accordingly.

2. Each Party shall establish or maintain an authority or authorities to effectively implement its competition laws and regulations.

3. Each Party shall ensure independence in decision making by its authority or authorities in relation to the enforcement of its competition laws and regulations.

4. Each Party shall apply and enforce its competition laws and regulations in a manner that does not discriminate on the basis of nationality.

5. Each Party shall apply its competition laws and regulations to all entities engaged in commercial activities, regardless of their ownership. Any exclusion or exemption from the application of each Party's competition laws and regulations, shall be transparent and based on grounds of public policy or public interest.

6. Each Party shall make publicly available its competition laws and regulations, and any guidelines issued in relation to the

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[1] This Article is subject to:

   (a) Annex 13A (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Brunei Darussalam);

   (b) Annex 13B (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Cambodia);

   (c) Annex 13C (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Lao PDR); and

   (d) Annex 13D (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Myanmar).

[2] Examples may include anti-competitive agreements, abuses of a dominant position, and anti-competitive mergers and acquisitions.