

Chapter 10 Competition

Article 99 Promotion of Competition by Addressing Anti-competitive Activities

Each Party shall, in accordance with its laws and regulations, promote competition by addressing anti-competitive activities in order to facilitate the efficient functioning of its market. Any measure taken for such purposes shall be taken in conformity with the principles of transparency, non-discrimination, and procedural fairness.

Article 100 Definitions

For the purposes of this Chapter, the term:

- (a) "anti-competitive activities" means any conduct or transaction that may be subject to penalties or relief under the competition law of either Party; and
- (b) "competition law" means:
 - (i) for Japan, the Law Concerning Prohibition of Private Monopoly and Maintenance of Fair Trade (Law No. 54, 1947) (hereinafter referred to in this Chapter as "the Antimonopoly Law") and its implementing regulations as well as any amendments thereto; and
 - (ii) for Viet Nam, the Competition Law (Law No. 27/2004/QH11) and its implementing regulations as well as any amendments thereto.

Article 101 Cooperation on Promoting Competition by Addressing Anti-competitive Activities

The Parties shall, in accordance with their respective laws and regulations, cooperate in the field of promoting competition by addressing anti-competitive activities subject to their respective available resources, with a view to contributing to the effective enforcement of the competition law of each Party and to avoiding or lessening the possibility of conflicts between the Governments of the Parties in all matters pertaining to the application of the competition law of each Party. Such cooperation may take the form of exchange of information, notification and coordination of enforcement activities, and consultation.

Article 102 Technical Cooperation

The Parties agree that it is in their common interest for the competition authorities of the Parties to work together in technical cooperation activities related to strengthening of competition policy and implementation of the competition law of each Party.

Article 103

Non-application of Paragraph 3 of Article 6 and Chapter 13

Paragraph 3 of Article 6 and Chapter 13 shall not apply to this Chapter.

Article 104

Miscellaneous

1. Detailed arrangements to implement this Chapter may be made between the competition authorities of the Parties.
2. Nothing in this Chapter shall prevent the Parties from seeking or providing assistance to one another pursuant to other bilateral or multilateral agreements or arrangements.
3. Nothing in this Chapter shall be construed to prejudice the policy or legal position of either Party regarding any issues related to jurisdiction.
4. Nothing in this Chapter shall be construed to affect the rights and obligations of either Party under other international agreements or arrangements or under its laws.