

(Only the published text is authentic)

Chapter 4

Controlling Anti-competitive Activities

Article 11

Objective

1. The purpose of this Chapter is to provide for the details and procedures concerning the implementation of the co-operation set forth in Article 132 of the Basic Agreement.

2. For the purposes of this Chapter, the term "implementing authority(ies)" means:

- (a) in the case of Japan, the Fair Trade Commission; and
- (b) in the case of Malaysia, the Ministry of Domestic Trade and Consumer Affairs.

Article 12

Transparency

The implementing authority of each Country shall:

- (a) promptly inform the implementing authority of the other Country of any amendment of laws and regulations and any adoption of new laws and regulations of its Country that control anticompetitive activities;
- (b) provide, as appropriate, the implementing authority of the other Country with copies of its publicly-released guidelines or policy statements issued with regard to controlling anticompetitive activities; and
- (c) provide, as appropriate, the implementing authority of the other Country with copies of its annual reports and/or any other publication that are made generally available to the public.

Article 13

Technical Co-operation

1. The Governments agree that it is in their common interest for the implementing authorities to work together in technical co-operation activities related to controlling anti-competitive

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activities.

2. The technical co-operation activities may include, within the reasonably available resources of the implementing authority of each Country, the following:

(a) exchange of implementing authorities' personnel for training purposes; and

(b) participation of implementing authorities' personnel as lecturers or consultants at training courses on competition laws and regulations organised or sponsored by each other's implementing authority.

Article 14 **Discussion**

The implementing authorities of the Countries shall discuss, upon the request of either implementing authority, on any matter of mutual interest which may arise in connection with controlling anti-competitive activities.

Article 15 **Review**

1. The Governments shall, as mutually agreed between the Governments, review and expand the co-operation pursuant to this Chapter, when either Country adopts new laws and regulations that control anti-competitive activities.

2. Any such expansion of the co-operation shall be subject to the applicable laws and regulations of each Country and available resources of each Government.

Article 16 **Miscellaneous**

1. Detailed arrangements to implement this Chapter may be made between the implementing authorities of the Countries.

2. Nothing in this Chapter shall prevent the Governments from seeking or providing assistance to one another pursuant to other bilateral or multilateral agreements or arrangements between the Governments.

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3. Nothing in this Chapter shall be construed to affect the rights and obligations of either Government under other international agreements or arrangements or under the laws of its Country.