

**COOPERATION ARRANGEMENT BETWEEN
THE FAIR TRADE COMMISSION OF JAPAN AND THE COMPETITION
AUTHORITY OF THE SOCIALIST REPUBLIC OF VIET NAM**

Paragraph 1

Purpose

This Arrangement, pursuant to paragraph 1 of Article 104 of the Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership (hereinafter referred to as “the Agreement”), establishes a framework for cooperation between the Fair Trade Commission of Japan and the Competition Authority of the Socialist Republic of Viet Nam (hereinafter collectively referred to as “the competition authorities”, and individually referred to as “the competition authority”) and provides for the details and procedures concerning the implementation of the cooperation set forth in Article 101 and Article 102 of the Agreement.

Paragraph 2

Definitions

For the purposes of this Arrangement:

- (a) the term “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 as “the Antimonopoly Law”) and its implementing regulations as well as any amendments thereto; and
 - (ii) for the Socialist Republic of Viet Nam, the Competition Law (Law No. 27/2004/QH11) and its implementing regulations as well as any amendments thereto; and
- (b) the term “enforcement activities” means any investigation or proceeding conducted by a competition authority in relation to the application of the competition law of its country, but will not include:
 - (i) the review of business conduct or routine filings; and
 - (ii) research, studies, or surveys with the objective of examining the general economic situation or general conditions in specific sectors.

Paragraph 3
Notification

3.1. Each competition authority will notify the other competition authority of the enforcement activities of the notifying competition authority that the notifying competition authority considers may affect the important interests of the other competition authority.

3.2. Provided that it is not contrary to the laws and regulations of the country of the notifying competition authority and does not affect any investigation or proceeding being carried out by the notifying competition authority, notification pursuant to subparagraph 3.1 will be given as promptly as possible when the notifying competition authority becomes aware that its enforcement activities may affect the important interests of the other competition authority.

Paragraph 4
Exchange of Information

Each competition authority will, as appropriate, provide the other competition authority with information that is relevant to the enforcement activities of the other competition authority to the extent consistent with the laws and regulations of the country of the providing competition authority and the important interests of the providing competition authority, subject to its reasonably available resources.

Paragraph 5
Coordination of Enforcement Activities

5.1. Where the competition authorities are pursuing enforcement activities with regard to matters that are related to each other, the competition authorities will consider coordination of their enforcement activities.

5.2. Each competition authority may, subject to appropriate notification to the other competition authority, at any time, limit or terminate the coordination of enforcement activities and pursue its enforcement activities independently.

Paragraph 6 Communication

6.1. The competition authorities will work together in the following areas, subject to reasonably available resources of each competition authority:

- (a) keeping each other informed of significant developments in competition policy and enforcement of the competition law;
- (b) exchanging experiences on enforcement of the competition law, when appropriate;
- (c) seeking information from one another regarding matters of competition policy and enforcement of the competition law; and
- (d) discussing development relating to bilateral or multilateral fora that may be relevant to the cooperative relationship between the competition authorities.

6.2. The competition authorities will appoint the following liaisons for the purpose of facilitating cooperation based on this Arrangement, and will effectively operate sufficient interchanges and cooperation between the liaisons.

The Fair Trade Commission of Japan: International Affairs Division, Secretariat, General Secretariat.

The Competition Authority of the Socialist Republic of Viet Nam: International Cooperation Division.

6.3. Communication between the competition authorities may be carried out by telephone, electronic mail, videoconference, meeting or other means, as appropriate.

Paragraph 7 Technical Cooperation

The technical cooperation activities referred to in Article 102 of the Agreement may include, within the reasonably available resources of the competition authorities, the following:

- (a) exchange of personnel of the competition authorities for training purposes;
- (b) participation of personnel of the competition authorities as lecturers or

- consultants at training courses on the implementation of competition law and policy organised or sponsored by either or both competition authorities; and
- (c) any other form of technical cooperation as the competition authorities may decide.

Paragraph 8 Confidentiality

8.1. Each competition authority will, in accordance with the laws and regulations of its country, maintain the confidentiality of any information provided to it in confidence by the other competition authority under this Arrangement.

8.2. Information, other than publicly available information, provided by a competition authority to the other competition authority under this Arrangement, will only be used by the receiving competition authority for the purpose of the effective enforcement of the competition law and will not be communicated by the receiving competition authority to other authorities or a third party.

8.3. Notwithstanding any other paragraphs of this Arrangement, neither competition authority is required to provide information to the other competition authority if it is prohibited from providing the information by the laws and regulations of its country or it finds providing the information incompatible with its important interests.

8.4. Information, other than publicly available information, provided by a competition authority to the other competition authority under this Arrangement, will not be used by the receiving competition authority in criminal proceedings carried out by a court or a judge.

Paragraph 9 Others

9.1. The cooperation under this Arrangement will commence on the date of signature.

9.2. Either competition authority may terminate the cooperation under this Arrangement upon thirty (30) days written notice to the other competition authority.

9.3. This Arrangement may be modified with mutual written consent of the competition authorities.

9.4. Nothing in this Arrangement is intended to create legally binding rights or obligations. All cooperation under this Arrangement between the competition authorities will be conducted subject to the laws and regulations in force in their respective countries and within the reasonably available resources of each competition authority.

9.5. The competition authorities will consult regarding any questions concerning this Arrangement.

9.6. Supplementary arrangements to implement this Arrangement may be made between the competition authorities.

Signed in Metropolitan Manila on this 28th day of August 2013, in two copies in the English language.

For the Fair Trade Commission of
Japan

For the Competition Authority of the
Socialist Republic of Viet Nam

Mr. Kazuyuki Sugimoto
Chairman
The Fair Trade Commission of Japan

Mr. Bach Van Mung
Director General
The Competition Authority of the
Socialist Republic of Viet Nam