Competition Policy: Hong Kong, China – New Zealand CEP

Submitted by: New Zealand
Competition Policy
Hong Kong, China – New Zealand CEP
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Standard Competition Chapter

• Objective/Aspirational language
• Principles based (comprehensivity, non-discrimination, fair process, independence)
• Competition Law and Enforcement
• Exemptions and Exceptions
• Agency Cooperation
• Technical Cooperation
Standard Chapter- Contd

• Consultation
• Notification
• Non-application of dispute settlement

• State enterprises and designated monopolies (optional – not actually competition provisions and can be subject to dispute settlement)

HKC-NZ CEP Provisions

Objective
“The parties recognise the strategic importance of promoting open and competitive markets through the effective application of competition policies for the purposes of enhancing trade and investment, economic efficiency and consumer welfare.”

Principles
Endorsement of the APEC Principles to Enhance Competition and Regulatory Reform
HKC-NZ CEP Provisions Contd

Competition Law and Enforcement
No requirement for competition law or enforcement agency. Commitments taken up a level eg commitment to transparency of rules, to governments promoting competition and economic efficiency etc

Exemptions and exceptions
Provision allowing exemptions and exceptions (to cover New Zealand)

HKC-NZ CEP Provisions Contd

Agency Cooperation
Commitment to cooperate on development of competition policy. “Where parties have set up their respective regulatory authorities responsible for competition law” commitment by parties to encourage cooperation between these agencies.

Technical cooperation
Technical cooperation identified as one form of agency cooperation.
HKC-NZ CEP Provisions Contd

**Consultation**
Provision for consultation between the Parties on anti-competitive actions adversely affecting trade and investment

**Notification**
No notification provision

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HKC-NZ CEP Provisions Contd

**Non-application of dispute settlement**
Applies to whole chapter.

**State Enterprises and Designated Monopolies**
No provision
HKC-NZ CEP - Implementation

• Agreement came into force in 2010

• Smooth Implementation so far

• Scope for ongoing and mutually beneficial cooperation in this area