



**Asia-Pacific
Economic Cooperation**

2015/SOM2/CTI/TPD/009

Session 2

Competition Policy : Hong Kong, China – New Zealand CEP

Submitted by: New Zealand



APEC
PHILIPPINES
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**Trade Policy Dialogue on WTO-Plus Aspects of
Recently Concluded Regional Trade
Agreements and Free Trade Agreements
Boracay, Philippines
14 May 2015**

Competition Policy

Hong Kong, China – New Zealand CEP

14 October 2014



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)



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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.



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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



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HKC-NZ CEP - Implementation

- Agreement came into force in 2010
- Smooth Implementation so far
- Scope for ongoing and mutually beneficial cooperation in this area