



**Asia-Pacific  
Economic Cooperation**

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## **How Businesses See the Benefits of Competition Provisions in Free Trade Agreements / Economic Partnership Agreements**

Submitted by: RCMM



**Free Trade Area of the Asia-Pacific Policy  
Dialogue on Competition Related Provisions  
from a Business Perspective  
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# ***HOW BUSINESSES SEE THE BENEFITS OF COMPETITION PROVISIONS IN FTAS/EPAS***

**APEC 2020 - Policy Dialogue on Competition Related Provisions from a Business Perspective**

**XIMENA ROJAS PACINI**

Competition and International Trade Lawyer

Partner - RCMM

## Introduction (and disclaimer) (1)

- How competition related provisions – especially those in the SME chapter - may help SMEs work ?
- What kind of benefits SMEs are receiving from these chapters?
- Suggestions to policy makers on competition related issues, especially under the disruption caused by the COVID-19 pandemic

## Introduction (and disclaimer) (2)

### However

- Competition law and policy  $\neq$  Competitiveness
- Content of SMEs Chapters (CPTPP) is mainly related to competitiveness matters
- Competition policy provisions in RTA/PTAs serve other purposes

## Benefits SMEs are receiving from these chapters (in theory)

- From the SMEs Chapters
  - Lots of information previously unavailable, capacity building, workshops, etc.
- From the Competition Chapters
  - Procedural fairness, Private Rights of Action, etc.

# Benefits SMEs are receiving from these chapters (in practice)

- From the SMEs Chapters
  - No concrete, actual, affordable tools to deal with specific anticompetitive practices in the Economy of export
- From the Competition Chapters
  - ✓ For Procedural fairness to take place, there must first exist a procedure
  - ✓ For Private Rights of Action, there must first be a final determination of the existence of an anticompetitive practice

# Suggestions to policy makers on competition related issues (in general)

- In the SMEs Chapters
  - ✓ Include concrete and affordable tools to help SMEs to deal with specific anticompetitive practices in the Economy of export
  - ✓ Implement system -real working and knowledgeable contact points – no pigeonholes
- In the Competition Chapters
  - ✓ Competition Authorities should be proactive participants in trade negotiations
  - ✓ High quality and comprehensive cooperation agreements should be negotiated at the same time or immediately after

# Suggestions to policy makers on competition related issues (in the context of COVID-19)

- ✓ GVC, Competition related provisions and Antidumping measures in the time of COVID-19



# Thanks!

**XIMENA ROJAS PACINI**

Competition and International Trade Lawyer

Partner - RCMM

[xrojas@rcmmlaw.com](mailto:xrojas@rcmmlaw.com)

<https://www.linkedin.com/in/ximena-rojas-pacini-62499613/>