



**Asia-Pacific
Economic Cooperation**

Advancing Free Trade
for Asia-Pacific **Prosperity**

FTAAP Capacity Building Workshop on Competition Policy under the 3rd REI CBNI: Sharing Good Examples of FTAs/EPAs

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APEC Committee on Trade and Investment

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I Overview

On 24 August 2019, the **Free Trade Area of the Asia-Pacific (FTAAP) Capacity Building Workshop on Competition Policy under the 3rd Regional Economic Integration Capacity Building Needs Initiative (REI CBNI): Sharing Good Examples of FTAs/EPAs (CTI 04 2019T)**, initiated by Japan and co-sponsored by Australia; Canada; Chinese Taipei; Papua New Guinea; Philippines; Thailand and Viet Nam took place.

This project is developed based upon the mutual understanding achieved through the previous two projects implemented in 2017 and 2018; namely “desirable elements” and “optional elements”. This project has been implemented under the 3rd REI CBNI, which is recognised as the continuity from the 2nd CBNI outlined in the Beijing Roadmap for APEC’s Contribution to the realisation of FTAAP adopted in November 2014. It also intends to ultimately lead to the achievement of trade and investment liberalisation and facilitation objectives articulated in the Osaka Action Agenda (OAA), particularly at its section C, 8. Competition policy.

These objectives are thought to be realised through enhancing the capacity of trade policy makers and negotiators. This is expected to be done by further deepening their understandings of and spreading the importance of competition chapter with the “desirable elements” and “optional elements”, which was achieved by delivery of a workshop, where participants share “best practices” of high-quality and comprehensive FTAs/EPAs.

The workshop has been composed as below;

- (1) **Opening remarks**
- (2) **Introduction:** Report on the results of collecting data on components of the Competition Chapter on FTAs/EPAs recently concluded by APEC economies
- (3) **Session 1:** Examples of FTAs/EPAs including “desirable elements” in the Competition Chapter
- (4) **Session 2:** Examples of FTAs/EPAs including “optional elements”
- (5) **Session 3:** Impacts of high-quality and comprehensive FTAs/EPAs on the economic circumstances
- (6) **Wrap-up and closing**

This workshop was participated by **61 attendees from 18 member economies including 10 speakers**, from Canada, Japan, Philippines, Australia, Chile and Organisation for Economic Co-operation and Development (OECD). The details of speakers are as follows;

- **Mr Justin ALLEN**, APEC Committee on Trade and Investment (CTI) Chair (Senior Policy Officer, Ministry of Foreign Affairs and Trade, New Zealand) (Opening Remarks)
- **Ms. Naoko UEDA**, Director, APEC Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Japan (Opening Remarks)
- **Mr Hiroshi KUDO**, Negotiator for Economic Partnership Agreements, Ministry of Foreign Affairs, Japan (Moderator)
- **Ms Nadia VASSOS**, Former Negotiator for Competition Policy Chapters for the Government of Canada
- **Mr Hideyuki SHIMOZU**, Senior Planning Officer, International Affairs Division, Secretariat, General Secretariat, Fair Trade Commission, Japan
- **Mr Benjamin E. RADOE, Jr**, Director, Economics Office, Philippine Competition Commission
- **Mr Timothy LONGMAN**, International Counsel in the Antitrust Division of the Department of Justice, USA
- **Ms Julie GLASGOW**, Director, Competition Law Implementation Programme, Australian Competition and Consumer Commission (ACCC)
- **Mr Nick MALYSHEV**, Head of Division, Regulatory Policy Division, OECD
- **Ms Ximena ROJAS PACINI**, Lawyer, Counselor Competition Division, Estudio Alessandri, Chile

II Background

This project was designed to put into action APEC Ministers' instructions to build capacity to strengthen and deepen the regional economic integration, and to facilitate the realisation of a FTAAP (APEC 2011 Ministerial Meeting statement).

Accordingly, Korea as a leading economy of the REI CBNI initiative and other interested APEC member economies have made efforts to develop a detailed work plan to implement APEC Leaders' instructions. The results of the REI CBNI survey conducted by Korea and APEC member economies have highlighted the needs for building and enhancing preparation capacities in this field.

From 2012, under 1st REI CBNI by the leadership of Korea, several economies conducted the series of Capacity Building Workshop or Seminar with the variety of themes in 13 times, namely, FTA Utilisation (Japan), Rules of Origin (ROO) (Korea), Environment (Viet Nam), Sanitary and Phytosanitary Measures (SPS) (Viet Nam), FTA Implementation (Korea), E-commerce (China), Labour (United States), Dispute Settlement (Korea), Government Procurement (Viet Nam), Safeguard (Indonesia), Presentation of Negotiation (New Zealand), Intellectual Property Right (IPR) (Viet Nam), and Service and Investment(United States).

In their 2013 Declaration, APEC Leaders insisted that '*APEC has an important role to play in coordinating information sharing, transparency, and capacity building...*' and '*agreed to ...increase the capacity of APEC economies to engage in substantive negotiations.*' Furthermore, APEC Ministers 'encouraged officials to advance the REI CBNI Action Plan Framework as a key delivery mechanism for the technical assistance needed to one day make the FTAAP a reality.

APEC Economic Leaders agreed to continue the capacity building activities in pursuit of the eventual realisation of the FTAAP under the Action Plan Framework of the 2nd REI CBNI (as appeared in Annex A of APEC Economic Leaders' Declaration on The Beijing Roadmap for APEC's Contribution to the Realisation of the FTAAP in November 2014). They encouraged economies '*to design and conduct capacity building programs for specific sectors as lead economies*'.

REI CBNI also conforms to the instructions of APEC Ministers. At the APEC Ministerial Meeting of 2014, APEC Ministers welcomed the progress achieved under the Action Plan Framework on REI CBNI and endorsed the Action Plan Framework of the 2nd REI CBNI. They instructed Senior Officials to take steps to ensure the effective implementation of the 2nd REI CBNI.

Between the initiation of 2nd REI CBNI in 2015 and 2017, a total of 13 workshops were

conducted including this workshop, namely, ROO/Trade Facilitation (Korea), Technical Barriers to Trade (TBT) (Viet Nam), International Investment Agreement (Peru), Negotiation Skill on Environment Phase 2 (Viet Nam), Scheduling in Trade in Services and Investment (Korea), Services Chapters with a Negative List Approach (Peru), Negotiation Skill on IPR Phase 2 (Viet Nam), E-commerce (Japan), Trade Remedy (Korea), Competition (Japan) and so on.

As an active economy in joining the REI CBNI, **Japan also proposed the area of competition** as one of the sectors to be explored in the 2nd REI CBNI, and held the workshop on competition chapter in FTAs/EPAs in Ho Chi Minh, Viet Nam in August 2017.

Through the workshop, the following 3 points, **1) growing significance of competition policy and the meaning of establishing competition chapter in FTAs/EPAs, 2) concerns of discriminatory application of competitive law, jurisdiction over subsidies, and 3) the significance of ‘exchange of information’** were highlighted and shared among all the experts and participants. For details, please refer to the Summary Report on APEC website - <https://www.apec.org/Publications/2017/10/FTTAP-Capacity-Building-Workshop-on-FTA-Negotiation-Skills-on-Competition-under-the-2nd-REI-CBNI>.

2017 APEC Economic Leader’s Declaration stated that *‘We commend the efforts of economies to advance work related to the eventual realisation of an FTAAP, including capacity building initiatives and information sharing mechanism. We encourage economies to make further progress and to develop work programmes to enhance APEC economies’ ability to participate in high quality, comprehensive free trade agreement negotiations in the future’*. More specifically, 2017 APEC Joint Ministerial Statement also says *‘We look forward to the implementation of the Action Plan Framework for the 3rd REI CBNI and the RTAs/FTAs Information Sharing Mechanism’*; REI CBNI will thus continue to serve as a solid stepping stone for the realisation of the FTAAP.

In August 2018, Japan organised a second workshop in Port Moresby, Papua New Guinea under 3rd REI CBNI. Based upon the discussions and outcomes achieved during the first workshop in 2017, this workshop was aimed to offer an opportunity to share the further understanding and experiences among trade policy makers and FTAs/EPAs negotiators on this area. Through the update of the current situation surrounding the competition policy and the chapter on competition in FTAs/EPAs, participants shared 1) the view that **international cooperation and harmonisation in the field of competition law is crucial**, 2) explored and managed to share the views on the “desirable” and “optional elements” of a competition chapter which may serve as guidelines for future FTAs/EPAs negotiations. In the end, participants agreed the views that **1) Objectives, 2) Basic Principles including i) Addressing Anti-competitive Activities, ii) Non-discrimination, iii) Transparency and iv) Procedural Fairness as well as 3) Technical Cooperation** are “desirable elements” of a competition chapter in FTAs/EPAs, whereas **1) Private Rights of Action, 2) Notification, 3)**

Cooperation in Enforcement Activities, 4) Coordination of Enforcement Activities, 5) Confidentiality of Information, 6) Consultation/Regular Meeting between Competition Authority, 7) Dispute Settlement, 8) State Owned Enterprises (SOE), 9) State Aids & Subsidies, 10) Consumer Protection as well as 11) Review Mechanism are “optional elements” of a competition chapter in FTAs/EPAs. They also shared the views that ‘no one size fits all’ approach is important and these elements apply in accordance with the counterparty’s status, and 3) discussed the relation between investment and competition policy. For details, please refer to the Summary Report on APEC website

- <https://www.apec.org/Publications/2018/11/FTAAP-Capacity-Building-Workshop-on-Competition-Chapter-in-FTAs-EPAs-under-the-3rd-REI-CBNI>.

The workshop organised in Puerto Varas, Chile on 24 August 2019 is thus our third workshop developed based on these above-mentioned achievements.

III Discussion

1. Opening Remarks

In his Opening Remarks, **Mr Justin Allen, CTI Chair (Senior Policy Officer, Ministry of Foreign Affairs and Trade, New Zealand)** gave welcome remarks to participants and outlined some context of the workshop, such as history of REI CBNI and the role of Competition Policy as driver of innovation, efficiency and consumer welfare. He noted the importance of competition policy to address cross-border trade, in order to ensure all firms compete fairly in a market. He also quoted a 2015 paper by the International Centre for Trade and Sustainable Development and the World Economic Forum, which reported that 88 percent of FTAs in force at that time devoted specific provisions or entire chapters to competition-related matters, and stressed the importance of international cooperation on competition policy to create the predictable, transparent and non-discriminatory market conditions that lead to consumer welfare gains and economic growth.

Following these opening words, **Ms Naoko UEDA, Director APEC Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Japan**, provided a recent evolution on trade agreements, such as TPP11, Japan-EU EPA and RCEP, and stressed the importance of CPTPP and RCEP as pathway to the eventual realisation of FTAAP in the view of its quality and comprehensiveness. She has emphasised that the objective of the workshop is sharing and learning from the good examples of the completion chapter with “desirable” and “optional elements”, which have been identified through the previous workshop. And it has been stressed that this is to contribute to advancement towards the eventual realisation of FTAAP.

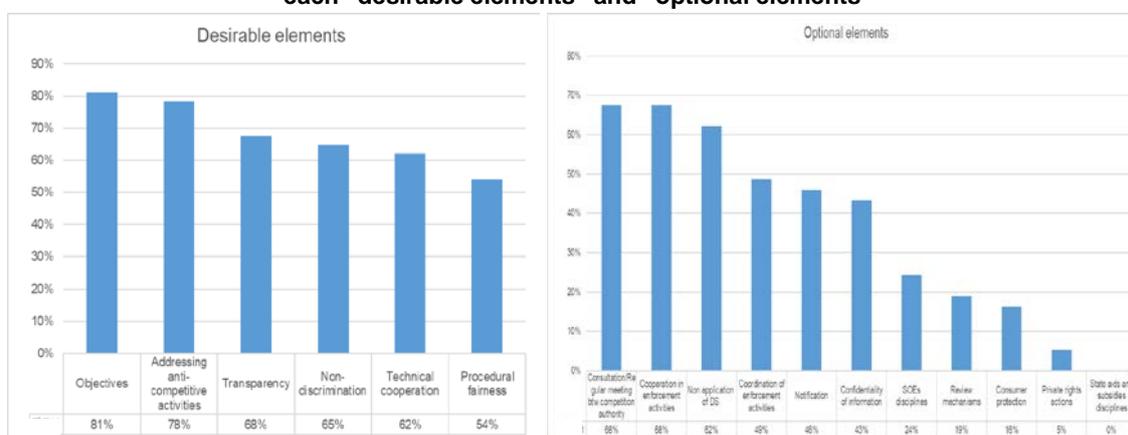
2. Introduction

Following Opening Remarks, as the Moderator of the workshop, **Mr Hiroshi KUDO, Negotiator for Economic Partnership Agreements, Ministry of Foreign Affairs of Japan**, welcomed attending guests and speakers, and presented the results of collecting data on the components of the competition chapter of FTAs and ETAs recently concluded by APEC economies in order to set the basis for the discussion. (http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_002.pdf)

The survey was conducted ahead of the workshop and gathered self-reported data of the last five intra-APEC FTAs/EPAs from Chile; Hong Kong, China; China; Malaysia; Mexico; Peru; Philippines; Russia; Thailand; Viet Nam and Japan, in the period of 1998-2019 (Appendix 2).

- **Examples of high-quality and comprehensive Competition Chapter in FTAs/EPAs:** According to the percentage of the optional and desirable elements included in each Competition Chapter in FTAs/EPAs, first is “Peru-Korea Free Trade Agreement” which covers 82% of both the “desirable” and “optional elements”, followed by “Agreement between Japan and Australia for an Economic Partnership” (76%), “CPTPP” (76%), “Free Trade Agreement between Hong Kong, China and Australia”(76%) and “United States–Mexico–Canada Agreement (USMCA)” (71%).
- **Number of Competition Chapter in FTAs/EPAs including desirable and optional elements:** “desirable elements” are covered in between 54% and 81% of the FTAs/EPAs, and “optional elements” between 0% and 68%. Therefore “desirable elements” are covered fairly well, whereas “optional elements” depend on the elements. “Addressing anti-competitive activities”, “Transparency”, “Consultation/regular meeting between competition authority”, “Cooperation in enforcement activities” and “Non-application of Dispute Settlement” are the elements well covered, whereas “State aids and subsidies disciplines”, “Private rights actions” and “Consumer protection” were found few.

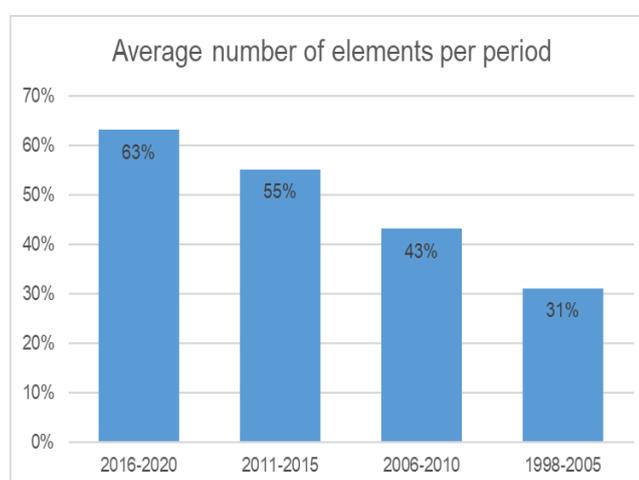
Figure 1: number of Competition Chapter in FTAs/EPAs including each “desirable elements” and “optional elements”



- **Tendency of Competition Chapter in FTAs/EPAs per period:** There is a tendency that recent Competition Chapter in FTAs/EPAs covers more “desirable” and “optional elements” than previous Competition Chapter. According to the data gathering, average number of “desirable” and “optional elements” is highest in 2016-2020 (63%), followed by 2011-2015 (55%) and 2006-2010 (43%).

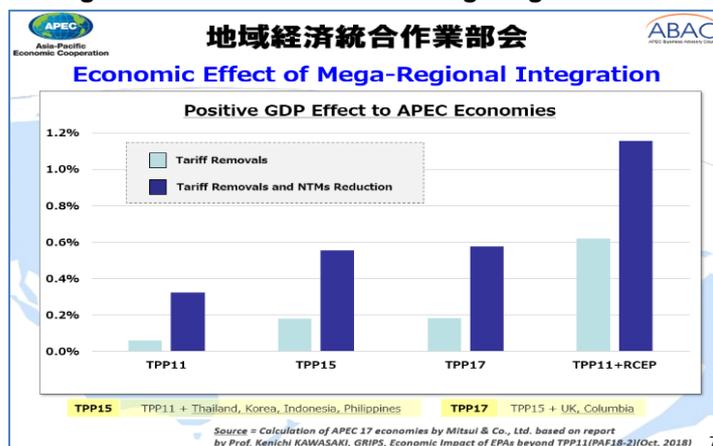
Table 1: Tendency of Competition Chapter in FTAs/EPAs per period

1	2019	76%	Free Trade Agreement between Hong Kong, China and Australia	63%
2	2018	76%	Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTTP)	
3	2018	71%	USMCA	
4	2018	65%	Comprehensive Economic Partnership Agreement INA - AUS	
5	2018	59%	Agreement on Economic and Trade Cooperation between the Eurasian Economic Union and its Member States, of the One Part, and the People's Republic of China, of the Other Part	
6	2018	47%	Indonesia-EFTA Comprehensive Economic Partnership Agreement	
7	2017	65%	Protocol to Amend FTA CHL - PRC	
8	2017	47%	Agreement on Trade Liberalisation between Chile and Argentina	
9	2015	65%	Vietnam-Korea Free Trade Agreement (VKFTA)	
10	2015	59%	Free Trade Agreement between the European Economic Union and its Member States, of the One Part, and the Socialist Republic of Viet Nam, of the Other Part	55%
11	2014	76%	Agreement between Japan and Australia for an Economic Partnership	
12	2012	59%	FTA CHL - HKC	
13	2011	71%	Agreement between Japan and the Republic of Peru for an Economic Partnership	
14	2011	0%	Commercial Integration btw Mexico-Peru	
15	2010	82%	Peru - Korea Free Trade Agreement	
16	2010	29%	Hong Kong, China – New Zealand Closer Economic Partnership Agreement	43%
17	2009	18%	Malaysia-NZ	
18	2009	18%	FTA PRC - PE	
19	2009	12%	Agreement Establishing FTA ASEAN - AUS - NZ	
20	2009	6%	Agreement Establishing the ASEAN-Australia Newzealand Free Trade Area	
21	2009	6%	Agreement on Comprehensive Economic Partnership among Member States of the Association of Southeast Asian nations and Japan (AJCEP)	
22	2008	65%	Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership	
23	2008	59%	FTA AUS - CHL	
24	2008	59%	FTA PE - SGP	
25	2008	59%	FTA PE - CDA	
26	2008	18%	FTA ASEAN - AUS - NZ (AANZFTA)	
27	2007	71%	EPA THA - JPN (JTEPA)	
28	2007	71%	Agreement between Japan and the Republic of Indonesia for an Economic Partnership	
29	2006	71%	FTA Peru - Chile	31%
30	2006	53%	FTA PE - USA	
31	2006	41%	Japan- Philippines Economic Partnership Agreement (JPEPF)	
32	2005	41%	FTA THA - AUS (TAFTA)	
33	2005	35%	Closer Economic Partnership THA - NZ (TNZCEP)	
34	2005	18%	Malaysia-Japan	
35	2004	29%	Mexico-Japan EPA	
36	1998	24%	Mexico-Chile FTA	



- In addition to CPTPP, RCEP is another mega-FTAs/EPAs with 16 economies engaged including ASEAN, Australia, China, India, Japan, Korea and New Zealand. RCEP Negotiating Economies are working towards the conclusion of RCEP negotiations within the year. RCEP Agreement includes technically concluded comprehensive competition chapter, covering all of the “desirable elements” and most of the “optional elements” except “Private rights actions”, “State aids and subsidies” disciplines.
- Economic effect of CPTPP + RCEP is substantial. Research conducted by Regional Economic Integration Working Group at APEC Business Advisory Council (ABAC) shows positive GDP effect of mega FTAs/EPAs to APEC Economies, including TPP11 + RCEP.

Figure 2: Economic effect of mega-regional FTAs



The main findings from the survey are as follow:

- High-quality and comprehensive FTAs/EPAs have been mostly concluded in recent years:** Role and impact of high-quality and comprehensive competition policy provisions have been widely recognised by the APEC economies. The competition authorities' role has been enhanced.
- The majority of FTAs/EPAs has “desirable elements” and covers part of “optional elements”,** particularly “**Consultation/regular meeting between competition authority**”, “**Cooperation and coordination of enforcement activities**”. It is therefore observed that the importance of “desirable elements” as well as “optional elements” has been widely recognised.
- CPTPP is the latest example of high-quality and comprehensive agreement in the APEC region, incorporating a chapter with substantial provisions covering competition policy.**
- Research conducted by Regional Economic Integration Working Group at APEC Business Advisory Council (ABAC) shows **positive GDP effect of mega regional FTAs/EPAs to APEC Economies.**

3. Workshop's Sessions

Experts provided presentations using the attached documents on the following topics in Session 1, 2 and 3:

1) Session 1: Examples of FTAs/EPAs including “desirable elements” in the Competition Chapter

i) **Ms Nadia VASSOS, Former Negotiator for Competition Policy Chapters for the Government of Canada** presented Good practice of “Addressing anti-competitive activities”.

(http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_003.pdf)

- **Addressing anti-competitive activities is key to ensure market access gains secured during negotiations are actually achieved, therefore the rules are the foundation for market access.** Canada had included competition policy provisions in all their comprehensive FTAs/EPAs after North American Free Trade Agreement (NAFTA) 1994, the first trade agreement with a chapter for competition policy, and the CPTPP marked an important turning point toward more robust and detailed provisions.
- The key principles of the specific provisions addressing anti-competitive activities in different jurisdiction are the followings; (1) **Competition Law** is fundamental to address anti-competitive activities. It has different approaches such as Canada–United States–Mexico Agreement (CUSMA)-type approach requiring to maintain competition law that proscribes anti-competitive business conduct without getting into specifics, and Mercosur-EU-type approach listing types of conduct that are incompatible with the trade agreement. (2) **Application of Laws:** the good practice is that competition law should apply to almost all commercial activities in the territory, however exceptions are acceptable as long as they are transparent, established in the law and based on public interest or public policy grounds. One example of such exception is SOE such as post services (eg. Canada Post door to door service is exempted from the application of competition law, whereas the commercial side including courier services are treated the same as any other courier service). (3) It is **important to include a requirement to maintain a competition authority** – ideally an independent authority – to administer and enforce the law. (4) Key principles are **non-discrimination, procedural fairness, transparency**, as well as **consumer protection**.

- **FTAs/EPAs and competition policy have complementary relationship.** FTAs/EPAs are about reducing barriers between markets, Competition law and policy are about reducing barriers in the market.
- ii) **Mr Hideyuki SHIMOZU, Senior Planning Officer, International Affairs Division, Secretariat, General Secretariat, Fair Trade Commission, Japan (JFTC)** made a presentation on Good practice of “technical cooperation” as follows.
(http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_004.pdf)
- Japan has signed 18 FTAs/EPAs, and 8 are under negotiation. Out of 18, 17 FTAs/EPAs contain competitions chapter. Of those 17, 11 - Singapore, Mexico, Malaysia, Philippines, Thailand, Indonesia, Viet Nam, Peru, Mongolia, TPP and CPTPP – have technical co-operation articles in EPAs or in implementing agreement. FTAs/EPAs with economies with less law enforcement experience tend to have technical cooperation articles. On the other hand, EPAs/FTAs with economies with a long history of competition policy tended to focus on co-operating to enforce the law.

Figure 3: Number of FTAs/EPAs which Japan has concluded.

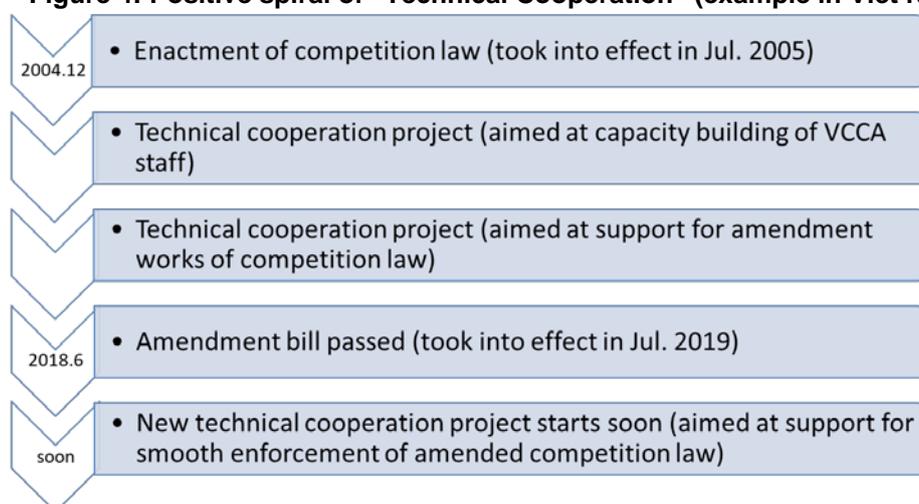
Total	(incl. competition chapter)	(incl. technical cooperation articles)
18	17	11

- JFTC has been involved in technical co-operation since 1994. From this point onwards, a wide range of good practices and concrete examples of technical cooperation have been implemented by its institutions through **Japan International Cooperation Agency (JICA)**, **Japan-ASEAN Integration Fund (JAIF)** and **Multilateral Framework such as OECD and United Nations Conference on Trade and Development (UNCTAD)**. Within the JICA framework, JFTC organises group training course which have so far welcomed 275 participants from 66 regions and government-focused cooperation with Viet Nam, Philippines, China, Indonesia, Malaysia and Mongolia. It is worth noting that these technical cooperation activities are receiving very high evaluation from the participants.
- **The essence of technical cooperation is to share knowledge and experience, which are beneficial to both recipient and donor economies.** The articles in

EPAs could serve not only as a boost for approval of technical cooperation application, but also **promotion and harmonisation of existing technical cooperation**. In this context, the main purpose of technical cooperation is indeed to **harmonise competition law and policy, and deepen cooperative relationship between the authorities concerned**.

- Understand the needs of recipient economies through interactive discussion, evaluation, mutual assistance between donor authorities, feedback of knowledge to economies of the participants - **they consequently and ideally establish positive spiral** - are an important good practices of technical cooperation.

Figure 4: Positive spiral of “Technical Cooperation” (example in Viet Nam)



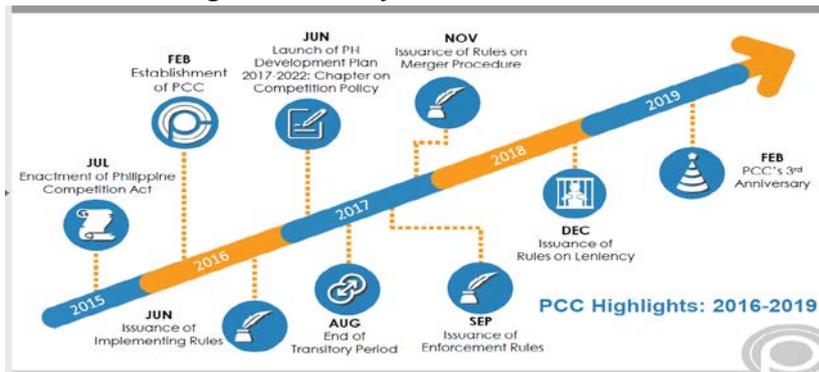
iii) **Mr Benjamin E. RADOC, Jr, Director, Economics Office, Philippine Competition Commission (PCC)** described benefits of technical cooperation from the experience of the Philippines. **The technical cooperation with other jurisdictions and assistance from development partners were pivotal for PCC in establishing a stable base to realise fast growth** after its foundation in February 2016 following the enactment of the Philippine Competition Act in 2015.

(http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_005.pdf)

- PCC’s situation as a young competition authority with a new competition law, limited domestic knowledge base on the practice of competition policy, and resource constraints, was **supplemented by a wealth of experience and expertise from more matured jurisdictions from the EU, the United States, Australia and Japan**. These engagements do not require any formal arrangement, it often happened through professional connections established through APEC workshops. PCC’s competition policy architecture was consequently quickly established, at the same time forging long-standing partnerships with other jurisdictions.

- The key to an effective implementation of technical cooperation depends on the **good design of technical cooperation activities made by an active collaboration between the competition authority and development partners through needs assessment and prioritisation exercises.** Well-targeted activities indeed enhanced sense of ownership, commitment and accountability.

Figure 5: History of PCC in 2016-2019



2) Session 2: Examples of FTAs/EPAs including “optional elements”

- i) **Mr Timothy LONGMAN, International Counsel in the Antitrust Division of the Department of Justice, the United States** presented Cooperation between agencies, best practices of cooperation/coordination of enforcement activities, and policy as follows;
(http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_006.pdf)

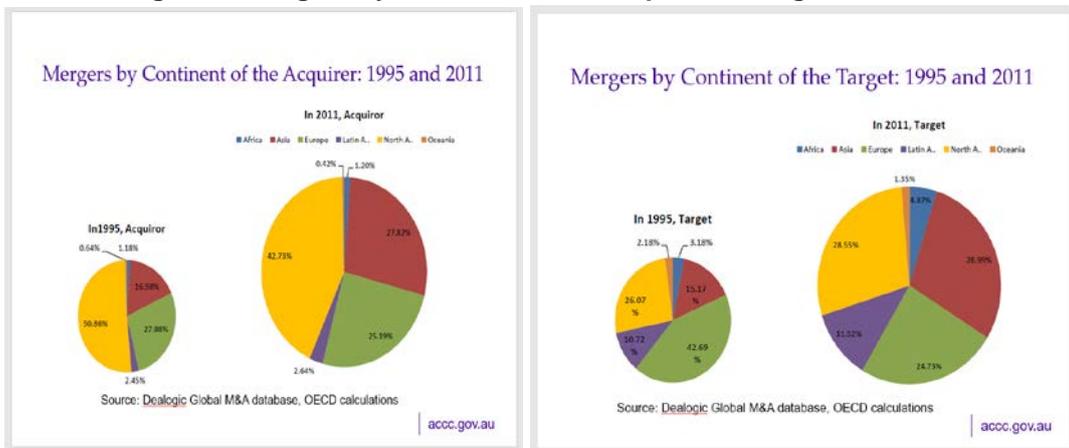
- **There are multiple channels for competition cooperation. This includes multilateral and bilateral cooperation channels outside of the trade context.** Cooperation extends to civil and criminal law enforcement and/or competition policy discussions.
- In terms of **civil enforcement cooperation**, a significant amount of informal cross-border **cooperation takes place for both merger reviews as well as for civil non-merger matters.** Cooperation in civil matters primarily **focuses on exchanges of evidence and case theories. This cooperation utilises party waivers to permit evidence sharing between agencies.** Civil cooperation is useful in securing more efficient investigations and effective remedies, while minimising the risk of enforcement divergence.
- Regarding **criminal cartel enforcement cooperation**, there is both informal and formal cooperation. In terms of informal case cooperation, **the use of confidentiality waivers has significant importance: namely it allows agencies to maximise the value of mutual leniency applicants and other co-operating witnesses.** Agencies can also resort to formal cooperation mechanism, such as

mutual legal assistance treaties (MLATs). MLATs allow ministries of justice to **secure evidence on behalf of another when evidence is located outside of the ministries' jurisdiction.** MLATs are crucial cooperation instruments when a cartel is transnational in character.

- Outside the case enforcement context, cooperation relationships can also be formalized as **bilateral agreements between economies or competition agencies.** There are two principle forms of **bilateral agreements: MoUs/soft agreements and agreements with enhanced provisions (so called “second-generation agreements”).** **Soft agreements are hortatory in nature, and therefore competition agencies cannot share confidential information** received during the course of the investigation using a soft MOU agreement. **Second-generation agreements allow for the sharing of confidential information without needing to resort to a waiver.** However, for such a second-generation agreement to be reached the each party to the agreement needs to be statutorily authorized to share confidential information without waivers. The United States only has one such relationship, with Australia, where the U.S. competition agencies are able to obtain documents on Australia's behalf and share confidentiality-protected documents without waiver.
 - Turning to the trade context, the goals of FTAs/EPAs in terms of competition policy is to **ensure each party has a non-discriminatory legal framework for addressing anti-competitive restraints (USMCA 21.1), as well as to include procedures to ensure enforcement transparency (USMCA 21.2).**
 - **FTAs/EPAs also have explicit cooperation provisions. Capacity building, investigative assistance and policy cooperation** are the three basic categories of cooperation under FTAs/EPAs. Such provisions will ensure that that **independent competition agencies have the legal capacity to engage in international agency-to-agency cooperation.** FTAs can also be used to ensure that domestic legislation is changed to **provide compatibility between different legal regimes to allow agencies to enter second generation bilateral agreements.** Finally, FTAs/EPAs often **provide for technical assistance which focuses on creating capacity and enforcement expertise.**
 - When successful, **FTA/EPA cooperation reinforces rather than supersedes other cooperation channels and efforts.**
- ii) **Ms. Julie GLASGOW, Director, Competition Law Implementation Programme, Australian Competition and Consumer Commission (ACCC)** presented good practice of cooperation among the competition authorities, highlighting experience from the ASEAN-Australia-New Zealand FTA (AANZFTA) signed in 2009 and the Competition Law Implementation Programme (CLIP) which commenced in 2014, as follows;
(http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_007.pdf)

- In 2005 when the negotiations commenced, Australia's trade negotiators were not at ease with negotiating cooperation provisions in a free trade agreement. . At that time of the negotiations, the majority of ASEAN economies did not have competition laws and/or agencies in place - Australia and New Zealand soon realised that **economic cooperation would be an integral element of both negotiations and the outcome of the negotiations too.**
- **The international competition landscape was rapidly and significantly changing in the 1990s.** A growing number of multi-jurisdictional merger cases was observed: in 1995, half of all acquirers were from North America, only about 17% were from Asia. By 2011, the situation has changed significantly: the count from Europe was down with Asia expanding to be the second largest base (at 28%) of acquirers. Furthermore the number of ASEAN jurisdictions with competition laws and institutions was also set to increase. This would mean **new legislative and regulatory frameworks in the region were to be developed.** Therefore **capacity building workshops were held during the negotiations to help ASEAN economies better understand the issues being discussed and therefore participate in the negotiations.**

Figure 6: Mergers by continent of the acquiree/the target 1995-2011



- **AANZFTA** and its competition chapter was aiming at **building support for policy reform** and **institutional capacity building** with communication, consultation, and information sharing. Through cooperation and coordination, the agreement aimed to build a shared understanding of approaches to competition policy and law enforcement, common interest in preventing hard core cartels, a proactive investigatory culture and a capacity for high-quality decision making.

- **CLIP** aims to promote competition in markets through support for ASEAN economies. When CLIP commenced **in 2014**, 5 of the 10 ASEAN member states had competition law in place, now this is 9 of the 10.
- Has the CLIP actually delivered results? ACCC think **it has, despite the** differences in the region’s legal systems, enforcement models (such as investigatory powers), laws, confidentiality provisions and practical limitations, including language and resources.
- Lessons learnt in the field of cooperation in enforcement activities are as follows: **being sustained over multiple years was helpful and important; the importance of developing tailored support; being mindful of absorption capacity; and encouraging engagement with senior management in the programme.**
- On the future of cooperation on competition, demand for CLIP is stronger than ever, since agencies matured and they face more difficult and challenging issues. Thus **investing in inter-agency relationships and legal mechanism will strengthen cross-border enforcement and cooperation over time.** For example, **the ability to share information and receive cross-border investigative assistance will be increasingly important for the effective prosecution of international cartels. Digitalisation is also challenging** with the competitive landscape evolving in many markets, presenting new and dynamic issues for competition enforcement and its conduct.
- Finally the **challenges re FTAs and competition policy** are the following: the **effective implementation of trade agreements require leadership and good inter-governmental stakeholder consultation to manage reform processes;** the benefits to be gained from trade agreements does not happen automatically; and **new-generation FTAs addressed “behind the border” issues,** meaning FTAs would engage more deeply with internal policy reform processes.

3) Session 3: Impacts of high-quality and comprehensive FTAs/EPAs on the economic circumstances

- i) **Mr Nick MALYSHEV, Head of Division, Regulatory Policy Division, OECD** made presentation from regulatory aspect as follows; (http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_008.pdf)
- RTAs could be considered as a vehicle to promote Good Regulatory Practices (GRPs) and International Regulatory Cooperation (IRC), and fully consistent with multilateralism such as the World Trade Organisation (WTO) requirements.
- RTAs started to come fully into force in the 2000s. **Initially most of these agreements were just based on trade goods, and more and more services were**

added to the nexus. Most of these agreements were between OECD members; gradually there developed more in a north-south approach, and **now the agreements are mainly between developing economies, embedding something good practices from developing economies.** This reflects a **knowledge transfer effect.**

Figure 7: Evolution of trade agreement and its contents

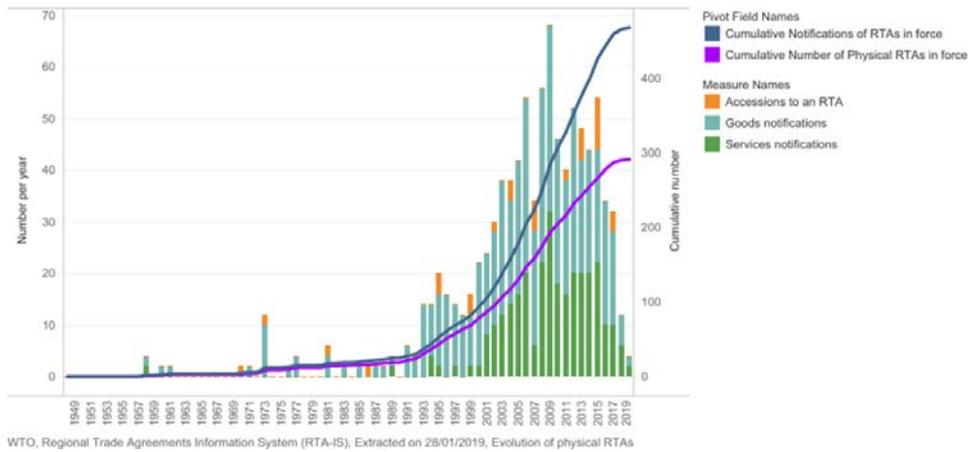
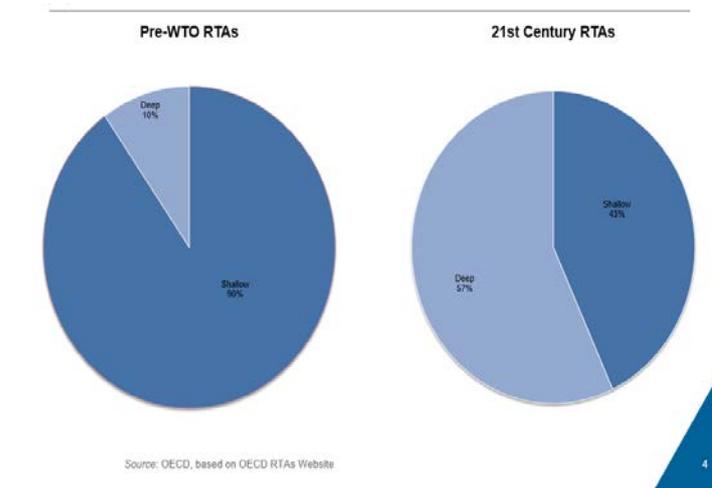


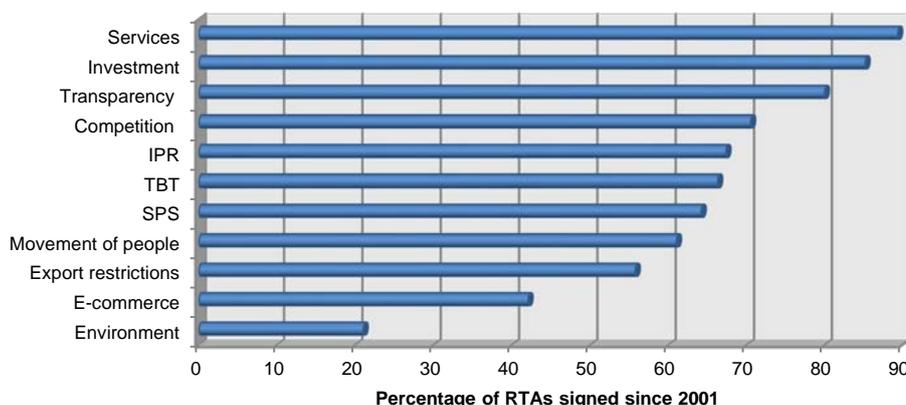
Figure 8: Share of deep and shallow RTAs



- Observing the quality of RTAs, **the preponderance of these agreements entered into prior to the creation of WTO just considered at tariffs.** They were simply preferential treatments on tariffs, whereas **now they are much deeper and cover additional elements, such as services, investment, transparency and competition (in fact 50%-60% of agreements has competition elements.)** Most trade agreements do have elements of transparency embedded, largely through Technical Barriers to Trade (TBT) or the Sanitary and Phytosanitary Measures (SPS), but it might be noticed the growing tendency of the trade authorities trying to promote **harmonisation, mutual recognition and equivalence** through these

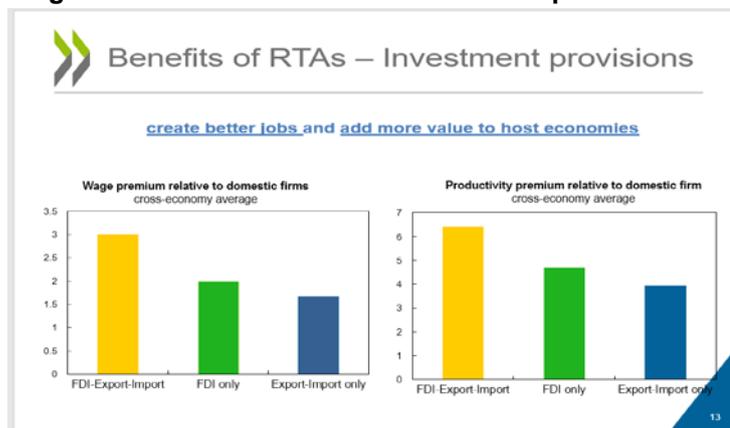
agreements, and increasingly **regulatory cooperation** is seen as a part of these agreements.

Figure 9: Deep RTAs by policy area



- When the policy maker thinks about international regulatory cooperation, they often think of it as hard-core treaty-based approaches, as would be enshrined in a trade agreement. However in reality, **much softer approaches to cooperation** are in place. For instance, **exchange of information** could be calling for the use of international standard.
- **The agreements covering IRC could support multilateralism.** For example, EU-Canada Comprehensive Economic and Trade Agreement (CETA) is significantly forward-thinking in terms of potentially doing **joint regulatory impact assessments (RIA)** for area where they both might regulate in the future. The creation of a specific forum within the agreement to talk about either good regulatory practices or international regulatory cooperation is a noticeable evolution. **These practices could be instrumental in advancing regulatory harmonisation, as both jurisdictions need to work on the same policy for it.**
- In terms of impact of RTAs on economy, **the nexus between trade and investment is also important.** The OECD analysis shows clearly there are some **synergies between trade and investment facilitation.** At the same time, deep provisions in SPS and TBT in RTAs have significant and positive effect on trade flows, binding commitments are important in maximising post-RTA trade flows, as well as transparency IRC are significant and robust factors in increasing trade.

Figure 10: benefits of RTAs – investment provisions



ii) **Ms Ximena ROJAS PACINI, Lawyer, Counselor Competition Division, Estudio Alessandri, Chile** presented from business perspective as follows; (http://mddb.apec.org/Documents/2019/CTI/WKSP7/19_cti_wksp7_009.pdf)

- While high-quality and comprehensive Competition Policy provisions in RTAs/FTAs improve coordination mechanisms already in place, cooperation between Competition Authorities has become more complex and **risky, thus inconsistent decisions with a negative impact on trade and investment flows** and unchallenged illegal conducts. Therefore **the urgent needs to improve techniques and tools of cooperation** is observed.
- In terms of merger control, numerous competition authorities around the world investigate the same operations and they may reach difference conclusions with respect to the same operation. Therefore the risk of inconsistent decisions could generate negative impact on trade and investment flows. **Although extensive cooperation exists, its level is far from sufficient, which in turn imposes large costs on companies and the public sector.**
- **High-quality and comprehensive competition policy provisions could help addressing the issue of export cartels.** However there are currently no international rules or mechanisms addressing export cartels. In this scenario, the only way to formally handle export cartels is to act unilaterally, though this enforcement may prove highly inefficient. **Therefore the practical disenfranchisement of private companies that compete with state-sponsored export cartels in international markets occurred.** The most promising way to advance this issue is precisely through the inclusion of high-quality and comprehensive provisions in FTAs/RTAs.

IV. Conclusions

Moderator, **Mr Hiroshi Kudo, Negotiator for Economic Partnership Agreements, Ministry of Foreign Affairs of Japan** wrapped up the discussions of the day as follow;

- **Good practices and concrete examples of “desirable elements” as well as “optional elements” of competition chapters in FTAs/EPAs are shared;**

In terms of “desirable elements”, Ms Nadia Vassos shared good practice of “addressing anti-competitive activities”, raising examples of NAFTA 1994, Canada-United States-Mexico Agreement, CPTPP, explaining the key principles of the specific provisions addressing anti-competitive activities, such as Competition Laws, Application of Laws, Competition authorities, key principles (non-discrimination, procedural fairness, transparency and consumer protection aspects). It has been stressed that FTAs/EPAs and competition policy have complementary relationship, as FTAs/EPAs are about reducing barriers between markets, Competition law and policy are about reducing barriers in the market.

Mr Hideyuki Shimozu shared wide range of good practices and concrete examples of “technical cooperation” implemented by its institutions through JICA, JAIF and Multilateral Framework. Mr Shimozu and Mr Benjamin Radoc also emphasised that the essence of “technical cooperation” is knowledge sharing and experience, and that an effective implementation of technical cooperation depends on the design of technical cooperation activities made by active collaboration between the competition authority and development partners. It has been stressed that articles in EPA could serve not only as a boost for approval of technical cooperation application, but also for promotion and harmonisation of existing technical cooperation, which ultimately leads to international harmonisation of competition law and policy.

In terms of “optional elements”, Mr Timothy Longman emphasized that there are multiple forums for “cooperation between competition agencies”. The importance of international enforcement cooperation, ensuring that each party has a non-discriminatory legal framework to address anti-competitive restraints, as well as inclusion of procedures to ensure enforcement transparency was further emphasized. Ms. Julie Glasgow also shared good practice of “cooperation and capacity building on competition among the competition authorities”. It has been stressed that the ability to share information and receive cross-border investigative assistance will be increasingly important for the effective prosecution of international cartels, reflecting a rapidly evolving international competition landscape. It has been also underlined the significant importance of capacity building activity of each party to FTAs/EPAs in order to effectively address cross-border cases.

- The majority of competition chapter in FTAs/EPAs concluded by APEC economies has “desirable elements” and covers part of “optional elements”. Thus **the importance of “desirable elements” as well as “optional elements” in competition chapter has been widely recognised.** All speakers have underlined the increasing urgency to effectively address international and complex cases in order to keep the market non-discriminatory, fair and transparent. Consequently, FTAs/EPAs need to cover much more elements than before – in other words, getting “*high quality and comprehensive*” - and require a much more intensive cooperation and coordination of enforcement activities between each party, with the aim of establishing and maintaining competition chapter credible and affective. In this context, the more-than-ever importance of technical cooperation and capacity building programme has been strongly emphasised.
- **Impacts of high-quality and comprehensive FTAs/EPAs on the economic circumstances were highlighted.** Research conducted by Regional Economic Integration Working Group at APEC Business Advisory Council shows positive GDP effect of mega regional FTAs/EPAs to APEC Economies. Also Mr Nick Malyshev from OECD emphasised the importance of nexus between trade policy and competition policy, and underlined that RTAs are a means of reducing trade costs, increasing trade flows, and spurring inclusive economic growth. Nevertheless Ms. Ximena Rojas stressed from a business perspective and pointed out the risk of inconsistent decisions with a negative impact on trade and investment flows. As a consequence, it is underlined the raising importance of high-quality and comprehensive competition chapter - which in fact enhances coordination mechanism between competition authorities - in order to address complex issues in the international market.
- Mr Hiroshi Kudo closed the workshop by expressing wishes that the discussions on good practices and concrete examples of desirable and optional elements of competition chapters were beneficial and that these elements will serve as useful guidelines for future FTAs/EPAs negotiations, including toward the eventual realisation of FTAAP.

Appendix 1: Agenda

(CTI 04 19T) FTAAP Capacity Building Workshop on Competition Policy under the 3rd REI

CBNI: sharing good examples of FTAs/EPAs

24 August 2019

Enjoy/Tronador,

Puerto Varas, Chile

Programme

08:30-09:00	<i>Registration</i>
09:00-09:10 (10 mins)	<i>Opening Remarks</i> Mr Justin ALLEN, CTI Chair Ms Naoko UEDA, Director APEC Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Japan
09:10-09:20 (10 mins)	<i>Introduction</i> Report on the results of collecting data on components of the Competition Chapter on FTAs/EPAs recently concluded by APEC economies Mr Hiroshi KUDO, Negotiator for Economic Partnership Agreements, Economic Partnership Division, Economic Affairs Bureau, Ministry of Foreign Affairs, Japan
09:20-11:10 (110 mins)	<i>Session 1</i> Examples of FTAs/EPAs including “desirable elements” in the Competition Chapter 1. Good practice of “Addressing anti-competitive activities” (30 mins) Ms. Nadia VASSOS, Former Negotiator for Competition Policy Chapters for the Government of Canada 2. Good practice of “technical cooperation” (30 mins) Mr Hideyuki SHIMOZU, Senior Planning Officer, International Affairs Division, Secretariat, General Secretariat, Fair Trade Commission, Japan 3. Good practice of “technical cooperation” and its benefits (30 mins) Mr Benjamin E. RADO, Jr, Director, Economics Office, Philippine Competition Commission (Open the floor for discussion and Q&A) (20 mins)
11:10-11:20 (10 mins)	<i>Coffee Break</i>
11:20-12:40 (80 mins)	<i>Session 2</i> Examples of FTAs/EPAs including “optional elements” 1. Cooperation between agencies, best practices of cooperation/coordination of enforcement activities, and policy (30 mins) Mr Timothy LONGMAN, International Counsel in the Antitrust Division of the Department of Justice, USA 2. Good practice of cooperation among the competition authorities (30 mins)

	<p>Ms. Julie GLASGOW, Director, Competition Law Implementation Program, Australian Competition and Consumer Commission (ACCC)</p> <p>(Open the floor for discussion and Q&A) (20 mins)</p>
12:40-14:10 (90 mins)	<i>Lunch</i>
14:10-15:30 (80 mins)	<p><i>Session 3</i></p> <p>Impacts of high-quality and comprehensive FTAs/EPAs on the economic circumstances (30 mins)</p> <ol style="list-style-type: none"> 1. Mr Nick MALYSHEV, Head of Division, Regulatory Policy Division, OECD (30 mins) 2. Ms Ximena ROJAS PACINI, Lawyer, Counselor Competition Division, Estudio Alessandri, Chile (30 mins) <p>(Open the floor for discussion and Q&A) (20 mins)</p>
15:30-15:40 (10 mins)	<p><i>Wrap Up and Closing</i></p> <p>Mr Hiroshi KUDO, Negotiator for Economic Partnership Agreements, Economic Partnership Division, Ministry of Foreign Affairs, Japan</p> <p>(Participants to fill the evaluation form)</p>

Appendix 2 : Result of data gathering

Economy	Agreement	Date of signing	Component of Competition Chapter																														
			Objectives	Desirable elements				Technical cooperation	Private rights actions	Notification	Cooperation in enforcement activities	Coordination of enforcement activities	Optional elements																				
				Addressing anti-competitive activities	Non-discrimination	Transparency	Procedural fairness						Confidentiality of information	Consultation/Regular meeting btw competition authority	Non application of DS	SOE	State aids and subsidies	Consumer protection	Review mechanisms														
Hong Kong, China	Hong Kong, China – New Zealand Closer Economic Partnership Agreement	2010	Art. 1		Art. 2.1.(b)	Art. 2.1.(a)		Art. 4.2						Art. 5	Art. 6																		
	Free Trade Agreement between Hong Kong, China and Chile	2012	Art. 13.1	Art. 13.1.2		Art. 13.2.1.(a)		Art. 13.3.2		Art. 13.3.2				Art. 13.4	Art. 17.1.4			Art. 13.5															
	Free Trade Agreement between Hong Kong, China and Australia	2019	Art. 15.2.1	Art. 15.2	Art. 15.2.3		Art. 15.3	Art. 15.5.1(b)	Art. 15.4	Art. 15.5.1(b)	Art. 15.5	Art.15.5	Art. 15.3.8	Art. 15.7	Art 15.8			Art. 15.6															
Mexico	Mexico-Japan EPA	2004		Art 131	Art 133		Art 134			Art 132					Art 135																		
	Mexico-Chile FTA	1998		Art 14-02	Art 14-03									Art 14-05		Art 14-04																	
	USMCA	2018		Art 21.1	Art 21.1.5 (a)	Art 21.5	Art 21.1	Art 21.3.5		Art 21.3.1	Art 21.3	Art 21.3.4	Art 21.2.3	Art 21.6	Art 21.7			Art 21.4															
Malaysia	Commercial Integration btw Mexico-Peru	2011																															
	Malaysia-NZ	2009	○	○						○																							
Chile	Malaysia-Japan	2005	○							○				○																			
	FTA Peru - Chile	2006	Art. 8.1	Art. 8.2 and 8.3	Art. 8.2	Art. 8.2		Art. 8.1 and 8.9		Art. 8.6	Art. 8.4	Art. 8.5	Art. 8.8	Art. 8.4	Art. 8.12	Art. 8.10																	
	FTA Australia - Chile	2008	Art. 14.2	Art. 14.2		Art. 14.8		Art. 14.10		Art. 14.6		Art. 14.2	Art. 14.8	Art. 14.7	Art. 14.9	Art. 14.4 and 14.5																	
Peru	FTA Chile - Honh Kong China	2012	Art. 13.1	Art. 13.1		Art. 13.2		Art. 13.3		Art. 13.3	Art. 13.3	Art. 13.3	Art. 13.4	Art. 17.1				Art- 13.5															
	Protocol to Amend FTA Chile - China	2017	Art. 60	Art. 61	Art. 62	Art. 62	Art. 62	Art. 65			Art. 64	Art. 64	Art. 63	Art. 66	Art. 68																		
	Agreement on Trade Liberalisation between Chile and Argentina	2017	Art. 6.1	Art. 6.1	Art. 6.1					Art. 6.2	Art. 6.2	Art. 6.2		Art. 6.3	Art. 6.4																		
Peru	FTA Peru - Korea	2010	Art.15.1	Art.15.11	Art.15.2	Art.15.2	Art.15.2	Art.15.7		Art.15.4	Art.15.3	Art.15.3	Art.15.6	Art.15.5	Art.15.10	Art.15.9		Art.15.8															
	FTA China - Peru	2009						Art.159			Art.159																						
	FTA Peru - Singapore	2008	Art.14.1	Art.14.2	Art.14.2	Art.14.2	Art.14.2			Art.14.4	Art.14.3	Art.14.3		Art.14.6	Art.14.7																		
	FTA Peru - Canada	2008	Art.1301	Art.1302	Art.1302	Art.1302	Art.1302			Art.1304	Art.1304	Art.1304		Art.1303	Art.1307	Art.1306																	
Philippines	FTA Peru - US	2006	Art.13.1		Art.13.2	Art.13.8	Art.13.2			Art.13.3	Art.13.3			Art.13.9	Art.13.10	Art.13.6																	
	EPA Philippines - Japan	2006	IA Art. 12	Art. 135		IA Art. 14		IA Art. 13			Art. 136				Art. 137			IA Ar. 16															
	Agreement Establishing the ASEAN-Australia Newzealand Free Trade Area	2009						Art. 2 (Chapter 14)																									
	Agreement on Comprehensive Economic Partnership among Member States of the Association of Southeast Asian nations and Japan (AJCEP)	2009	Art. 52 - 53																														
	EPA Thailand - Japan (JTEPA)	2007		Art. 147	Art. 149		Art. 150	Art. 148																									
	Implementing Agreement between the government of the Kingdom of Thailand and the government of Japan pursuant to article 12 of the Agreement between the Kinfdom of Thailand and Japan for an Economic Partnership	2007	Art. 10			Art. 14			Art. 15		Art. 12		Art. 18	Art. 16				Art. 17															
Thailand	FTA Thailand - Australia (TAFTA)	2005	Art. 1201	Art. 1203		Art. 1207		Art. 1205					Art. 1205	Art. 1206				Art. 1206															
	Closer Economic Partnership THA - NZ (TNZCEP)	2005	Art. 11.1	Art. 11.4		Art. 11.9		Art. 11.7					Art. 11.6	Art. 11.8																			
	AANZFTA	2008	Chapter 14. Art.1					Chapter 14. Art.2							Chapter 14. Art.4, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000																		
	Vietnam-Korea Free Trade Agreement (VKFTA)	2015	Art. 11.1	Art. 11.1	Art. 11.2	Art. 11.2	Art. 11.2	Art. 11.2	Art. 11.9		Art. 11.3	Art. 11.5	Art. 11.5	Art. 11.6		Art. 11.11																	
FTA EU - Viet Nam	2019	Art. 10.2	Art. 10.2	Art. 10.3	Art.10.7	Art. 10.3	Art. 10.3	Art. 10.14		Art.10.3	Art. 10.14		Art. 10.12	Art.10.8		Chapter 11	Chapter 11	Art. 10.10															
EPA Viet Nam - Japan	2008	Art. 1	Art. 99	Art. 99	Art. 99	Art. 99	Art. 99	Art. 102		Art. 101	Art. 101	Art. 101	Art. 101	Art. 101	Art. 103																		
Indonesia	Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTTP)	2018		Art. 16.1	Art. 16.1	Art. 16.7	Art. 16.2	Art 16.5	Art. 16.3	Art. 16.4	Art. 16.4	Art. 16.4		Art. 16.8	Art. 16.9	Chapter 17		Art. 16.6															
	Comprehensive Economic Partnership Agreement INA - AUS	2018	Art. 16.2	Art. 16.4	Art. 16.4	Art. 16.7	Art. 16.8	Art. 16.5		Art. 16.6			Art. 16.9		Art. 16.12			Art. 16.10															
	Agreement Establishing FTA ASEAN - AUS - NZ	2009		Art. 14.1				Art. 14.2																									
Japan	Comprehensive Economic Partnership Agreement INA - JPN	2007	Art. 1	Art. 126	Art. 128	Art. 16	Art. 129	Art. 15		Art. 12	Art. 127	Art. 14	Art. 19	Art. 17				Art. 18															
	Indonesia-EFTA Comprehensive Economic Partnership Agreement	2018	Art. 1.2	Art. 7.1	Art. 7.1	Art. 7.1	Art. 7.1	Art. 7.3						Art. 7.4		Art. 7.2																	
	Japan-Philippines Economic Partnership Agreement (JPEPF)	2006	IA Art. 12	Art. 135		IA Art.14		IA Art. 13			Art. 136				Art. 137			IA Art. 16															
	Japan-Chile Economic Partnership Agreement	2007	Art. 2	Art. 166	Art. 168	Art. 170	Art. 169				Art. 167				Art. 171																		
	Agreement between Japan and the Republic of Indonesia for an Economic Partnership	2007	Art. 1	Art. 126	Art. 128	IA Art. 16	Art. 129	IA Art. 15		IA Art. 12	Art. 127	IA Art. 14	IA Art. 19	IA Art.17				IA Art. 18															
	Agreement between Japan and the Socialist Republic of Viet Nam for an Economic Partnership	2008	Art. 1	Art. 99	Art. 99	Art. 99	Art. 99	Art. 102		Art. 101	Art. 101	Art. 101		Art. 101	Art. 103																		
Japan	Agreement between Japan and the Republic of Peru for an Economic Partnership	2011	IA Art. 8	Art. 189	Art. 191	Art. 193	Art. 192	IA Art.15		IA Art. 10	IA Art. 11	IAArt. 12	IA Art. 18	IA Art. 17	Art. 194																		
	Agreement between Japan and Australia for an Economic Partnership	2014	Art. 15.1	Art. 15.3	Art. 15.3	Art. 15.3	Art. 15.3			Art. 15.5.3	Art. 15.5	Art. 15.5.3																					