

ASEAN-JAPAN CENTRE RCEP WEBINAR SERIES ①

BASIC STRUCTURE (Chapters 1, 18 and 20) AND COMPETITION (Chapter 13)

Fujiko Amano

Assistant Director/Head of Research and Policy Analysis Cluster



ASEAN-JAPAN CENTRE



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Legal Disclaimer

This webinar series does not intend to provide any interpretation of the provisions of the RCEP Agreement, and this webinar does not constitute any legal advice or opinion relating to the provisions covered under this webinar.

The purpose of this webinar is to enhance general understanding for the reading of the RCEP Agreement and to provide some insightful annotations and general explanations.

This presentation does not represent any opinion or statement of a particular institution or a government, and any comment or reference made in connection this presentation belongs to the presenter.

EPAs between Japan and ASEAN Member States

[我が国の経済連携協定（EPA／FTA）等の取組 | 外務省 \(mofa.go.jp\)](#)

Japan-Singapore (2002) 1st Protocol Amendment (2007)

Japan-Malaysia (2006)

Japan-Thailand (2007)

Japan-Indonesia (2008)

Japan-Brunei Darussalam (2008)

Japan-ASEAN (AJCEP) (2008-2010) (11 rounds of negotiation)

1st Protocol Amendment (2020) (effected between Japan and 5 AMS; other AMS following)

Japan- the Philippines (2008)

Japan-Viet Nam (2008)

TPP11(CPTPP) (2018) (among Japan, Brunei, Malaysia, Singapore, Vietnam)

RCEP (2020) (among Japan and 10 ASEAN Member States)

RCEP Table of Contents

(20 chapters, 17 Annexes, 4 Schedules)

Preamble

Chapter 1 Initial Provisions and General Definitions

Chapter 2 Trade in Goods

Chapter 3 Rules of Origin Annex 3A (Product-Specific Rules) Annex 3B (Minimum Information Requirements)

Chapter 4 Customs Procedures and Trade Facilitation Annex 4A (Period of Time to Implement the Commitments)

Chapter 5 Sanitary and Phytosanitary Measures

Chapter 6 Standards, Technical Regulations, and Conformity Assessment Procedures

Chapter 7 Trade Remedies Annex 7A (Practices Relating to Anti-Dumping and Countervailing Duty Proceedings)

Chapter 8 Trade in Services Annex 8A (Financial Services) Annex 8B (Telecommunications Services) Annex 8C (Professional Services)

Chapter 9 Temporary Movement of Natural Persons

Chapter 10 Investment Annex 10A (Customary International Law) Annex 10B (Expropriation)

Chapter 11 Intellectual Property Annex 11A (Party-Specific Transition Periods)ii Annex 11B (List of Technical Assistance Requests)

Chapter 12 Electronic Commerce

Chapter 13 Competition Annex 13A (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Brunei Darussalam) Annex 13B (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Cambodia) Annex 13C (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Lao PDR) Annex 13D (Application of Article 13.3 (Appropriate Measures against Anti-Competitive Activities) and Article 13.4 (Cooperation) to Myanmar)

Chapter 14 Small and Medium Enterprises

Chapter 15 Economic and Technical Cooperation

Chapter 16 Government Procurement Annex 16A (Paper or Electronic Means Utilised by Parties for the Publication of Transparency Information)

Chapter 17 General Provisions and Exceptions

Chapter 18 Institutional Provisions Annex 18A (Functions of the Subsidiary Bodies of the RCEP Joint Committee) **Chapter 19**

Dispute Settlement

Chapter 20 Final Provisions

Annex I Schedules of Tariff Commitments Annex II Schedules of Specific Commitments for Services Annex III Schedules of Reservations and Non-Conforming Measures for Services and Investment Annex IV Schedules of Specific Commitments on Temporary Movement of Natural Persons

PREAMBLE AND GENERAL PROVISIONS (Chapters 1, 18 and 20)

Preamble as Introduction:

- to record the background for the negotiations
- to recite the parties' common aspirations and objectives for entering into the EPA

What to look for in the RCEP Preamble:

(Para 1) Joint Declaration on the Launch of Negotiations for the RCEP on 20 November 2012 and Guiding Principles and Objectives for Negotiating the RCEP

[2012-Guiding-Principles-and-Objectives-for-Negotiating-the-RCEP-1.pdf \(nus.edu.sg\)](#)

*to achieve a **modern, comprehensive, high-quality and mutually beneficial** economic partnership agreement among the ASEAN Member States and ASEAN's FTA Partners. *RCEP will recognize **ASEAN Centrality**.

*Taking into consideration **the different levels of development of the participating countries**, the RCEP will include appropriate forms of flexibility including provision for **special and differential treatment, plus additional flexibility to the least-developed ASEAN Member States**, consistent with the existing ASEAN+1 FTAs, as applicable. ***8 specific areas** listed and the negotiation was aimed to be **completed by end 2015**.

(Para 2) economic integration in the region / economic growth / "equitable economic development" / economic cooperation

(Para 3) economic partnership "to create new employment opportunities, raise living standards, and improve the general welfare of their peoples"

(Para 4) clear mutually advantageous rules for trade/investment, **regional/global supply chains**

(Para 5) Build upon WTO Agreements and existing FTAs

(Para 6) **Cambodia, Lao PDR, Myanmar, Viet Nam** specified for different development level

(Para 7) good governance and a predictable, transparent, and consistent business environment

(Para 8) REAFFIRMING the right of each Party to regulate in pursuit of **legitimate public welfare objectives**

(Para 9) **3 pillars (Economic, Social & Environmental) of sustainable development** and EPA **4th** important for sustainable development

What are General Provisions

Purpose of the General Provisions:

- govern throughout the treaty
- specify rules applicable to all chapters, unless specifically provided for in each of the chapters
- provide the legal framework/structure of the treaty
- specify rules relating to legal effect of the treaty

Main Features of the General Provisions:

- set out the objectives of the treaty
- provide the general definitions used in the treaty
- provide for the administrative procedures (transparency, administrative reviews)
- provide for institutional arrangements of the treaty (various committees)
- set out the general exceptions and national security exception
- provide for the procedure relating to the entry of the treaty, amendment, withdrawal and accession

Chapter 1 : Initial Provisions and General Definitions

Chapter 17: General Provisions and Exceptions (to be covered in a separate webinar)

Chapter 18: Institutional Provisions

Chapter 19: Dispute Resolution

Chapter 20: Final Provisions

Initial Provisions and General Definitions

<https://www.mofa.go.jp/mofaj/files/100114908.pdf>

(Summary) The Initial Provisions and General Definitions Chapter sets out the objectives of the RCEP Agreement, which are to establish a **modern, comprehensive, high-quality, and mutually beneficial** economic partnership that aims to facilitate the expansion of regional trade and investment and contribute to global economic growth and development, **taking into account the stage of development and economic needs of the Parties especially for Least Developed Country Parties**. This Chapter also includes general definitions.

SECTION	SUB-HEADING	ANALYSIS & ANNOTATIONS
Art. 1.1	Establishment of the Regional Comprehensive Economic Partnership as a Free Trade Area	<p>“Consistent with Article XXIV of General Agreement on Tariffs and Trade (GATT) 1994 and Article V of General Agreement on Trade in Services”</p> <p>*FTA/EPA is an exception to WTO’s MFN (Most-Favored-Nations) Principle, however enabled with the following requirements</p> <ul style="list-style-type: none"> • GATT Article XXIV (Trade in Goods) <ul style="list-style-type: none"> - Prohibition against raising barriers to non-EPA/FTA members - Elimination of: ✓ Tariff on “substantially all the trade” between the parties ✓ Other restrictive regulations of commerce - Implementation with a “reasonable length of time” - Notification to the WTO • GATS Article V (Trade in Services) <ul style="list-style-type: none"> - Substantial sectoral coverage - Notification to the WTO
Art. 1.2	General Definitions	<ul style="list-style-type: none"> -defines 15 WTO agreements - “Agreement” is this RCEP Agreement - Watch out for the definitions like “days”, “existing”, “measure”, “person” and “juridical person”. Also, the RCEP Joint Committee (Ch. 18) - Least Developed County(UN category)Parties <i>Cambodia, Lao PDR and Myanmar</i>
Art. 1.3	Objectives	<p>(1) as summarized (2) progressively liberalise and facilitate trade in goods. (3) progressively liberalise trade in services. (4) create a liberal, facilitative, and competitive investment environment in the region</p>

Chapter 18 <https://www.mofa.go.jp/files/100129125.pdf>

Institutional Provisions

<https://www.mofa.go.jp/mofaj/files/100114908.pdf>

(Summary) The Institutional Provisions Chapter establishes the institutional arrangements for the RCEP Agreement and the structure for the meetings of the **RCEP Ministers**, the **RCEP Joint Committee**, **four Committees**, namely, on **Goods; Services and Investment; Sustainable Growth; and the Business Environment**, and other subsidiary bodies established by the RCEP Joint Committee. The RCEP Joint Committee is established to consider any matter relating to the implementation and operation of the RCEP Agreement. The RCEP Joint Committee also reports to the RCEP Ministers and may, as appropriate, refer matters to the RCEP Ministers for consideration and decision.

SECTION	SUB-HEADING	ANALYSIS & _
Art. 18.1	Meetings of the RCEP Ministers	-shall meet within one year of the date of entry, and every year thereafter; take decisions by consensus
Art. 18.2	Establishment of the RCEP Joint Committee	-be established on the date of entry, consisted of “senior officials” of the Parties
Art. 18.3	Functions of the RCEP Joint Committee	-consider implementation, operation and proposed amendment of the RCEP; discuss about interpretation and application of the RCEP; <u>delegate functions to subsidiary bodies under Art. 18.6; establish and supervise the RCEP Secretariat; hold dialogues inclusive of business sector, experts and academia</u>
Art. 18.4	Rules of Procedure of the RCEP Joint Committee	-take decisions by consensus (absent party to acknowledge within 14 days of the circulation of the decisions); establish its rules of procedure at the first meeting
Art. 18.5	Meetings of the RCEP Joint Committee	-shall meet within one year of the date of entry but prior to the first meeting of the RCEP Ministers and every year thereafter; venue of the meeting and co-chairs of the meeting divided between ASEAN and Non-ASEAN on rotational basis. Co-chairs to ensure the effective and impartial management of the meetings
Art. 18.6	Subsidiary Bodies of the RCEP Joint Committee	- 4 Committees to be established at the first meeting of the RCEP Joint Committee, which will have <u>functions as set forth in Annex 18A</u> ; Committees shall meet within one year of the date of entry. RCEP Joint Committee may establish other bodies.
Art. 18.7	Meetings of Subsidiary Bodies	-representation by each Party; co-chairs between ASEAN and Non-ASEAN; meet at the direction of the RCEP Joint Committee
Art. 18.8	Contact Point	-Contact point to be notified within 30 days of the date of entry among the Parties

RCEP Institutional Structure

RCEP Ministers

RCEP Joint Committee

RCEP
Secretariat

Goods
Committee

Services and
Investment
Committee

Sustainable
Growth
Committee

Business
Environment
Committee

FUNCTIONS OF THE SUBSIDIARY BODIES OF THE RCEP JOINT COMMITTEE (4 Committees)

GOODS

- **Chapter 2** (Trade in Goods) **Chapter 3** (Rules of Origin) **Chapter 4** (Custom Procedures and Trade Facilitation) **Chapter 5** (Sanitary and Phytosanitary Measures) **Chapter 6** (Standards, Technical Regulations, and Conformity Assessment Procedures) **Chapter 7** (Trade Remedies)

SERVICES & INVESTMENT

- **Chapter 8** (Trade in Services)
- **Chapter 9** (Temporary Movement of Natural Persons)
- **Chapter 10** (Investment)

SUSTAINABLE GROWTH

- **Chapter 14** (Small and Medium Enterprises)
- **Chapter 15** (Economic and Technical Cooperation)

BUSINESS ENVIRONMENT

- **Chapter 11** (Intellectual Property) **Chapter 12** (Electronic Commerce)
- **Chapter 13** (**Competition**) **Chapter 16** (Government Procurement)

Chapter 20 <https://www.mofa.go.jp/files/100129124.pdf>

Final Provisions

<https://www.mofa.go.jp/mofaj/files/100114908.pdf>

(Summary) The Final Provisions Chapter sets out the relationship between the RCEP Agreement and other international agreements, a general review mechanism, procedures to amend the Agreement, and an accession provision. **The RCEP Agreement is open for accession by any State or separate customs territory 18 months after its entry into force**, although this Agreement is open for **accession by India**, as an original negotiating State, from the date of its entry into force, **without waiting for 18 months**. This Chapter also designates a Depository for the RCEP Agreement that will primarily be responsible for receiving and disseminating documents to each signatory State and acceding State or separate customs territory, including any notifications, requests for accession and instruments of ratification acceptance, approval or accession. The provision on **Entry into Force** provides that the RCEP Agreement would need signatory States, including **at least six ASEAN and three non-ASEAN signatory States, to deposit** their instruments of ratification, acceptance or approval for the RCEP Agreement to enter into force **60 days thereafter**.

SECTION	SUB-HEADING	NOTES
Art. 20.1	Annexes, Appendices, and Footnotes	- constitute an integral part of this Agreement
Art. 20.2	Relation to Other Agreements	-this Agreement to coexist with their existing international agreements, each Party affirms its rights and obligations thereunder. -If there is any inconsistency in the RCEP with another agreement, a Party can consult with other Party thereto ; without prejudice to the rights under DS (however, even if there is a more favorable agreement than RCEP, it does not mean that there is an inconsistency).
Art. 20.3	Amended or Successor International Agreements	- If other international agreement is amended, the Parties can consult whether the RCEP needs to be amended. (there is no automatic updates unless specified)
Art. 20.4	Amendments	- enter into effect “60 days after the date on which all Parties have notified the Depository in writing of the completion of their respective legal procedures”
Art. 20.5	Depository	-the Secretary-General of ASEAN designated as the Depository for this Agreement
Art. 20.6	Entry into Force	-Summarized above
Art. 20.7	Withdrawal	-take effect 6 months after Party provides written notice to the Depository
Art. 20.8	General Review	-5 years after the date of entry, and every five years thereafter (taking into account relevant developments in international fora)
Art. 20.9	Accession	-Summarized above

COMPETITON

(Chapter 13)



Summary

<https://www.mofa.go.jp/mofaj/files/100114908.pdf>

(SUMMARY)

The objective of the Competition Chapter is to promote competition in markets and enhance economic efficiency and **consumer welfare**. This Chapter includes obligations for the Parties to adopt or maintain competition laws and regulations that **proscribe anti-competitive activities** and to establish or maintain authorities to implement its competition laws, while recognising **the sovereign rights** of each Party to develop and enforce its own competition laws and policies and **allowing for exclusion or exemptions** based on grounds of public policy or public interest. This Chapter further provides for the application of competition laws and regulations **to all entities engaged in commercial activities**. This Chapter also includes provisions on exchange of information and allows for the coordination in enforcement actions. This Chapter also provides for Parties to undertake **technical cooperation activities** to build necessary capacities to strengthen competition policy development and competition law enforcement. **Consumer protection** is also covered under this Chapter with obligations to adopt or maintain domestic laws and regulations **to proscribe misleading practices, or false or misleading descriptions in trade**; improving awareness of, and access to, consumer redress mechanisms; and cooperating on matters of mutual interest related to consumer protection. **No Party can have recourse to dispute settlement** under the RCEP Agreement for any matter arising under this Chapter.

Purpose and Specific Features

Main Purpose of the Competition Chapter:

- promote competition in markets to protect trade and investment enhanced under the treaty
- ensure to regulate anti-competitive activities and enforce competition laws
- ensure that the competition authorities cooperate in enforcing competition laws, for example:
Notification/Information exchange/Coordination on enforcement actions

Specific Features of the RCEP Competition Chapter:

- coverage of consumer welfare (Art. 13.1) and consumer protection (Art. 13.7)
- Basic principles in reference to sovereign rights and to recognize the “significant differences that exist among the Parties in capacity and level of development” (Art. 13.2)
- transition period for Brunei Darussalam (3 years), Cambodia (5 years), Lao PDR (3 years) and Myanmar (3 years) (Article 13.3 and Article 13.4)
- technical cooperation and capacity building (Art.13.6)

Provisions of the RCEP Competition Chapter:

Art. 13.1: Objectives

Art. 13.2: Basic Principles

Art. 13.3: Appropriate Measures against Anti-Competitive Activities

Art. 13.4: Cooperation

Art. 13.5: Confidentiality of Information

Art. 13.6: Technical Cooperation and Capacity Building

Art. 13.7: Consumer Protection

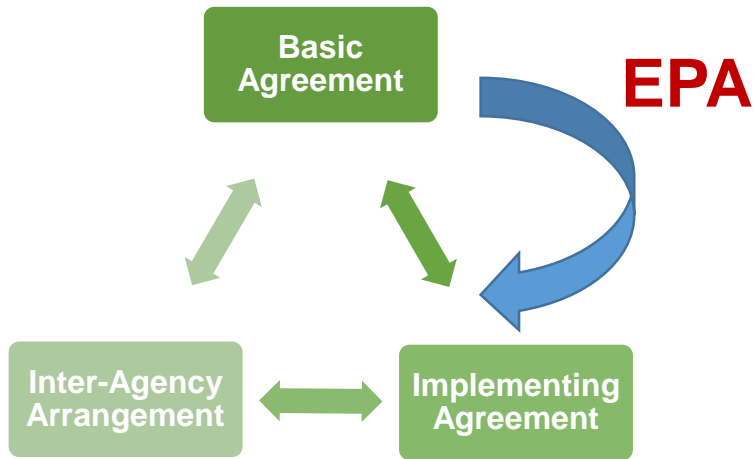
Art. 13.8: Consultations

Art. 13.9: Non-Application of Dispute Settlement

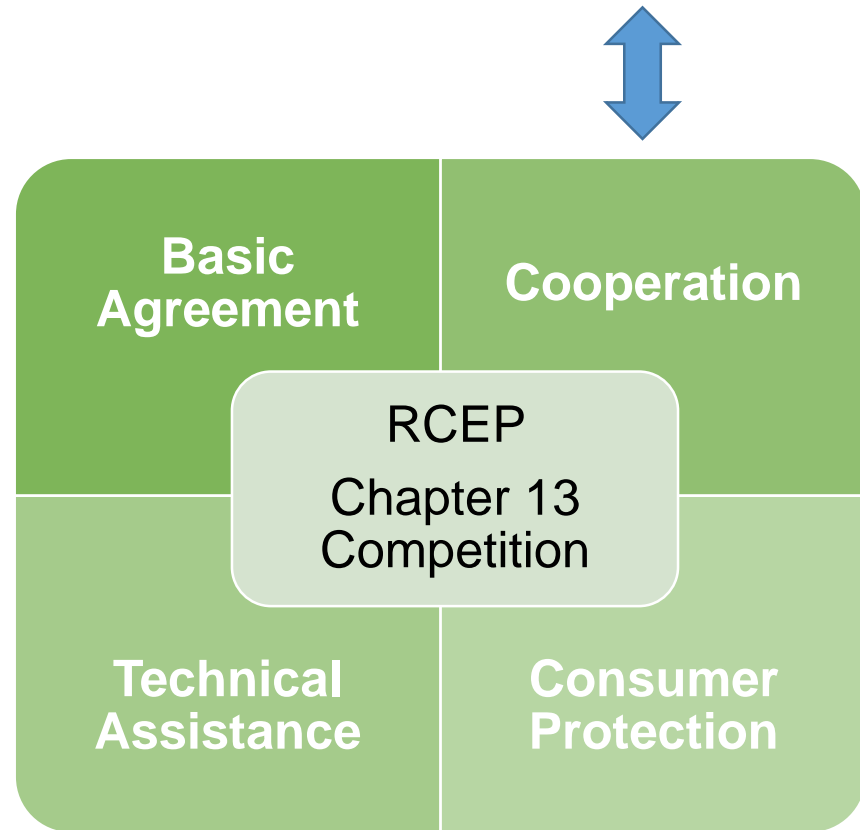
Compare with Other EPAs

<https://www.jftc.go.jp/kokusai/kokusaikyoutei/index.html> (Japanese) https://www.jftc.go.jp/en/int_relations/agreements.html (English)

EPA	Chapter	List of Provisions	Implementing Agreement	Inter-Agency Cooperation
Japan-Singapore (2002)	CH 12: Competition	Art.103 Anti-competitive; Art.104 Co-operation on Controlling Anti-competitive Activities; Art.105 Dispute Settlement	○	○ (2017)
Japan-Malaysia (2006)	CH 10: Controlling Anticompetitive Activities	Art.131 Measures against Anti-competitive Activities; Art.132 Co-operation on Controlling Anti-competitive Activities; Art.133 Non-Application of Chapter 13	○	X
Japan-Thailand (2007)	CH 12: Competition	Art.147 Promotion of Fair and Free Competition by Proscribing Anti-competitive Activities; Art.148 Cooperation on Promoting Fair and Free Competition by Proscribing Anti-competitive Activities; Art.149 Non-discrimination; Art.150 Procedural Fairness; Art. 151 Non-Application of Article 8&Chapter 14	○	X
Japan-Indonesia (2008)	CH 11: Competition	Art.126 Promotion of Competition by Addressing Anti-competitive Activities; Art. 127 Cooperation on the Promotion of Competition; Art. 128 Non-Discrimination; Art.129 Procedural Fairness; Art.130 Non-Application of Paragraph 2 of Article 9	○	X
Japan -Brunei (2008)	No Chapter		X	X
Japan-ASEAN (AJCEP) (2008)	CH 8: Economic Cooperation	Art.52 Basic Principles; Art.53 Fields of Economic Cooperation (Competition Policy listed as item (I))	X	X
Japan-Philippines (2008)	CH 12: Competition	Art.135 Promotion of Competition by Addressing Anti-competitive Activities; Art.136 Cooperation on Promoting Competition by Addressing Anti-competitive Activities; Art. 137 Non-Application of Chapter 15	○	○ (2013)
Japan-Viet Nam (2008)	CH 10: Competition	Art. 99 Promotion of Competition by Addressing Anti-competitive Activities; Art.100 Definitions; Art.101 Cooperation on Promoting Competition by Addressing Anti-competitive Activities; Art.102 Technical Cooperation; Art.103 Non-application of Paragraph 3 of Article 6 and Chapter 13; Art. 104 Miscellaneous	X	○ (2013)
CPTTP (2018)	CH 16: Competition Policy	Art.16.1: Competition Law and Authorities and Anticompetitive Business Conduct; Art.16.2: Procedural Fairness in Competition Law Enforcement; Art.16.3: Private Rights of Action; Art.16.4: Cooperation Art.16.5: Technical Cooperation; Art.16.6: Consumer Protection; Art.16.7: Transparency Art.16.8: Consultations Art. 16.9: Non-Application of Dispute Settlement	X	○ (Canada Australia)



Inter-Agency Arrangement



WTO and Competition Policy

- Working Group Inactive since the July 2004 Decision
https://www.wto.org/english/tratop_e/comp_e/comp_e.htm
- Technical Assistance ended in 2006
https://www.wto.org/english/tratop_e/comp_e/ta_e.htm

Basic Agreement

Section	Sub-Headings	Analysis and Annotations
13.1	Objectives	<p>#1 - to promote competition in markets, and enhance economic efficiency and consumer welfare</p> <ul style="list-style-type: none"> through the ① <u>adoption and maintenance of laws and regulations to proscribe anticompetitive activities</u>; through ② <u>regional cooperation</u> on the development and implementation of competition laws and regulations among the Parties <p>#2 - The <u>pursuit of these objectives</u> will help the Parties to <u>facilitate trade and investment</u></p> <p>*Each Party adopts or maintains competition law (obligation under Art. 13.3 Para 1). *Regional cooperation on competition would facilitate trade and investment.</p>
13.2	Basic Principles	<p>1. Party's obligation to implement this Chapter consistent with the Objectives</p> <p>2. The Parties recognise: (a) the sovereign rights of each Party to develop, set, administer, and enforce its competition laws, regulations, and policies; (b) the significant differences that exist among the Parties in capacity and level of development in the area of competition law and policy.</p> <p>*For development and enforcement of competition laws, a developing country Party (i.e. Cambodia, Lao PDR and Myanmar) is entitled (as its sovereign right) to consider its own circumstances. This means that the other Parties may not intervene with such "sovereign right". What kind of competition law is entirely up to the discretion of each Party.</p>
13.3	<p>Appropriate Measures against Anti-Competitive Activities¹</p> <ol style="list-style-type: none"> Legislate Institutionalise Independence Non-Discrimination Application Scope Transparency -10. Due Process Timeliness 	<p>note 1 – subject to the transition period of Annex A-D (Brunei Darussalam, Cambodia, Lao PDR and Myanmar)</p> <p>Each Party's obligation to:</p> <ol style="list-style-type: none"> <u>adopt or maintain competition laws and regulations to proscribe anti-competitive activities</u> (note 2 - anti-competitive agreements, abuses of a dominant position, and anti-competitive M&A) [no harmonization aimed] establish or maintain an authority (authorities) to effectively implement its competition laws. ensure the independence of the authority enforce its competition laws in a manner that does not discriminate on the basis of nationality apply competition laws to all entities engaged in commercial activities, regardless of ownership. Exceptions and exemptions must be transparent and on the basis of public policy or interest. make publicly available competition laws, except for internal operating procedures [Transparency] make public the grounds for any final decision or order to impose a sanction or remedy and any appeal, subject to its laws and regulations, confidential information protection and public policy. [Ensure Procedural Fairness] an entity's right to hearing before penalty an entity's right to information an entity's right to appeal (independent review) "recognizes" timeliness of handling competition cases

Cooperation

Section	Sub-heading	Analysis and Annotation
13.4	<p>Cooperation³</p> <ul style="list-style-type: none"> (a) Notification (b) Discussion (c) Exchange of Information (d) Enforcement Coordination 	<p>note 3 – subject to the transition period of Annex A-D (Brunei Darussalam, Cambodia, Lao PDR and Myanmar) -the Parties may cooperate on issues relating to competition law enforcement, through their respective competition authorities, in a manner compatible with their respective laws, regulations, and important interests, and within their respective available resources. The form... may include:</p> <p><i>*There is no obligation for the Parties to cooperate. Only effort-based within “available resources”</i></p> <p><i>**“Forms” listed as (a) through (d) in Art. 13.4 are examples and would not exclude other forms of cooperation.</i></p> <ul style="list-style-type: none"> (a) Notification of a party’s competition law enforcement activities that it considers may substantially affect the important interests of the other Party, as promptly as reasonably possible (b) <u>Upon request</u>, discuss to address any matter relating to competition law enforcement that substantially affects the important interest of the requesting Party (c) <u>upon request</u>, exchange of information to foster understanding or to facilitate effective competition law enforcement (d) <u>upon request</u>, coordination in enforcement actions in relation to the same or related anti-competitive activities <p><i>*“Upon request” means that there should be a formal and recorded “writing” to engage in cooperation (competition authorities cannot informally cooperate)</i></p> <p><i>*cooperation must be in connection with “competition law enforcement activities” and “substantially affect the important interests”</i></p>

Business Implications (Hypotheticals)

#1 Notification : Party A’s entity X is doing business in Party B’s territory, and Party B’s competition authority enforced its competition law against X, which Party B considers may substantially affect the important interest of Party A, Party B may notify Party A as promptly as reasonably possible. ***What actions could X take in this situation?***

#2 Discussion : Party A’s entity X filed a merger clearance application with the competition authority of Party B, and the competition authority of Party B may delay or deny the application. This merger substantially affects the important interest of Party A. ***What actions could X take in this situation?***

#3 Exchange of Information and Coordination in Enforcement Actions: Party A’s entity X and Party B’s entity Y engages in a cartel activity, and the competition authority of Party A obtains such information. The competition authorities of Party A and Party B may cooperate. ***What actions could X take in this situation?***

Confidentiality of Information

Section	Sub-heading	Analysis and Annotation
13.5	Confidentiality of Information	<p>1. This Chapter shall not require the sharing of information by a Party, which is contrary to that Party's laws, regulations, and important interests. <i>*There is no obligation for a Party to share information under this Chapter. "important interests" may be an ambiguous term.</i></p> <p>2. The requesting Party shall notify the requested Party of: (a) the purpose of the request; (b) the intended use of the requested information; and (c) any laws or regulations of the requesting Party that may affect the confidentiality of information or require the use of the information for purposes not agreed upon by the requested Party.</p> <p>3. The sharing of confidential information between any of the Parties and the use of such information shall be based on terms and conditions agreed by the Parties concerned. <i>*The Parties must have a written agreement for the use of confidential information.</i></p> <p>4. Receiving Party shall (a) maintain the confidentiality of the information; (b) use the information only for the purpose received; (c) not use the information as evidence in criminal proceedings (unless criminal proceedings through diplomatic channels); (d) not disclose to a third party; and (d) comply with any condition provided by the Party providing the information <i>**"criminal proceedings through diplomatic channels" means treaty on mutual legal assistance in criminal matters</i></p>

Business Implications

- 1. Ensure to mark "Confidential" on all documents provided to the competition authorities (unless publicly available)**
- 2. Consider the application of "Attorney-Client Privilege"**

(Japan - Attorney-Client Privilege took effect based on the amended Anti-Monopoly Act in 2020)

Remaining Provisions

Section	Sub-Headings	Analysis and Annotations
13.6	Technical Assistance and Capacity Building	<p>“agree” on the importance for technical cooperation activities to build necessary capacities to strengthen competition policy development and competition law enforcement, taking into account the availability of resources of the Parties.</p> <p>(a) sharing of relevant experiences and non-confidential information on the development and implementation of competition law and policy;</p> <p>(b) the exchange of consultants and experts on competition law and policy;</p> <p>(c) the exchange of officials of competition authorities for training purposes;</p> <p>(d) participation of officials of competition authorities in advocacy programmes; and</p> <p>(e) other activities as agreed by the Parties.</p> <p><i>*technical cooperation provision is also included in: Japan-Singapore MOC; Japan-Vietnam Cooperation Arrangement; Japan-Philippines MOC; Japan-China MOC (“recognize the importance of technical cooperation”) JFTC - https://www.jftc.go.jp/houdou/pressrelease/2021/feb/210209.html</i></p>
13.7	Consumer Protection	<ol style="list-style-type: none"> The Parties recognise the importance of consumer protection law and the enforcement of such law as well as cooperation among the Parties Each Party shall adopt or maintain laws or regulations to proscribe the use in trade of misleading practices, or false or misleading descriptions. Each Party also recognises the importance of improving awareness of, and access to, consumer redress mechanisms. The Parties may cooperate on matters of mutual interest related to consumer protection. Such cooperation shall be carried out in a manner compatible with the Parties’ respective laws and regulations and within their available resources. <p><i>**“Cooperation” is not the Parties’ obligation and is only for mutual interest, but if cooperation is carried out, cooperation must be within available resources.</i></p>
13.8	Consultations	<p>On request of a Party, the requested Party shall enter into consultations with the requesting Party. In its request, the requesting Party shall indicate, if relevant, how the matter affects its important interests, including trade or investment between the Parties concerned. The requested Party shall accord full and sympathetic consideration to the concerns of the requesting Party.</p>
13.9	Non-Application of Dispute Settlement	<p>No Party shall have recourse to dispute settlement under Chapter 19 (Dispute Settlement) for any matter arising under this Chapter.</p> <p><i>*The Parties’ competition authorities will resolve any disputes. WTO Dispute Resolution process for Competition Policy was considered in the WTO working group and was not accepted.</i></p>

Some Takeaways

- Monitor competition law developments in all of the trading partner countries
- Understand the competition law enforcement practice in all of the trading partner countries
- Build and maintain a good communication channel and relationship with the national competition law authorities
- Receive effective advice and assistance from local competition lawyers
- Disseminate information widely within your company (including the management) about RCEP's impacts and benefits
- Consider contributing recommendations to the government for reviews and improvements under RCEP