



STRUCTURE OF THE PRESENTATION

- **Competition rules of the EC**
- **Competition rules in the FTAs**
 - **why included**
 - **what included**
- **Examples of recently concluded FTAs**

Conclusion: no “one size fits all” solution



COMPETITION RULES OF THE EC

- **Prohibition of agreements between undertakings, decisions by associations of undertakings and concerted practices which have as their object or effect the prevention, restriction or distortion of competition.**
 - **Prohibition of abuse of dominant position**
 - **Merger control**
 - **State aid control**
 - **Public enterprises: non-discrimination and subject to competition rules**
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Competition is addressed in bilateral Free Trade Agreements concluded by the EU:

- **Competition rules and their effective enforcement is essential to ensure full benefits of liberalisation of markets provided by the FTA**
- **The degree of detail depends on the situation as regards existence of competition rules and institutions by the partner country**



Essential elements as regards competition provisions in FTAs

- **Requirement of transparency, non-discrimination and due process**
- **Cooperation, consultation and/or mutual recognition of competition authorities**



Recently concluded FTAs – Coverage of competition

Israel

- **Agreements and concerted practices, Abuse of dominant position**
- **State aid**
- **Public enterprise**

Morocco, Tunisia, Jordan, Palestinian Authority

- **Three first points as Israel AND Reference to EU legislation**

Algeria and Lebanon

- **Agreements and concerted practices, Abuse of dominant position**
 - **Public enterprises**
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Recently concluded FTAs – Coverage of competition

South Africa

- Agreements and concerted practices, Abuse of dominant position
- State aid
- Mutual recognition of legislation
- Technical cooperation

Mexico

- Same as South Africa apart from State Aid which instead is replaced by Mergers and acquisitions

Chile

- Same as South Africa AND Public enterprises: ban of exclusive rights
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