

Competition

General issues

[OHAP] Does this agreement include a competition chapter?

0	no competition chapter
1	competition chapter
NA	no info available ^a

^aHere NA refers to missing data (in particular if references are made to protocols or appendices where details are regulated)

[COMP_ART] Does this agreement include a competition article?

0	no competition article
1	competition article
NA	no info available

Explanation: If [COMP_CHAP] is coded (1), article is always coded (0). If there is an article titled Competition or which has some general provisions on competition, we code 1. If there are specific provisions, we code (0) as we will code this in “coverage” below¹.

Cooperation and Institution-building

What is the degree of cooperation/institution-building on competition? We code 7 forms of cooperation/institution-building.

[COMP_NOT_DISTORT] Is there a provision on undertakings not to distort competition?

0	no provision
1	undertaking not to distort competition
NA	no info available

Explanation: 1 signifies that in the agreement there is a general reference to competition (e.g., not to distort competition). If specific areas (see below) are mentioned (e.g., state aid, state trading enterprise, M&A, or monopolies and cartels) we also code 1 here.

[COMP_INFO] Is there a provision on the exchange of information or notification?

0	no provision
1	provisions including exchange of information or notification requirements in relation to competition
NA	no info available

Explanation: We focus on active information and notification procedures. Provisions for only partial areas of competition, we code=0 (e.g. if there are two areas, but only one involves a form of information exchange). If information exchange relates to cases when competition law is breached, it is also coded 0.

¹Eg. on “state aid” or “competition concerning undertakings”

[**COMP_JOINT_COMMITTEE**] Is there a provision on a general institution responsible for competition?

0	no provision
1	existence of a Joint committee responsible for competition
NA	no info available

Explanation: We code 1, if there are competition procedures and there is a General Committee (e.g. Joint Committee) that among other issues also deals with competition.

[**COMP_NAT_AUTHO**] Is there a provision on the establishment of a national competition authority?

0	no provision
1	provisions establishing a national competition authority
NA	no info available

Explanation: If only one country establishes a competition authority (the other partner already has one), we make a comment.

[**COMP_WG**] Is there a provision on the establishment of working groups?

0	no provision
1	establishing a working group dealing with competition-related issues
NA	no info available

[**COMP_COOR_AUTHO**] Is there a provision on the coordination among national authorities?

0	no provision
1	provisions describing cooperation among national authorities
NA	no info available

Explanation: In order to code 1, the agreement needs to include specific coordination procedures. If there is only coordination “upon request”, we code 0.

[**COMP_COM_AUTHO**] Is there a provision on the creation of a common authority/institution on competition?

0	no provision
1	creation of a common authority
NA	no info available

Coverage

[**COMP_COVERAGE**] Is there a provision on monopolies and cartels, or/and on mergers and acquisitions, or/and on state trading enterprises, or/and on state aid?

[**COMP_MONOPOLY**] Is there a provision on monopolies and cartels?

0	no provision
1	monopolies and cartels
NA	no info available

Explanation: Monopolies or Cartels are mentioned. We also code 1 when there is reference to expressions related to abuse of market dominance (e.g., “all agreements between undertakings, decisions by associations of undertakings and concerted practices between undertakings which have as their object or effect the prevention, restriction or distortion of competition” or “abuse by one or more undertakings of a dominant position in the territories of the Parties as a whole or in a substantial part thereof.”

[**COMP_MERGER**] Is there a provision on mergers and acquisitions?

0	no provision
1	mergers and acquisitions
NA	no info available

Explanation: We also include provisions that relate to “anti-competitive business conduct” if they are related to mergers or acquisitions.

[**COMP_STE**] Is there a provision on state trading enterprises?

0	no provision
1	state trading enterprises
NA	no info available

Explanation: We include any reference to states as enterprises (e.g., state-owned firms).

[**COMP_STATE_AID**] Is there a provision on state aid?

0	no provision
1	state aid
NA	no info available

Explanation: We code state aid and subsidies (the latter when they relate to “domestic support for (agricultural) goods”). We do not code here export subsidies.