



**Asia-Pacific  
Economic Cooperation**

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**2016/SOM1/CPLG/015**

Agenda Item: 15.4

## **Competition Policy and Free Trade Agreements – A Case**

Purpose: Information

Submitted by: Chile



**APEC PERU**  
2016

**Competition Policy and Law Group Meeting  
Lima, Peru  
27-28 February 2016**

A world map with various colored dots (red, blue, green, orange, pink) placed across different continents. Multiple curved lines in various colors (blue, green, orange, red, pink) connect these dots, representing trade routes or agreements between different regions. The map is centered on the Atlantic Ocean.

# Competition Policy and Free Trade Agreements – A Case

Lima, Perú  
February 27-28, 2016

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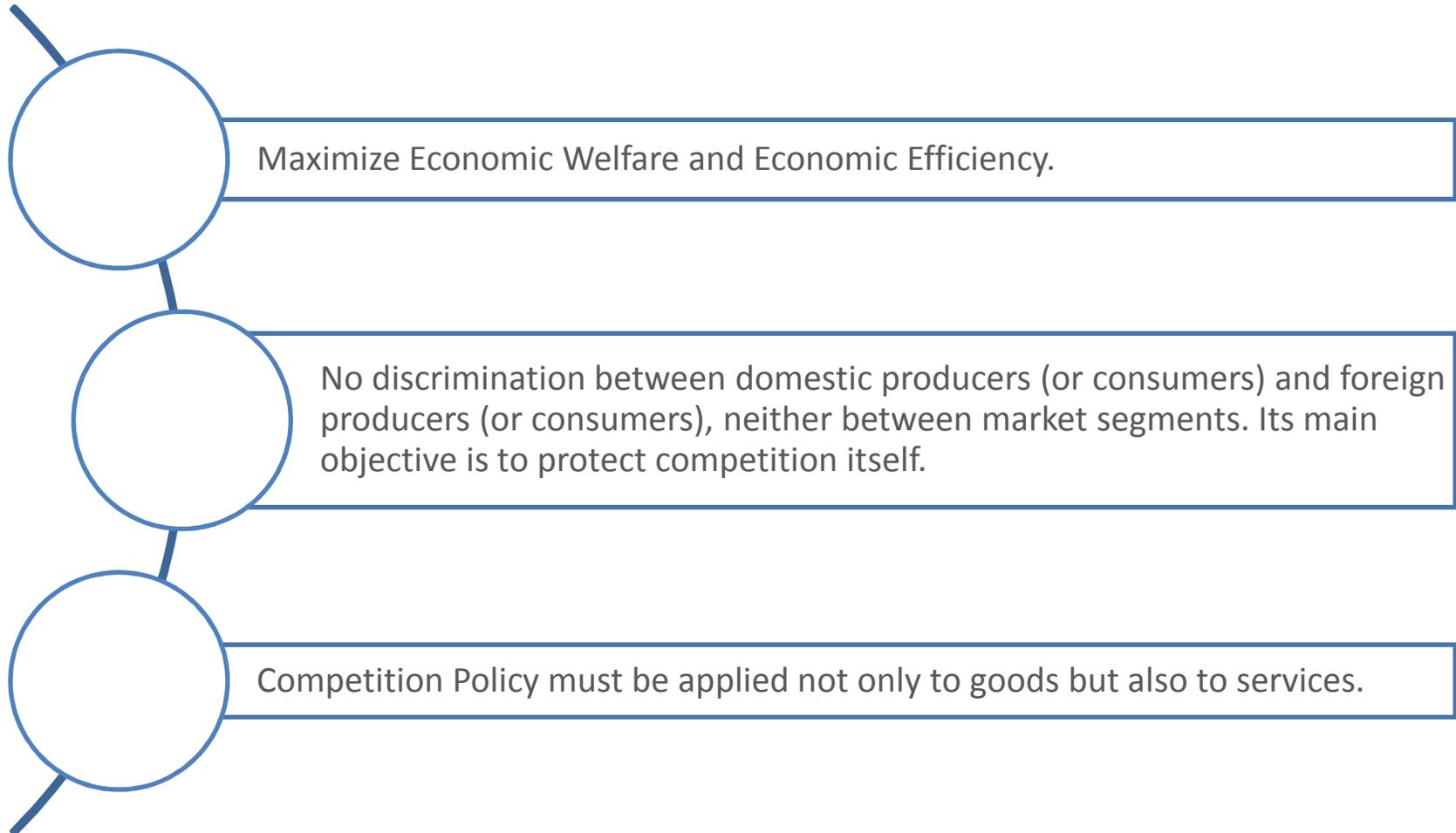
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# General Principles

LAW DECREE 211





# COMPETITION POLICY IN FREE TRADE AGREEMENTS



**25**  
Trade Agreements



**64**  
Economies



**92%**  
Foreign Trade



**63%**  
Global Population



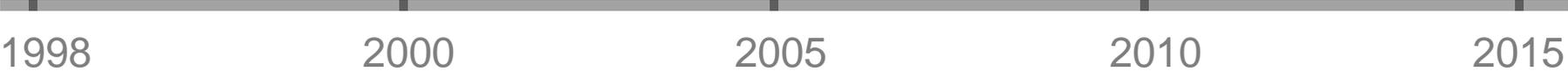
**86%**  
Global GDP



**52%**  
With Competition Policy Chapters



**Effective Tariff (M)**  
1998 = 8.42%  
2014 = 0.92%



## Objectives and Main principles

Objectives of Competition Policy Chapters in FTAs are:

- Prevent Anti-Competitive Practices that undermine or cancel out the benefits arising from the Agreement.
- Promote Cooperation and Coordination

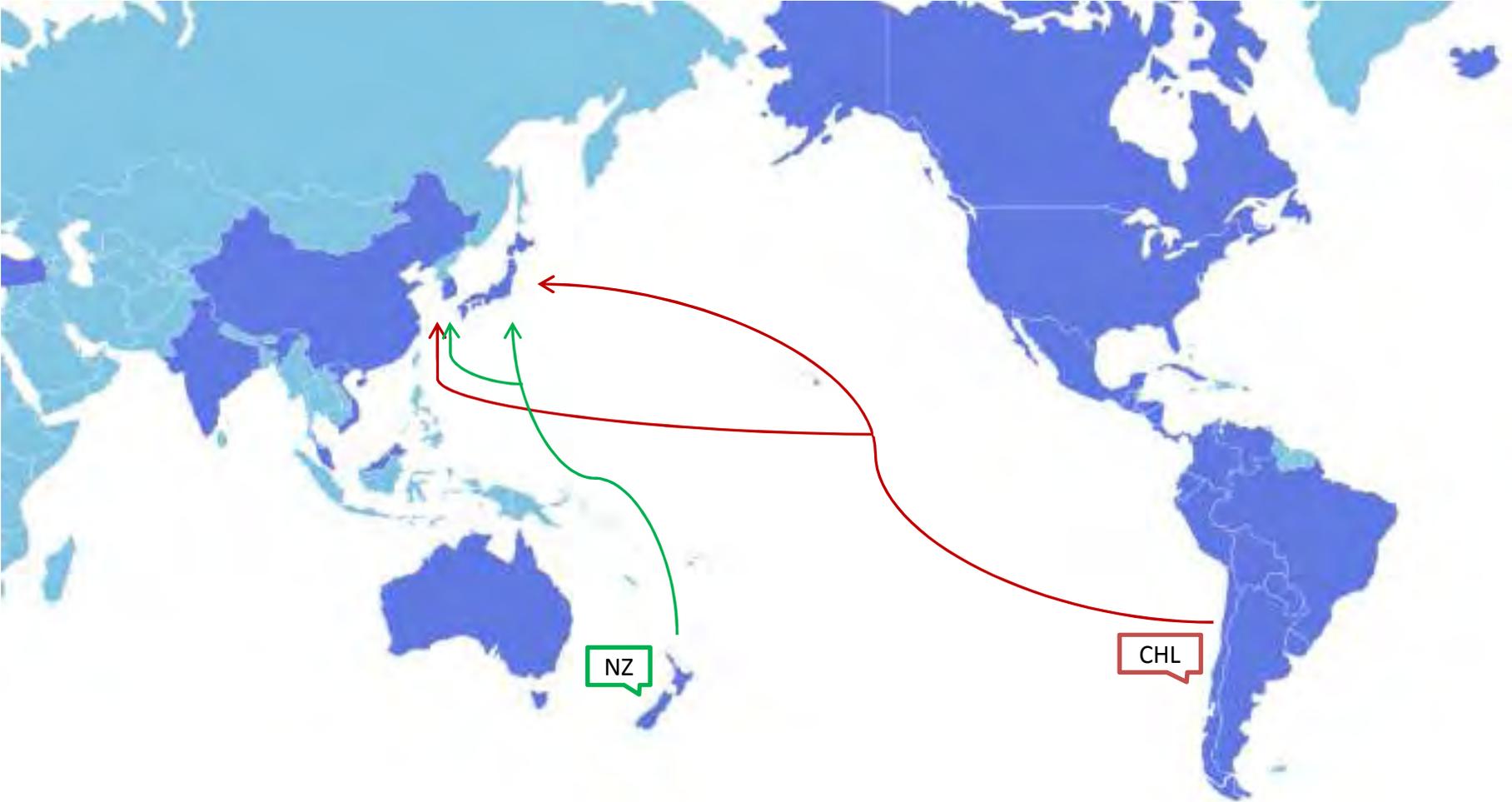
Some of the principles in Competition Policy Chapters in FTAs are

- Non-discrimination
- Transparency
- Due Process



# CASE: CHILEAN KIWIFRUIT PRODUCERS AND ZESPRI

## Introduction



## Third Market Cases

**South Korea:** Case on abuse of market dominating position of Zespri Group Limited and Zespri International Korea Co., Ltd

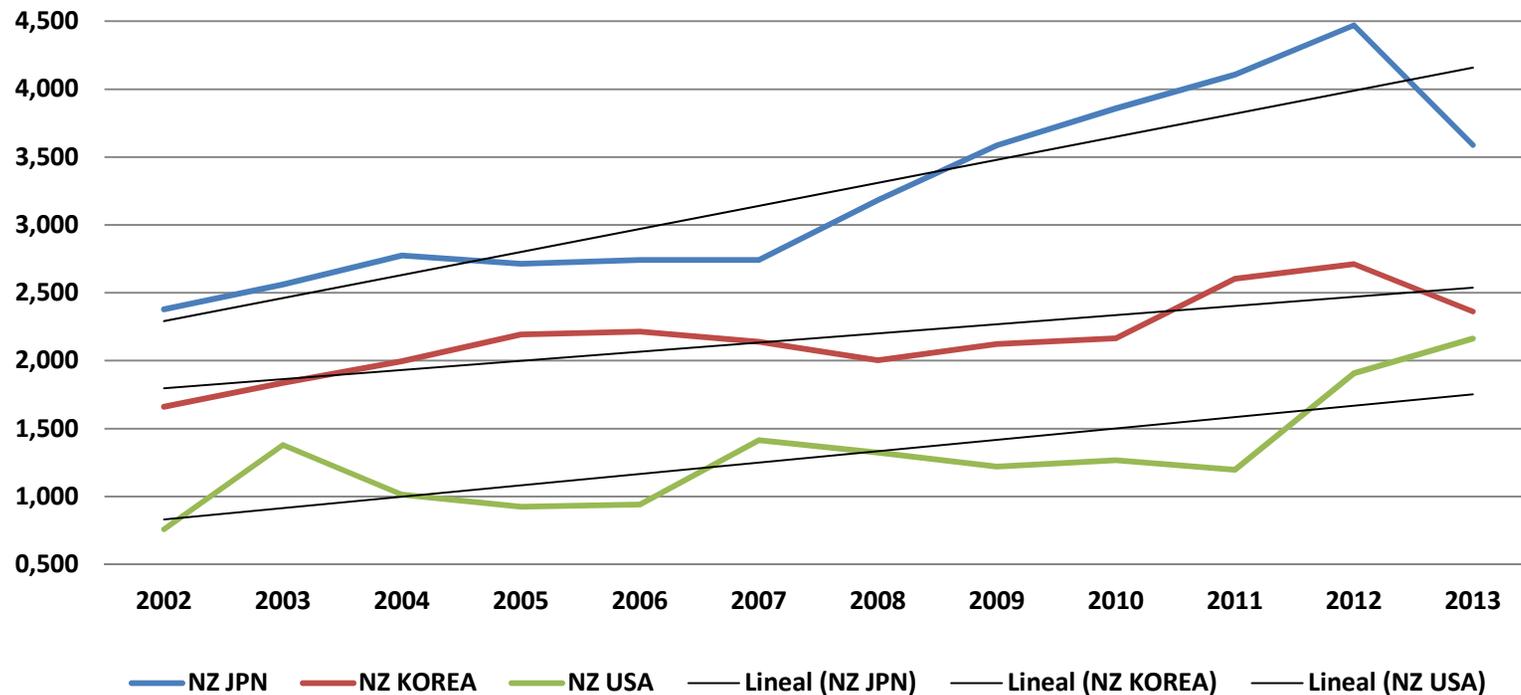
- Recognition of FTA clauses
- Distributor Requisite Agreement: Exclusion of competitor

**Japan:** pending investigation – more evidence must be provided by the petitioner

- FTA's lack a mechanism to ask for the initiation of an investigation:  
Should they include one?

# Kiwifruit Prices

New Zealand Kiwifruit import values (US\$/Kg)  
at diferent Markets, since 2002





## Concluding remarks

### OBJECTIVES

Competition Agency's independence.

Commercial interests.

Obligations in Free Trade Agreements.

A world map with a light gray background. Overlaid on the map are numerous thin, colorful lines (red, blue, green, yellow, orange) that represent global connections or data flows. These lines are most dense in the European and Asian regions. Small, multi-colored dots are scattered across the map, particularly in Europe, Asia, and South America, representing specific nodes or locations.

**Thank you!**

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