

法規名稱：CO-OPERATION AGREEMENT BETWEEN THE TAIWAN FAIR TRADE COMMISSION AND THE HUNGARIAN COMPETITION AUTHORITY REGARDING THE APPLICATION OF COMPETITION AND FAIR TRADING LAWS

簽訂日期：民國 99 年 10 月 28 日

生效日期：民國 99 年 10 月 29 日

The Taiwan Fair Trade Commission (TFTC) and the Gazdasági Versenyhivatal (GVH – the Hungarian Competition Authority), hereinafter referred to as “ the Parties ” ,

Noting that the Parties share the view that the enforcement of competition and fair trading laws is an issue of great importance to the efficient operation of the markets falling under the respective jurisdictions of the Parties,

Considering that cooperation between the Parties would lead to the fairer and more efficient enforcement of competition and fair trading laws which they have the duty to enforce and to encourage the process of international cooperation in these areas,

Aiming at the creation of favourable conditions for the development of bilateral relations,

Based on the principles of equality and mutual benefit,

HAVE AGREED AS FOLLOWS:

Article 1. Objective of this Agreement

The goal of this Agreement is to strengthen co-operation between the Parties in the field of competition and fair trading laws and policies both on the level of general policy matters and individual cases, equally covering enforcement, advocacy and competition culture issues.

Article 2. Definitions

For the application of this Agreement:

1. “competition and fair trading laws” mean:
 - (i) for the TFTC, the Fair Trade Act;
 - (ii) for the GVH, the Act ‘ on the Prohibition of Unfair and Restrictive Market Practices ’ (the Competition Act).
2. “ enforcement activity(ies) ” means any application of competition and fair trading laws by way of investigation or proceeding conducted by a Party.
3. “ territory ” means the territory in respect of which the competition and fair trading laws are enforced by the Parties.

Article 3. Areas for cooperation in the field of competition law and policy

1. In order to secure legal and organisational mechanism for interaction focused on prevention and termination of actions that may negatively affect competition in Taiwan and in Hungary, the Parties indicate areas as follows for cooperation:
 - investigations of behaviours which violate competition and fair trading laws in the respective legislation of the Parties,
 - enforcement of competition legislation which cover both antitrust and unfair competition issues,
 - determination of strategic and tactical aspects of the competition policy if requested.
2. The Parties will share their experience concerning projects in the field of raising awareness of competition law and policy (competition advocacy).

Article 4. Forms of cooperation

The Parties agree to:

- exchange experience in enforcement activities,
- make available annual reports, case descriptions, studies on competition policy and other relevant materials on the

- development of enforcement activities,
- make information available about professional forums organized by each Party and ensure participation if requested
 - ,
 - provide assistance in the determination of strategic and tactical aspects of competition policy and the fight against deceptive or unfair trade practices if requested,
 - notify each other about infringements affecting competition in the territory of the other Party,
 - exchange information concerning infringements affecting competition in the territory of the other Party.

Article 5. Areas for cooperation in matters common for
competition law and policy, and deceptive or unfair
trade practices

Considering that the Parties share similar institutional design by housing the two functions (competition and the fight against deceptive or unfair trade practices) in a single agency, hence it is a common goal to identify and explore the common overarching goals of the two fields.

Accordingly, the Parties agree to share experiences on

- synergies between competition and the fight against deceptive or unfair trade practices,
- the awareness of issues,
- possible cross-border cases.

Article 6. Notification

1. If one of the Parties establishes that actions of undertakings in its own territory, which can have a negative impact on competition in the territory of the other Party, the former shall notify the latter about that.
2. If one of the Parties establishes that competition in its own territory, which can be negatively affected by the actions of undertakings taken place in the territory of the other Party, the former shall notify the latter about that.

3. Notification shall be sent in written form and shall contain a brief account of the essence of the case, references to the relevant legal norms, and other related information in which the sending Party considers to be necessary for submission.
4. The Party, who receives notification, shall consider the possibility of taking the appropriate measures pursuant to requirements of laws enforced by the Parties and shall inform the other Party of the results.

Article 7. Request of information

1. In the course of consideration of actions affecting competition, each Party shall have the right to send a request for information on activities of undertakings to the other Party. The other (requested) Party shall have the right to refuse to provide the requested information if such information was or could be submitted by the undertaking in question pursuant to the legislation of the requested Party.
2. The requesting Party shall state the purpose of its request and the basic circumstances of the case.
3. After receiving a request from the requesting Party the requested Party shall provide the requested information when appropriate and practicable.

Article 8. Consultations

1. If a consultation is requested by one of the Parties, the Parties shall hold consultations on matters covered by this Agreement in order to avoid conflicting decisions in the case of the same infringement.
2. Request on holding the consultation should contain grounds of its necessity.
3. In the case of disagreement the result of the consultations does not preclude the Parties to adopt final decisions.
4. Consultation may be held also in any other essential issues requested by one Party and accepted by the other Party (like more general questions of competition policy or experience of

sector inquiries, etc.).

Article 9. Protection of information

1. Information received as a result of application of this Agreement shall not be disclosed unless the Parties agree otherwise.
2. The Parties may refuse co-operation within the framework of this Agreement on the grounds of the interests of their states or on the grounds concerning the safeguard of commercial and other secrets according to the laws enforced by the Parties.

Article 10. Concluding provisions

1. Unless special funds are dedicated to it or otherwise are agreed by the Parties, the co-operation under this Agreement shall be financed by the requesting Party.
2. This Agreement enters into force on the date of the last signature and is valid for an unlimited period of time. This Agreement may be terminable by either Party upon written notification and in such a case it will be terminated after one month from the notification date.
3. The implementation of the provisions of this Agreement shall not affect the rights and duties, which are ensued from other international agreements of the Parties.

Signed at Taipei, this 27th day of September, 2010, and at Budapest, this 28th day of October, 2010, in duplicate in the English language.

For
the TFTC
Shiow-Ming WU
Chairperson of the TFTC

For
the GVH
Zoltan Nagy
President of the GVH