



FAIR TRADE COMMISSION



*Memorandum of Understanding between  
the Taiwan Fair Trade Commission  
and the French Autorité de la concurrence  
Regarding the Application of Competition Laws*

The Taiwan Fair Trade Commission, on one side, and the French Autorité de la concurrence, on the other side, hereinafter collectively referred to as "the Parties",

Recognizing that the world economies, including those of the territories falling under the jurisdiction of the Parties, are becoming increasingly integrated,

Noting that the Parties share the view that the enforcement of competition law is an issue of great consequence for the efficient operation of the markets of the territories falling under the jurisdiction of the Parties,

Aiming at the creation of favourable conditions for the development of bilateral cooperation, based on the principles of equality and mutual benefit,

**Have agreed as follows:**

**Article 1- Purpose of the Memorandum of Understanding and Definitions**

The purpose of the present Memorandum of Understanding ("the Memorandum") is to promote cooperation and mutual understanding between the Parties in the field of competition law enforcement and competition advocacy.

For the application of the Memorandum:

- "competition law" shall mean:

for the Fair Trade Commission, the Fair Trade Act, except for Articles 20 to 22 and Article 24, and any amendments thereto.

for the Autorité de la concurrence, the Commercial Code, Book IV, articles L.410-1 et seq. and articles R420-10 et seq., and articles 101 and 102 of the Treaty on the Functioning of the European Union;

- “enforcement activity(ies)” shall mean any application of competition law by way of investigation or proceeding conducted by a Party.

#### **Article 2- Cooperation on general matters**

As regards cooperation on general issues of competition policy, the Parties' initiatives shall be mutually agreed between them and shall, inter alia, and subject to their reasonably available resources, comprise the following:

1. organizing seminars, fora, courses and other similar events;
2. welcoming delegations for study visits;
3. receiving trainees, subject to their full proficiency in the working language of the receiving Party;
4. making available to each other information related to legislation, decisions, case law, procedural notices, annual reports, and other publicly available relevant material;
5. notifying the other Party of enforcement activities that may affect the important interests of said Party, in accordance with the Parties' respective laws and procedures.

#### **Article 3- Consultations**

The Parties may consult each other when the activities conducted by one of the Parties may be of interest to the other Party.

Should a Party inform the other Party that activities conducted by the latter may be of interest to the former in its application of competition law, it may request the informed Party to hold consultations in connection with these activities.

Should a Party express its interest in holding such consultations, the other Party will make its best effort to arrange for these.

#### **Article 4- Meetings**

The Parties will endeavour, when needed, to conduct meetings in order to:

- discuss current issues, experiences and new developments of mutual interest with respect to competition legislation, law enforcement and

advocacy, as well as on other issues in the framework of the Memorandum;

- exchange non-confidential information on general issues pertaining to competition policy;
- exchange views with respect to multilateral initiatives in the field of competition policy.

The Parties will take advantage of the opportunities to meet within the framework of international events in which they both take part.

#### **Article 5- Confidentiality**

Each Party recognises the necessity to ensure confidentiality of all information communicated by the other Party in the framework of the Memorandum in accordance with their national legislations.

Each Party commits to complying with all applicable legal rules including, but not limited to, business confidentiality, professional secrecy and the protection of personal data.

#### **Article 6- Final provisions**

Upon the signature of the Memorandum, and with no further delay, each Party shall appoint a contact person in charge of overseeing the performance of the Memorandum.

The Memorandum shall enter into force upon the date of the signature for a period of one year and will be tacitly renewed for consecutive one-year periods thereafter.

The Memorandum is subject to termination by either Party upon one-month prior written notification.

Obligations of the Parties regarding the confidentiality of information received in the framework of the Memorandum shall continue to be binding after its termination.

The Memorandum shall not affect the rights and obligations arising out of any other cooperation memoranda entered into by the Parties.

Any amendment to the Memorandum shall be made by mutual agreement of the Parties in the written form, executed as a protocol and signed by both Parties.

The Memorandum is to replace and supersede the “Cooperation Arrangement between the Taiwanese Fair Trade Commission and the French Competition

Council Regarding the Application of their Competition Rules” (“the Arrangement”) signed on 5 January 2004. Accordingly, the Arrangement will be terminated on the date that the Memorandum comes into effect.

Signed in Taipei, this 3rd day of November, 2014, and in Paris, this 18th day of December, 2014, in two original copies, each in Chinese, French and English languages, all being equally authentic.

For the *Fair Trade Commission* (Taiwan)    For the *Autorité de la concurrence* (France)

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SHIOW-MING WU

CHAIRPERSON

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BRUNO LASSERRE

PRESIDENT