AGREEMENT ON COOPERATION

IN ECONOMIC COMPETITION POLICY BETWEEN THE NATIONAL AGENCY FOR THE PROTECTION OF COMPETITION OF THE REPUBLIC OF MOLDOVA AND THE STATE COMMISSION FOR THE PROTECTION OF ECONOMIC COMPETITION OF THE REPUBLIC OF ARMENIA

The National Agency for the Protection of Competition of the Republic of Moldova and the State Commission for the Protection of Economic Competition of the Republic of Armenia hereinafter jointly referred to as "the Parties",

Expressing the wish to promote cooperation in the field of competition law and implementation of economic competition protection policy,

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

Based on the principles of equality and mutual benefit,

Highlighting the role of implementation of competition protection policy in promoting the effective development of market economy,

Signed the agreement on the following:

Article 1. Objectives of the Agreement

The goal of the Agreement shall be to strengthen co-operation between the Parties in the field of competition law and implementation of economic competition protection policy both on the level of general policy matters and individual cases.

Article 2. Cooperation in general matters

1. To secure legal and organisational mechanism for interaction focused on prevention, restriction and termination of actions that may negatively affect economic competition in the Republic of Moldova and in the Republic of Armenia, the Parties agreed to:
   - exchange experience in conducting investigations, study, monitoring, inspection and proceedings of monopoly activities and violations of the antimonopoly or economic competition legislation,
   - make available to each other annual reports and programs, case descriptions, studies on competition policy and other relevant materials on the development of the economic competition legislation,
   - provide assistance to each other in establishing necessary relations with legislative, executive and judiciary bodies of their states,
   - provide opportunity to receive specialists of the other Party with the aim to exchange experience,
   - provide assistance to each other in the determination of strategic and tactical aspects of implementation of economic competition protection policy if requested.
2. Parties will share experience with each other to increase effectiveness on enforcing economic competition protection legislation, competition advocacy and competition culture.

Article 3. Scope of cooperation

1. The provisions of the present Agreement shall refer to those researches, studies, monitoring, investigations and proceedings, which are implemented in relation with such actions or conduct, which have or may have a negative impact on the competition environment of the Republic of Moldova and/or the Republic of Armenia and which are carried out by economic entities of the Republic of Moldova and/or of the Republic of Armenia.
2. For the purposes of the Agreement the notion "the actions or conduct, which have or could have a negative impact on competition environment" shall mean:
   - abuse of dominant position;
   - agreements and other concerned practices between economic entities, which lead or may lead to restriction, prevention or prohibition of competition;
   - concentration of economic entities subject to notification both in Moldova and in Armenia;
   - unfair competition.

Article 4. Cooperation in individual cases

Cooperation in individual cases are implemented in the forms which allow, in time and at most, to consider the interests of the Parties in the sphere of economic competition, including:

- sending notifications,
- requesting information,
- consultations,
- exchange of experience,
- implementing joint proceedings,
- adopting decision according to the national legislation.

Article 5. Notification

1. If one of the Parties establishes that actions or conduct of economic entities in the territory of its state have or may 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 state is negatively affected or may be affected by the actions of economic entities 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 national legal norms, and other pieces of information, which the sending Party considers to be necessary for submission.
4. The Party, which received notification shall consider the possibility of taking the appropriate measures pursuant to requirements of its national laws and shall inform the other Party of the results.

Article 6. Request of information

1. In the course of consideration of actions or conduct affecting competition, each Party shall have the right to send a request for information on activities of economic entities to the other Party. The other Party shall have the right to refuse to provide the requested information if such information was or could be submitted by the economic entity in question pursuant to national laws. A request can also be refused on grounds of confidentiality.
2. The requesting Party shall state the purpose of its request and the basic circumstances of the case.

3. The requested information shall be provided not later then three months after receipt of the request.

Article 7. Consultations

1. If requested, the Parties shall hold consultations on matters covered by the present Agreement in order to avoid conflicting decisions in the case of the same infringements.
2. Request on holding the consultation should contain grounds of its necessity.
3. The Parties have a right to hold consultation not later than three months after receipt of the request unless otherwise agreed.
4. In the case of disagreement the result of the consultations does not preclude the Parties to adopt final decisions.

Article 8. Protection of information

1. Information received as a result of application of this Agreement may not be disclosed unless the Parties agree otherwise.
2. The Parties may refuse co-operation within the framework of the Agreement according to their state's interests concerning the safeguarding of state, commercial, and other secrets according to national law.

Article 9. Settlement of disputes

Disputes about the interpretation and application of provisions of the Agreement shall be settled by holding consultations and negotiations.

Article 10. Concluding provisions

1. Unless special funds dedicated to it or otherwise agreed by the Parties, cooperation under the present agreement shall be financed by the requesting Party.
2. The Agreement shall come into force on the date of its signing and for an undetermined period of time.
3. The implementation of provisions of the Agreement shall not affect the rights and duties, which ensue from other international obligations of the Parties.
4. The given Agreement has been concluded in two original copies, each in the English, Moldavian and Armenian languages, hereby, all copies are of equal force. If any disagreements of interpretation appear, the English version shall prevail.

Signed at Yerevan on 31.10.2007

For
the National Agency for the Protection of Competition of the Republic of Moldova

Viorica Carare _____
General Director

For
the State Commission for the Protection of Economic Competition of the Republic of Armenia

Ashot Shahnazaryan _____
Chairman