

## New Zealand and EU approaches to competition policy

**Processes and rules for ensuring a level playing field for business, curtailing anti-competitive behaviour and protecting consumers from misleading claims are part of our negotiations.**

New Zealand and the EU already have comprehensive competition policy regimes. We're closely aligned in our approaches to curtailing anti-competitive behaviour and enforcement of competition law. For this reason, we expect a strong competition chapter to be included as part of an EU-NZ FTA.

### **Why do we negotiate competition policy rules in free trade agreements?**

While rules on competition policy do not directly aim to increase market access, the competition chapter will ensure that the benefits for businesses and consumers gained through trade liberalisation in the free trade agreement are not undermined by anti-competitive conduct.

For businesses, rules in the competition chapter will promote a level playing field. The chapter will look to ensure that all competition rules and regulations are applied in a fair and transparent way so that businesses can operate with confidence while trading in a foreign market.

Competition provisions help protect consumers from anti-competitive business practices and ensure that there are processes for redress in cases where consumers have been harmed by misleading or deceptive claims.

### **How do we achieve these objectives?**

In negotiating competition chapters, New Zealand seeks to ensure that efficient competition laws and regulations are maintained and enforced in a fair and transparent way. New Zealand also has a strong interest in ensuring that consumers are protected from anti-competitive behaviour and any misleading or deceptive conduct.

### **Key obligations**

#### **Competition law and regulations:**

- *Comprehensive application of competition laws and regulations:* Application of competition laws and regulations to all entities engaged in commercial activities.
- *Transparency:* Competition laws, regulations, guidelines, implementation and enforcement processes should be publically available and easily accessible.

#### **Procedural fairness in the enforcement of competition law:**

- *Independence of competition law enforcement authorities:* The independence of competition law enforcement authorities free from political considerations or influence.
- *Due process:* Due process rights and legal remedies for all persons or entities subject to investigation or sanction.

These rights include, *inter alia*, the right to be heard and to present evidence before a sanction is imposed, access to an independent review, and a timely and transparent review and sanctions process.

**Consumer protection:**

- *Consumer protection:* Adoption, promotion and implementation of laws, regulations and consumer redress mechanisms against misleading or deceptive conduct that cause harm to consumers.