

**DISCLAIMER:** *The Commission and Australia are publishing the texts of the Agreement following the announcement of conclusion of the negotiations on 24 March 2026. The texts are published in view of the public interest in the Agreement, for information purposes only and they may undergo further minor modifications, including as a result of the process of legal and linguistic revision. These texts are without prejudice to the final outcome of the Agreement between the EU and Australia. The texts will be final upon signature. The Agreement will become binding on the Parties under international law only after completion by each Party of its applicable legal requirements and procedures necessary for the entry into force of the Agreement.*

## CHAPTER 14

### ANTI-COMPETITIVE CONDUCT AND MERGER CONTROL

#### ARTICLE 14.1

##### Principles

The Parties recognise the importance of promoting free and undistorted competition and economic efficiency in markets. The Parties acknowledge that anti-competitive business practices have the potential to distort the proper functioning of markets and can undermine the benefits of trade and investment.

#### ARTICLE 14.2

##### Definitions

For the purposes of this Chapter, the following definitions apply:

- (a) "anti-competitive practices" means business conduct or transactions that adversely affect competition, such as:
  - (i) anti-competitive horizontal arrangements and concerted practices between economic entities;

- (ii) misuse of market power and abuse of a dominant position;
  - (iii) anti-competitive vertical arrangements and concerted practices between economic entities; and
  - (iv) anti-competitive concentrations;
- (b) "competition authority" means:
- (i) for Australia, the Australian Competition and Consumer Commission, or its successor; and
  - (ii) for the Union, the European Commission;
- (c) "competition law" means any law which addresses and proscribes anti-competitive practices:
- (i) for Australia, at the central level of government; and
  - (ii) for the Union, at the Union level;
- (d) "economic entities" means entities, whether private or public, that are:
- (i) for Australia, engaged in trade or commerce; and
  - (ii) for the Union, undertakings engaged in economic activities.

## ARTICLE 14.3

### Legislative framework

1. Each Party shall adopt or maintain competition law that applies in all sectors of the economy and to all economic entities.<sup>1</sup>
2. Notwithstanding paragraph 1, a Party may provide for exemptions and exceptions in or pursuant to its competition law. Such exemptions and exceptions shall be transparent and necessary on grounds of clearly established public policy or public interest objectives, as determined by that Party.

#### ARTICLE 14.4

##### Implementation

1. Each Party shall establish or maintain an operationally independent competition authority, with the appropriate powers, financial and human resources to effectively enforce its competition law.
2. Each Party shall apply its competition law in a transparent manner, respecting the principles of procedural fairness, including by providing reasonable opportunities for the economic entities concerned to exercise their right of defence, in particular the right to be heard, and seek review or appeal by a judicial body.

#### ARTICLE 14.5

##### Cooperation

1. The Parties recognise the importance of cooperation between their respective competition authorities with regard to competition policy and enforcement of competition law.

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<sup>1</sup> For greater certainty, pursuant to Article 42 TFEU, Union rules on competition apply to the Union EU Union agricultural sector in accordance with Regulation (EU) No 1308/2013 of the European Parliament and of the Council establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ EU L 347, 20.12.2013, p. 671)].

2. To facilitate such cooperation, the competition authorities of the Parties may exchange information, to the extent permitted by each Party's laws and regulations, including those related to confidentiality.
3. The Parties shall ensure their competition authorities endeavour to coordinate, if possible and appropriate, their enforcement activities under their respective competition laws relating to the same or related conduct or transactions.
4. The Parties may consider entering into a separate cooperation agreement that sets out mutually agreed terms for implementing cooperation and coordination, including *inter alia*, frameworks for exchanging information between the competition authorities of the Parties.

#### ARTICLE 14.6

##### Non-application of dispute settlement

Chapter 24 (Dispute settlement) does not apply to this Chapter.