

United States – Mexico – Canada Agreement (USMCA)

Competition policy

This chapter assures that **the authorities in charge of the competition policy** in the North American region will cooperate to guard, promote and ensure free market **competition and efficiency** in the three countries.

General provisions:

- Each party will **keep and implement competition laws** that forbid anticompetitive business practices in order to increase economic efficiency and consumer welfare.
- It covers **disciplines regarding cooperation, consumer protection, transparency and consultations.**
- It establishes **commitments to negotiate bilateral cooperation instruments** among authorities as well as to adopt or maintain consumer protection laws.
- This chapter is **not subject to the Dispute Settlement Mechanism.**
- Regarding **procedural fairness in competition law enforcement**, it includes provisions that:
 - Conduct investigations subject to **definitive deadlines** or within a **reasonable time frame.**
 - Possibility to have **legal counsel representation** and access to information to prepare adequate defense.
 - **Right to present evidence for defense**, including rebuttal evidence, or qualified expert analysis.
 - **Right to participate with the national authority** on significant issues regarding law and procedure.
 - **Right to object an allegation of law violation** to impartial judicial or administrative authority.
- Regarding **reviews of merger transactions**, it allows for **early consultations** between the national competition authority and the merging persons to provide their views concerning the transaction.
- **National competition authorities will try to cooperate regarding their laws and enforcement policy**, even by assisting investigation, mutual legal assistance, notifications, consultations and information exchange.
 - Cooperation will be through national public national bodies or those relevant agencies to consumer's protection policy and national competition authorities.
- The parties may **consult with a requesting party regarding an issue affecting trade or investment** and to enhance understanding among competition authorities.