

AGREEMENT ON ANTITRUST COOPERATION BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE AND THE UNITED STATES FEDERAL TRADE COMMISSION, OF THE ONE PART, AND THE NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND THE PROTECTION OF INTELLECTUAL PROPERTY (INDECOPI) OF THE REPUBLIC OF PERU, OF THE OTHER PART

The United States Federal Trade Commission and the United States Department of Justice (e)(6)(U)-9(u) d r U Government of the United States of America and the Government of the Republic of Peru within the framework of the United States-Peru Trade Promotion Agreement, signed on April 12, 2006, and in particular to the commitment of the United States and Peru in Chapter 13 of that Agreement to cooperate in the area of competition policy,

Recognizing that cooperation and coordination in competition law enforcement activities between the U.S. antitrust agencies and INDECOPI may, in appropriate cases, result in a more effective resolution of their respective concerns than would be attained through independent action, and

Noting the commitment of the U.S. antitrust agencies and INDECOPI to give careful consideration to each other's important interests in the application of their competition laws,

Have agreed as follows:

**ARTICLE I
PURPOSE AND DEFINITIONS**

1. The purpose of this Agreement is to promote cooperation, including cooperation in the enforcement of competition laws, and to ensure that the U.S. antitrust agencies and INDECOPI give careful consideration to each other's important interests in the application of their competition laws.

2. For the purposes of this Agreement, the following terms shall have the following definitions:
- (a) “Anticompetitive practice(s)” means any conduct or transaction that may be subject to penalties or other relief under the competition laws enforced by the U.S. antitrust agencies or INDECOPI;
 - (b) “Competition authority(ies)” means the U.S. antitrust agencies and INDECOPI;
 - (c) “Competition law(s)” means
 - (i) For INDECOPI, Legislative Decree 1034, the Law for the Suppression of Anticompetitive Conduct, published June 25, 2008, and any regulations that modify or complement it, as well as any amendments thereto.
 - (ii) For the U.S. antitrust agencies, the Sherman Act (15 U.S.C. §§ 1-7), the Clayton Act (15 U.S.C. §§ 12-27), the Wilson Tariff Act (15 U.S.C. §§ 8-11), and the Federal Trade Commission Act (15 U.S.C. §§ 41-58), to the extent that it applies to unfair methods of competition, as well as any amendments thereto; and
 - (d)

ARTICLE III
COORDINATION WITH REGARD TO RELATED MATTERS

1. Where one of the U.S. antitrust agencies and INDECOPI are both pursuing enforcement activities with regard to related matters, they shall consider coordination of their enforcement activities.

- 2.

ARTICLE VI
MEETINGS OF COMPETITION AUTHORITIES

Representatives of each country's competition authorities shall meet periodically to

**ARTICLE X
ENTRY INTO FORCE AND TERMINATION**

1. This Agreement shall enter into force upon signature.
2. This Agreement shall remain in force for an indefinite period of time, unless one Party notifies the other Party in writing that it wishes to terminate the Agreement. In that case, the Agreement shall terminate 60 days after the date of such written notification.

Signed at Washington, on this _____ day of May, 2016, in the English and Spanish languages, both texts being equally authentic.

FOR THE U.S. ANTITRUST AGENCIES:

Edith Ramirez
Chairwoman
Federal Trade Commission

Renata B. Hesse
Principal Deputy Assistant Attorney General
Antitrust Division
Department of Justice

FOR THE NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND
THE PROTECTION OF INTELLECTUAL PROPERTY OF THE REPUBLIC OF PERU:

Hebert E. Tassano V.
Chairman of the Board of Directors
INDECOPI