

**MEMORANDUM OF UNDERSTANDING ON COOPERATION  
IN THE COMPETITION FIELD  
BETWEEN  
THE ADMINISTRATIVE COUNCIL FOR ECONOMIC DEFENSE OF THE  
FEDERATIVE REPUBLIC OF BRAZIL AND  
THE FAIR TRADE COMMISSION OF THE REPUBLIC OF KOREA**

**Preamble**

The Administrative Council for Economic Defense (CADE) of the Federative Republic of Brazil and the Fair Trade Commission (KFTC) of the Republic of Korea and (hereinafter referred to as “the Participants”),

Recognizing the importance of cooperation and coordination between the Participants for the enhancement of the effective, transparent, fair and non-discriminatory enforcement of the competition laws of both jurisdictions,

Expressing the wish to develop and strengthen cooperation in the field of competition law and policy,

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

Hereby reached understanding as follows:

**Paragraph 1 - Purpose**

1.1. The purpose of this Memorandum of Understanding is to promote and strengthen cooperation and coordination between the Participants, and to increase their understanding and awareness of current and forthcoming policy approaches in their respective jurisdictions in the area of competition policy, legislation and enforcement.

**Paragraph 2 - Scope**

2.1. Cooperation on competition aspects will focus on the following:

2.1.1. Exchange of policies, laws, rules, experiences and information on anti-competitive activities, as well as the development of legislation and enforcement within the competition field, in accordance with the laws of the respective countries

- 2.1.2. Notification of enforcement activities between the Participants
- 2.1.3. Coordination of enforcement activities between the Participants concerning related matters
- 2.1.4. Participation in the International Conferences, Seminars and other events organized by each Participant on issues related to competition policy and competition law enforcement, within the reasonably available resources of each Participant
- 2.1.5. Arrangement of technical assistance programs, in accordance with the laws of the respective countries and within the limits of reasonably available resources of each Participant
- 2.1.6. Organization of high-ranking officials' meetings and mutual visits of working level staff for discussing competition issues of the Participants
- 2.1.7. Other issues regarding cooperation in competition agreed upon by the Participants

### **Paragraph 3 - Funding**

- 3.1. Each Participant will be responsible for the expenses of its personnel in the fulfillment of official activities made under this Memorandum of Understanding, including travel expenses.
- 3.2. This Memorandum of Understanding does not require any sort of funds transfer between the Participants.

### **Paragraph 4 - Exchange of Information**

- 4.1. Each Participant will, to the extent consistent with its laws and regulations of, and its important interests, provide the other Participant, upon request by the other Participant and in accordance with the provisions of this Memorandum of Understanding, with information within its possession that is relevant to the enforcement activities of the other Participant.
- 4.2. The exchange of information will be made via mail, e-mail or, where appropriate, via telephone. In order to facilitate communication, the language used should be English.
- 4.3. It is understood that the Participants do not intend to communicate information to the each other, if such communication is prohibited by the laws governing the Participant that possesses the information or if it is incompatible with that Participant's interests.
- 4.4 Each Participant will keep confidential the information provided by the other

according to this Memorandum of Understanding in line with the laws of its country, unless agreements are reached through negotiations stating otherwise.

4.5. All exchange of information will be conducted in strict confidentiality in line with the Participant's applicable laws unless stated otherwise in agreements reached through negotiations.

#### **Paragraph 5 – Notification**

5.1. Each Participant will notify the other Participant of the enforcement activities of the notifying Participant that the notifying Participant considers may affect the important interests of the other Participant.

5.2. Provided that it is not contrary to the laws and regulations of the country of the notifying Participant and does not affect any investigation or proceedings being carried out by the notifying Participant, notification pursuant to subparagraph 5.1 will be given as promptly as possible when the notifying Participant becomes aware that its enforcement activities may affect the important interests of the other Participant.

#### **Paragraph 6 - Coordination**

6.1. Where the two Participants pursue enforcement activities concerning related matters, they will endeavor to coordinate their enforcement activities, where it is appropriate and practicable.

#### **Paragraph 7 – Conflict Avoidance**

7.1. Each Participant will give careful consideration to the important interests of the other Participant throughout all phases of its enforcement activities, including decisions regarding the initiation of enforcement activities, the scope of enforcement activities and the nature of sanctions or other relief sought in each case.

7.2. Should one Participant inform the other Participant that an enforcement activity of the latter may affect the former's important interests in the application of its competition law, the latter will endeavor to provide an opportunity to exchange views and to update the former on significant developments relating to those interests.

#### **Paragraph 8 - Amendments**

8.1. This Memorandum of Understanding may be amended through Mutual agreement of the Participants. The amendments will come into effect after the receipt by the Participants of formal written notification of the other participant approval.

### **Paragraph 9 - Consultation**

9.1. The Participants agree to appoint a Liaison Department from their respective offices to ensure adequate communication between the Participants as follows:

9.1.1.1. For the CADE,

Liaison Department: International Unit

Tel: +55 61 3221-8583

Fax: +55 61 3326-9733

Email: [international@cade.gov.br](mailto:international@cade.gov.br)

9.1.1.2. For the KFTC,

Liaison Department: International Cooperation Division

Tel: +82 44 200 4318

Fax: +82 44 200 4343

Email: [kftc@korea.kr](mailto:kftc@korea.kr)

### **Paragraph 10 - Term**

10.1. This Memorandum of Understanding enters into effect after thirty (30) days of its signature.

10.2. Each Participant will pursue internal procedures regarding the conclusion of this Memorandum of Understanding required by relevant laws and regulations of its country. The Participants will respect each other's internal procedures regarding the conclusion of this Memorandum of Understanding. The CADE will publish the Memorandum summary at Brazilian Official Gazette.

10.3. This Memorandum of Understanding will be effective for a three (3) year period, to be considered from the date of its entering into effect. Continuously, in the absence of any opposite acts, it will be automatically renewed for equal consecutive terms.

10.4. Each Participant may terminate this Memorandum of Understanding, upon a written notification to the other Participant, thirty (30) days in advance.

10.5. Nothing in this Memorandum of Understanding is intended to create legally binding rights or obligation.


10.6. All cooperation under this Memorandum of Understanding will be conducted subject to the laws and regulations in force in the respective country of each Participant and within the reasonably available resources of each Participant.

10.7. Any divergence caused by interpretation, application or omission of this Memorandum will be solved by the Participants, through mutual agreement and, if necessary, through diplomatic ways.

Signed in duplicate at Marrakech, Kingdom of Marroco on the 24th day of April 2014, in the Korean, Portuguese and English languages, all texts being equally valid. In case of any divergence of interpretation, the English text will be used.

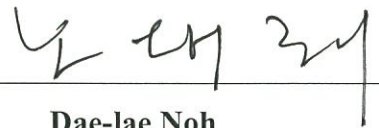
for the Council for Economic Defense of  
the Federative Republic of Brazil

for the Fair Trade Commission of the  
Republic of Korea



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**Vinicius Marques de Carvalho**  
**President**



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**Dae-lae Noh**  
**Chairman**