ASEAN Competition Action Plan
2016 - 2025

ASEAN SECRETARIAT
18 December 2018
Jakarta
ASEAN Experts Group on Competition (AEGC)

**Establishment**
- AEGC was established in 2007
- Endorsed by the ASEAN Economic Ministers (AEM)

**Objectives**
- Discuss and coordinate competition policies
- Promote a healthy competitive environment in the ASEAN region
- Formulate plans and strategies to advance the economic development and integration of ASEAN

**ASEAN Competition Action Plan (ACAP) 2016-2025**
- 20 Initiatives
- 40 Outcomes
- Aim: To ensure enforceable competition rules that protect against anti-competitive practices and promote consumer welfare, as well as to pursue a regional competition policy.
Strategic Goals of the ASEAN Competition Action Plan (ACAP 2025)

1. Effective ASEAN Competition Regimes are established in all AMS
2. Capacities of Competition-Related Agencies in AMS are Strengthened to Effectively Implement CPL
3. Regional Cooperation Arrangements on CPL Matters Are in Place
4. Fostering a Competition-Aware ASEAN Region
5. Moving towards greater harmonization of competition policy and law in ASEAN
GOAL 1

Effective ASEAN Competition Regimes are established in all AMS
ASEAN Competition Regimes

(Nine AMS have competition laws in place)
### ASEAN’S COMPETITION REGIMES

<table>
<thead>
<tr>
<th>Anti Competitive Agreements</th>
<th>Abuse of Dominant Position</th>
<th>Anti- Competitive Mergers</th>
<th>Leniency</th>
<th>Scope/ Coverage</th>
<th>Competition Authority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brunei</td>
<td>Brunei</td>
<td>Brunei</td>
<td>Brunei</td>
<td>BN-ALL</td>
<td>BN – Competition Comission of Brunei</td>
</tr>
<tr>
<td>Indonesia</td>
<td>Indonesia</td>
<td>Indonesia</td>
<td>Indonesia</td>
<td>Lao PDR - ALL</td>
<td>Lao PDR – TBC</td>
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<tr>
<td>Lao PDR</td>
<td>Lao PDR</td>
<td>Lao PDR</td>
<td>Lao PDR</td>
<td>ID - ALL</td>
<td>ID - KPPU</td>
</tr>
<tr>
<td>Malaysia</td>
<td>Malaysia</td>
<td>Malaysia</td>
<td>Malaysia</td>
<td>MY - ALL (co-jurisdiction)</td>
<td>MY- MyCC</td>
</tr>
<tr>
<td>Myanmar</td>
<td>Myanmar</td>
<td>Myanmar</td>
<td>Myanmar</td>
<td>MM- ALL</td>
<td>MM: TBC</td>
</tr>
<tr>
<td>Philippines</td>
<td>Philippines</td>
<td>Philippines</td>
<td>Philippines</td>
<td>PH – TEL, energy</td>
<td>PH – PCC/OFC</td>
</tr>
<tr>
<td>Singapore</td>
<td>Singapore</td>
<td>Singapore</td>
<td>Singapore</td>
<td>CCS – civil aviation, transport, energy and TEL</td>
<td>SG- CCS</td>
</tr>
<tr>
<td>Thailand</td>
<td>Thailand</td>
<td>Thailand</td>
<td>Thailand</td>
<td>TH – TEL and Energy</td>
<td>TH - OTCC</td>
</tr>
<tr>
<td>Viet Nam</td>
<td>Viet Nam</td>
<td>Viet Nam</td>
<td>Viet Nam</td>
<td>VN- ALL*</td>
<td>VN - VCCA</td>
</tr>
</tbody>
</table>

9/10 AMS have competition laws
The Self-Assessment Toolkit

An qualitative assessment to understand the strengths and weaknesses of the country’s law and policy and their enforcement

Assessment Factors

- Legal framework and enforcement
- Institutional and cooperative arrangements
- Advocacy
- Resources and capacity development
PEER REVIEWS OF COMPETITION REGIMES

Not a trial IN COURT

But feedback from PEERS towards improvements
GOAL 2

Capacities of Competition-Related Agencies in AMS are Strengthened to Effectively Implement CPL
## DIALOGUE PARTNERS’ SUPPORT

<table>
<thead>
<tr>
<th>ASEAN-GERMANY</th>
<th>AANZFTA ASEAN ECONOMIC COOPERATION SUPPORT PROGRAMME (AECSP)</th>
<th>JAPAN-ASEAN INTEGRATION FUND (JAIF)</th>
<th>EU COMPETITION COLLABORATION PROJECT</th>
</tr>
</thead>
</table>

- Institutional strengthening
- Enforcement capacity building
- Regional cooperation
GOAL 3

Regional Cooperation Arrangements on CPL Matters Are in Place
ASEAN REGIONAL COOPERATION

Brainstorming on elements and best practices of regional cooperation.

Framework ADOPTED

REGIONAL COOPERATION AGREEMENT:
- Adoption/Signed by Ministers.
<table>
<thead>
<tr>
<th><strong>AREAS OF COOPERATION UNDER THE ARCF</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Agency Information</strong></td>
</tr>
<tr>
<td>• Exchange of advocacy materials</td>
</tr>
<tr>
<td>• Guidelines</td>
</tr>
<tr>
<td>• Internal Processes</td>
</tr>
<tr>
<td><strong>Case-related Information</strong></td>
</tr>
<tr>
<td>• Notification of non-confidential mergers</td>
</tr>
<tr>
<td>• Industry knowledge</td>
</tr>
<tr>
<td>• Knowledge of harm</td>
</tr>
<tr>
<td>• Investigation processes</td>
</tr>
<tr>
<td><strong>Enforcement Cooperation</strong></td>
</tr>
<tr>
<td>• Enforcement policies and priorities</td>
</tr>
<tr>
<td>• Techniques for investigation or economic analysis</td>
</tr>
<tr>
<td>• Guidelines on Regional Cooperation</td>
</tr>
<tr>
<td><strong>Merger Cooperation</strong></td>
</tr>
<tr>
<td>• Lessons on merger investigations</td>
</tr>
<tr>
<td>• Processes e.g. merger filing forms or remedy templates</td>
</tr>
<tr>
<td>• Developing an ASEAN specific merger waiver or merger notification form</td>
</tr>
<tr>
<td><strong>Technical Assistance</strong></td>
</tr>
<tr>
<td>• Knowledge Management System</td>
</tr>
<tr>
<td>• Training/Secondments</td>
</tr>
<tr>
<td>• ARCC</td>
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</table>
**ASEAN Research Centre for Competition**

A platform for collaborative research activities that addresses competition issues in the region; provision of capacity building for competition agencies as well as relevant stakeholders; and to undertake competition advocacy activities.

- **Pilot Project**
  - Virtual Research Centre (2018-2019)
  - Physical Research Centre (upon evaluation)
Virtual ASEAN Competition Research Centre

https://asean-competition.org/research/

Register through
https://asean-competition.org/research/contact-us
Strengthening cross-border enforcement cooperation
GOAL 4

Fostering a Competition-Aware ASEAN Region
ASEAN Competition Business Perception Index

OBJECTIVES

- Gauge business perceptions and knowledge
- Build a broad-based competition culture
- Encourage competition compliance
- Supplement legal framework and institutional capacities
OBJECTIVES OF THE TOOLKIT

- Guide in assisting businesses to develop a credible competition compliance programme
- Preventive measure to reduce companies’ exposure to liabilities as a result of violations
- Facilitate the work of competition agencies
Fostering Competition Awareness

- Regional Study to Assess Impact of Exemptions/NTBs
- Regional Study to Assess Impact of SOEs
- Strengthen Interface with other Sectoral Bodies
- ASEAN Competition Compliance Toolkit for Businesses
AEGC Publications

https://asean-competition.org/resources

AEGC Annual Reports (2016, 2017)

Toolkit for Competition Advocacy in ASEAN

Competition Compliance Toolkit for Businesses in ASEAN

Handbook on Competition Policy and Law in ASEAN for Business 2017
Regional Guidelines on Competition Policy 2010

The Regional Guideline is expected to be updated by 2020.

https://asean-competition.org/read-publication-asean-regional-guidelines-on-competition-policy
GOAL 5

Moving towards greater harmonization of competition policy and law in ASEAN
STEPS TOWARDS CONVERGENCE

- Recommended procedures for joint investigations and decision on cross-border cases
- Commonalities and differences in competition legislation
- Substantive as well as procedural standards in CPL enforcement
- Strategy paper on areas feasible for regional convergence
Longer-term Direction

1. Laws
   Competition Laws in All AMS

2. Awareness
   Enhance Awareness and Compliance Among Businesses

3. Cooperation
   Functional regional cooperation mechanism for CPL enforcement

4. Convergence I
   Convergence ("soft harmonization") of practices and procedures

5. Convergence II
   Convergence of laws
IMPLICATIONS OF THE ACAP 2025 FOR AMS

• Better alignment of competition laws with INTERNATIONAL best practices through peer reviews/self-assessments

• Stronger REGIONAL COOPERATION including in enforcement which may predicate adopting similar procedural or substantive standards

• Better feedback/measurement of effectiveness through the ACBPI

• More standardized competition environment for business through greater integration
THANK YOU