



**AEGC 10**  
PROMOTING & PROTECTING THE COMPETITIVE PROCESS  
— 2017 —



**ASEAN 50**  
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# **ASEAN Expert Group on Competition (AEGC) Inaugural Annual Report 2016**

**May 2017**

## **I. INTRODUCTION**

It has been a remarkable ten years since the ASEAN Experts Group on Competition (AEGC) was first established in 2007, with considerable amount of work accomplished during this decade to put in place competition law regimes in ASEAN Member States (AMS). As ASEAN celebrates the ASEAN@50 (ASEAN's 50<sup>th</sup> Anniversary) and AEGC@10 in 2017, the AEGC has found it timely to commemorate these two anniversaries through an inaugural 2016 Annual AEGC Report, which will be the first in the series of the annual AEGC Reports.

The 2016 Inaugural Annual Report is also opportune as 2016 is the first year of the implementation of the strategic measures on competition under the ASEAN Economic Community (AEC) Blueprint 2025 and the more elaborated competition initiatives under the ASEAN Competition Action Plan (ACAP) 2025. The purposes of the AEGC Annual Reports are to promote the important work on competition being undertaken in ASEAN; document the yearly progress of AEGC in implementing the ACAP 2025 and future plans; provide updates into the AEGC's workplan and priorities; as well to highlight developments in the competition policy and law regime of individual AMS in the year under review.

This Report will begin with some key milestones in ASEAN's integration journey as it celebrates its 50<sup>th</sup> Anniversary, elaboration of some major achievements of the AEGC and individual AMS in the past ten years in the field of competition policy and law as well as the progress in implementing ACAP 2025.

## **II. ASEAN@50**

The Association of South-east Asian Nations (ASEAN) was founded in 1967 in Bangkok, Thailand, with the signing of the [ASEAN Declaration](#) (Bangkok Declaration) by the Founding Members of ASEAN from Indonesia, Malaysia, Philippines, Singapore and Thailand. The five remaining Member States; Brunei Darussalam, Viet Nam, Lao PDR, Myanmar and Cambodia, joined at various times since then, making up what is today the ten Member States of ASEAN.

Since its establishment, ASEAN has made great progress in its economic development, expanding by an average of 5.3% per annum in real GDP growth between 2007 and 2015. It has grown tremendously to become the 6<sup>th</sup> largest economy (aggregation of ten AMS) in the world with a combined GDP of USD 2.6 trillion in 2016, leveraging on a consumer base of 625 million people. Over 50% of ASEAN's population are under the age of 30, which creates a strong potential for future economic expansion and prosperity. ASEAN, since 2014, has been receiving the highest level of Foreign Direct Investment (FDI), with of over USD 120 billion in 2015 or 7% of global FDI. Meanwhile, ASEAN's trade with each other and with the rest of the world, was USD 2.3 trillion in 2015, representing 7% of global trade flows.

ASEAN's progress, in no small degree, is attributed to the success of its economic integration initiatives. The ASEAN Leaders at the Kuala Lumpur Summit in 1997 decided to transform ASEAN into a stable, prosperous and highly competitive region, with equitable economic development under the ASEAN Vision 2020. This was followed by the declaration at the Bali Summit in 2003 (Bali Concord II) that the ASEAN Economic Community (AEC) shall be the goal of regional economic integration by 2020. In 2007, at the Cebu Summit, ASEAN Leaders agreed to accelerate the establishment of the AEC to 2015.

It was in the context of the establishment of the AEC 2015 that ASEAN Economic Ministers agreed in 2006 to develop a single and coherent Blueprint for advancing the AEC by identifying the characteristics and elements of the AEC, and establishing clear goals, initiatives, targets and timelines. Against this setting, the AEC Blueprint 2015 which was developed in 2007, focused on measures towards achieving the free, flow of goods, services, investment and labour and freer flow of capital and also developing a competitive and equitable economic environment, integrated with the global economy.

ASEAN by 2015 has become a more integrated and liberalised market, with reduced transactional cost of doing business through its initiatives under the ASEAN Free Trade Area and the AEC Blueprint 2015. Trade liberalisation measures have been implemented, with duty-free internal tariffs for 96% of its tariff lines, a more liberalised investment regime was instituted under the ASEAN Comprehensive Investment Agreement and improved market access was achieved in more than 100 services sectors. Skills mobility is being facilitated through the eight mutual recognition agreements on engineering, nursing, architectural, surveying, medical practitioners, dental practitioners, accounting, and tourism professionals. ASEAN has also made significant progress in addressing trade facilitation by improving customs clearance through efforts at establishing the National and ASEAN Single Windows and in introducing the self-certification schemes for ASEAN-made goods to take advantage of the lower tariffs among themselves, as well as putting in place a trade information portal called the ASEAN Trade Repository, which contains tariff and regulatory information, as well as the online complaints mechanism, the "ASEAN Solutions for Investments, Services and Trade (ASSIST)" which channel concerns raised on goods, services and investment to the relevant AMS for resolution.

In the area of standards, progress have been made in the harmonisation of standards and technical requirements. Harmonisation of technical regulations have been realised with the issuance of directives on cosmetics, medical devices and electrical and electronic equipment. Mutual Recognition Arrangements (MRAs) for recognition and acceptance of conformity assessment results have been completed in the Electrical and Electronic, Pharmaceutical and Bioequivalence (BE) Study Report for Generic Medicinal Products, while three additional MRAs are currently under development namely: MRA for Automotive Products, Prepared Foodstuffs and Building and Construction Materials.

Building a more open and liberal economic environment works in synergy with efforts to promote a competitive region through business-enabling regulatory frameworks, including a culture of fair competition, better consumer protection, and stronger intellectual property rights protection. ASEAN has adopted international rules and conventions in the area of competition, consumer protection and the protection of intellectual property rights which enhanced the overall

governance structure and alignment with good regulatory practices. ASEAN's competitiveness is also being reinforced through better connectivity, with the ASEAN Open Skies under the ASEAN Single Aviation Market (ASAM), having been realised through the full ratification of ASEAN open sky agreements consisting of a set of multilateral agreements on liberalisation of air freight and passengers services.

ASEAN's trade and investment with other regional and global partners have also been strengthened and reinforced. ASEAN has entered into five free trade agreements, with Australia/New Zealand, China, Japan, Korea and India. ASEAN's centrality is being operationalised in spearheading the Regional Comprehensive Economic Partnership Agreement. RCEP participating economies' combined output is over US\$2 trillion or 30% of world output. These trade and investment liberalising initiatives are bringing benefits not only to ASEAN businesses, but also foreign companies with domicile in ASEAN.

The objectives of the free, flow of goods, services, investment and labour and freer flow of capital and also developing a competitive and equitable economic environment, narrowing of the development gap and enhancing integration with the global economy will be further intensified post-2015, with the adoption of the AEC Blueprint 2025 and the attendant sectoral plans to chart the course of ASEAN's economic direction over the next 10 years.

### **III. BACKGROUND, MANDATES, GOALS AND SIGNIFICANT MILESTONES OF THE AEGC (2007-2015)**

Under the Characteristic of a Competitive Economic Region of the AEC Blueprint 2015, it was stated that the main objective of competition policy is to foster a culture of fair competition. A series of actions were drawn up under the competition policy section of the Blueprint, namely:

- Endeavour to introduce competition policy in all AMS by 2015;
- Establish a network of authorities or agencies responsible for competition policy to serve as a forum for discussing and coordinating competition policies; Encourage capacity building programs/ activities for Member States in developing national competition policy; and
- Develop a regional guideline on competition policy by 2010, based on country experiences and international best practices.

To kick-start the implementation of the competition actions under AEC Blueprint 2015, the ASEAN Economic Ministers in 2007, endorsed the establishment of the AEGC as the official ASEAN body, comprising of representatives from the competition authorities and agencies, responsible for competition policy and law matters in AMS. It acts as the network of competition authorities/agencies forum as envisaged under the 2015 Blueprint. With the establishment of the AEGC, ASEAN had the dedicated body to implement the rest of the ASEAN actions on competition policy under the AEC Blueprint 2015 and to undertake other cooperative activities on competition. The AEGC is supported by two sub-working groups, namely; i) the Working Group on Developing Strategy and Tools for Regional Competition Advocacy; and ii) the Working Group on the AEGC Website.

Ten years after its establishment, the AEGC has made significant strides towards ensuring a more level playing field for businesses in the region by facilitating the enactment and enforcement of competition laws, including through its support of capacity building on institutional development of competition agencies and inculcating a fair business competition culture.

The AEGC has facilitated the enactment and enforcement of competition law through the delivery of tools and programmes for capacity building in strengthening legislation as well as institutional capacity. By the end of 2015, comprehensive competition laws were in place in all but one AMS. Indonesia and Thailand are the first of the 10 AMS to have enacted their competition law in 1999, followed by Singapore and Viet Nam in 2004 and Malaysia in 2010. The other four AMS namely Brunei Darussalam, Lao PDR, Myanmar and the Philippines enacted their competition laws in 2015 and are now in the process of establishing their respective competition authorities and developing regulations/guidelines to provide for effective enforcement of the law. Meanwhile, Cambodia is in the process of drafting its competition law which is expected to be passed soon. In addition, Indonesia, Thailand and Viet Nam are in the process of strengthening their laws to ensure more effective enforcement of their laws.

In facilitating the enactment of competition laws in AMS, the ASEAN Regional Guidelines on Competition Policy was launched at the 42<sup>nd</sup> ASEAN Economic Ministers Meeting in 2010. These Guidelines set out different policy and institutional options that serve as a reference guide for AMS (AMS) in their efforts to create a fair competition environment and to serve as a general framework guide for the AMS as they endeavour to introduce, implement and develop competition policy in accordance with the specific legal and economic context of each AMS. In 2012, the AEGC developed the Guidelines on Developing Core Competencies in Competition Policy and Law (CPL) for ASEAN (“RCC Guidelines”), which are based on AMS’ experiences and internationally-recommended practices for use by staff of competition-related agencies, to develop and strengthen their required core competencies. The RCC Guidelines focus on three key areas of competency, namely; (i) institutional building, (ii) enforcement, and (iii) advocacy.

The institutional capacity of competition agencies and authorities were also supported by the AEGC through the organisation of various activities such as seminars and workshops on different aspects of competition law, study visits and secondments of experts. These programmes were held with the support of the AANZFTA Economic Cooperation Work Programme, the ASEAN-German Competition Policy and Law Programme, and additional collaboration with the OECD-Korea Trade Center and the US Fair Trade Commission.

The AEGC has also promoted better awareness of competition through the publications of the Handbook on Competition Policy and Law in ASEAN for Business, the Toolkit for Competition Advocacy in ASEAN as well as the development of the AEGC Web Portal. In addition, the ASEAN Competition Conference Series have also been organised as an outreach platform to government agencies and business.

The Handbook provides basic notions of substantive and procedural competition laws applicable in AMS for the benefit of regional and transnational businesses engaged in the region. The Handbook was subsequently updated in 2013 and a further updated version will be released in

2017, to take into account the subsequent developments of CPL in the region. The Toolkit for Competition Advocacy is designed as a step-by-step guide for competition authorities (CA) in ASEAN on advocating CPL and provides a range of options to conduct advocacy activities, depending on the specific objective and stakeholder groups. The Toolkit, which was presented at the International Competition Network (ICN) Conference in Singapore in April 2016, builds upon the premise that there is a common need to promote greater understanding on the benefits of fair competition for various stakeholder groups. Greater awareness will lead to better compliance and thus will contribute to a more effective enforcement of competition rules to help create a level playing field for businesses in ASEAN.

The AEGC Website ([www.asean-competition.org](http://www.asean-competition.org)) was launched in 2013 to serve as a platform to build public awareness on the benefits of CPL and provide updates on CPL developments in ASEAN. The Website, which was recently revamped in 2016, contains among others, individual country updates on CPL, publications, calendar of meetings, and press release of the latest national or regional (AEGC) competition activities. The AEGC website continues to be a one-stop gateway for the public to stay informed on the latest CPL developments.

A series of ASEAN Competition Conferences was inaugurated in 2011. Over the five years since the first ASEAN Competition Conference was held in Bali in November 2011, these conferences have grown to support discussion on key and emerging competition issues, focusing on those challenges confronting ASEAN. These conferences are now a central platform for discussion and networking among competition-related authorities and stakeholders both within and outside the ASEAN region. The Conferences also assist in building regional awareness on the importance of CPL towards strengthening ASEAN's economic integration as well as boost advocacy among ASEAN businesses. These ASEAN Conferences have succeeded in bringing together experts on competition policy and law, including from the AMS, Australian Competition and Consumer Commission (ACCC), New Zealand Commerce Commission (NZCC), Japan Fair Trade Commission (JFTC), Korea Fair Trade Commission (KFTC), European Commission (EC), United States Fair Trade Commission (USFTC), OECD, World Bank, and other international organisations involved with competition law. By 2016, six Conferences have been held and various issues have been raised including; fostering regional integration of CPL, developments on mergers and acquisitions, combating cartels and promoting CPL for regional development.

In summary, during this decade, substantial effort has been undertaken to: i) establish national law on competition in all AMS; ii) put in place effective institutional framework/mechanisms to support the implementation of competition law; iii) create a “competition-aware” region that supports fair competition; and iv) promote greater regional competition cooperation. Post-2015, the vision remains relevant and future work builds upon the significant milestones of the AEGC over the past 10 years.

Moving forward, the AEGC is committed to focus its work on establishing enforceable competition rules, putting in place effective institutional mechanisms to support the implementation of competition law, creating a competition-aware region that supports fair competition, strengthening regional cooperation on CPL, and ensuring the gradual alignment of competition rules under the new AEC Blueprint 2025.

## SECTION 1

### A. AEGC WORK PROGRAMME 2016

The AEC Blueprint 2015 was succeeded by the AEC Blueprint 2025, which was launched in November 2015 during the 27th ASEAN Summit in conjunction with the adoption of the *Kuala Lumpur Declaration: Forging Ahead Together*, which also endorsed the ASEAN Political-Security and Socio-Cultural 2025 Blueprints. The AEC Blueprint 2025 provides the broad directions for ASEAN economic integration over the next ten years, from 2016 to 2025, through strategic measures classified under five main characteristics. Namely (i) A Highly Integrated and Cohesive Economy; (ii) A Competitive, Innovative, and Dynamic ASEAN; (iii) Enhanced Connectivity and Sectoral Cooperation; (iv) A Resilient, Inclusive, People-Oriented, and People-Centred ASEAN; and (v) A Global ASEAN.

The AEC Blueprint 2025 sets out the strategic measures for each of the sectoral areas under the AEC. In the area of competition, the AEC Blueprint 2025 states that for ASEAN to be a competitive region with well-functioning markets, the rules on competition will need to be operational and effective. The AEC Blueprint 2025 also highlights that enforceable competition rules that proscribe anti-competitive activities are important to facilitate liberalisation and a unified market and production base, as well as to support the formation of a more competitive and innovative region. The AEC Blueprint 2025 lists the following strategic measures to guide the work of the AEGC for the next 10 years:

- Establish effective competition regimes by putting in place competition laws for all remaining AMS that do not have them, and effectively implement national competition laws in all AMS based on international best practices and agreed-upon ASEAN guidelines;
- Strengthen capacities of competition-related agencies in AMS by establishing and implementing institutional mechanisms necessary for effective enforcement of national competition laws, including comprehensive technical assistance and capacity building;
- Foster a “competition-aware” region that supports fair competition, by establishing platforms for regular exchange and engagement, encouraging competition compliance and enhanced access to information for businesses, reaching out to relevant stakeholders through an enhanced regional web portal for competition policy and law, outreach and advocacy to businesses and government bodies, and sector-studies on industry structures and practices that affect competition;
- Establish Regional Cooperation Arrangements on competition policy and law by establishing competition enforcement cooperation agreements to effectively deal with cross-border commercial transactions;
- Achieve greater harmonisation of competition policy and law in ASEAN by developing a regional strategy on convergence;

- Ensure alignment of competition policy chapters that are negotiated by ASEAN under the various FTAs with Dialogue Partners and other trading nations with competition policy and law in ASEAN to maintain consistency on the approach to competition policy and law in the region; and
- Continue to enhance competition policy and law in ASEAN taking into consideration international best practices.

These strategic measures were later translated into detailed initiatives under the ACAP 2025 which was endorsed by the AEC Council in 2016. Under the ACAP 2025, the strategic measures under the AEC Blueprint, devolved into goals, initiatives and outcomes with demarcated timelines and targets. The ACAP 2025 is supportive of the overarching vision of a competitive, innovative, and dynamic ASEAN with an effective and progressive competition policy. The ACAP 2025 provides for the achievement of outcomes and outputs to ensure that the necessary prerequisites are put in place for effective competition enforcement in AMS. Implementation of the ACAP 2025 is led by the AEGC in cooperation with relevant stakeholders such as other ASEAN sectoral bodies, the business community, and also academicians.

The strategic goals of the ACAP 2025 are:

- Effective competition regimes are established in all AMS;
- The capacities of competition-related agencies in AMS are strengthened to effectively implement CPL;
- Regional cooperation arrangements on CPL are in place;
- Fostering a competition-aware ASEAN region; and
- Moving towards greater harmonisation of competition policy and law in ASEAN.

The year 2016 marked the first year of the implementation of the ACAP 2025. While the immediate priority was to complete the implementation of unfinished measures under the AEC Blueprint 2015 by end-2016, the AEGC also began the timely implementation of the 5 strategic goals, 20 outcomes and 41 outputs under the ACAP 2025.

#### ***A. Carry Forward from 2015***

In 2016, the two areas of carry-forward work from 2015 were the enactment of the competition laws of Cambodia and completion of the Toolkit for Competition Advocacy in ASEAN. Cambodia reported that it was still in the process of drafting its competition law, though this process is quite advanced. A number of consultations were on-going with its stakeholders to finalise the drafting of the law. Cambodia also received placements of two competition experts from the ACCC in February 2016 to work with officials of its Ministry of Commerce to assist and advise on the final stages of drafting of Cambodia's competition law

In respect of the Toolkit for Competition Advocacy, the final version of the Toolkit comprising three sections: i) strategy, research and planning of advocacy campaigns; ii) implementing advocacy activity; and iii) measuring and assessing advocacy activity, was completed in March 2016. The Toolkit was launched at the 2016 ICN Conference in Singapore in April 2016 and is made available on the ASEAN Competition website at <http://www.asean-competition.org/read-publication-toolkit-on-competition-advocacy-in-asean>.

### ***B. Progress in 2016***

In respect of the work of the AEGC in implementing ACAP, the following highlights the on-going preparations and activities in 2016.

#### ***Strategic Goal 1: Effective competition regimes are established in all ASEAN Member States***

Efforts are continuing in Cambodia for the enactment of its competition law post-2015 (see above). A project on the Compendium of English translations of AMS competition laws and guidelines is being undertaken as part of the effort towards ensuring effective competition regimes. It is expected to be completed and made available in 2017, and will form part of the updated Handbook on Competition Law. The Handbook is aimed to assist to better understand AMS laws and regulations.

Moving ahead, AMS will also undertake periodic self-assessment of their competition regimes beginning in 2017 to facilitate better understanding of the effectiveness of their laws and enable future improvements where necessary. In this context, the AEGC, with the assistance under the CPL II programme, began the development of a Self-Assessment Toolkit in 2016. Two brainstorming meetings were held in 2016 to develop this Toolkit, the first was held in Bangkok, Thailand from 25-26 May 2016 and the second was convened in Jakarta, Indonesia from 25-26 October 2016.

This Toolkit was finalised in April 2017 and provided a framework to assess “effectiveness” and provides a basis for such evaluation. The Toolkit which is uploaded on to the AEGC portal, cover Legal Framework & Enforcement, Institutional and Cooperative Arrangements, Advocacy, Resources and Capacity Development. The results of the Assessment exercise are expected to be shared at the biennial ASEAN Competition Conferences. The Toolkit can be accessed at <http://www.asean-competition.org/read-publication-asean-self-assessment-toolkit-on-competition-enforcement-and-advocacy>.

#### ***Strategic Goal 2: The Capacities of Competition-related Agencies in AMSs are Strengthened to Effectively Implement CPL***

Strengthening the capacities of competition agencies is an important component of ACAP 2025 and is receiving strong attention from the AEGC. In this regard, to enable a more structured delivery of technical assistance and to meet capacity building needs more effectively, the study on an *ASEAN Regional Capacity Building Roadmap 2017-2020* was initiated in 2016, with the

support of the AANZFTA ECWP. This began with the development of a Checklist of Capacity Building Needs Assessment in October 2016. This was followed by field-visits to AMS by the project consultants which were undertaken in end-2016 and early 2017 to identify specific capacity building needs of AMS. The findings of the various field visits will be distilled into a regional Roadmap for Capacity Building, which will subsequently enable the AEGC to better plan capacity building programmes to cater to the needs of ASEAN competition agencies which are comparatively young and diverse.

While the Roadmap is being developed, the AEGC also planned and conducted a number of workshops and seminars which were focused on building capacities of its competition officials in a diverse array of skills-building activities, ranging from an introduction to basic competition policy and law for young agencies, to investigation and economic analysis training for effective competition law enforcement. The workshops in 2016 were:

- Workshop on Building Cartel Enforcement, 30 March – 1 April 2016 in Hanoi, Viet Nam;
- Workshop on Economic Analysis on Competition Law Enforcement, 1-2 June 2016, Putrajaya, Malaysia;
- Workshop on Formulation of Enforcement Strategies and Concepts, 22-23 August 2016, Hanoi, Viet Nam;
- Cartel Investigation Workshops (Module 1), 2-4 August 2016, Hoi An, Viet Nam and 11-13 October 2016, Bali, Indonesia;
- Investigations skills training (Module 1) convened on 26-28 October 2016, in Kuala Lumpur, Malaysia; and
- Workshop on Young Competition Agencies, 3-4 November 2016, Cambodia.

At the same time, recognising the need to build in-house capacity in staff training, the AEGC also began work on the ACAP initiative which calls for the development of a set of in-house tools for the training of competition agency staff. In this context, a Workshop on In-House Training Tools was held for Malaysia Competition Commission (MyCC) Investigation Staff, on 25-27 May 2016 in Kuala Lumpur, Malaysia. This Workshop discussed the structure and delivery of comprehensive internal training programs that incorporate on-the-job performance, informal learning and formal training options. Going forward, further capacity building sessions are being planned with subsequent development of future training tools as well as on-line materials based on these events.

In addition to workshops, other capacity-building activities in 2016 included expert placement programmes and secondments. Expert placements were facilitated in Cambodia to assist in the final stages of the drafting of its competition law, as well as in Myanmar, in which expert advice was provided through capacity building training and workshops, competition law and investigation skills and recommendations were made on strengthening institutional set-up of a young agency.

In terms of secondments, five competition officials from Indonesia, the Philippines and Viet Nam had short-term assignments to the ACCC from September – December 2017. While in Australia, these secondees had the opportunity to participate in induction training in Canberra,

learn from ACCC guest speakers on specific topics and participated in weekly study group sessions, besides being embedded in ACCC work teams for in-depth on-the-job experience. The participants also took part in a unit of study from the University of Melbourne’s Global Competition and Consumer Online Program. Meanwhile, one competition staff member from Cambodia was seconded to the New Zealand Commerce Commission to enhance understanding of institutional requirements of young competition agencies.

The ASEAN Secretariat also had the benefit of the secondment of an ACCC official to work with the Secretariat on implementing the CLIP programme, which also facilitated the network of relationships between the ACCC officials and the ASEAN Secretariat.

The AMS secondments are undertaken in a structured and guided environment to provide maximum benefit to the participants, recognising the value of hands-on experience during these assignments. This is facilitated by a *Secondment Checklist*, which was developed in 2016 to guide the stakeholders (secondees, secondment agencies) throughout the secondment process. The Checklist comprised a set of to-dos in preparing for the pre- and post-secondment period as well as work-plan, scheduling and reporting templates.

In this context, one of the Key Performance Indicators (KPI) of ACAP 2025 is that capacities of competition-related agencies in AMS are strengthened to effectively implement CPL. In this context, the collection of ASEAN data on the number of completed competition initiatives (i.e., competition advisories, market studies, investigations, merger notifications), commenced in 2016 to enable the tracking of this KPI. **Table A** below shows a list of completed competition initiatives in each AMS in 2016.

**Table A: ASEAN Completed Competition Initiatives (2016)**

AMS	Advocacy and Outreach Events	Competition Advisories	Market Studies	Preliminary Enquiries	In-depth Investigations	Complaints Resolved	Notification of Guidance/ Decisions	Completed Merger Notifications	Completed Appeals
BN	5	2							
CA	3								
ID	137	16	29	60	20	209	22	68	16
LA	4								
MY	29	4	1	4	9	45	-	-	-
MM	12	-	-	-	-	-	-	-	-
PH	11	-	-	3	1	-	-	72	-
SGP	27	30	3	10	4	197	1	7	1
TH	17	-	2	2	2	7	-	-	-
VN	5	10	1	5	-	NA	1	4	1
<b>Total AMS</b>	<b>250</b>	<b>62</b>	<b>36</b>	<b>84</b>	<b>36</b>	<b>458</b>	<b>24</b>	<b>151</b>	<b>18</b>

### ***Strategic Goal 3: Regional Cooperation Arrangements on CPL are in Place***

Given the potential international nature of anti-competitive practices in cartel and merger cases, which crosses borders and are multi-jurisdictional, the need for both regional and international cooperation is increasing in competition enforcement. Co-operation can involve for instance, coordination of simultaneous enforcement actions such as searches, raids or inspections, exchange of information, discussions on general orientations regarding investigations, or gathering of information and interviewing of witnesses on behalf of another agency. ASEAN, under this goal, hopes to move towards more formal arrangement such as developing a *Regional Cooperation Agreement (RCA)* at a later stage to enhance cooperation between competition authorities in ASEAN and thereby improving the outcomes of competition enforcement in the region.

In this context, a Workshop on Best Practices for Regional Cooperation in Competition Policy and Law (CPL), was held on 3-5 November 2015 in Manila, the Philippines. The Workshop developed a concept paper on Best Practices on Regional Cooperation in Competition Policy and Law focusing on several core areas of cooperation: (i) Enforcement, (ii) Technical Assistance and Capacity Building, and (iii) Advocacy which was adopted by the AEGC intersessionally in end-2015. A follow-up activity in 2016 was postponed to 2017.

ASEAN also took steps towards improving its networking with other agencies, with the first ASEAN, Australia and New Zealand Free Trade Agreement (AANZFTA) Heads of Competition Agencies Meeting, being held on 27 April 2016 in Singapore. This meeting is seen as an important platform for networking and sharing of experiences forum to exchange views on practical implementation issues, recognising the need to work closely together to streamline information exchange procedures and to enhance cooperation on competition issues as businesses increasingly become cross-border.

### ***Strategic Goal 4: Fostering a Competition-aware ASEAN Region***

Another important component of ACAP 2025 is to foster the culture of competition among ASEAN businesses. Towards this end, the ACAP 2025 supports regular platforms, such as the ASEAN Competition Conferences, in order to promote regional advocacy. The 6<sup>th</sup> ASEAN Competition Conference with the theme “Combating Cartels - Getting it Right” was successfully convened from 27-28 July 2016 in Bangkok, Thailand. The Conference addressed issues related to the detection of cartels and the means to combat such anti-competitive practices and address price fixing, bid rigging and market allocation activities which distort competition and reduce consumer welfare. The Conference was participated by more than 150 competition officials and experts, academicians, private practitioners, consumer associations and private sector representatives. In addition, AMS also attended the 2016 International Competition Network Conference (ICN) in Singapore in April 2016 to better promote links with the international competition community.

In order to improve information dissemination about the AEGC and ASEAN’s work on competition, the AEGC website ([www.asean-competition.org](http://www.asean-competition.org)) was revamped in 2016 to better

serve as a point of reference for information on competition laws, regulations and recent developments on competition in AMS as well as the work of the AEGC. In addition, AMS are also posting information on national competition developments, which will further promote the website as a main source of information on ASEAN competition matters.

The project on updating of the Handbook on Competition Policy and Law by 2017 was also approved by the AEGC in 2016, with the last update in 2013. The revised Handbook is expected to be another advocacy tool to bring up-to-date information for better understanding of AMS laws and regulations, especially on those legislation that are enacted after 2013. In addition, the updated Handbook is expected to contain information on the English compendium of terms and commonalities and differences in AMS' laws. The new version will be available in 2018.

The AEGC also completed the Toolkit on Advocacy, which was launched in April 2016, as elaborated in the Carry Forward section of this Report.

Besides these advocacy tools, advocacy efforts in other sectors to further promote the culture of competition was also being pursued. In 2016, the AEGC communicated with the ASEAN Committee on Consumer Protection (ACCP) and agreed to upload related consumer policy digests on the nexus between competition and consumer protection in order to better understand the impact of fair competition on consumer welfare. Efforts will be further intensified in 2017 to engage with other sectors through the relevant ASEAN sectoral bodies such as telecommunications, energy and finance, to enhance the understanding on CPL in these sectors as well as enhance inter-agency cooperation.

#### ***Strategic Goal 5: Moving Towards Greater Harmonisation of Competition Policy and Law in ASEAN***

Under this Strategic Goal, ASEAN will actively explore initiatives towards greater convergence of competition policy and law to enhance the region's integration through more effective regional competition enforcement. Towards this end, the AEGC in 2016 endorsed a review of AMS legislation in order to identify commonalities and differences of national competition laws of AMS, which will be completed in 2017. Summary details will be included in the updated Handbook on Competition Policy and Law.

## **CONCLUSION**

In summary, the AEGC has throughout 2016, focused on implementing actions under the ACAP 2025 to ensure the successful outcomes of the AEC Blueprint 2025. Much of the activities were on strengthening institutional capacity of competition agencies given the larger number of young agencies through capacity building. Dedicated workshop programmes as well as secondments/expert placements were undertaken in 2016 to enhance understanding of institutional and investigation skills. In addition, a number of advocacy tools were finalised while much work remains to engage with other sectoral agencies to promote and engage on

competition issues. Work will also continue on enhancing regional cooperation as well as moving towards regional convergence of competition laws and regulations

## **SECTION II - TECHNICAL ASSISTANCE**

The evolution of the competition regimes in ASEAN and the progress of the work of the AEGC have been achieved in cooperation with the support of various development partners. These partners included Australia/New Zealand, Germany, and Japan. ASEAN also works with multilateral organisations such as the OECD and UNCTAD in achieving its goals.

Support from development partners remains integral in the years ahead to assist ASEAN to successfully implement the initiatives under the AEC Blueprint 2025 and the attendant ACAP 2025. ASEAN also hopes to build on the assistance from the more advanced competition agencies in ASEAN to assist the younger agencies.

Among the main technical assistance programmes on competition are:

### ***AANZFTA Economic Cooperation Support Programme - Competition Law Implementation Programme***

The ASEAN-Australia/New Zealand FTA (AANZFTA) Economic Cooperation Support Programme (AECSP) is a multi-year programme funded by the Australian and New Zealand Governments to provide implementation assistance to ASEAN on the components of the AANZFTA, which was operationalised in 2010. Under the AECSP, an Economic Cooperation Work (ECWP) programme, comprising nine components were approved to support economic cooperation. Competition formed the 9<sup>th</sup> component of the ECWP. In 2014, ASEAN and Australia/New Zealand agreed on a more structured technical assistance for ASEAN on competition matters under the ECWP through the establishment of the Competition Law Implementation Programme (CLIP). CLIP is a strategic framework for cooperation on competition that is phased, practically-focused and responsive to individual country needs as well as regional objectives for economic integration and cooperation on competition.

CLIP Phase I was implemented from October 2014 - December 2015, while the on-going CLIP Phase II will run until June 2018. In this second phase of implementation, CLIP II continues to focus on delivering practical skills and knowledge transfer through tailored assistance on the effective implementation of competition law. CLIP has delivered a number of workshops on enhancing investigation skills, provided train-the-trainers workshops, deliver investigation skills modules, supported the secondment of experts and competition officials as well as facilitated the initial steps to strengthen regional cooperation in competition. Under CLIP, AMS receives tailored training and mentoring from competition experts mainly from the Australian Competition and Consumer Commission (ACCC) and the Competition Commission of New Zealand (NZCC). The provision of international experts are also supported under CLIP.

In 2016, CLIP II supported ASEAN's delivery of several investigation workshops on economic analysis and cartel investigations. It has also delivered a number of investigations skills module training as well as supported several expert placements and secondments. It has also facilitated the first AANZFTA Heads Meeting and participation in the 2016 ICN Conference.

In addition to CLIP, since 2011 the AECSP has supported the convening of the annual ASEAN Competition Conferences (ACC), which has become the main advocacy platform for the CPL stakeholders in the region. The AECSP supported the 6<sup>th</sup> ACC, in partnership with the ASEAN-German Competition Policy and Law (CPL II) project.

### ***ASEAN-German Competition Policy and Law in ASEAN Programme***

The ASEAN-Germany cooperation project entitled 'Competition Policy and Law in ASEAN' (CPL) has been supporting ASEAN's work on competition since 2011. There are two CPL projects, the CPL I was from 2011-2014, while CPL II runs from 2015-2018. The CPL is the first multi-year project to support ASEAN's competition development in the region. Its aim is to support AMS in implementing their competition laws and to promote regional cooperation in the field of competition. The project is implemented by the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, upon commission of the German Federal Ministry for Economic Cooperation and Development (BMZ).

The CPL project has focused its support in, among others, building the capacity of AMS in the areas of legal framework development, building core competencies, supporting advocacy activities and enhancing regional cooperation. The CPL project has greatly assisted ASEAN, through the AEGC, in these areas, particularly through its support of various tools and publications, such as the ASEAN Regional Guidelines on Competition Policy, the Handbook on Competition Policy and Law in ASEAN for Business, the Regional Core Competency Guidelines, Toolkit on Advocacy as well as the Assessment Toolkit for Competition Enforcement and Advocacy. It has also supported the development of the AEGC portal and other advocacy collaterals such as the ASEAN Commemorative Materials. Additionally, it has supported national and regional efforts to build capacity in through workshops on economic analysis, market studies, advocacy and business compliance. It has also supported the drafting of competition laws in several AMS at the national levels.

In 2016, the CPL II facilitated the finalisation and launch of the Toolkit on Advocacy, two workshops on the development of the Assessment Toolkit for Competition Enforcement and Advocacy, as well as facilitated expert advice on the revamped of the AEGC Portal.

### ***Technical Assistance for ASEAN Competition Authorities to Strengthen Competition Law Enforcement in ASEAN – Japan ASEAN Integration Fund (JAIF)***

The Japan ASEAN Integration Fund (JAIF) is providing support for a two-year project entitled 'Technical Assistance for ASEAN Competition Authorities to Strengthen Competition Law

Enforcement in ASEAN’ which commenced in 2016. The AMS lead country is the Commission for the Supervision of Business Competition of Indonesia (KPPU). The Project aims to build the capacity of AMS competition agencies and strengthen cooperation between Japan and AMS in CPL. The project comprises capacity building activities in the form of sub-regional workshops, support for staff exchanges amongst AMS competition officials, and the participation of competition experts as resource persons in regional workshops/events. The project was conceptualised in 2016 and the projects will be implemented in early 2017.

### *Others*

In addition to the main programmes above, the AEGC has in carrying out its work, also worked closely cooperate with multiple competition agencies such as the US-FTC, JFTC, and the KFTC, including the OECD-Korea Policy Center. In addition, the AEGC has also worked with international organisations such as the United Nations Conference on Trade and Development (UNCTAD) and the Organisation for Economic Cooperation and Development (OECD) in carrying-out its capacity-building activities.

## **SECTION III – COUNTRY REPORTS**

### **(i) Brunei Darussalam**

The Brunei Competition Order 2015, was passed and gazetted in 2015 with the objective to promote market efficiency and consumer welfare towards economic development in Brunei Darussalam. The implementation of the Order and the enforcement of the key prohibitions under the Order will commence in phases, starting with institutional set up for competition authority and advocacy.

A Competition Division was formed in July 2016 to merge with an existing division in charge of consumer affairs in the Department of Economic Planning and Development under the Prime Minister’s Office. This Competition and Consumer Affairs Division is the administrative, advocacy, investigative arm and will also serve as secretariat to the Brunei Competition Commission. The establishment of the Commission is currently on going. The Commission will be responsible for conducting hearings, making case decision and deciding on penalties. Under the Competition Order 2015, a Competition Appeal Tribunal is also expected to be established at a later stage.

The Division has rolled out its advocacy work in accordance with the Competition Communication Plan since November 2016 by way of engagement sessions. The plan clearly defines the targeted key stakeholders with customised key messages. The plan will be undertaken in three phases:

- i. Phase One – key ministries/agencies and legislative council members;
- ii. Phase Two – business community and associations; and
- iii. Phase Three – general public including media, academia and consumers.

Other advocacy efforts include the development of advocacy materials such as video on prohibition of anti-competition agreements, leaflets and website.

In terms of legislative framework, four regulations related to competition law have been completed, namely; i) Competition Regulations 2015, ii) Competition (Transitional Provisions) Regulations 2015, iii) Competition (Appeals) Regulations 2015 and iv) Competition (Competition of Offences) Regulations 2015. Currently, the Division is working on the final draft for the Business Competition Guideline, which is expected to be published by quarter two of 2017.

## **(ii) Cambodia**

In-line with the ASEAN commitments to promote consumer and economic welfare, the competition law is being drafted and has undergone consultations with several relevant ministries and agencies including the private sector. The draft referenced the elements under the ASEAN Regional Guidelines on Competition. The Ministry of Commerce is committed to speed up the drafting process and aims to submit the draft law to the Council of Ministers and subsequently to the Parliament by the end of 2017. The Ministry of Commerce with the support from GIZ, conducted a study visit to the Indonesian Commission for the Supervision of Business Competition (KPPU) on 28 February-2 March 2017 to learn from the experiences of KPPU and the challenges of enforcing competition law.

Based on the current draft law, a Cambodian Competition Commission will be set-up, and in accordance with the Government decree No. 127 dated June, 2016, the Department of Competition (DOC) under the Directorate General of CAMCONTROL of the Ministry of Commerce, will be established as the bodies responsible for enforcing the law.

To enhance the capacity of young agencies, the DOC has organised a Workshop for Young Competition Agencies in ASEAN that was supported by GIZ and the OECD/Korea Policy Center Competition Programme on 3-4 November 2016 in Phnom Penh, Cambodia.

## **(iii) Indonesia**

The Commission for the Supervision of Business Competition or the KPPU, which was established in 2000, is a state auxiliary body responsible for enforcing competition law; Law No. 5 Year 1999, across all sectors in Indonesia. The Commission has five representative offices in major cities across Indonesia to help enforce competition law. The KPPU has a new mandate under the Law No. 28/2008 on Micro, Small, and Medium-sized Enterprises (MSME) which gives it the power to supervise and enforce any potential horizontal infringement in business partnership between MSME and large-sized enterprises.

Under the administration of the President of Indonesia, H.E. Joko Widodo, competition policy is integral for the development of the Indonesian economy as specified under the Medium-term National Development Plan. Under the Plan, the KPPU is to focus its enforcement and

prevention activities in five strategic sectors in Indonesia (food, health and education, banking and finance, energy and natural monopolies, and logistic and infrastructure).

In terms of enforcement actions, in 2016, 209 formal complaints have been resolved, 22 infringement decisions have been issued and 16 policy advice to the government were made. The KPPU has undertaken intensive outreach activities to multi-stakeholders, including the judiciary. Furthermore, the KPPU has been able to collect 56% of financial penalties, contributing USD 17.9 million to Indonesia's national income, which is double that of the government budget received by the KPPU in 2016 amounting to USD 9.2 million.

The Competition Assessment Checklist developed by the KPPU has been used in the policy making process of central and local governments.

#### **(iv) Lao PDR**

The Lao Competition Law was passed by the National Assembly on 14 July 2015. On 28 August 2015, the promulgating decree was signed by the President of the Lao People's Democratic Republic. On 24 November 2015, the Lao Competition Law was notified in the Official Gazette and became effective on 9 December 2015.

The Department of Internal Trade, Ministry of Industry and Commerce, is currently undertaking preparatory work to enforce the competition law, which includes the establishment of the Lao Competition Commission (LCC), in accordance with Articles 48-51 of the Competition Law. The Commissioners of the LCC will consist of representatives from relevant sectors as stipulated in Article 49 of the Law. Competition Guidelines to support the implementation of the Law is currently being developed. In addition, several activities have been conducted such as carrying out competition assessment as well as holding workshops for the public and private sectors as part of the competition efforts.

#### **(v) Malaysia**

The Competition Act 2010 (CA 2010) was enacted by the Parliament of Malaysia in May 2010 and came into effect on 1 January 2012. It is implemented by the Malaysia Competition Commission (MyCC), which was established under the CA 2010. All commercial activities are covered under CA 2010, both within and without of Malaysia, that have negative effects on any market in Malaysia. However, the CA 2010 does not apply to commercial activities regulated by:

- Petroleum Development Act 1974
- Communications and Multimedia Act 1998;
- Energy Commission Act 2001; and
- Malaysian Aviation Commission Act 2015

In terms of investigation and enforcement, from 1 January 2012 to 28 February 2017, the MyCC has received a total of 293 complaints, 250 of which have been resolved. The MyCC is currently

investigating 13 cases and 12 complaints are under assessment. As of now, the MyCC has issued 6 final decisions related to floriculturist, food, information technology, and transportation and aviation sectors as follows:

- 1) Cameron Highland Floriculturist Association (CHFA) – 6 Dec 2012
- 2) Malaysian Airline System Berhad, AirAsia Berhad & AirAsiaX Sdn. Bhd. – 31 March 2014
- 3) Tube Ice Manufacturers (Tube Ice) – 30 January 2015
- 4) Persatuan Pembuat Kek dan Roti Sibu – 12 February 2015
- 5) Penggendali Depoh Kontena (CDO Penang) – 1 June 2016
- 6) MyE.G. Services Berhad. (MyEG) – 24 June 2016

Since the establishment of the MyCC, 6 guidelines were issued namely Guidelines on Leniency Regime, Guidelines on Anti-Competitive Agreements (Chapter 1 Prohibition), Guidelines on Abuse of Dominant Position (Chapter 2 Prohibition), Guidelines on Market Definition, Guidelines on Complaint Procedures, Guidelines on Leniency Regime and Guidelines on Financial Penalties. In the spirit of educating the public on Competition law, the Commission has also developed Handbooks titled Competition Act 2010 A Guide for Business, Competition Act 2010: Handbook for General Public, FAQs for SMEs, among others.

As regard to market reviews, two have been finalised. Firstly, is a Research on the Fixing of Fees by Professional Bodies which was concluded in 2013 whereby this area was one of the priority areas identified by the Commission as professional bodies/associations have a significant role to play in improving the competitiveness of the Malaysian economy. Secondly, is a Review on the Domestic Broiler Market in Peninsular Malaysia which was concluded in 2014. The review focused on the current structure of the domestic broiler market and the interactions of farmers, wholesalers and retailers across the broiler supply chain. Presently, the MyCC is in the midst of conducting a “Market Review on the Pharmaceutical Sector”.

Since its establishment, MyCC has organised 200 advocacy programmes for the private and public sectors throughout Malaysia. Some of the notable programmes conducted included the Malaysia Competition Conference 2017, engagements with the Multinational Corporations on Competition Compliance, Seminar against Bid Rigging and Abuse of Dominant Position in the Government Procurement, Forum on Competition law in the Pharmaceutical Sector, SME Seminar “Helping SME’s Understand Competition Law” and the 1<sup>st</sup> Moot Court Competition on Competition law 2016.

#### **(vi) Myanmar**

The Myanmar Competition Law was enacted on 24 February 2015 and came into force on 24 February 2017. The Ministry of Commerce has undertaken various activities such as convening seminars, workshops and disseminating advocacy materials, to promote competition awareness in several regions across Myanmar. Furthermore, the development of Competition rules are almost complete and the establishment of the Myanmar Competition Commission is underway. The Commission, once established, will be the sole authority responsible for the enforcement of the competition policy and law.

The Ministry of Commerce is working to identify the priority sectors for the Commission and is preparing capacity building programmes to train the staff of the Commission to enforce the law.

Myanmar is now chairing the ASEAN Expert Group on Competition (AEGC) for the period 2017-2018.

#### **(vii) The Philippines**

The Philippine Competition Act (PCA), the primary competition law in the Philippines, was enacted in July 2015, more than two decades after a comprehensive competition bill was first filed in the Philippine Congress. The law, which took effect in August 2015, prohibits and penalises three (3) broad categories of market behavior: (i) anti-competitive agreements (e.g., price fixing, bid rigging); (ii) abuses of dominant market position (e.g., predatory pricing, discriminatory behavior); and (iii) anti-competitive mergers and acquisitions that may substantially prevent, restrict, or lessen competition in the market.

The PCA provided for the establishment of the Philippine Competition Commission (PCC), an independent quasi-judicial body mandated to enforce the PCA and implement the national competition policy. It has primary and original jurisdiction in the enforcement of all competition-related issues across all business sectors. Formally established in February 2016, the Commission is composed of a Chairperson and four (4) Commissioners.

A year since its establishment (as of January 2017), PCC has had significant accomplishments, namely: (i) issuance of implementing rules and regulations (IRR) of the PCA; (ii) procedural guidelines relating to the enforcement and review of mergers; (iii) 80 notifications for mergers and acquisitions worth PHP1.7 trillion or US\$35.56 billion; (iv) zero backlog on merger and acquisition reviews; (v) eight (8) referrals received for possible anti-competitive conduct in the telecommunications, cement, energy, rice, trucking, shipping, and insurance industries; and (vi) comprehensive review of the national competition landscape, in coordination with the National Economic and Development Authority, the government's socio-economic planning arm.

As a new competition agency, the PCC is building partnerships with established competition agencies in different countries to strengthen its capacity to conduct investigations, merger review, competition analysis, and other relevant skills. Moreover, recognising that advocacy plays a vital role for effective competition enforcement, the PCC is implementing an intensive campaign to inform the general public about the PCA. This includes the production of various publications and multimedia products to increase stakeholders' awareness of the PCA, the PCC, and its functions.

#### **(viii) Singapore**

The Competition Act was enacted in 2004 to provide a generic law to protect consumers and businesses from anti-competitive practices of private entities. The Competition Commission of Singapore ("CCS") is responsible for enforcing the Competition Act.

In 2016, CCS handled around 40 competition cases across various industries. This included a preliminary infringement decision issued for a cartel case involving distribution of fresh chicken products and an infringement decision for a cartel case in the financial services sector. It also closed two abuse of dominance cases. The first case on online food delivery was closed after assessing that competition in the industry had not been harmed, with the industry continuing to grow with several new entrants gaining market share aggressively. The second case involved restrictive industry practices in the supply of lift spare parts and was closed after CCS accepted voluntary commitments from one of the investigated parties. CCS also reviewed seven merger notifications, with six being cross-border in nature, spanning different industries including manufacturing, financial services and transportation. CCS cleared two airline joint ventures, one of which involved voluntary commitments.

A two-year review of the CCS Guidelines was also completed in November 2016. One of the reforms includes a new Fast Track Procedure, which will allow businesses under investigation to enter into an agreement with the CCS where they will admit their liability early, by acknowledging their participation in an anticompetitive activity, in return for a reduction on the financial penalty. Other reforms include a change in the reference year for the calculation of relevant turnover for financial penalties, and enhancements to CCS's leniency programme and substantive assessment of mergers.

In terms of advocacy, CCS continued to engage government agencies and private stakeholders on competition issues in 2016. Outreach sessions with government agencies were held to raise awareness on the detrimental impact of bid rigging on public procurement. CCS's collaterals were revamped to help key stakeholders better understand competition law in Singapore. CCS also hosted the International Competition Network ("ICN") Annual Conference from 26 to 29 April 2016. This was the first time the conference was held in Southeast Asia, which saw more than 500 participants from over 80 jurisdictions attending.

#### **(ix) Thailand**

The Competition Act B.E. 2542 (1999) came into force in April 1999, and is the main law which defines Thailand's competition policy framework. There is a total of 100 cases that have been investigated by the OTCC comprising: 18 abuse of dominant market position cases, 28 anti-competitive agreements, and 54 unfair trade practices.

Since 2014, efforts to reform the Competition Act has been undertaken to ensure a comprehensive framework that is able to cope with the changing market dynamics and is in line with international best practices. Expected major changes in the Act among others includes expanded scope of the law, setting-up an independent Competition Commission (OTCC), increasing the amount of penalties and enhancing the power of the Commission to file lawsuits against violators.

On October 2016, the Cabinet passed a resolution to amend the Competition Act and in March 2017, the draft amended law was approved by the National Legislative Assembly and will come into force 90 days after being published in the National Gazette. The new Competition Act is expected to come into force by the end of 2017.

At present, the Office of Trade Competition Commission (OTCC) is preparing to set-up the Office of Trade Competition Commission as stipulated under the new Competition Act. Several training programmes have been undertaken to enhance the capacity of staff to effectively implement the revised Competition Act once it has come into force.

**(x) Viet Nam**

The Vietnam Competition Law was adopted by the National Assembly in 2004 and took effect in 2005. The Vietnam Competition Authority (VCA) plays the role of the investigating body while the Vietnam Competition Council (VCC) has the function of deciding on antitrust cases based on the VCA's investigation dossier.

2016 marks an important milestone for the VCA. In addition to completing a review following the 10<sup>th</sup> year since the enforcement of the Law (2005-2015), the VCA has received the National Assembly's approval to amend the Vietnam Competition Law. The amended draft Law will be submitted to the National Assembly's for adoption in mid-2018. Thus the VCA has focused much of its resources to review the Law.

The VCA has recently concluded an official investigation on a case related to tourism and has submitted the case dossier to the VCC for its consideration. The case was initiated on the basis of a complaint received a company which was presumed to have abused its market power by imposing preferential commercial conditions for similar transactions to prevent new competitors from entering the market. The VCA also conducted investigations on several sectors including fishing boat insurance, pay TV, tourism, and sugar cane and collected information on several areas showing abusive behavior.

