

**MEMORANDUM OF UNDERSTANDING ON IMPLEMENTATION OF
COMPETITION LAW**

BETWEEN

THE PHILIPPINE COMPETITION COMMISSION (PCC)

AND

THE COMPETITION AND CONSUMER COMMISSION OF SINGAPORE (CCCS)

**Paragraph 1
Purpose**

1.1 The purpose of this Memorandum of Understanding (“MoU”) is to establish a framework for cooperation between the Philippine Competition Commission and the Competition and Consumer Commission of Singapore (hereinafter referred to individually as a “Participant”, and collectively as the “Participants”) for the effective enforcement of competition laws in the Philippines and Singapore.

1.2 The Participants will promote competition in the two countries by addressing anti-competitive activities in accordance with the laws and regulations of their respective countries, in order to facilitate the development and operation of well-functioning markets in their respective countries. To achieve this, the Participants agree to take appropriate measures which adhere to the principles of transparency, non-discrimination, and procedural fairness.

1.3 The Participants will cooperate with and provide assistance to each other to the extent consistent with the laws and regulations in force in their respective countries, their respective important interests, and reasonably available resources. Each Participant will respect the other Participant’s autonomy in the performance of its functions and discharge of its duties pursuant to its laws and regulations.

**Paragraph 2
Definitions**

For the purposes of this MoU:

- (a) the term “competition laws” means:
 - (i) for the Philippines, the Philippine Competition Act (Republic Act No. 10667), and its implementing regulations as well as any amendments thereto;
 - (ii) for Singapore, the Competition Act (Chapter 50B) and its implementing regulations as well as any amendments thereto.

- (b) the term “enforcement activities” means any enquiry, proceeding, or investigation conducted by a Participant in relation to the application of the competition laws of its country to proscribe anti-competitive activities, and

- (c) the term “anti-competitive activities” means any conduct or transaction that may be subject to penalties or relief under the competition laws of the respective countries.

**Paragraph 3
Notification**

3.1 Each Participant will notify the other of any enforcement activity it is conducting that the notifying Participant considers may affect the important interests of the other Participant.

3.2 Provided that the notification is not contrary to the laws and regulations of the country of the notifying Participant and does not adversely affect any enforcement activity being carried out by the notifying Participant, notification pursuant to subparagraph 3.1 will be given as promptly as possible.

**Paragraph 4
Exchange of Information**

4.1 Each Participant will, upon request by the other, provide the other Participant with information that is relevant to the enforcement activities of the requesting Participant to the extent consistent with the laws and regulations of the country of the providing Participant, the providing Participant's important interests, and the reasonably available resources of the providing Participant.

**Paragraph 5
Confidentiality**

5.1 Each Participant will, in accordance with the laws and regulations of its country, maintain the confidentiality of any information provided by the other Participant under this MoU.

5.2. Information, other than publicly available information, provided by a Participant to the other under this MoU will be used by the receiving Participant only for the purpose of the effective enforcement of its competition laws. Such information will not be communicated by the receiving Participant to any other authority or any third party, unless written consent from the providing Participant is received.

5.3. Information, other than publicly available information, provided by a Participant to the other Participant under this MoU will not be used by the receiving Participant in criminal proceedings whether in a court of law, or in a body presided over by a judge.

5.4. Notwithstanding any other paragraphs of this MoU, neither Participant is required to provide information to the other Participant if it is prohibited from providing the information by the laws and regulations of its country, or if providing such information is incompatible with its important interests.

**Paragraph 6
Coordination of Enforcement Activities**

6.1 Where the Participants are pursuing enforcement activities with regard to the same matter or matters that are related to each other, the Participants may consider coordination of their enforcement activities. Such coordination shall be carried out in a manner which is consistent with the laws and regulations of the respective countries and subject to the reasonably available resources of each Participant.

6.2 Each Participant may, at any time, subject to appropriate notification to the other Participant, limit or terminate the coordination of enforcement activities and pursue its enforcement activities independently.

Paragraph 7

Cooperation Regarding Anti-Competitive Activities in the Country of One Participant that Adversely Affect the Important Interests of the Other

7.1 If a Participant (“requesting Participant”) believes that anti-competitive activities being carried out in the country of the other Participant (“requested Participant”) adversely affect the requesting Participant’s important interests, it may request the requested Participant to initiate appropriate enforcement activities. In deciding whether to make such a request, the requesting Participant may take into account:

- (a) the importance of avoiding conflicts resulting from enforcement activities in the two jurisdictions with regard to such anti-competitive activities; and
- (b) whether the requested Participant may be in a position to conduct more effective enforcement activities with regard to such anti-competitive activities.

7.2 The request made under subparagraph 7.1 should be as specific as possible in setting out the nature of the anti-competitive activities and their effect on the important interests of the requesting Participant, and should include an offer of further information and other forms of cooperation that the requesting Participant is able to provide.

7.3 The requested Participant will carefully consider whether to initiate enforcement activities, or expand ongoing enforcement activities, to address the anti-competitive activities identified in the request made under subparagraph 7.1. The requested Participant will inform the requesting Participant of its decision as soon as practically possible. If enforcement activities are initiated, the requested Participant will inform the requesting Participant of their outcome and, to the extent possible, of any significant interim developments.

7.4 Nothing in this paragraph limits the discretion of the requested Participant, under the competition laws of its country and its enforcement policies, to determine whether to undertake enforcement activities with respect to the anti-competitive activities identified in the said request. Similarly, nothing in this paragraph precludes the requesting Participant from withdrawing its request.

Paragraph 8 Communication

8.1 The Participants, subject to their reasonably available resources, will work together in the following areas:

- (a) keeping each other informed of significant developments in competition policy and enforcement of the competition laws in their respective countries;
- (b) exchanging experiences on enforcement of the competition laws and market studies, when appropriate;
- (c) seeking information from each other regarding matters of competition policy and enforcement of the competition laws in their respective countries; and

- (d) discussing developments relating to bilateral or multilateral fora that may be relevant to the cooperative relationship between the Participants.

8.2 The Participants will appoint the following liaisons for the purpose of facilitating cooperation based on this MoU:

Philippine Competition Commission: Office of the Executive Director

Competition and Consumer Commission of Singapore: International, Communications & Planning Division

8.3 Communications between the Participants may be carried out by telephone, electronic mail, videoconference, meeting or other means, as appropriate.

Paragraph 9 Technical Cooperation

The Participants recognise that it is in their common interest to work together in technical cooperation activities related to the strengthening of competition policy and implementation of the competition laws of both countries. Subject to the reasonably available resources of each Participant, technical cooperation activities under this MoU may include the following:

- (a) exchange of personnel of the Participants for training purposes;
- (b) participation of the Participants' personnel as lecturers or consultants at training courses on the implementation of competition laws and policy as organised or sponsored by either or both Participants; and
- (c) any other form of technical cooperation as the Participants will jointly decide upon.

Paragraph 10 Others

10.1 The cooperation under this MoU will commence on the date of signature and shall remain in effect until such time as the MoU is terminated pursuant to the procedures set out in Paragraph 10.2 below.

10.2 Either Participant may terminate the cooperation under this MoU upon giving thirty (30) days written notice to the other Participant.

10.3 This MoU may be modified at any time with the mutual written consent of the Participants.

10.4 Nothing in this MoU is intended to create legally binding rights or obligations under international law or the law of any jurisdiction. It does not confer or create any rights, privileges or benefits on any third person or party.

10.5 The Participants will consult with each other regarding any issues concerning the implementation of this MoU.

10.6 Supplementary arrangements to implement this MoU may be made with the mutual written consent of the Participants.

Signed on this 29th day of November, 2021.

For the Philippine Competition
Commission



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Dr. Arsenio M. Balisacan
Chairperson
Philippine Competition Commission

For the Competition and Consumer
Commission of Singapore



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Ms. Aik Kor Sia
Commissioner and Chief Executive
Competition and Consumer
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