
PRESS RELEASE

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PCC reports to UN competition body on PH's appetite, challenges for mergers

Geneva, Switzerland—The Philippine Competition Commission (PCC), the antitrust authority of the country, shared its initiatives and efforts to the UN competition body in addressing the challenges in implementing merger control in the country.

Merger control is one of the main pillars of competition which was discussed at the 16th Session of the Intergovernmental Group of Experts (IGE) on Competition Law and Policy, a gathering of all competition authorities from around the world with United Nations Conference on Trade and Development (UNCTAD) last week.

“The challenges relate to the infancy of the Philippines’ competition law in the country,” said PCC Chairman Arsenio M. Balisacan, referring to the Philippine Competition Act (PCA).

The PCA was signed into law in July 2015 while PCC was established in February 2016 to enforce the competition law and implement the national competition policy for promoting and protecting competitive markets.

Balisacan shared that one of the challenges is growing the number of competition experts in the country. PCC encourages lawyers and economists to take up the emerging field of specialization.

“In other countries, the knowledge and practice of competition law and economics are well-developed. The Philippines may be new in the game but is catching up fast,” he added.

Balisacan also mentioned that even among corporate and commercial law practitioners, competition law only made major headway when the PCA was implemented two years ago.

“We have selected the best competition practitioners to join us in PCC. We also welcome those who want to specialize in this field. Our lawyers have had to surmount a steep learning curve for us to enforce merger control as credibly and as

faithfully as the law intends, and at par with other mature competition regimes,” he said.

Balisacan added the importance of continuous training and capacity-building on competition to better address the concerns of its stakeholders—business sector, judiciary, legal practitioners and academe—to ensure a relevant and effective merger control regime.

He said that competition law, unlike tax and labor laws, has yet to be prioritized as a subject in Philippine law school curriculums.

The antitrust chief has also shared his insights on how to provide businesses with more efficient service.

Balisacan allays the concerns of the business community when PCC deals with sensitive and important information of transactions in merger review procedures. He assured them that the competition authority strictly complies with rules on confidentiality, data protection, and security.

“This is a normal concern for businesses operating and cooperating with a new competition authority. But as the foremost authority on merger control, we assure our stakeholders that PCC applies the highest standards in dealing with business information,” he said.

PCC also offers pre-notification consultation for CEOs and lawyers representing firms in submitting and complying with the notification process.

“The way to smooth merger reviews is paved with transparency and accountability. We must adhere to the law to avoid hefty fines and this is geared towards a culture of compliance,” he added.

To date, the PCC has received 109 notifications on mergers and acquisitions amounting to a total of P1.8 Trillion and has approved 88 transactions.

The Intergovernmental Group of Experts on Competition Law and Policy is a standing body established under the United Nations Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices that meets every year to highlight ways of improving worldwide cooperation on competition policy implementation and dialogue.

Chairman Balisacan was joined by Commissioner Amabelle C. Asuncion, Mergers and Acquisitions Director Krystal Uy-Sia and spokesperson Atty. Leni Papa.

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