

Bilateral Workshop with Philippines Competition Commission

Manila, Philippines, 3 - 4 April 2017



On the 3rd and 4th of April 2017, the OECD/KPC Competition Programme held a workshop in Manila, the Philippines dedicated to providing capacity building to the recently created Philippines Competition Commission. Considering that the transitory period of two years following the adoption of the New Competition Act in 2015 will come to an end in August this year, the Philippines Competition Commission (PCC) is currently undertaking the

drafting of guidelines on Fines as well as designing its leniency programme. In that context, the OECD/KPC provided a workshop that was dedicated to these two topics with the view of providing valuable inputs into their drafting process.

To do so the OECD/KPC counted on the commitment and the kind participation of the Mr. Choong Soo Jeon of the Korea Fair Trade Commission (KFTC), Ms. Akari Yamamoto and Mr.



Hiroshi Nakazato of the Japan Fair Trade Commission (JFTC), Bruce Cooper of the Australia Consumer and Competition Commission (ACCC), and Winnie Ching of the Competition Commission of Singapore (CCS). All the agencies present and their representatives had solid backgrounds in the topics and this allowed for a wide diversity of views and a wealth of experience that was crucial for a very rich discussion.

This workshop had approximately 40 participants of competition officials from the Philippines, including all those involved in the PCC in the development and drafting of the guidelines. Before the event the PCC had sent drafts of their work to date as well as a number of questions to be discussed, which allowed the presentations of the speakers to be more targeted to the specific issues, questions and concerns of the PCC.

The event opened with introductory speeches by Director General Soohyun Yoon of the Korea Policy Centre, Ms. Stella Quimbo (Commissioner of the PCC) and Mr. Ruben Maximiano (Senior Competition Expert at the OECD). Entering into the substantive part of the discussions, both days had a similar organisation: an overview by the OECD of the international best practices, drawing upon the work of the OECD in the last few years, and presented by Mr. Maximiano, then sessions lead by each of the competition authorities present (KFTC, JFTC, ACCC, CCS), followed by a final open discussion and Q&A session.

The first day was dedicated to Leniency and presenters discussed the current functioning of their programmes, but also importantly discussed their practical experiences in applying them, sharing things that have worked well as well as those





that needed to be tweaked to improve results. This learning-by-doing sharing provided useful pointers for the PCC. Topics that were discussed during the individual sessions as well as during the final discussions included the meaning in practice of full and continuous co-operation, the links between leniency and criminal liability, and between leniency and private enforcement.

The second day was dedicated to fining and other sanctions, and after the OECD overview, the PCC made an excellent presentation on its current draft of the guidelines. All the sessions by each one of the visiting agencies as well as the final discussion reviewed the experiences in the method of calculating fines and the issue of relevant turnover and discretion of the agency, parental liability, inability to pay allegations, amongst others.

This was a novel workshop that worked very well indeed, the discussions were detailed and lively, with the PCC staff fully engaged. The work before the event was crucial to its

usefulness as it allowed the speakers to have an understanding of the ongoing work of the PCC and then to provide comments throughout the workshop.

Some OECD and ICN material on fines and leniency used and referenced during the workshop:

- OECD Recommendation of the Council concerning Effective Action against Hard Core Cartels (1998)
- OECD Sanctions in Antitrust Cases (2016)
- OECD Policy Roundtable 2012 – Leniency for Subsequent Applicants
- ICN Anti-Cartel Enforcement Manual Chapter 2 – drafting and implementing an effective leniency policy