BILATERAL

# MEMORANDUM OF UNDERSTANDING BETWEEN THE PHILIPPINE COMPETITION COMMISSION (PCC) AND THE TRADE COMPETITION COMMISSION OF THAILAND (TCCT) ON IMPLEMENTATION OF COMPETITION LAW

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Paragraph I
Purpose

1.1

The purpose of this Memorandum of Understanding ("MOU") is to contribute to the effective enforcement of the competition laws of each country through the development of cooperative relationship between the Philippine Competition Commission and the Trade Competition Commission of Thailand, (hereinafter collectively referred to as "Participants" and individually referred to as "Participant").

1.2

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 reasonably available resources, and their respective important interests. 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 II
Definitions

2.1

For the purposes of this MOU:

a)

The term "Competition Laws" mean:

i.

for the Philippines, the Philippine Competition Act (Republic Act No. 10667), and its implementing regulations, and any amendments thereto; and

ii.

for Thailand, the Trade Competition Act B.E. 2560 (2017) (Trade Competition Act) and its implementing regulations, and any amendments thereto.

b)

The term "Enforcement Activities" means any proceeding or investigation conducted by a Participant in relation


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to the application of the competition law 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 remedy or relief under the competition laws of the respective countries.

Paragraph III
Notification

3.1

Each Participant shall endeavor to notify the other Participant of any enforcement or potential anti-competitive activities that may substantially affect the important interests of the other Participant.

3.2

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

Paragraph IV
Exchange of Information

4.1

Each Participant will, upon request, provide the other Participant with information that is relevant to enforcement activities and other significant competition matters subject to the laws and regulations, important interests, and reasonably available resources of the providing Participant.

Paragraph V
Confidentiality

5.1

Each Participant shall, 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, provided by a notifying Participant to the other Participant under this MOU will be used by the receiving Participant only for the purpose of the effective enforcement of the competition laws and will not be communicated by the receiving Participant to other authorities or a third-party.

5.3

Information, other than those publicly available, provided by a Participant to the other will not be used by the other Participant in criminal proceedings carried out by a court or 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


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it finds providing the information incompatible with its important interests.

Paragraph VI
Coordination of Enforcement Activities

6.1

Where the Participants are pursuing enforcement activities with regard to the same matter or matters or that are related to each other, the Participants will 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 VII
Cooperation Regarding Anti-Competitive Activities
in the Country of a Participant that Adversely
Affect the Interests of the Other Participant

7.1

If a Participant has reason to believe that there may be anti-competitive activities being carried out in the territory of the other Participant, which adversely affect the requesting Participant's important interests, it may request the other Participant to initiate appropriate enforcement activities, in accordance to the requested Participant's laws, rules and regulations. Both Participants will give due regard to the following:

a)

the importance of avoiding conflicts resulting from enforcement activities in different jurisdictions for such anti-competitive activities; and

b)

which Participant is in a better position to conduct more effective enforcement activities regarding such anti-competitive activities.

7.2

The request made under paragraph 7.1 should be as specific as practicable, and clearly indicate the nature of the anti-competitive activities, the important interest of the requesting Participant affected by the anti-competitive activities, and the effect to such interest. The request should also include the status of any related proceeding/s known to the requesting Participant, and an offer to provide further information and other cooperation that may be needed by the requested Participant and, which the requesting Participant will be able to provide.

Paragraph VIII
Transparency

8.1

The Participants will work together in the following areas, subject to reasonably available resources of each Participant:

a)

keeping each other informed of significant developments of competition policy and enforcement of the competition law;

b)

exchanging experiences on enforcement of the competition law, when appropriate;

c)

seeking information from one another regarding matters of competition policy and enforcement of the competition law;

d)

discussing development relating to bilateral or multilateral fora that may be relevant to the cooperative relationship between the Participants; and

e)

other matters that may be agreed upon by the Participants.

8.2

Officials of the Participants may meet, as appropriate, to share the experience in the fields of competition law and policy.

Paragraph IX
Communication

9.1

The Participants will appoint the following liaisons for the purpose of facilitating cooperation based on this MOU and will effectively operate sufficient interchanges and cooperation between the liaisons.

a)

**PCC:**

Office of the Executive Director

Email:

oed@phcc.gov.ph

b)

**TCCT:**

International Affairs Division

Email:

international@tcct.or.th


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9.2

Communication between the Participants may be carried out by telephone, electronic mail, videoconference, meeting or other means, as may be practicable.

Paragraph X
Technical Cooperation

10.1

The Participants recognize that it is in their common interest to work together in technical cooperation activities related to strengthening of competition policy and implementation of the competition law of each country.

10.2

The technical cooperation activities may include, within the reasonably available resources of the Participants, the following:

a)

exchange of personnel of the Participants for training purposes;

b)

participation of personnel of the Participants as lecturers or consultants at training courses on the implementation of competition law and policy organized or sponsored by either or both Participants; and

c)

any other form of technical cooperation as the Participants may decide.

Paragraph XI
Others

11.1

The cooperation under this MOU shall take effect upon signing by the heads or authorized representative of the Participants.

11.2

Either Participant may terminate the cooperation under this MOU upon thirty (30) days written notice to the other, through diplomatic channels.

11.3

This MOU may be modified upon mutual written consent of the Participants, through diplomatic channels.

11.4

Nothing in this MOU is intended to create legally binding rights or obligations.

11.5

The Participants will consult with each other regarding any issues concerning this MOU.


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11.6

Detailed rules and supplementary arrangements to implement this MOU may be made with the mutual written consent of the Participants, through diplomatic channels.

Signed in Quezon City, Philippines on this 4[th] day of February 2025, in three copies in the English language.

For the Philippine Competition Commission: For the Trade Competition Commission of Thailand:

(Sgd.)
MICHAEL G. AGUINALDO
Chairperson)
Philippine Competition Commission (Sgd.)
ASST. PROF. VISANU VONGSINSIRIKUL
Secretary – General
Trade Competition Commission of Thailand

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