

**MEMORANDUM OF COOPERATION BETWEEN  
THE DEPARTMENT OF JUSTICE IN THE REPUBLIC OF THE PHILIPPINES AND  
THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION**

**I. Purpose of Cooperation**

- 1.1. The purpose of this Memorandum is to contribute to the effective enforcement of the competition laws of each country through the development of a cooperative relationship between the Department of Justice of the Republic of the Philippines (DOJ) and the Australian Competition and Consumer Commission (ACCC) (hereafter collectively referred to as the 'competition authorities' and individually referred to as the 'competition authority').
- 1.2. The competition authorities will cooperate 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.

**II. Anti-competitive Activities**

- 2.1 The competition authorities will promote competition by addressing anti-competitive activities in accordance with the laws and regulations of their respective countries, in order to facilitate the efficient functioning of the markets of their respective countries. The competition authorities express their intention to take appropriate measures for such purposes in conformity with the principles of transparency, non-discrimination and procedural fairness.

**III. Notification**

- 3.1 Each competition authority will notify the other competition authority of the enforcement activities of the notifying competition authority that the notifying competition authority considers may affect the important interests of the other competition authority.
- 3.2 Notification pursuant to the preceding subparagraph will be given as promptly as possible when the notifying competition authority becomes aware that its enforcement activities may affect the important interests of the other competition authority.

**IV. Exchange of Information**

- 4.1 Each competition authority will, as appropriate, provide the other competition authority with information that is relevant to the enforcement activities of the other competition authority to the extent consistent with the laws and regulations of the country of the providing competition authority and the important interests of the providing competition authority, subject to its reasonably available resources.

## **V. Transparency**

- 5.1 The competition authorities will work together in the following areas, subject to reasonably available resources of each competition authority:
- a) Keeping each other informed of significant developments of competition policy and enforcement of the competition law;
  - b) Exchanging experience 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; and
  - d) Discussing development relating to bilateral or multilateral fora that may be relevant to the cooperative relationship between the competition authorities.
- 5.2 Officials of the competition authorities may meet, as appropriate, to share their experience in the fields of competition law and policy.

## **VI. Technical Cooperation**

- 6.1 The competition authorities recognise 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.
- 6.2 The technical cooperation activities may include, within the reasonably available resources of the competition authorities, the following:
- a) Exchange of personnel of the competition authorities for training purposes;
  - b) Conduct of workshops or training courses for competition authorities' staff and other personnel;
  - c) Study trip to the competition authorities and related offices;
  - d) Participation of personnel of the competition authorities as lecturers or consultants at training courses on the implementation of competition law and policy organised or sponsored by either or both competition authorities; and
  - e) Any other form of technical cooperation as the competition authorities may decide.

## **VII. Communication**

- 7.1 Any information communicated between the competition authorities in line with this Memorandum will be limited to publicly available information.
- 7.2 The competition authorities will appoint the following liaisons for the purpose of facilitating cooperation based on this Memorandum and will effectively operate sufficient interchanges and cooperation between the liaisons.

DOJ:

Advocacy and Partnerships Working Group, Office for Competition, Department of Justice

ACCC:


International Unit, Strategy, Intelligence, International and Advocacy Branch, ACCC

- 7.3 Communication between the competition authorities may be carried out by telephone, electronic mail, videoconference, meeting or other means, as appropriate.

### VIII. Others

- 8.1 The cooperation under this Memorandum will commence upon signing by the competition authorities.
- 8.2 Either competition authority may terminate the cooperation under this Memorandum upon thirty (30) days written notice to the other competition authority.
- 8.3 Nothing in this Memorandum is intended to create legally binding rights or obligations. All cooperation under this Memorandum between the competition authorities will be conducted subject to the laws and regulations in force in their respective countries and within the reasonably available resources of each competition authority.
- 8.4 The competition authorities will consult regarding any questions concerning this Memorandum.
- 8.5 This Memorandum may be modified with mutual consent of the competition authorities.
- 8.6 Detailed rules to operate this Memorandum may be made between the competition authorities as necessary.

Signed in Australia and the Philippines on \_\_\_\_\_, in two copies in English.

  
Leila M. de Lima  
Secretary of Justice  
For the Department of Justice of the  
Republic of the Philippines

  
Rod Sims  
Chairman  
For the Australian Competition and  
Consumer Commission  
*16th September 2014*