



**PROGRAMME**  
**9<sup>th</sup> ASEAN COMPETITION CONFERENCE (ACC)**

**Safeguarding Competition – A Post-Pandemic Response of ASEAN Competition Authorities**

**1-2 December 2021**  
**Virtual**

ASEAN has long recognised that its vision and aspirations need to be closely intertwined with global affairs and development. Against the backdrop of the unprecedented year of the COVID-19 pandemic which has impacted every aspect of peoples' lives, ASEAN continues the tradition of aligning its response to current and emerging issues, to create an enabling environment, so as to build a stronger ASEAN, which is better prepared, more strategic, holistic and coordinated in its responses.

The significant economic and social challenges due to the COVID-19 pandemic, has led to the adoption of the [ASEAN Comprehensive Recovery Framework](#) and its Implementation Plan to address the impacts of the COVID-19 pandemic while safeguarding peoples' health and well-being.

The ASEAN Experts Group on Competition (AEGC) recognised the significant negative impacts of the COVID-19 pandemic on most sectors of ASEAN and the global economy. At the start of the pandemic, the AEGC issued a [Joint Statement in Response to the COVID-19 Pandemic](#) which called on all business sectors to continue to comply with the competition law despite the economic downturn. The AEGC also reiterated their commitment to strengthen cooperation among ASEAN competition authorities to address anti-competitive activity during the pandemic. In addition, a mid-term review of the ASEAN Competition Action Plan (ACAP) 2025 was conducted to take stock of the implementation of the ACAP as well as adjust and refine deliverables to be implemented post-2020.

The 9<sup>th</sup> ACC will deliberate on the following topics:

- (i) Implications of the COVID-19 Pandemic to ASEAN Markets – A Review
- (ii) Maintaining Business Compliance
- (iii) Increasing Importance of Competition Policy for MSMEs in the Post-Pandemic Era
- (iv) The Rapid Shift Towards the Digital Economy and the Risk to Competition Enforcement
- (v) Strengthening Cooperation in anticipation of future Crisis

Papers have been selected to be presented at the Conference, following the launch of the AANZFTA Competition Law Call for Papers in June 2021.

Day 1 Programme	
08.00 - 08.30	Speakers and Participants to Log-in
08.30 - 08.35	ASEAN Anthem
08.35 - 08.50	<b>Welcome and Opening Remarks</b> <ul style="list-style-type: none"> <li>• <b>H.E. Satvinder Singh</b> Deputy Secretary-General for the ASEAN Economic Community</li> <li>• <b>Dr. Guntur Syahputra Saragih</b> Vice-Chair for the ASEAN Heads of Competition Agencies Meeting, Chairman Indonesia Competition Commission</li> <li>• <b>H.E. Nguyen Sinh Nhat Tan</b> Vice Minister, Ministry of Industry and Trade, Viet Nam</li> </ul>
08:50 – 09:00	<b>Overview of the Conference</b> <ul style="list-style-type: none"> <li>• <b>Gwen Grecia-de Vera</b> Conference Convenor</li> </ul>
09:00 – 10:30	<b>SETTING THE SCENE</b>
09:00 – 09:30	<b>Outcomes of the Mid-Term Review Exercise of the ACAP 2025</b> <p>Entering its 5<sup>th</sup> year of implementation, the ASEAN Competition Action Plan (ACAP) 2016-2025 has been reviewed to take stock of the current implementation status of the ACAP, reviewing achievements and shortcomings, drawing relevant lessons for adjustment(s) and refinement(s), and developing a new Implementation Schedule for the 2021-2025 period. The Mid-term Review (MTR) of the ACAP 2025 was carried out between May and October 2020 and finalised in March 2021.</p> <p>Overall, ASEAN has made good progress in the first five years (2016-2020) of the ACAP implementation. The ACAP initiatives were evaluated based on its contribution towards the attainment of the strategic goals using five criteria, namely relevance, effectiveness, efficiency, coherence, and sustainability. The updated ACAP 2025 also includes new deliverables that is to be carried out over the next five years, based on the current competition landscape and trends in ASEAN and globally. New deliverables under the Plan includes developing an ASEAN Information Portal on Merger Cases, and developing an ASEAN Investigation Manual on Competition Policy and Law for the Digital Economy.</p> <p>The Mid-Term Review has been completed and provides valuable lessons and recommendations to guide the next phase of the AEC.</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>• <b>Looi Teck Kheong,</b> Head Competition, Consumer Protection and IP Rights Division, ASEAN Secretariat</li> </ul>

<p><b>09:30 – 10:30</b></p>	<p><b>Implications of the COVID-19 Pandemic to ASEAN Markets – A Review</b></p> <p>It is an unprecedented time for all ASEAN Member States and nations worldwide which has brought about disruptions in economic activities across the region, as evident by community quarantines, temporary business closures, increasing unemployment, travel restrictions, declining tourism flows and the weakening in consumer and business confidence.</p> <p>As a result of the pandemic, governments around the world including competition authorities has had to face issues such as price gauging and price fixing in essential hygiene consumer products such as hand sanitizers, face masks, and household products. In response, regulations have been issued to prevent price gauging by setting maximum reference prices for essential goods and price caps, and authorities are also monitoring the markets, and take enforcement actions.</p> <p>Issues to be addressed in this session are outlined below:</p> <ul style="list-style-type: none"> <li>• How has COVID-19 changed the environment for businesses operating in the region?</li> <li>• Highlight the issues the Pandemic brings about to competition which includes: <ul style="list-style-type: none"> <li>○ increasing collaboration between competitors/rivals to ensure supply chains in essential goods and services;</li> <li>○ increasing mergers in-light of failing firms;</li> <li>○ growth of market power as firms are forced to leave the market in large numbers;</li> <li>○ implications to SMEs;</li> <li>○ governments giving loans funding for specific companies and or sectors, preferencing SOEs or other market interventions; and</li> <li>○ price gouging of essential items.</li> </ul> </li> </ul>		
	<p><b>Moderator:</b></p> <ul style="list-style-type: none"> <li>• <b>Heidi Farah Sia Abdul Rahman</b> Acting Director, Competition and Consumer Affairs Department, Ministry of Finance and Economy, Brunei Darussalam</li> </ul> <table border="1" data-bbox="512 1556 1476 1984"> <tr> <td data-bbox="512 1556 991 1984"> <p><b>Presentation:</b> Safeguarding Competition in the ASEAN Digital Economy: Net Neutrality or Competition Law?</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>• Mr Yogi Bratajaya</li> </ul> </td><td data-bbox="991 1556 1476 1984"> <p><b>Commentators:</b></p> <ul style="list-style-type: none"> <li>• <b>Dr. Drs. Chandra Setiawan, M.M., Ph.D.,</b> Commissioner of Indonesia Competition Commission</li> <li>• <b>Dr. Nguyễn Anh Tuấn,</b> Partner, LNT &amp; Partners</li> <li>• <b>Prof. Sakon Varunyuwatana, Ph.D.,</b> Chairman of Trade Competition Commission (OTCC)</li> </ul> </td></tr> </table>	<p><b>Presentation:</b> Safeguarding Competition in the ASEAN Digital Economy: Net Neutrality or Competition Law?</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>• Mr Yogi Bratajaya</li> </ul>	<p><b>Commentators:</b></p> <ul style="list-style-type: none"> <li>• <b>Dr. Drs. Chandra Setiawan, M.M., Ph.D.,</b> Commissioner of Indonesia Competition Commission</li> <li>• <b>Dr. Nguyễn Anh Tuấn,</b> Partner, LNT &amp; Partners</li> <li>• <b>Prof. Sakon Varunyuwatana, Ph.D.,</b> Chairman of Trade Competition Commission (OTCC)</li> </ul>
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## PANEL DISCUSSION 1

10:30 – 12:00

### Maintaining Business Compliance

Competition authorities have temporarily allowed cooperation arrangements necessary to ensure the supply and distribution of affordable products to all consumers to prevent a shortage of essential products. However, they have also vigorously taken enforcement actions against those taking advantage of the crisis by creating cartels and abusing their dominant positions.

Competition policy and law remains important in times of economic hardship and is even more pertinent in times of economic recovery. It greatly contributes to the region's efforts in overcoming the adverse impact from the pandemic.

This session will address how businesses should be required to maintain competition compliance in times of the pandemic, despite the relaxation of rules and government support measures which may prove harmful to competition in the market post-recovery due to the possible creation of a small number of dominant market players.

Issues to be addressed in this session are outlined below:

- Highlights the ASEAN Competition Authorities' Policy Responses to COVID-19.
- Many competition authorities are relaxing the rules allowing firms to collaborate.
- Would such flexibility be too inviting of opportunism and abuse?
- Recommendations for competition authorities when giving such leniencies/ interim authorisation/ relaxed policies: possibility of reviewing and revoking such measures upon further investigations or after a specified time; and undertaking public consultations.
- How can authorities ensure competition remains at the forefront of economic policy?
- Examples of how competition authorities continue to be part of the whole government approach to identify the least competition distortive alternatives when pursuing important public policy goals?

#### **Moderator:**

- **Trinh Anh Tuan**, Deputy Director-General  
Vietnam Competition and Consumer Authority

**Presentation:** Hitch in ASEAN's Rapid Shift to a Digital Economy

#### **Speaker:**

- Ms Amirah Affendi

#### **Commentators**

- **Tran Phuong Lan**, Director,  
M&A Division, Viet Nam  
Competition and Consumer  
Authority (VCCA)



		<ul style="list-style-type: none"><li>• <b>ABAC Rep</b> (TBC)</li><li>• <b>Sam Scott</b>, Director of International, UK Competition and Markets Authority (CMA)</li><li>• <b>Kentaro Doi</b>, Deputy Director International Affairs Division, Japan Fair Trade Commission (JFTC)</li></ul>
<b>12:00 – 13:30</b>	<b>Lunch</b>	
<b>PANEL DISCUSSION 2</b>		
<b>13:30 – 15:00</b>	<p><b>Increasing Importance of Competition Policy for MSMEs in the Post-Pandemic Era</b></p> <p>MSMEs constitute the largest number of establishments in ASEAN and contribute significantly to the economic development and growth of the ASEAN Member States (AMS). Accounting for 99% of total establishments in AMS and contributing from 30% to 53% of AMS's GDP, MSMEs are important in terms of income and employment generation, as well as gender and youth empowerment. They are known to be the backbone of ASEAN, and their development is fundamental towards achieving long-run and sustainable economic growth as well as to narrow the development gap.</p> <p>However, MSMEs generally tend to operate at a comparative disadvantage relative to larger competitors. Amongst the challenges faced by MSMEs includes the limited access to established suppliers, account for a small proportion of the given market, and have less access to relevant legal advice and compliance processes.</p> <p>ASEAN believes that competition law continues to play a fundamental role during the pandemic and will remain even more important in the post-Covid economic recovery period. The session will address the question on how AMS can cooperate to ensure that competition laws and policies provide a level playing field to MSMEs, and how can MSMEs actively utilise these laws for their benefit. In addition, how can competition authorities better promote education and empowerment campaigns within the MSME community.</p> <p>Issues to be addressed in this session are outlined below:</p>	

	<ul style="list-style-type: none"> <li>• Identify Competition-Related Issues for MSMEs.</li> <li>• How competition laws and policies assist, or provide a level playing field to, MSMEs?</li> <li>• Examples of how CAs have played an active role in advocating to MSMEs to encourage compliance and raise awareness on CPL.</li> <li>• Examples of a Dedicated MSME Consultative Bodies in Competition Agencies.</li> </ul>
	<p><b>Moderator:</b></p> <ul style="list-style-type: none"> <li>• <b>Prof. Sakon Varunyuwatana, Ph.D.</b>, Chairman of Trade Competition Commission (OTCC)</li> </ul>
	<div> <div> <p><b>Presentation:</b> The Wave of Big Tech Engulfing Subsea Cables</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>• Ms Nancy Cai</li> </ul> </div> <div> <p><b>Commentators:</b></p> <ul style="list-style-type: none"> <li>• <b>Meng Songkheang</b>, Director of Competition Department of Consumer Protection, Competition and Fraud Repression Directorate General, Cambodia</li> <li>• <b>YBhg. Dato' Mohammad Radhi Abdul Razak</b>, Deputy Secretary General (Policy and Monitoring), Ministry of Entrepreneur Development and Cooperatives (MEDAC)</li> <li>• <b>Siti Maulana Manap</b>, Director Strategic Planning, Malaysia Competition Commission (MyCC)</li> <li>• <b>Rachel Burges</b>, University of Southern Queensland</li> </ul> </div> </div>
15:00 – 15:15	<p><b>Wrap-up Day 1 and Expectations for Day 2</b></p> <ul style="list-style-type: none"> <li>• <b>Alice Pham</b> Conference Convenor</li> </ul>
15:15	End of Day 1

Day 2 Programme	
PANEL DISCUSSION 3	
13:00 – 14:30	<p><b>The Rapid Shift Towards the Digital Economy and the Risk to Competition Enforcement</b></p> <p>Restrictions on movement coupled with limited traditional sales methods have seen businesses shift their operation online following the pandemic. Firms are using social media platforms, websites and applications to sell their products, conduct transactions, and interact with their customers. Online trade has given businesses access to wider markets as well as enable businesses to reinforce their market dominance. It has enabled firms to collect more data on customers and has greatly enhanced price transparency, enabling businesses to implement a more responsive pricing strategies.</p> <p>Although the digital economy has generated new opportunities around the globe, it has posed challenges for policymakers which is to develop the approach to promote and protect competition in the digital markets. As trade becomes increasingly interconnected, some coordination between firms could be unavoidable leading to competition concerns.</p> <p>This session will address how competition authorities should review the existing tools to achieve policy objectives, while avoiding harm to competition and innovation.</p> <p>Issues to be addressed in this session are outlined below:</p> <ul style="list-style-type: none"> <li>• Elaborate on how the digital economy has evolved through innovations in business models and strategies, including the widespread use of algorithms, information technologies, artificial intelligence, machine learning and big data.</li> <li>• What are the possible limitations of the current methods used by the competition authorities?</li> <li>• The nexus between innovation and market power has intensified, calling all competition authorities to assess the need for innovation to rebuild economies while maintaining the implementation of competition policy.</li> <li>• Food for thoughts for the Development of an ASEAN Investigation Manual on CPL for the Digital Economy.</li> <li>• How can competition authorities remain vigilant to ensure the digital platforms continues to benefit consumers and economies?</li> </ul>
	<p><b>Moderator:</b></p> <ul style="list-style-type: none"> <li>• <b>Mr Iskandar Ismail</b>, Chief Executive Officer, Malaysia Competition Commission (MyCC)</li> </ul>

	<p><b>Presentation:</b> Online Platforms in a Lockdown Economy - An ASEAN Market Experience</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>Ms Maria Fraulaine May L. Rapal</li> </ul>	<p><b>Commentators:</b></p> <ul style="list-style-type: none"> <li><b>Rod Sims</b>, Chairman, Australian Competition and Consumer Commission (ACCC)</li> <li><b>Soohyun Yoon</b>, Standing Commissioner, KFTC Korea Fair Trade Commission (KFTC)</li> <li><b>Sia Aik Kor</b>, Chief Executive, Competition and Consumer Commission of Singapore (CCCS)</li> <li><b>Julie Clarke</b>, Associate Dean (Digital Technologies) Director of Studies, Competition and Consumer Law, University of Melbourne</li> </ul>
<b>PANEL DISCUSSION 4</b>		
<b>14.30 - 16.00</b>	<p><b>Strengthening Cooperation in Anticipation of Future Crisis</b></p> <p>In 2020, the ASEAN economy contracted by an estimated 3.3% as both domestic and foreign demand dropped. However, in 2021, recovery may drive growth closer to pre-pandemic levels, contingent upon virus containment and vaccination progress. Future challenges remain however, with new variants of COVID-19 continue to appear.</p> <p>Regional cooperation plays a vital role in dealing with uncertainties, including future pandemics. The findings on the mid-term review of the AEC Blueprint reveals that collective action and policy responses to foster greater economic resilience is needed. Thus, ASEAN is intensifying efforts on enhancing value and supply chains, deepening engagement with stakeholders including the private sector, and building capacity for digital transformation and the fourth industrial revolution, with a view towards sustainable development.</p> <p>In response the AEGC has issued a <i>Joint Statement in Response to the COVID-19 Pandemic</i> and intensified cooperation to ensure timely exchange of information to address anti-competitive activity during the pandemic.</p> <p>At the national level, the responses to these issues has varied from a relaxation of rules concerning collaboration to ensure continuity of supply, warnings on price gouging, price caps and a relaxation of merger notification.</p>	



	<p>The session will look into the means to strengthen cooperation to anticipate future crisis that may pose an even greater risk to peace and stability that the region has enjoyed in the past few decades. Issues to be addressed in this session are outlined below:</p> <ul style="list-style-type: none"> <li>• Highlight the Hanoi Plan of Action in Response to the COVID-19 Pandemic.</li> <li>• Highlight the Joint Statement by the AEGC in Response to the COVID-19 Pandemic.</li> <li>• Food for thoughts for the Development of the ASEAN Information Portal on Merger Cases.</li> <li>• How should competition authorities respond to the overall policy response of governments to deal with future crisis? What are the lessons learnt from the current Pandemic?</li> <li>• How can governments work together to cushion the negative impact of the current and future crisis?</li> </ul> <p><b>Moderator:</b></p> <ul style="list-style-type: none"> <li>• <b>Sarah Firdaus</b> CCPID, ASEAN Secretariat</li> </ul> <p><b>Presentation:</b> Leniency Program in Indonesian Competition Law Revision Bill: A Lesson Learned From EU and Cooperation in AANZFTA Framework</p> <p><b>Speaker:</b></p> <ul style="list-style-type: none"> <li>• Mr Ali Salmande and Ms Latifah Kusumawardani</li> </ul> <p><b>Commentators:</b></p> <ul style="list-style-type: none"> <li>• <b>Deswin Nur</b>, Head of Public Relation and Cooperation Bureau, Indonesian Competition Commission (ICC)</li> <li>• <b>Arsenio M. Balisacan</b>, Chairman, Philippines Competition Commission (PCC)</li> <li>• <b>Cassey Lee</b>, Senior Fellow, ISEAS – Yusof Ishak Institute</li> <li>• <b>Frederic Jenny</b>, Chairman of the OECD Competition Committee</li> </ul>
<b>CLOSING</b>	
16.00 - 16.15	<p><b>Wrap-up of Day 2</b></p> <ul style="list-style-type: none"> <li>• <b>Gwen Grecia-de Vera</b> Conference Convenor</li> </ul>
16:15 - 16:25	<p><b>Closing Remarks:</b></p> <ul style="list-style-type: none"> <li>• <b>Mr. Trinh Anh Tuan</b>, Deputy Director General, Vietnam Competition and Consumer Authority (VCCA)</li> </ul>
16:25	<p><b>End of Conference</b> (Completion of Feedback Forms)</p>