

The

ASEAN Capacity Building Roadmap for Competition (2021-2025)

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Catalogue-in-Publication Data

ASEAN Capacity Building Roadmap for Competition (2021 - 2025)
Jakarta, ASEAN Secretariat, January 2022

ASEAN: A Community of Opportunities for All

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The ASEAN Capacity Building Roadmap for Competition (2021-2025) is written by Rachel Burgess and Shila Doraj Rai, in consultation with the ASEAN Experts Group on Competition (AEGC), and with the support from the AANZFTA Competition Law Implementation Program.

Executive Summary

The updated ASEAN Capacity Building Roadmap for Competition (2021-2025) recommends capacity building initiatives in support of ASEAN Member States (AMS) effectively and efficiently introducing, implementing, collaborating and coordinating on competition policy and law in the period 2021-2025.

Under Strategic Goal 2 of ACAP 2025, the capacities of competition-related agencies in AMS are to be strengthened to effectively implement competition policy and law. A key outcome of this goal is the enhancement of capacity in institutional development, enforcement, advocacy, economic analysis/sector studies and related policy areas. The initiatives under this goal are oriented towards addressing capacity building gaps to ensure competition agencies develop the skills and competencies required to be able to effectively enforce the law.

1. Background

The progress in introducing a competition law in the AMS has been impressive, with nine of the countries in the ASEAN region having implemented its competition law and established its competition agency. Cambodia's Law on Competition was endorsed by the King for immediate promulgation on 5 October 2021. The introduction of any new laws creates the need for capacity building. In relation to competition law, this was recognised in the 2015 AEC Blueprint, which set as an action the encouragement of 'capacity building programmes/activities for ASEAN Member Countries in developing national competition policy'. Subsequently, strategic goals were set and the ASEAN Competition Action Plan 2025 (ACAP) was adopted. Initiative 2.1 of ACAP was to 'conduct assessment of national and regional capacity needs related to CPL' resulting in an 'Updated Regional Capacity Building Roadmap 2016-2020 by 2017, with a vision until 2025'. This outcome was delivered in the form of the ASEAN Regional Capacity Building Roadmap (ARCBR) 2017-2020 which sought to establish the gaps in capacity which existed across the ASEAN region and made specific recommendations for capacity building in the region. The ARCBR 2017-2020 identified 5 key result areas with activities at different levels to meet the needs of the AMS which were at different stages of development.

The ASEAN Regional Capacity Building Roadmap 2021–2025 is a deliverable which was added following the Mid Term Review of the ASEAN Competition Action Plan (2016 – 2025). It will guide the regional capacity building activities for the next five years.



2. Methodology

The ASEAN Regional Capacity Building Roadmap 2021-2025 (the Roadmap) was developed based on desk research and consultation.

Desk research was conducted covering ASEAN competition policy documents, research and surveys conducted by international competition organisations (ICN, UNCTAD, OECD) on the needs of young competition agencies throughout the world, the types of, and modalities used for, capacity building activities that have been carried out successfully (and unsuccessfully) and selected academic research. The background research did not identify a Capacity Building Roadmap for Competition (other than the 2017-2020 Roadmap) designed for other regions either for the regional, sub-regional or national level. This could be due to each authority having its own needs or that any



background research did not identify a Capacity Building Roadmap for Competition (other than the 2017-2020 Roadmap) designed for other regions either for the regional, sub-regional or national level. This could be due to each authority having its own needs or that any documents if available are not disclosed publicly.

An analysis of the regional capacity building activities conducted under the preceding ARCBR 2017-2020 was undertaken. This showed that a total of 42 activities were carried out during the period, with the majority of activities focused on enforcement (17), followed by institution building (9), economics (8), mergers (5) and legal (2). Only 1 regional activity was completed where almost all of the AMS participated.

The AANZFTA Committee on Competition supported a Brainstorming Workshop for the ARCBR held virtually with 8 AMS attending[1]. The purpose of the Brainstorming Workshop was to gather views, comments and insights on past capacity building activities, AMS needs for the next five years and effective modalities. During the Brainstorming Workshop, participants were asked which aspects of previous capacity building activities were successful (and why) and which were less successful (and why) and which modes of delivery worked well (and why).

AMS provided additional inputs based on answers to questions in a bespoke Questionnaire which was circulated following the Brainstorming Workshop.

Development of the Roadmap and its supporting Report also benefited from consultation with the AEGC, the ASEAN Secretariat and a Reference Group. The Reference Group was appointed based on their experience in the ASEAN region, offering a wide range of perspectives on the proposed Roadmap. Their role was to participate and contribute throughout the process, rather than simply undertake a peer review at its conclusion.

3. AMS Capacity Building Needs

For the 2021-2025 Roadmap, the capacity building needs of the AMS were identified through the Brainstorming Workshop, the Questionnaire and inputs from the Reference Group.

Key messages that emerged from the AMS and the Reference Group included:

- A desire for choice regarding participation in regional capacity building activities. Not all regional capacity building activities are relevant for all AMS.
- The need for basic training for competition law and economics is ongoing for both young and mature agencies (new staff, refresher courses) as is the continued need for building investigation skills.
- Topical and emerging issues, such as the digital economy and sustainability, seem to be the focus of the agencies that have the resource to consider them, however, there is a desire amongst all AMS to keep up to date.
- Some agencies are well placed to be providers of training rather than participants in selected areas of capacity building.
- An ongoing need to build capacities of the competition authorities so that they can deal with external stakeholders.
- The Roadmap should provide a series of signposts for the further development of capacity building activities.
- A progressive, building block approach to capacity building will be beneficial.

1 Brunei Darussalam and Lao PDR were unable to attend but provided written inputs

4. The ASEAN Regional Capacity Building Roadmap 2021-2025

The AMS are at various stages of development in terms of competition law implementation and enforcement. The needs of the agencies are divergent and will continue to differ. It was vital that these issues were taken into account in designing the Roadmap (Annex 1).

4.1 Overview

The Roadmap has identified two main pillars of capacity building needs: the Enforcement Pillar and the Institution Building Pillar. While both reinforce each other, the required focus will shift more towards enforcement as the institution develops. The Roadmap has been designed around six (6) categories of activities - Fundamental Training, Advocacy, Enforcement, Institution Building, Thematic Training and Cooperation. Each category identifies suggested activities for the five year period. Further details of what is intended for each activity are set out in the Additional Information attached to the Roadmap. However, the suggested activity list is not exhaustive and flexibility in adjusting the activities is encouraged, especially as the activities are rolled out and when the Roadmap is reviewed.

Capacity building activities can be selected (on an opt-in basis) by each AMS on a rolling two to three year basis, using the menu-style design. This will allow flexibility for the AMS when selecting capacity building activities for their staff. This style of Roadmap will require management and planning, a task which the ASEAN Secretariat is best placed to undertake. The suggestion of a two to three year rolling plan will assist in managing the Roadmap.

The focus of this ARCBR is the building of knowledge and capacity for the staff of the competition authority (and not in particular the investigation team) on the three pillars of competition law (anti-competitive practices, abuse of dominance and anti-competitive mergers) as well as on competition economics.

While the ARCBR 2021-2025 identifies common areas for capacity building in the region, there are further gaps in capacity building within the AMS. These gaps will need to be addressed on a national basis, and could be the subject of a dedicated National Roadmap for each AMS, as required.

4.2 Key considerations in designing the Roadmap

There were a range of considerations important to designing the Roadmap.

Of principal concern was ensuring that the activities result in sustainable knowledge and capacity building. Regard was had to considerations such as budgetary constraints, designing comprehensive programmes and activities that have high impact, and that available resources are utilized, avoiding duplication.

The development of competition law and policy in many parts of the ASEAN region is advancing quickly and much learning can be done from each other. AMS indicated that they would like to learn from other authorities in the region in the form of case study workshops, where “lessons learned” activities could be carried out.

Capacity building success will depend, in part, on capturing the knowledge shared. Regularly, when a capacity building activity is done, the event ends with minutes or notes circulated. To ensure the important takeaways from an activity are captured for future reference, the Roadmap recommends policy notes or briefs be prepared after an event so that key policy issues are captured for use by the authorities subsequently. This will also help to build and record an ASEAN-approach to competition policy and law issues.

Building knowledge in any specialty area requires time and experience. The Roadmap has been designed to encourage progressive learning using a building block approach. Courses on competition law fundamentals, economics, merger analysis and investigation skills have been suggested in levels to allow knowledge to be built in a gradual manner. It will also allow for staff to attend courses as ‘refreshers’.

In recognition of the AMS request for ‘opt-in’ activities, the Roadmap has been designed in a ‘menu style’ to allow AMS to choose appropriate activities on a rolling two to three year basis. Some activities have been recommended regularly, while others are suggested as one off activities. The year for delivery has been suggested but can be flexible based on AMS demand.

4.3 Six areas for capacity building

An overview of the six categories of capacity building in the Roadmap is provided below.

The goals of the AMS in relation to competition law and policy are set out in the ASEAN Competition Action Plan (ACAP). Strategic Goal 2 of ACAP 2025 is to strengthen the capacities of competition-related agencies in the AMS to effectively implement competition policy and law. The ACAP identifies as an Outcome the enhancement of technical capacities in enforcement, advocacy and institutional development (Outcome 2.2). This goal is built into the first four categories of capacity building activities.

4.3.1 Fundamental training

Technical capacities cannot be developed without an understanding of competition law and economics. The need for training on competition law and economics for Commission members and staff is also recognised in the Regional Guidelines 2020 (paragraph 11.3.1) and in the Regional Core Competencies (page 40).

Fundamental capacity building needs in the Roadmap are focussed on the three pillars of competition law (anticompetitive practices, abuse of dominance and anticompetitive mergers) (item 1.1 Additional Information) and competition economics (item 1.2 Additional Information). The Roadmap acknowledges that there are a range of online/e-learning modules available through CLIP and the ICN that are always available to the AMS.

4.3.2 Advocacy

Improving the capacity to advocate to government officers and the general public on the objectives, scope and benefits of competition law and policy is recognised in the Regional Guidelines 2020 (paragraph 11.3.1). Guidance on the core competencies for Advocacy are set out in the Guidelines on Developing Core Competencies in Competition Policy and Law for ASEAN (Part III).

Advocacy capacity building needs in the Roadmap are focussed on three main activities: (a) lessons learned dialogue, (b) policy dialogues and (c) stakeholder engagement.

4.3.3 Enforcement

The need for assistance on practical day to day matters relating to running a competition authority and investigations is recognised in the Regional Guidelines 2020 (paragraph 11.3.1). Enforcement is also covered in the Guidelines on Developing Core Competencies in Competition Policy and Law for ASEAN[2].

Enforcement capacity building needs in the Roadmap are focussed on investigation skills and merger analysis, setting of enforcement priorities and case study workshops. In relation to investigation skills and merger analysis, there are a range of online/e-learning modules available through CLIP and the ICN that are always available to the AMS.

4.3.4 Institution Building

Institution building is the primary focus of the Guidelines on Developing Core Competencies in Competition Policy and Law for ASEAN, although it is noted that most of the AMS regimes have now developed beyond what is covered in these Guidelines. The Regional Guidelines 2020 also address knowledge management (paragraph 11.3.1) and due process (Chapter 6). The Competition Enforcement Strategy Toolkit for ASEAN Competition Agencies also emphasises the importance of due process and procedural fairness. The Regional Guidelines 2020 recommend use of the ‘train the trainer’ model (paragraph 10.3.3).

Institution building capacity needs in the Roadmap are focussed on learning and development planning, knowledge management, due process and train the trainers. These activities are intended to ensure that



2 The section on Enforcement is redacted as confidential.

capacity building is not only undertaken in a systematic and progressive manner[3] but is also in a sustainable manner.

4.3.5 Thematic Workshops

Strategic Goal 4 of the ACAP 2025 is to foster a competition-aware ASEAN region, while Strategic Goal 5 is to move towards greater harmonization of competition law and policy in ASEAN. The need to develop a competition culture and wider competition community (Strategic Goal 4) and to promote similarities and convergence and eliminate contradictions (Strategic Goal 5) will require a greater understanding of emerging competition law issues. The Regional Guidelines 2020 dedicates a chapter to responding to current issues (digital economy, informal economy, economic crises and sustainability) (Chapter 15).

The thematic workshop capacity needs in the Roadmap are focussed on current competition issues of concern which cut across the region.

4.3.6 Cooperation

Strategic Goal 5 is to move towards greater harmonization of competition law and policy in ASEAN. In turn, greater harmonization will facilitate regional cooperation which is set out as Strategic Goal 3 under the ACAP. A chapter on Regional Cooperation is included in the Regional Guidelines 2020 and highlights the work of the AEGC, the ACEN and the ARCF (Chapter 12).

The cooperation capacity building activities in the Roadmap are designed to enhance regional cooperation. The activities are also designed to address the ICN/OECD report on International Co-operation in Competition Enforcement[4] recommendations to: (i) develop further enforcement co-operation work-products and networks; (ii) improve transparency and trust between competition authorities; (iii) provide policy and practical support for further developing effective regional enforcement co-operation, and (iv) remove substantive and legal barriers to co-operation.

4.4 Modalities

The modalities suggested for the activities have taken into account the views of the AMS expressed during the Brainstorming Workshop. There are pros and cons for every modality but recommendations have been made having regard to the availability of budget and donor support, ability of the agency to release staff for training, the agency's policy for investing in human talent, institutional knowledge and organisational infrastructure (including IT infrastructure). The COVID-19 situation has proven that engaging in online activities, though not ideal, has not only allowed activities to proceed (and succeed) but has reduced costs and afforded a wider flexibility to engage attendees who could join from their homes without needing to travel. It has also provided an opportunity to consider alternative modes of delivery such as webinars, followed by one-to-one mentoring sessions (implemented by the ACCC train-the-trainer programme). These mentoring sessions would not be available in an intensive face to face environment.

The modalities suggested in the Roadmap include self-paced training, online interactive workshops/ panel discussions/webinars, face-to-face workshops/ training/dialogues/seminars, case studies, mentoring programmes, AMS led initiatives, conferences/working groups followed by publication of policy papers/notes/ training materials, and attachments or secondments. There are also suggestions to have hybrid or blended modalities for some of the activities when the pandemic situation permits.

5. Conclusion

The ARCBR 2021-2025 sets out suggested activities under six separate capacity building categories – fundamental training, advocacy, enforcement, institution building, thematic training and cooperation. The 'menu-style' of the Roadmap is designed deliberately to allow AMS to opt-in to activities, chosen on a rolling two to three year cycle. The details of the activities and their scheduling will need to be developed but the Roadmap provides a structured approached to capacity building over the next five years for the ASEAN competition authorities.

Fundamental training will remain an ongoing capacity building need for the AMS for the foreseeable future. The online modules already available (e.g. CLIP and ICN) provide a useful resource that is readily accessible to all staff, experienced (as a refresher) and inexperienced (as an introduction). Online courses will

3 The ICN has recognized that training programmes need to be continuous and progressive to ensure an effective agency: International Competition Network, Agency Effectiveness Working Group Project, Competition Agency Staff Training Programmes, https://www.internationalcompetitionnetwork.org/wp-content/uploads/2018/05/AEWG_APMTraining.pdf. This is adopted by the AEGC in the Regional Guidelines 2020 (paragraph 11.4.2)

4 OECD/ICN (2021), OECD/ICN Report on International Co-operation in Competition Enforcement. Available at https://www.oecd.org/daf/competition/OECD-ICN-Report-on-International-Co-operation-in-Competition-Enforcement.pdf (accessed 27 July 2021)

need to be regularly updated to reflect new developments and supplemented by more targeted training, as outlined in the Roadmap.

Additional capacity building needs may emerge during the Roadmap period. For this reason, the Roadmap should be regularly reviewed for relevance, availability of latest courses and tools and recent developments. Regular impact assessments of the activities should be carried out to ensure its success, allowing an opportunity for failures to be addressed or improvements to be undertaken. This will also provide an invaluable opportunity for assessing and evaluating activities which can inform future Roadmaps. At least one formal mid-term review of the Roadmap should be undertaken to ensure that the modalities and activities completed and planned continue to meet the needs of the AMS.

National needs should not be ignored. Bilateral activities will still be needed to assist agencies to address gaps within their own institution. Although outside the scope of this activity, the Report has included a summary of national needs for consideration by the competition agencies in each AMS.

The modalities recommended in the Roadmap include online training. While this mode has proven to be effective (and necessary) during the pandemic, the value of networking while attending onsite activities was recognized by many AMS and should not be overlooked. This type of engagement between the AMS will also be of great value to informal cooperation and progress towards harmonization.

Stakeholder engagement should be considered in order to improve the awareness and acceptance of competition law and policy within the ASEAN region. Some of the activities are designed to support the AMS competition authorities with this form of engagement.

Adopting an ‘ASEAN helps ASEAN’ approach is recommended wherever possible in the implementation of the Roadmap. The significant (and growing) experience across the region can be utilized as an invaluable resource, with the added benefit of providing sustainable outcomes.

ASEAN Capacity Building Roadmap 2021-2025

CATEGORIES		YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
1. Fundamental Training	CLIP/ICN E-LEARNING TRAINING MODULES[1]	• Three Pillars I • Competition Economics I	• Three Pillars II • Competition Economics II	• Three Pillars III • Competition Economics III	• Three Pillars I • Competition Economics I	• Three Pillars II • Competition Economics II
2. Advocacy		• Advocacy Lessons Learned	• Policy Dialogues (Years 2 and/or 4)	• Stakeholder Engagement (Years 3 and/or 5)	• Policy Dialogues (Years 2 and/or 4)	• Stakeholder Engagement (Years 3 and/or 5) • Advocacy Lessons Learned
3. Enforcement	CLIP/ICN E-LEARNING TRAINING	• Identifying Investigation Skills Competencies • Merger Investigations I	• Investigation Skills I • Merger Investigations II • Enforcement priority setting (including risk management)	• Investigation Skills II • Merger Investigations III • Case Studies Workshop – Anti-competitive agreements	• Investigation Skills III • Merger Investigations I • Case Studies Workshop - Mergers	• Investigation Skills I • Merger Investigations II • Case Studies Workshop – Abuse of dominance
4. Institution Building		• Learning and Development Plan • Knowledge Management Planning	• Knowledge Management Support for Plans[2] • Due Process (Years 2, 4 and/or 5) • Training for Trainers (civil service training bodies) (Years 2 and 3)	• Knowledge Management Support for Plans • Training for Trainers (civil service training bodies) (Years 2 and 3)	• Due Process	• Due Process

[1] Other resources are available through organizations such as the OECD and UNCTAD which will also be of great benefit to the AMS
[2] This is not a separate activity but rather ongoing financial and technical support for Knowledge Management Support developed in Year 1

CATEGORIES		YEAR 1	YEAR 2	YEAR 3	YEAR 4	YEAR 5
5. Thematic Training	WORKSHOPS (With paper presentations and panel discussions to discuss current issues on a regional basis)	• Competition Law in times of Crisis	• Digital Markets and Data	• Competition Law, Climate Change and Sustainability	• SOEs and Competitive Neutrality[3]	• Digital Issues for Competition Agencies
	HEADS OF AGENCIES MEETINGS	Ideally Heads of Agencies meetings could be conducted alongside the Thematic Training, discussing the same topics but at a higher policy level. The papers presented at the Conferences could support/inform discussions at the Heads of Agencies meetings.				
	POLICY PAPERS (Developed in the year following the Workshop)		• Competition Law in times of Crisis	• Digital Markets and Data	• Competition Law, Climate Change and Sustainability	• SOEs and Competitive Neutrality
6. Cooperation	TRAINING	• Training on key differences	• Understanding the competition law provisions in the FTAs/ RTAs	• Training on key differences in ASEAN CLs	• Understanding the competition law provisions in the FTAs/ RTAs	• Training on key differences in ASEAN CLs
		Secondments of ASEAN representatives to agencies such as the ACCC, NZ Commerce Commission and European regulators with support of dialogue partners				

[3] The OECD has recently done a lot of work in this area which could support this activity.

Additional Information: Roadmap Activities 2021-2025

	Topic	Modality	Duration	Regularity	Description
1	**FUNDAMENTAL TRAINING**				
1.1	**Three Pillars I, II and III[4]**	Online interactive workshops OR Face to face workshops Role plays Simulation training methods	Courses should be designed for a 3-4 day workshop, in total, although this could be broken into shorter sessions if conducted online	The Roadmap suggests these courses be offered on a rolling basis so that participants can progress logically through the Course. The Courses should continue to be offered year in, year out so as to be available for new staff or as refreshers. Where there is no interest expressed by any AMS for a particular course in a particular year, the course could be deferred.	These training sessions should provide a deeper study of the three pillars of competition law – anti-competitive agreements, abuse of dominance and anti-competitive mergers. The intention is for the learning to build through Courses I, II and III as participants progress. Participants that already have some academic training, may opt to start with Course II (for example). New staff would be encouraged to begin at Course I as these could be induction courses too. All agencies are welcome to send staff to participate in any Course as a refresher at any time. The interactive format will be important. The Courses should be designed around case studies or hypotheticals to allow participants an opportunity to be hands on with applying the law and economic principles learned. The Courses should be designed around international best practice, perhaps also including comparisons with ASEAN laws so participants understand how their laws compare with international best practice. The CLIP and ICN e-learning modules, which provide basic introductory concepts, can be accessed at all times. It is recommended that appropriate e-learning modules be set as pre-requisites for participation in the Three Pillar modules.
1.2	**Competition Economics I, II and III[5]**	Online interactive workshops OR Face to face workshops	Courses should be designed for a 3-4 day workshop in total, although this could be broken into shorter sessions if conducted online	The Roadmap suggests these courses be offered on a rolling basis so that participants can progress logically through the Course. The Courses should continue to be offered year in, year out so as to be available for new staff or as refreshers. Where there is no interest expressed by any AMS for a particular course in a particular year, the course could be deferred.	These training sessions should provide a deeper study of competition economics, including its interaction with competition law. As with the Three Pillars, the intention is for the learning to build through Courses I, II and III as participants progress. Participants that already have some academic training, may opt to start with Course II (for example). New staff and Commission members would be encouraged to begin at Course I. Any other staff across the agency could also attend this to get a better understanding of Competition Economics. Courses II and III may be most suitable to the economics and legal staff. All agencies are welcome to send staff to participate in any Course as a refresher at any time. The CLIP e-learning modules, which provide basic introductory concepts, can be accessed at all times. It is recommended that appropriate e-learning modules be set as pre-requisites for participation in the Three Pillar modules.

[4] The Roadmap Report will provide an indicative Syllabus that could be used as a guide to those developing the programmes
[5] The Roadmap Report will provide an indicative Syllabus that could be used as a guide to those developing the programmes

	Topic	Modality	Duration	Regularity	Description
2	**ADVOCACY**				
2.1	**Advocacy Lessons Learned**	Online interactive workshop/interactive panel discussion Case studies/discussions could be incorporated into a short 'Key Takeaways' Paper	1 day workshop	The Roadmap suggests this as an activity, at the beginning and the end of the Roadmap period.	The intention behind this activity is to share the experience of advocacy activities undertaken in the region, discussing the pros and cons of various approaches. The activity could involve participants from across the Region with experience of advocacy activities.
2.2	**Policy Dialogues**	Preferably, face to face dialogues Alternatively, an online interactive workshop Development of an ASEAN guidance note	1 day workshop	The Roadmap suggests this as a one off activity, to be offered in Years 2 or 4, depending on AMS demand.	This workshop should be designed to assist the competition authorities to prepare for discussions with other government departments regarding the interaction of competition policy with other policy areas. Policy areas could include procurement policy, environment policy, industrial policy, agricultural policy. This would also lay the groundwork for ASEAN to move towards a 'competition aware region'.
2.3	**Stakeholder Engagement**	Online interactive workshop Development of an ASEAN guidance note	1 day workshop	The Roadmap suggests this as a one off activity, to be offered in Years 3 or 5, depending on AMS demand.	This workshop should be designed to assist the competition authorities to discuss the interaction of competition law and policy with relevant stakeholders including sector regulators, intellectual property officers, companies and securities commissions, consumer bodies, courts, trade associations, academia and SME bodies.
3	**ENFORCEMENT**				
3.1	**Investigation Skills Competencies and Skills I, II and III**	Online interactive workshops OR Face to face interactive workshops This activity could be supported by a mentoring programme	3-4 day workshops	The Roadmap suggests these courses be offered on a rolling basis so that participants can progress logically through the Course. The Courses should continue to be offered year in, year out so as to be available for new staff or as refreshers. Where there is no interest expressed by any AMS for a particular course in a particular year, the course could be deferred.	These training sessions should provide detailed training on all aspects of competition law investigations. The intention is for the learning to build through Courses I, II and III as participants progress. Participants that already have some training, may opt to start with Course II (for example). New staff would be encouraged to begin at Course I. All agencies are welcome to send staff to participate in any Course as a refresher at any time. The CLIP/ICN e-learning modules, which provide basic introductory concepts, can be accessed at all times. It is recommended that appropriate e-learning modules be set as pre-requisites for participation in the Three Pillar modules.

	Topic	Modality	Duration	Regularity	Description
3.2	**Merger Investigations**	Online interactive workshops OR Face to face interactive workshops	3-4 day workshops	The Roadmap suggests these courses be offered on a rolling basis so that participants can progress logically through the Course. The Courses should continue to be offered year in, year out so as to be available for new staff or as refreshers. Where there is no interest expressed by any AMS for a particular course in a particular year, the course could be deferred.	These training sessions should provide detailed training on all aspects of merger investigations. The intention is for the learning to build through Courses I, II and III as participants progress. Participants that already have some training, may opt to start with Course II (for example). New staff would be encouraged to begin at Course I. All agencies are welcome to send staff to participate in any Course as a refresher at any time. The interactive format will be important. The Courses should be designed to build participants ability to assess mergers, from initial data collection, analysis of data and developing theories of harm through to assessing whether there is a substantial lessening of competition and consideration of appropriate remedies. The CLIP/ICN e-learning modules, which provide basic introductory concepts, can be accessed at all times. It is recommended that appropriate e-learning modules be set as pre-requisites for participation in the Three Pillar modules.
3.3	**Enforcement Priority Setting**	Interactive workshops	1 day workshop	The Roadmap suggests this as a one off activity, at the beginning of the Roadmap period.	Guidance could be provided to the competition authorities on enforcement priority setting, including risk management associated with decision making regarding investigations undertaken and the potential consequences. Alternatively, this could be bundled with the investigation training or dealt with when setting priorities for the institution (strategic planning).
3.4	**Case Studies Workshop**	Online interactive workshops OR Face to face workshops	3 day workshop	The Roadmap suggests these case study workshops could each be offered as a one off activity, from Years 3 to 5 of the Roadmap period.	This activity would involve case studies on analysing anti-competitive agreements, analysing abuse of dominance conduct and analysing mergers in the ASEAN region for discussion between participants. It could cover both legal and economic analysis as well as lessons learned from the enforcement/investigation process.
4	**INSTITUTION BUILDING**				
4.1	**Learning and Development Plan**	Online interactive webinar	1 day workshop	The Roadmap suggests this as a one off activity, to be offered in Years 3 or 5, depending on AMS demand.	This activity is focussed on assisting the AMS to understand the benefits of a learning and development plan. This could flow into a national activity assisting the AMS to develop their own Learning and Development Plan. This activity could be led by the Philippines who have already undertaken an extensive exercise.
4.2	**Knowledge Management Planning**	AMS led initiative - Pilot project (Followed by financial and technical donor partner support only)	1 day briefing followed by a 2 year pilot.	The Roadmap suggests this as a one off activity, at the beginning of the Roadmap period.	This activity is focussed on developing a knowledge management plan to assist agencies that need to establish their own KM system. An AMS with an advanced system may be appointed to lead this initiative. The first year could involve sharing of knowledge and background and the needs that have to be addressed in establishing an effective KM system. The next two years could be “hand holding” initiatives for any AMS that volunteers to participate in this initiative.
4.3	**Due Process**	Online interactive workshops OR Face to face interactive workshops	3 day workshop	The Roadmap suggests this as a one off activity, to be offered in Years 2 or 4, depending on AMS demand.	This activity should focus on ensuring that competition authorities are following due process in their investigation and enforcement activity. It is vital that competition authorities do not jeopardise otherwise successful investigations through a failure to follow due process, thus opening the competition authority to the risk of appeal.

	Topic	Modality	Duration	Regularity	Description
4.4	**Training for Trainers (civil service training bodies)**	Development of materials/ toolkit for competition authorities to use with training institutes	Working group with support of external consultants	The Roadmap suggests this as a one off activity, to be offered in Years 2 or 4, depending on AMS demand.	This activity is designed to develop a suite of materials that could be used to train competition officials on the importance of competition law and policy and its interaction with other domestic policies.
5	**THEMATIC TRAINING**				
5.1	**Thematic Training**	Workshops followed by publication of Policy Papers/ Notes	1 ½ -2 day workshop led by AMS	One focus area per year	The Thematic Workshops are intended to allow the AMS to target a current issue of concern across the region that warrants consideration at a regional level. The Consultants have suggested some topics that may be of interest but these may be replaced or reordered by the AMS. Topics suggested are Competition Law in a Crisis; Digital Markets and Data; Competition Law, Climate Change and Sustainability; SOEs and Competitive Neutrality and Digital Issues for Competition Agencies. The intention would be to conduct a conference one year to discuss and brainstorm the issues. The output from this conference could be ASEAN policy papers produced in the following year so that the region has an approach to these issues. The conference could also include academics.
6	**COOPERATION**				
6.1	**Training on key differences in ASEAN competition laws**	Workshops/Seminars	2 day workshops/ seminars	The Roadmap suggests this as a repeat activity, to be offered in Years 1, 3 or 5, depending on AMS demand.	This activity could involve using case studies to illustrate the differences in the application of the laws, both substantively and procedurally to enable the AMS to have a better understanding of each other's laws which in turn will facilitate cooperation. The Study on Commonalities and Differences across Competition Laws in ASEAN and Areas Feasible for Regional Convergence could be used as the basis for this training. The activity could be tied to the Framework activities recommended by the Study on Cross-Border Cooperation.
6.2	**Understanding the competition law provisions in the FTAs/RTAs**	Information Papers	Working group	The Roadmap suggests this as a one off activity, to be offered in Year 2. It could be repeated if additional need arises.	Many bilateral and regional agreements contain special provisions for addressing competition policy. Continuous discussions on the purpose and impact of these competition provisions in practice will be useful since Competition law deals with the domestic market and is limited within the national economic situation while international trade law has wider implication in terms of trade policies.



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