***ANNEX 9.1***

*For agencies identified in Annex 9 WITH policy,*

*issuance, rules and/or regulations relevant to market competition*

**Competition Threshold Checklist**

| **(1) Agency Name** |  |
| --- | --- |
| **(2) Reference Number** |  |
| **(3) Title** |  |
| **(4) Issuing Office** |  |
| **(5) Remarks** |  |

**Upon conducting a Competition Impact Assessment (CIA), the <Name of Agency> has reviewed the abovementioned policy/issuance/rule/regulation. Below is the summary of the agency’s review.**

**Checklist[[1]](#footnote-0)**

| ***In any affected market, would the regulation…*** | | **YES** | **NO** | **Comments** |
| --- | --- | --- | --- | --- |
| 1. **Directly or indirectly restrict the number or range of suppliers or buyers?** | |  |  |  |
|  | Does it exclusively award rights to a supplier or buyer? |  |  |  |
| Does it introduce procurement from a single supplier, or restricted group of suppliers? |  |  |  |
| Does it introduce a fixed limit on the number of firms (quotas)? |  |  |  |
| Does it restrict geographical access to goods and services? |  |  |  |
| Does it require license, permits, or authorization as a pre-condition to operation? |  |  |  |
| Does it limit the ability of suppliers to provide a good or service, or of buyers to purchase goods or services? |  |  |  |
| Does it create higher costs of entry or exit for firms? |  |  |  |
| 1. **Restrict the ability or incentive of suppliers or buyers to compete?** | |  |  |  |
|  | Does it limit the extent to which prices are determined by market forces? |  |  |  |
| Does it increase the scope for self-regulatory or co-regulatory regimes that negatively impact entry conditions or of the ability of firms to set prices and other market variables? |  |  |  |
| Does it require the sharing or publication of information on firm output, volume, prices, sales, purchases, or costs? |  |  |  |
| Does it provide for a competition exemption? |  |  |  |
| Does it limit the freedom of firms to advertise or market their goods or services? |  |  |  |
| Does it set standards for product quality that are above the level that some well-informed customers would choose? |  |  |  |
|  | Does it limit the discretion for innovation? |  |  |  |
| 1. **Discriminate against certain agents?** | |  |  |  |
|  | Does it introduce a discriminatory application of rules? |  |  |  |
| Does it allow for the discretionary application of rules to market players? |  |  |  |
| Does it introduce subsidies, incentives, policies, and access to limited resources that distorts the level playing field? |  |  |  |
| Does it allow regulators to provide goods or services in competition with private players? |  |  |  |
| Does it provide for a clear and effective access policy to essential facilities? |  |  |  |
| 1. **Limit choice or information available to consumers or producers?** | |  |  |  |
|  | Does it limit or eliminate the consumers’ (producers’) choice of supplier (buyer)? |  |  |  |
| Does it limit the mobility of consumers (producers) across alternative suppliers (buyers)? |  |  |  |
| Does it limit the information available to producers or consumers? |  |  |  |
| **5. Does it mention the PhCC and its functions and or alter any of its powers, or functions?** | |  |  |  |

**Prepared by:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Name of NCP Focal Person / Designation / Date**

**Approved by:**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Department Secretary/Agency Head / Date**

| **GUIDELINES IN ACCOMPLISHING**  **ANNEX 9.1 – REVISED COMPETITION THRESHOLD CHECKLIST** | |
| --- | --- |
| **Row 1** | **Indicate the name of the agency.** |
| **Row 2** | **Indicate the reference number and year of issuance** |
| **Row 3** | **Indicate the title or short title of policy.** |
| **Row 4** | **Indicate the name of office/s that drafted the policy.** |
| **Row 5** | **Indicate the relevant information such as under TRO, superseded,**  **unfunded, timebound, etc.** |

1. *Based on the checklist under the OECD’s Competition Impact Assessment toolkit.* [↑](#footnote-ref-0)