

GUIDELINES ON THE COMPLIANCE WITH NATIONAL COMPETITION POLICY (NCP)-RELATED REQUIREMENTS FOR FY 2023

These guidelines shall provide guidance to covered agencies for the preparation of the NCP-related requirements relative to **FY 2023 PBB Guidelines**.

1.0 REQUIREMENTS AND CONDITIONS FOR COVERED AGENCY COMPLIANCE

1.1 Identified Covered Agencies (Annex 5.1)

The compliance of Department-level entities shall only cover the central offices. Only attached agencies of Departments specifically identified in Annex 5.1 shall be subjected to NCP-related accountabilities.

The identified covered agencies shall be subject to and accordingly submit the following NCP-related accountabilities:

1.1.1 Designation of an NCP Focal Committee

- 1.1.1.1 Agencies shall constitute an NCP Focal Committee via a *Special Order, Office Order, or its equivalent* signed by the Head of Agency or his/her authorized representative.
- 1.1.1.2 The functions of the NCP Focal committee may include but are not limited to the following:
 - (a) Acts as the liaison and coordination unit of the agency for NCP concerns.
 - (b) Facilitates the agency's compliance with NCP requirements.
 - (c) Coordinates with appropriate offices/units within the covered agency to ensure compliance with NCP requirements.
 - (d) Ensures the timely submission of NCP requirements on or before **30 November 2023** to the PCC as validating agency.

- 1.1.3.3 Agencies shall also certify the completeness of the submitted list based on their available resources and information.
- 1.1.4 **Review of at least one (1) policy, issuance, rule, and/or regulation based on the application of the Competition Impact Assessment (CIA) checklist.**
 - 1.1.4.1 From the list of policies in Annex 5.4, the agency shall subject **at least one (1)** policy, issuance, rule, and/or regulation to the CIA checklist. Those which were identified to be relevant or potentially relevant to market competition are recommended to be subjected to the CIA checklist.
 - 1.1.4.2 The application of the CIA checklist will allow agencies to conduct an **initial** determination of whether there are potential competition-related issues with the existing regulation.
 - 1.1.4.3 The accomplished CIA checklist will serve as input to the full CIA which may be conducted. The CIA evaluates the potential competitive effects of a proposed or existing policy. It enables a competition agency or a government body to identify regulations that potentially restrict or harm competition, and thus to develop alternative regulations.
 - 1.1.4.4 Agencies shall accomplish the CIA checklist through <https://tinyurl.com/CIAChecklist-NCP-PBB>.

2.0 SUBMISSION OF REQUIREMENTS

- 2.1 In order to facilitate the conduct of the validation of submissions, the covered agencies shall:
 - 2.1.1 Submit the complete set of applicable NCP-related requirements to the Philippine Competition Commission through email at ncp-pbb@phcc.gov.ph.
 - 2.1.2 Forms/Requirements to be submitted shall follow this file name format: **Agency Name (Acronym)_FY 2023 NCP-PBB Submission_List of Agency's Policies** (e.g., Philippine Competition Commission (PCC)_FY 2023 NCP-PBB Submission_ List of Agency's Policies)

training requirement includes representatives from the regional offices.

- 1.1.2.3 Should the newly constituted NCP Focal Committee include members with previous completion of the NCP-related training provided through the iCLP: Online Learning Hub on Competition Law and Policy, the completion of the specific member shall be credited as part of the agency's compliance with the training requirement.
 - 1.1.2.4 Course completers are not required to submit a copy of training certificates. This requirement shall be validated by the PCC through its learning portal.
- 1.1.3 **Provision of List of Agency's Policies, Issuances, Rules, and/or Regulations**
- 1.1.3.1 Agencies must submit a list of agency's policies, issuances, rules and/or regulations. Policies covered shall only include those which relate and apply to external entities and those which are in accordance with the mandate of the agency. Further, agencies shall subject these policies to a thorough scanning to identify remarks on the policy's relevance to market competition based on keywords from **Annex 5.3 CIA Keywords**.
 - 1.1.3.2 Agencies shall provide the list following the format in **Annex 5.4 List of Agency's Policy Issuances, Rules and/or Regulations**. Agencies shall then indicate the following remarks on each of the identified policies based on the equivalent considerations:
 - (a) **Relevant**. Policy includes at least one (1) keyword identified in **Annex 5.3 CIA Keywords**.
 - (b) **Potentially Relevant**. Policy includes no keyword identified in **Annex 5.3 CIA Keywords**, but the agency has determined it to have potential effect on market competition.
 - (c) **Not Relevant**. Policy includes no keyword identified in **Annex 5.3 CIA Keywords** and may not have a potential effect on market competition.

(e) Perform any other functions that may be deemed necessary by the Head of the Agency.

1.1.1.3 The Committee shall include at least one (1) person with sufficient authority to drive compliance with NCP-related accountabilities within the agency (*i.e., Director-level, Division Chief, and/or equivalent*). The number of members of the Committee shall be within the discretion of the Head of Agency.

1.1.1.4 **For Department-level entities and government agencies with regional offices**, the composition of the Committee shall also include at least one (1) representative from each regional office.

1.1.1.5 Agencies must also include in their submission the **Annex 5.2 Directory/Contact Details for FY 2023 NCP-PBB** signed by the Head of Agency or his/her authorized representative.

1.1.1.6 To facilitate the coordination and assistance to covered agencies during the implementation for FY 2023, the *Special Order, Office Order, or its equivalent* on the constitution of the NCP Focal Committee and the accomplished Annex 5.2 Directory/Contact Details for FY 2023 NCP-PBB shall be submitted to the NCP-PBB Secretariat through ncp-pbb@phcc.gov.ph **on or before thirty (30) days after the issuance of the FY 2023 PBB Guidelines or 17 July 2023, whichever comes later.**

1.1.2 **Certificate of Training Completion of NCP Focal Committee Members**

1.1.2.1 To facilitate the covered agency's compliance to other NCP-related accountabilities, at least 50% of the NCP focal committee members shall complete the **"Leveling the Playing Field through the National Competition Policy: A Blended Learning Course for Government Agencies"** offered through the iCLP: Online Learning Hub on Competition Law and Policy (<https://iclp.phcc.gov.ph/>).

1.1.2.2 **For Department-level entities and government agencies with regional offices**, compliance to the

- 2.1.3 The email subject for the submission shall follow the format of **Agency Name (Acronym)_FY 2023 NCP-PBB Submission** (e.g., Philippine Competition Commission (PCC)_FY 2023 NCP-PBB Submission)
- 2.2 The deadline for submission shall be **on or before 30 November 2023**. Agencies are also required to provide scanned or digital copies of the official submission and editable MS Word or Excel file for use of the NCP-PBB Secretariat.