

Consultancy Assignment

For

Conducting a Competition Assessment for Myanmar

Summary

The Friedrich Naumann Foundation (FNF) seeks to hire an experienced research team to provide research services in the development of competition assessment for the Union of the Republic of Myanmar.

Background and Rationale

The Friedrich Naumann Foundation (FNF) is a German liberal foundation that promotes rule of law, human rights and economic freedom in Germany and in more than 60 countries around the world. Under the Economic Freedom Programme, the Foundation works in partnership with the Competition Policy Division, Ministry of Commerce, to promote free and fair competition in Myanmar. Activities like capacity development of government officials through participating in an International Competition Conference in Berlin and competition related workshops in the ASEAN Region are part of this engagement. In addition, FNF has supported the drafting of the Competition Rules and Regulations, as well as the development and publication of awareness raising documents for people and the business community in Myanmar together with Ministry of Commerce.

General introduction and content

- Where does Myanmar stand at the moment regarding the introduction and consultation of a competition law? (i.e. description of the political commitment and roadmap of the Myanmar government to formulate and pass a competition law, also in the context of regional economic integration in ASEAN)
- What are the main policy directions and reform efforts undertaken towards transitioning to a market economy?
- What is the purpose and scope of the competition assessment?

Background: Competition Policy and Law

- What is the difference between competition policy and competition law?
- What is the overall scope and objective of application of the competition law, what are prohibited practices?
- Why is fair competition good for companies, consumers and the overall economy? (in simple terms)

Economic Mapping

- What are the key sectors of the Myanmar economy and the different types of industry and structure?
- What are the main characteristics of these sectors or industries? (e.g. state-owned enterprises, monopoly etc.)
- Are there any potential or perceived anti-competitive practices in the sector or industry or market? (Barriers to entry, anti-competitive conduct by firms etc.)

Legal Inventory

- What are existing relevant and related laws and regulations that need to be considered in the formulation and implementation of the new competition law?

- What are specific interfaces between the consumer protection and the competition law?
- What are specific interfaces between sector-specific regulations and the competition law? (e.g. energy, telecommunications, banking/insurance)

Perception Survey

- Why is it important to pursue a “holistic” approach and multi-stakeholder engagement in promoting the competition agenda?
- What do key stakeholders from the public and private sector, as well as civil society, know and think about competition, the competition law and a future competition agency?
- Where do key stakeholders perceive anti-competitive practices in their day-to-day business, and what seem to be sectors most affected?

Conclusion and Agenda for Action

- Which conclusions can be drawn from reviewing the present economic, legal and institutional framework related to competition in Myanmar?
- What are the major policy recommendations that can be derived from the findings of the competition assessment?
- Based on the competition assessment, which sectors and/or stakeholders require special attention in implementing the competition law in the future?

Deliverables

The assignment shall cover the following deliverables:

- a. The chapters of the competition assessment, in line with current requirements and developments concerning the political, legal, economic and institutional set-up of Myanmar.
- b. Adding to the economic mapping and legal inventory, in both tabular form as well as source texts;
- c. Provision of suggestions for institutions / key persons to be contacted for participation in the competition assessment;
- d. Preparation of an action plan (timelines, responsibilities among the survey team and coordination mechanism with Ministry of Commerce and interview guidelines for different stakeholder groups to be consulted as part of the perception survey;
- e. Data collection, processing and review;
- f. Write-up of all available inputs into a comprehensive (draft) report.

Activities will focus on Yangon and Mandalay, it would also be necessary to conduct interviews in selected provinces across the country.

Duration of Assignment

The assignment of Consultant firm for the competition assessment shall be from 1 October 2018 until 30 December 2018 (up to 3 months).

Application

This assignment is open to national and international experts with extensive experience in the field of competition policy in the ASEAN region and Myanmar. Interested candidates are required to submit a proposal by **21 September 2018** with the following documents:

- Detailed CV
- Cover letter highlighting previous experience and relevant experience to the assignment
- Suggested implementation schedule
- Detailed budget/ fees

Applications to: minmaungmaung.myo@fnst.org

Programme Manager – Economic Freedom
Friedrich Naumann Foundation for Freedom Myanmar
Tel: +959 451018791
Email: minmaungmaung.myo@fnst.org
No. 45, Shwe Taung Gyar Road, Bahan Township
Yangon – Myanmar.