

**PROJECT FOR ENHANCEMENT OF
THE FAIR COMPETITION
ENVIRONMENT IN MONGOLIA**

PROJECT COMPLETION REPORT

MAY 2019

**Industrial Development and
Public Policy Department
Japan International Cooperation Agency
JICA**

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19-051

Table of Contents

I.	Basic Information of the Project.....	1
II.	ANNEX	
	ANNEX1: Results of the Project.....	33
	ANNEX2: List of Products.....	36
	ANNEX3: PDM (All versions of PDM).....	37
	ANNEX4: R/D, M/M, Minutes of JCC (copy).....	39
	ANNEX5: Monitoring Sheet (copy).....	128

Project Completion Report

I. Basic Information of the Project

1. Country

Mongolia

2. Title of the Project

Project for Enhancement of the Fair Competition Environment in Mongolia

3. Duration of the Project (Planned and Actual)

The duration of the Project will be three (3) years, starting from 4th of September 2015 until 3rd of September 2018

4. Background (from Record of Discussions(R/D))

Mongolia adopted its first competition law (the Law of Mongolia on Prohibiting Unfair Competition) as early as 1993. Government policy has been directed towards precluding the Government from restricting economic competition, prohibiting monopolies and other restrains of fair competition, establishing guidelines for government intervention to ensure fair competition and regulate natural monopolies and introduce legal remedies. Despite its many flaws, the law has played an important role in introducing a new concept of competition, restricting monopolies of state-owned enterprises (SOEs) and laying the foundation for future competition policy development.

According to its Basic Agreement of Economic Partnership Agreement(EPA) between Mongolia and Japan which has been signed in February this year, Mongolian government shall take measures against anticompetitive activities, in order to facilitate trade and investment flows between two countries through efficient functioning of both markets. In its Implementing Agreement, Mongolia and Japan governments agree that it is their common interest that their competition authorities work together in technical cooperation activities aimed at strengthening competition policy and implementing competition law.

Regarding to the workload, AFCCP has received about 800 complaints, investigated about 250 cases and took measures including fine against about 40 cases in 2013 in relation to competition law infringement. As market is expanding by economic growth, unfair trade practices such as discriminatory pricing and abuse of superior bargaining position are emerging. At the same time, capacity building for AFCCP staff such as training on basic concept of competition law infringement and market analysis, formulation guidelines for implementation and interpretation of the competition law are urgently needed.

As procedural fairness is stipulated in the EPA between Mongolia and Japan, it is

significant to explain its procedure to related companies and seek cooperation in order to investigate competition cases efficiently and effectively. For progress in procedural fairness of competition law, preparation of regulations and internal guidelines and preparation of practical training for AFCCP staff are also required.

After a series of deregulation, there might be abuse of market power by privatized companies and SOEs. Thus, AFCCP needs to enforce its competition law based on non-discrimination principle which was provided in EPA. Based on the Mongolian competition law, the agency made out a guideline for leniency program implementation. Unfortunately, while staff's experience in implementing a leniency program is limited, the JFTC's rich experience would be a big help for its implementation.

Moreover, the competition infringement cases have been on trial in the court for five years because of the judges' limited experience and knowledge on competition cases. With that being said, training for judges is also essential to our purpose. Further, advocacy activities for business enterprises are also necessary.

In order to solve the issues above, the Government of Mongolia has requested a technical cooperation to the Japanese government to cope with these challenges.

5. Overall Goal and Project Purpose (from Record of Discussions(R/D))

5-1 Overall Goal

Fair market competition is enhanced in Mongolia.

5-2 Project Purpose

AFCCP's enforcement activities are efficiently and appropriately implemented.

6. Implementing Agency

Implementing Agency: Authority for Fair Competition and Consumer Protection, Mongolia

II. Results of the Project

1. Results of the Project

1-1 Input by the Japanese side (Planned and Actual)

1-1-1 Total Input Amount of Money*

JPY114 million in total.

1-1-2 Number of Dispatched Experts

Long-term Expert - 1 person

Short-term Expert - 11 persons in total, 5 times of dispatch

1-1-3 Number of Acceptance of Trainees in Japan

Trainees of Mongolian government - 82 persons in total, 5 times of training

1-1-4 Equipment Provision

567,130.59 Japanese yen in total (12,533,272.69 TG / 1 TG =0.04525 JPY), 7 Items

1-1-5 Overseas Activities Cost

The amount of the cost will be estimated later by JICA.

1-2 Input by the Mongolian side (Planned and Actual)

1-2-1 Number of Counterpart Assigned

8 members of project working group in total (See table below)

Table 1-2-3 List of Counterpart (As of January 2018)

Name of Division, Position	Name of Person
Chairman of AFCCP	B. Lkhagva
Deputy Chairman and Commissioner of AFCCP	S. Tsogtgerel
Senior Officer, State Inspector, State Administration and Management Department, AFCCP	G. Enkhmanlai
Senior Officer, State Inspector, Market Research Department, AFCCP	T. Munguntsetseg
Senior Officer, State Inspector, Consumer Protection Department, AFCCP	U. Khaliunaa
Senior Officer, State Inspector, Competition Policy Regulation Department, AFCCP	B. Narantsetseg
Officer, State Inspector, Cooperation Department, AFCCP	P. Khash-Erdene

1-2-2 Provision of Office Space

One office room, necessary electricity cost is provided by AFCCP for Long-term and short-term experts. The location of office is the same building where AFCCP central office is located.

1-2-3 Other Inputs burdened by Mongolian Government

Not applicable.

1-3 Activities (Planned and Actual)

See ANNEX I.

2. Achievements of the Project

2-1 Outputs and indicators

(Target values and actual values achieved at completion)

In comparison with the indicators reflected in the Project Design Matrix (hereinafter referred to as the “PDM”) attached to the Record of Discussions (hereinafter referred to as the “RD”), which was agreed by and signed between AFCCP and JICA Mongolia Office on the 4th of September, 2015, progress and status of the achievement of each four outputs were reviewed. The review results are shown in the below table.

Table 2-1 Summary of Review Results

Outputs	Achievements and description
Output 1	Largely achieved. The Competition Law amendment and National Program draft is completed. However, development of the regulations and guidelines is in progress. This is due to existence of Important Assumptions (outernal factors which are not possible to be contronled by Project which still influences the avhievement of project) that making the relevant regulations and guidelines can be initiated only after the prospect of having the bill to amend the Competition law amendment passed becomes high and the contents of the revised draft have been finalized. The bill to revise the Competition law has already been submitted to the Deputy Prime Minister and AFCCP has completed all the possible tasks it can undertake as far as AFCCP is involved. Given these circumstances, it is considered unavoidable if the drafts of the relevant regulations and guidelines are not completed during this project period.

Output 2	Achieved. AFCCP's self-evaluation on its inspection capacity proves that it can be concluded that their inspection capacity is enhanced for matching the scale of activities and inputs implemented in this project.
Output 3	Largely achieved. The number of complaints and consultation intended for AFCCP concerning the competition affairs is on the increase. Knowledge on the competition law and policy of judges, central and local state administrative organizations, business entities and public improved considerably through efforts such as holding seminars and workshops and creating and distributing advocacy materials.
Output 4	Largely achieved. Through series of counterpart trainings in Japan, method of market delineation, abilities of gathering and analyzing data were improved which are necessary and required in inspection work of determining natural monopolies and market-dominant position. AFCCP has become capable of creating tentative draft of designing SSNIP test questionnaires and research plans.

2-1-1 Output 1

Outcome 1 is "Competition law, its regulation, national program are amended or drafted to enhance competition policy in terms of effectiveness and due process". Status of the achievements pertaining to Output 1 is as shown in the table below.

Table 2-1-1 : Output indicators, results and status of achievements (Output 1)

Objectively verifiable indicators	Results	Status of achievements
✓ Completion of draft of the Competition law	<p>✓ The first draft of the Competition law revision was created in June, 2017. After reflecting comments from the relevant organizations, the revised draft along with the concept paper of the law revision and other necessary documents were submitted to the Deputy Prime Minister in Nov, 2017 and its approval process is completed.</p> <p>✓ On May 1st, 2018, the Deputy Prime Minister issued a letter to the Justice and Internal Affairs Minister</p>	A

	<p>requesting to review and approve the Competition law revision draft and concept paper.</p> <p>Note: "The concept paper" is an important document which explains the reason and purpose of revising the law and this paper is submitted to the Parliament along with the draft of the Competition law revision.</p>	
<p>✓ Completion of the draft of relevant laws to be amended as a result of the revision of the Competition law</p>	<p>✓ A proposal to make amendments into 7 laws in total (law on Infringement, law on Infringements case inspection, law on Banking, law on State inspection, law on Company, law on Licensing and law on State registration of legal entities) were created and submitted to the Deputy Prime Minister along with the draft of the Competition law revision.</p> <p>✓ Drafts of the enforcement regulations have not been created yet. This is because since the revision draft has still not been submitted to the Parliament, the development stage of the relevant guidelines cannot be initiated due to the law amendment procedures.</p>	C
<p>✓ Completion of the draft of National Program</p>	<p>✓ In March 2018, Professor Keiko Ishihara from Hyogo University gave an online lecture to AFCCP executives and staffs on "History of Japanese Competition Law and Competition Policy". AFCCP utilized the knowledge and information obtained through this lecture to prepare the draft of the National Program.</p> <p>✓ The first draft of the National</p>	A

	<p>Program was created in April, 2018. A discussion event was held on the 9th of May, 2018 and comments and recommendations obtained from the relevant ministries, agencies and business entities were partially reflected into the draft of the National Program. The creation of the draft National Program is completed.</p>	
<p>✓ Number of workshops and seminars organized by the Project to solicit comments from stakeholders on the draft of guidelines and regulations as well as number of the participants in the workshops and seminars.</p>	<p>✓ Although this indicator is only about drawing amendments into the guidelines and other relevant legal documents, opinions of the stakeholders were heard on the above matters during seminars organized to reflect their opinions into the draft of the Competition law revision. As the seminars and discussion events organized in relation to the draft of the Competition law revision is attributed to the achievement of activities, the results are summarized in the following.</p> <p>✓ During the revision procedure of the Competition law, four seminars and discussion events were held inviting the stakeholders such as related ministries, agencies, business entities and researchers for their comments.</p> <p>1) Seminar on the Competition law and its reform (Jan, 2016), number of participants – 101 people</p> <p>2) Seminar on the Competition law and its reform (Nov, 2016), number of participants – 159 people</p> <p>3) Public comment discussion (Amendment of Law on Competition) (Jun, 2017), number of</p>	A

	<p>participants – 130 people</p> <p>4) 2nd Public comment discussion (Amendment of Law on Competition) (Nov, 2017), number of participants – 80 people</p> <p>✓ A special training on the revision of the Competition law (Mar, 2017) for AFCCP's executive officials was conducted.</p> <p>✓ JFTC provided comments and recommendations on the revision bill of the Competition law (Oct and Nov, 2016 and Nov, 2017)</p> <p>✓ Regarding the creation of the National Program draft, one time seminar was organized to obtain comments from the stakeholders such as related ministries, agencies, business entities and researchers.</p> <p>1) A discussion event regarding the draft of the National Program Promoting Market Competition was organized (May, 2018). Number of participants – 98 people</p>	
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Note: Status of achievements is divided into 5 categories: "A" achieved, "B" largely achieved, "C" partially achieved, "Ongoing" being prepared or in progress and "Pending" not yet started.

2-1-2 Output 2

Outcome 2 is "AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas". Status of the achievements pertaining to Output 2 is as shown in the table below.

Table 2-1-2: Output indicators, results and status of achievements (Output 2)

Objectively verifiable indicators	Results	Status of achievements✕
✓Number of newly conducted training	✓The following investigation related training courses were	A

modules (regular internal lectures, training courses in Japan, and in-country workshops and seminars) for AFCCP inspectors out of all the (possible) modules that were considered to be necessary for the improvement of investigation skills	<p>organized within the Project scope.</p> <p>1) Training courses in Japan/Counterpart trainings (1) Training on the Competition law (Jan, 2016) (2) Training on the practical issues of the Competition law (May, 2018)</p> <p>2) Seminar in Mongolia (1) Practical seminar on investigation (Nov, 2015) (2) Practical seminar on investigation (Jan, 2016) (3) Practical seminar on investigation (Nov, 2016) (4) Practical seminar on investigation (targeted at Local Inspectors) (Aug, 2017) (5) Practical seminar on investigation (targeted at Local Inspectors) (Oct, 2017)</p> <p>3) Basic training (ongoing) Basic training for AFCCP inspectors by the professors of NUM (May-Jun, 2018) 28 times of lectures in total (1.5 hours per session)</p>	
✓Results of self-evaluation surveys by the participants in the above training modules on how much degree they understood	<p>✓ In August 2018, AFCCP conducted a hearing survey with those who participated in training in Tokyo and concluded the results of self-evaluation that participants understood well about the training contents.</p> <p>✓The participants of the trainings well utilize the knowledge</p>	B

	<p>learned through the training in Tokyo. For example, concerning SSNIP Test which AFCCP is planning to introduce to Mongolia, Market Research Department prepares tentative draft of designing SSNIP test questionnaires and research plans in which knowledge and advices obtained during the training.</p> <p>✓As for basic training for inspectors, understanding test will be conducted in end of August and self-evaluation by AFCCP is scheduled after completion of the project.</p>	
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<p>✓Results and number of inspection work of AFCCP in rural areas</p>	<p><u>✓Information about "results and number of inspection work of AFCCP in rural areas in recent years" is not available at the time of evaluation. Statistics will be prepared by AFCCP.</u></p> <p>✓Regarding the inspections in rural areas, the results have started to appear. For example, as a result of investigation based on consumer complaints in a province, it turned out that a cable and television company is in a state of natural monopoly in the area. Business owners in the status of natural monopoly must go under certain regulations and monitoring by AFCCP under the competition law. As a result of the inspection by the local inspector, the contents of the contract with</p>	B
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	the consumer of the business operator violated articles stipulated in Law on Competition, therefore, the local inspector issued an order to change the terms of the contract.	
✓Results and number of workshops and discussions	✓Within the framework of the Project, a forum was organized jointly with the competition authority of Indonesia (KPPU) to exchange opinions on the features of inspection of work. 1) Third country training (1) Study tour in Indonesia (Sep, 2016) 2) In-country training (1) Follow-up forum of the study tour Indonesia (May, 2017)	A

Note: Status of achievements is divided into 5 categories: “A” achieved, “B” largely achieved, “C” partially achieved, “Ongoing” being prepared or in progress and “Pending” not yet started.

2-1-3 Output 3

Output 3 is "Knowledge of Competition law and policy of judges, government and local administration, enterprises and public are improved. Status of the achievements pertaining to Output 3 is as shown in the table below.

Table 2-1-3: Output indicators, results and status of achievements (Output 3)

Objectively verifiable indicators	Results	Status of achievement
✓ Result and number of workshop and discussion	✓ The below counterpart training in Japan was conducted involving 10 judges along with AFCCP officials. 1) Training on the Competition law in Japan	A

	<p>(May, 2016)</p> <p>✓ In addition to this, stakeholders such as the relevant ministries, government agencies, enterprises, judges and prosecutors participated in 5 workshops and seminars held in relation to the Output 1.</p> <p>✓ Stakeholders such as the relevant ministries, government agencies and judges participated a seminar conducted in relation to the Output 4</p>	
✓ The result of the Survey/assessment based on the implementation of competition law and policy	✓ Not Available	N/A
✓ The result of the Survey/assessment based on the promotion on awareness competition law and policy	<p>✓ Although result of Surveys is not available, with the following facts, it can be assed that "the promotion on awareness competition law and policy" is effective.</p> <p>✓ The number of petitions and complaints related to competition law submitted to AFCCP is likely to increase.</p> <p>✓ In seminars conducted by JICA, questions and comments that would not be able to be addressed unless the questioners well understand the contents of Law on Competition and Competition Policy. For</p>	A

	example, in a discussion event held on the 9th of May 2018 on draft of National Program, detailed questions about the contents of provision of competition law and Action Plan of National Program is asked by participants such as "prices lower than the actual cost" and "stepwise reduction of tax and government subsidies for petroleum product in order for introduction of a market mechanism with high transparency.	
✓ the number of pamphlet, brochure, manual and magazines	<p>✓ Created a pamphlet on the Competition law and distributed 1000 sets (mainly to business entities) (Aug, 2016) (distributed to business entities, local administrations and relevant ministries and government agencies.</p> <p>✓ Creation and distribution of AFCCP magazine (Mar, 2017 – Sep, 2018) 1,000 copies x 4 times (We plan to publish one more magazine by Sep, 2018.)</p>	A

Note: Status of achievements is divided into 5 categories: “A” achieved, “B” largely achieved, “C” partially achieved, “Ongoing” being prepared or in progress and “Pending” not yet started.

2-1-4 Output 4

Output 4 is "AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved". Status of the achievements

pertaining to Output 4 is as shown in the table.

Table 2-1-4: Output indicators, results and status of achievements (Output 4)

Objectively verifiable indicators	Results	Status of achievement
✓ Completion of a draft of market research methodologies	✓ Market research methodology for 2 separate product markets (designing of questionnaire survey form and research plan) is currently ongoing.	Ongoing
✓ Survey on the market research abilities of AFCCP inspectors	<p>✓ Through series of counterpart trainings in Japan, method of market delineation, abilities of gathering and analyzing data were improved which are necessary and required in inspection work of determining natural monopolies and market-dominant position. AFCCP has become capable of creating tentative draft of designing SSNIP test questionnaires and research plans.</p> <p>✓ In October 2016, an independent department specializing in market research was established. As a result, AFCCP's market research ability was improved.</p> <p>✓ One example of a case of inspection in which AFCCP utilized what learnt from the training is the case of market survey on theaters market. Before, participation to training in Tokyo in February 2018, AFCCP inspectors faces</p>	A

	<p>difficulty in determination of definition of relevant market. After the training, the inspectors conducted questionnaire survey and interviews, and did eventually determined a relevant market of theaters.</p>	
<p>✓ Training/ seminar/ workshop for the officers within the framework of market research</p>	<p>✓ A discussion meeting was organized within the framework of the project, where participants exchanged their opinions on the challenges of the market research.</p> <p>1) A consultation meeting on improving the market research methodologies (Dec, 2017)</p> <p>✓ The following counterpart training was conducted in Japan within the framework of the project.</p> <p>1) Training on the Competition law and marker research (Feb-Mar, 2018)</p>	A

Note: Status of achievements is divided into 5 categories: “A” achieved, “B” largely achieved, “C” partially achieved, “Ongoing” being prepared or in progress and “Pending” not yet started.

2-2 Project Purpose and indicators

(Target values and actual values achieved at completion)

The project purpose is “AFCCP’s enforcement activities are efficiently and appropriately implemented”. In consideration of the achievement of the four outputs and based on the four objectively verifiable indicators described in the PDM, the achievement of the project purpose was reviewed. The review results are shown below.

Item	Status of achievement and remarks
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Project purpose	Largely achieved
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2-2-1 Indicator - 1

The first objectively verifiable indicator is a “Survey on degree of satisfaction and confidence in AFCCP’s enforcement activities”.

AFCCP receives much information such as petitions, claims and complaints related with the enforcement of these laws. In regards to the law on competition, an enterprise files petitions and requests that a particular competitor attempts to take a business out of market through illegal means.

AFCCP is tasked with the enforcements of the following six laws such as the law on Competition, the law on Consumer protection, the law on Advertisement, the law on Election, the law on Procurement of goods, works and services with state and local funds, the law on Mongolian language and is also in charge of related activities provided by the law. In recent years, the number of cases regarding the six laws filed to AFCCP gradually decreased from 2,692 in 2015 to 776 in 2018.

In 2016, AFCCP established “1284 information center” under Consumer Protection Department with full-time 2-3 inspectors assigned in the information center who are responsible for receiving requests, petitions and claims from consumers and enterprisers delivered in person or via phone. With this and other initiatives, AFCCP strives to ensure that a proper structure to efficiently settle claims and complaints on non-stop basis is in place. Out of complaints and petitions received at the information center, Consumer Protection Department forwards information concerning the law on competition to other relevant departments of AFCCP.

The number of complaints and petitions related with the law on competition is 95 in 2016 while it rises to 530 in 2017 and 200 in 2018 which shows sharp increase. The increase in the number of complaints and petitions filed during this timeframe, demonstrate that the customers tend to grasp proper and more understanding about the law on competition. This also shows that AFCCP has acquired trusts and hopes of customers in regards to its law enforcement activities. This should primarily be a result of public advocacy activities such as preparing and spreading advocacy and advertisement materials, arranging training and seminars on the law on competition and its policy.

Table - 2-2-1: Number of complaints and petitions filed to AFCCP

Number of petitions and complaints*	2015	2016	2017	2018
Regarding the six	2,692	1,978	1652	776

laws				
Regarding law on competition	72	74	530	200

2-2-2 Indicator - 2

The second indicator is the number of “resolved petitions and complaints”.

This indicator has weakness in its definition that it is unclear what "resolved" means and at which point of time. Instead of the term "resolved", another term "handled" should be used and the indicator is to be modified accordingly.

The number of inspection that was undertaken by AFCCP is 211 in 2010 and it sharply increases to 1,240 in 2014 which subsequently fall in the following year, staying around at about 100 after 2016. Various kinds of information in the form of petitions and complaints are received by AFCCP. The number of these petitions and complaints varies because of economic circumstances or other factors. In addition to that, not all the information received by AFCCP will not be the beginning of investigation. Some of the information, after detailed examination conducted by AFCCP, will not lead to investigation. There are also cases in which AFCCP will start investigation within its legal authority without petitions and complaints received. For this reason, it shall be noted that it is eventually difficult to judge the efficiency and appropriateness of AFCCP enforcement activities based on the numerical values such as percentage of increase in total number of complaints, counseling and examination cases conducted.

Table - 2-2-2: Number of inspections conducted by AFCCP

Number of inspection	'09 Year	'10	'11	'12	'13	'14	'15	'16	'17	'18
Within the law on competition*	23	211	550	402	761	1,240	946	108	169	124

*Concerning the number of inspection for law on competition, AFCCP is currently working on calculation and counting again. Therefore, the figures show in the above table might be changed later.

Under the recognition that building implementation system is extremely importance, AFCCP started its effort by optimizing its structure to ensure that the law enforcement will be done in an efficient manner.

Altogether 37 AFCCP inspectors work on the enforcement of the law on competition and mainly Competition Policy Regulation Department and the Market

Research Department are in charge of daily activities related to inspections. In case of large-scaled or important cases, flexible organization management is carried out so that Consumers Protection Department and State Administration Department of AFCCP may join and assist the inspection work based on the competition law.

In regards to inspection at provincial level, at the time of commencement of the project, there was one inspector assigned in each of 21 provinces which constrained unified efforts to enforce the law in an efficient manner throughout the country. A significant enhancement of personnel at provincial level is made by increasing the number of inspectors in each province from 1 to 3 in 2017 which created a favorable condition for more efficient law enforcement throughout Mongolia. As of now there are 3 inspectors in each of 21 provinces and 3 inspectors working in each of 9 districts of Ulaanbaatar city and altogether 90 inspectors in provincial and district level.

2-2-3 Indicator - 3

The third indicator is "complaint settlement period".

Currently effective law on competition states that the duration of inspection is 60 days. In principle, the inspection should be finalized within 60 days. (Article 23.1 of the law on competition). However, in certain cases, the duration can be extended up to 30 days at the decision of chairman of AFCCP (Article 23.1 of the law on competition).

This indicator is understood to be based on a logic of hypothesis that "the less time of resolving complaints, the higher efficient inspection work will be". In the field of enforcement of the competition law, circumstances could be possibly expected in which business entities put under inspection might respond with non-cooperative attitude against order for reporting and/or investigation by competition authorities. Rather, it is necessary to secure a sufficient inspection period in order to conduct appropriate and effective examination. This legal inspection period of 60 day specified in the currently effective law on competition, is overwhelmingly shorter compared to average inspection period of other major competition authorities of the world. Therefore, the Japan Fair Trade Commission made recommendations to AFCCP that that it should be a system in which the inspection period can be extended up to at least one year or maximum two years. Along with this suggestion, a proposal for amendment to the law on competition has been made: inspection period is one year and it shall be extended for six months at the decision of the chairman of AFCCP and for another year at the decision of prosecutor which totals two years and six months.

Considering these situation and international trends, it is deemed that there should be a better an alternative of objectively verifiable indicator for evaluating the result of Output 3. Originally, that better alternative indicator should be used for

evaluation.

2-2-4 Indicator - 4

The fourth indicator is “percentage of court cases of winning lawsuits”.

Anyone who receives administrative action such as decision by AFCCP, if the person disagree with the action, can file an official complaint with administrative court for cancellation of the action. Between 2009 until 2016, out of the lawsuits filed to administrative court with AFCCP as a defendant, total of 97 court verdicts have been issued. The number of verdicts stays at around 10 cases per year. Analyzing breakdown of these verdicts, AFCCP wins in 37 cases of lawsuits and the percentage of court cases of winning lawsuits is 38% (including court cases of all the said six laws). Regarding lawsuits against AFCCP's decision on determination of status of business entities as natural monopoly or dominant position in a market (Article 15.1.6 of the law on competition), the percentage of winning lawsuits is only 14%. In regards to the cases which ended up with lost lawsuits of AFCCP, claimants claimed AFCCP's error in judgement and investigation about market definition, alternative market and relevant market. Claimants also pointed out defects in ways of evidence gathering. With these facts, it is recognized that it implies that AFCCP encounters challenges in pursuing market research and evidence collection in an appropriate and correct way.

Besides, the number of court cases related to the law on competition available for evaluation is limited, 10 decisions by administrative court per year in average between 2009 and 2018, a relationship that seems to be statistically significant between improvement of inspection capacity through the examination practical training conducted by the project and percentage of court cases of winning lawsuits is not found. The Market Research Department was established at AFCCP in October, 2016 and it is anticipated to contribute to the improvement of market research methods and tools. Through the examination training for inspectors of AFCCP conducted both in Mongolia and Tokyo, a series of the examination practical training were conducted to improve inspection capacity on various subjects such as methodology to conduct survey on abuse of market-dominant position (November, 2016), SSNIP (small but significant non-transitory increase in price) test (February, 2018), practice of on-the-spot inspection and post-inspection evidence collection process (May, 2018) and other practical training. It is expected that result of the practical training will be reflected into practice of inspection work by AFCCP and it will contribute to improvement in the percentage of winning lawsuits. Based on recommendations provided by the Japan Fair Trade Commission, it is also expected that the clause related with inspection duration in the law will be changed and the duration will be extended much longer than before in accordance with international practice. AFCCP is expected to take advantage of time required for inspection and evidence collection, thus the quality of inspection

will improve.

Table -2-2-4-a Number of Court decisions on claims against administrative decisions issued by AFCC

Number of court decisions	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18
within law on competition*	0	1	18	6	17	14	14	23	1	2

*The figure, number of court decisions, shows the number of the last court decision made for each case of claim against administrative decisions issued by AFCC.

3. History of PDM Modification

No changes have been made to PDM

4. Others

4-1 Results of Environmental and Social Considerations (if applicable)

Nothing applicable

4-2 Results of Considerations on Gender/Peace Building/Poverty Reduction (if applicable)

Nothing applicable.

III. Results of Joint Review

1. Results of Review based on DAC Evaluation Criteria

1-1 Relevance

It can be judged that the relevance of the project is high.

In February, 2008, the government of Mongolia through the State Great Khural approved MDG-based Comprehensive National Development Strategy (NDS) for 2008-2021, a long-term development strategy. The six priority areas of the NDS include "strengthening democracy and governance". In addition to this, the Mongolian government action plan for 2016-2020 states that one of the policies for sustainable economic growth is "to create legislative environment to support, fair market competition and to protect consumer rights". It can be said that aim of the project is "to ensure relevant arrangement of the Mongolian competition authority to ensure enforcement of law on competition" and through achieving this aim project contributes to strengthening governance as well as facilitating implementation of the Mongolian government action plan.

Those state owned companies in Mongolia which held a monopolistic position have all been privatized and the competition restricting activities by some of these

companies are said to have caused problems. This project which intends to contribute to the creation and improvement of fair market competition matches with development needs of Mongolian government.

The project is consistent with Country Assistance Policy for Respective Countries (May, 2012 by Ministry of Foreign Affairs). In concrete terms, in the country's ODA policy, the Japanese Government set "a sound macroeconomic management and strengthening governance" as "middle goal", and also set support for "the Mongolian government overcomes the economic and fiscal difficulties, then achieve economic growth and stabilization through improvement in public financial management and promotion of a vibrant market economy". This project is positioned as one of the cooperations contributing to the above mentioned objective. In addition, The project is positioned in JICA Country Analysis Paper (JAW) as one of the assistances which constitute the important area of assistance for "strengthening governance toward realization of sound macroeconomy", and development subjects for "promotion of a vibrant market economy. Therefore, this project is consistent with aid policy of Japanese government as well as aid implementation strategy of JICA.

The experience and expertise of Japan Fair Trade Commission which has been in existence for 70 years since its inception of Antitrust Law in Japan in 1947. It can be judged that assistance by Japan has its advantages in the area of competition law and policy, since Japan can utilize these know-how, experience and expertise.

1-2 Effectiveness

It can be judged that the effectiveness of the project is high.

At point of time of joint-review of the project by AFCCP and JICA, out of four outputs, Output 2 have already been achieved while other three output are near its completion. It is expected that the other three outputs shall have been completed at the end of the project if the remaining project activities will be implemented according to the plan. With achievement of each output is being seen, the project aim is deemed highly likely to be achieved too.

With regards to Output 1, plan of project activities of Output 1 has been influenced by an external factor that new rules and regulations for the law on competition can developed only after prospects for approval and establishment of the proposed amendment to the Law on Competition will be established and the details of contents of the revised bill is set.

In the process of achieving the project aim, it is essential to consider the need to build inspection capacities even if the changes to the law on competition have been made, otherwise appropriate law enforcement will not be materialized. The efficient law enforcement will also cannot be expected if it is not accompanied with advancement of knowledge of judges about the law on competition in relation to law suits, or with advancement of knowledge of related ministries and agencies,

and companies about the law on competition and competition policy as these are affected by application of the law and influence of competition policy. From that perspective, all three outputs such as improvement of legislation and policy, strengthening of inspecting capacity and public advocacy achieved a mutually complementary relationship among one another, leading to achievement of the project aim.

1-3 Efficiency

It can be judged that the efficiency of the project is high.

Concerning input for the project, it is deemed that its timing and volume is almost appropriate. With regards to Output 1, two seminars and two public hearing on the changes to the law on competition have been arranged before draft amendment of the law is submitted to Deputy Prime Minister of Mongolia, inviting relevant ministries and agen, companies and academics to the seminars where various discussions and exchange of ideas on the law were held. Tmining and volume of these events are appropriate.

Concerning Output 4, for the first year or more after the project began, the main activities were not carried out and the timing of input was delayed. However, After the Market Research Department was newly established in October 2016, and after the activity of the department got on track, holding seminars in Ulaanbatar and training in Tokyo aiming at improving the market research method could be materialized.

Initially, sending a long-term expert to Ulaanbatar was planned, however, it became available only after 8 months from initiation of the project due to the fact that it took JICA time in finding a qualified personnel for the position. During the time of absence of the long-term expert, JICA Mongolia Office, a project assistant hired by JICA worked collaboratively with each other and handled coordination work with AFCCP. As a result, some project activities in the first 8 months were conducted without causing major obstacles to the implementation plan of the entire project.

Concerning training in Tokyo specified in Output 3, three times of trainings in Tokyo for judges were originally planned, however, only one time was conducted in May, 2018 due to issues of difficulties of arrangemnt of training and its preparation at JICA and institutions accepting trainees, and difficulty of coordination with other relevant institutions in Japan.

As for a baseline survey on amendment of law, JICA expert and JICA Office repeatedly requested AFCCP for arranging kick-off meeting with members of survey teams, however, holding of the meeting was delayed for two months, causing a temporary negative effect such as that the survey teams were unable to work efficiently. The survey teams corresponded to the situation by partially doing reviewing and alterlating of survey process and workflow, as a result, all the survey

were completed according to the initial plan. The primary reason why smooth communication between the long-term JICA expert and AFCCP was temporarily hindered is because of profound effect and impact caused by organizational change of central government bodies including AFCCP and a major change in the political situation after the State Great Khural election of 2016. After that, with the newly appointed chairman of AFCCP, similar problems are no longer caused.

1-4 Impact

The draft law on competition was finalized. Although the draft has not been submitted to the State Great Khural for approval, it is deemed that law amendment will soon be materialized since the concept paper of the law amendment has been approved by the Deputy Prime Minister. Draft of the National Program on the law on competition has been developed. The preparation is ongoing so that approval process of the Program by the government will be completed by the end of 2018. Although it is hard to predict, if the new law enacted by the State Great Khural, and the first ever competition policy of national level in Mongolia is implemented, It is judged that considerable impact can be expected from the improvement of the competitive environment which is the overall goal of the project.

A positive impact has already been seen. Regarding an issue of privatization of state-owned major airlines proposed in the draft of the national program as a policy of creation of competition in the civil aviation market, the issue was deliberated at the State Great Khural on June 29, 2018, and a resolution was approved in favor of the plan to introduce free competition on international routes. This is only one of the examples, however, this event implies that awareness about the importance of competition policy among the State Great Khural and government agencies is being increased. It is speculated that the Mongolian government is expected to continue to take concrete actions in order to improve the competitive environment in Mongolia. With all these situations, it is estimated that the environment is getting set where an impact toward overall goals can be expected.

1-5 Sustainability

The sustainability of the project is recognized at a certain level.

On the policy side, measures to maintain and promote competition in the market are listed in the "Action Plan for Government of Mongolia (2016 - 2020)", and for the time being, the policy for improvement of the competitive environment in Mongolia is expected to continue.

On the organizational side, it is judged that there is the organizational capability necessary to sustain the effect of the cooperation even after the project is completed.

AFCCP set up a working group and advanced the work of creating draft of the law on competition and draft of National Program. Those members involved into

the work of the working group improved their drafting ability of laws and policies, therefore, it is considered that AFCCP will be able to correspond independently when correction of these drafts becomes necessary.

However, regarding the preparation of the draft of the enforcement regulations as one of activities for Output 1, it has not been implemented yet. It is possible, if Japanese side provides AFCCP with information on the enforcement regulations and guidelines of Japan's Antitrust Law and its explanation in details, the contents of the new regulations can be made with higher effectiveness. Therefore, if Japan's technical cooperation will be resumed in the field of Mongolian competition law - competition policy in the near future after the project is completed, it is expected that some assistance and support within the framework of the cooperation will be provided to AFCCP for its drafting the regulation.

In addition, AFCCP actively worked on public relations about seminars and workshops held in the project. AFCCP makes full use of SNS (Social Networking Service) portal such as Facebook, uploading live-stream video of interviews with related parties. Through these efforts, AFCCP has increased its capability of public relations to a considerable extent. From now on, AFCCP is considered to have sufficient human resources with the necessary abilities to independently conduct public relations activities targeting judges, central and local governments, etc.

Furthermore, AFCCP has also begun an effort in which those who participated training in Tokyo and returned to Ulaanbaatar try to teach as lecturers other inspectors who did not participate in the training about what are learnt from the training in Tokyo. In the basic training conducted as a trial for improvement of AFCCP inspector inspection capacity, AFCCP inspectors with its initiative worked management and operation of the training course, conducting the test and self-evaluation of the training course. Knowing the placement of AFCCP staff in charge of personnel training such as internal training, It can be judged that an organization and implementation system necessary for continuing human resource development and training activities has been established.

It should be noted, in order to further improve the inspection capability, it is an important matter for AFCCP to consider inspector's medium to long term career plan and also consider the mid and long term human resource development curriculum based on it.

On the financial side, the Mongolian government as a whole is in a difficult financial situation, securing the budget necessary for implementing policies and projects at the level of each ministry and agency is not easy, and the situation is similar for AFCCP. During the project period, Mongolian side partly took part of the travel expenses to the region and the seminar and workshop expenses. AFCCP is planning to continue to prepare AFCCP magazine and publication of materials, materials for public relations, internal training etc. AFCCP plans to take necessary budget measures.

2. Key Factors Affecting Implementation and Outcomes

As a result of the detailed planning survey conducted by JICA before the initiation of the project, there was concern that changes in the political situation in Mongolia would have a negative impact indirectly on the continuous implementation of the project.

The political situation of the period when the project was initiated in July, 2015, was gradually getting intense as the Executive Committee of the Democratic Party dismissed the “Agreement for Mutual Trust and Cooperation” that was established with the Mongolian People’s Party. Three months later from the initiation of the project, the chairman of AFCCP was replaced based on government resolution of 25th of December, 2015 which resulted in changing Mr. Ayursaikhan to Mr. Munkhtur as the chairman. Then in six months later, on 29th of June 2016, Mongolian State Great Khural election was held which was followed by replacement of members of the government and leaders of the ministries and agencies. At AFCCP, Mr. Byambasuren Lkhagva was appointed a chairman. Project director is changed twice within the first one year.

As mentioned in the earlier, there was a temporary negative effect to the project such as that the survey teams were unable to work efficiently because of profound effect and impact caused by organizational change of central government bodies including AFCCP and a major change in the political situation after the State Great Khural election of 2016. However, it was not a significantly big negative effect for the project as a whole, therefore, it can be judged merely as a temporary factor.

3. Evaluation on the results of the Project Risk Management

Following the general election in 2016, the new Chairman of AFCCP, Mr. Byambasuren Lkhagva, appointed the WG members of the project as well as the staff in charge of AFCCP on each of the project activities. He also took concrete measures to facilitate communication and sharing of information smoothly among concerned parties engaged in works of the project, by issuing official letters to inform AFCCP staffs of the necessary preparation for each project activities.

4. Lessons Learnt

In other technical cooperation projects which supports law amendment, the following contents could be referred to as a lesson.

In the project, ownership of Mongolian side was considered significant. Rather than Japanese side providing draft, it was AFCCP which drafted first draft. JFTC provided advice to the draft, then AFCCP refined the draft based on the advice. Technical assistance to law amendment in the project was advanced in this way. As a result, this way of assistance contributed to improving drafting ability of

legislators.

In this project, in addition to advices from JFTC, Mongolian cooperation resources such as university professors and researchers were also utilized. In this way, the Japanese side and the Mongolian side presented each sides' opinion and examine and compare the opinions so that exchange of concrete opinions was made possible where participants were trying to accommodate it into draft of law amendment in a reasonable way based on the actual situation of the country.

In January 2017, the Rule of laws and regulations was enacted. The law stipulates procedures for preparing bills, methods for recruiting public comments, etc. JICA expert analyzed the contents of this law and understand the due process of law amendment in advance, and compared each other's understanding with project counterpart, which made possible JICA and AFCCP to grasp to which stage the work of law amendment belongs. Therefore, it was possible that timely inputs were made in the course of advancing project activities.

The Japanese Government has provided Fiscal, Social and Economic Reform Development Policy Loan is based on the IMF's EFF's international assistance package, based on the development policy of the Mongolian government , and revision of the competition law is included as one of the policy actions in the policy matrix. It can be said that collaboration between ODA loans and technical cooperation has been successful in a sense that it supports he efforts of the Mongolian government's in legal reforms such as amendment of law on competition.

IV. For the Achievement of Overall Goals after the Project Completion

1. Prospects to achieve Overall Goal

The overall goal of the project is "fair market competition is enhanced in Mongolia". As mentioned in the earlier, it is deemed that law amendment which is supported by the project will soon be materialized. Meanwhile, with events of discussions and a resolution made at the State Great Khural in favor of a policy of creation of competition in the civil aviation market, an increasing momentum is seen toward enhancement of Competition Environment in Mongolia as a country. Therefore, it is estimated that acheivement of the overall goals is expected.

Concerning the objectively verifiable indicator for the overall goal stated in PDM is "level of effectiveness of enforcement activities is comprehensively analyzed by independent experts based on competition law and policy". At present, there are no

independent institutions etc. that conduct policy evaluation from a third party perspective on the policy implementation and the status of law enforcement by AFCCP. Since AFCCP has an external experts' committee composed of university professors and researchers, it is one way to request evaluation from this committee. However, it seems necessary to consider whether to satisfy the condition of "Independent expert" or not before implementation of ex-post evaluation, as each committee is appointed by Chairman of AFCCP.

2. Plan of Operation and Implementation Structure of the Mongolian side to achieve Overall Goal

Issues of high priorities of initiatives by the Mongolian Government toward achieving the overall goal of "enhancement of market competition in Mongolia" and the implementation system and plan of the initiatives are as follows. Only the ones with high priority in relation to the outcome and impact of the project that has been developed, are described below.

2-1 Developing draft law on competition and preparatory work for enforcing the newly adopted law

As of the end of July 2018, the Deputy Minister of Mongolia, the Minister of Justice and Home Affairs have approved the draft law and its concept. To submit the draft law to the autumn session of the State Great Khural which will commence in October 2018 the following AFCCP shall undertake these six steps including: a) hearing opinions from relevant ministries and agencies, b) preparing / drafting bills for approval in a government meeting, c) holding the government meeting and approval of bills, d) preparing bills for submission to the State Great Khural, e) coordination with the Office of the State Great Khural on the date of submission of the draft law to the State Great Khural. The Deputy Prime Minister, who is the initiator of the revision of the law, will lead the necessary preparations, but the AFCCP will be responsible for works such as correcting the bill etc.

Although the timing is undecided, after the bill is submitted to the Chairman of the State Great Khural, the bill is referred to the relevant Standing Committee (either the Economic or Justice Standing Committees will be chosen) and review on the bill by that committee is conducted. Then the bill is submitted to the main session of the State Great Khural together with the opinions of the committee, and discussion on the bill is conducted.

AFCCP intends to hold a briefing session for parliament members during the period before the submission of the bill to the chairman of the State Great Khural and to explain the importance of the amendment and the main points of amendment. As a result of holding this briefing session, it will lead to providing parliament members with the opportunity to deepen their understanding of the purpose of the

amendment of the Competition Law and the contents of the bill, and it will be expected that the examination and deliberation of the legislation in a session of the State Great Khural will proceed smoothly.

It is necessary to promulgate and enforce new enforcement regulations along with the law is put into effect. Regarding the competition law, the AFCCP is scheduled to start revising the following six enforcement regulations after the revision of the law.

- a) Regulation for payment of incentives for information providers concerning competition restrictive contract, cartel's agreement and its decision makers
- b) Rules of Authority for Fair Competition and Consumer Protection
- c) Regulation for registration of enterprises with natural monopoly status, market occupation rate of other enterprises, market dominant status
- d) Regulation for exemption from administrative sanctions on enterprises
- e) Regulation for payment of the remuneration for non-standing committee members of the committee
- f) Regulation for authorization of organizational restructuring through business combination, purchasing of stock of others by enterprises with market-dominant positions.

2-2 Approval of National Program and Implementation of Action Plan by Mongolian Government

The National Program is a document that decides what actions should be taken to implement the objectives of national policy and government action plan and is a document that decides policies to be implemented in a short period of 3 to 5 years (Development Policy Plan Act Section 4.1.10, Development Policy Planning Act Article 6.4).

Concerning the National Program on Competition Policy, AFCCP consulted with relevant ministries and created its draft based on the Development Policy Planning Act. The official name of National Program is "National Program on Promotion of Market Competition". The National Program is consisted of two parts. The first part is body text of the program describing the objectives, targets, principles of implementation, program activities, expected outcomes, etc. The latter part is an action plan describing the specific activities for the five-year period from 2018 to 2022, the institution in charge of implementation.

In May 2018, with the theme on the draft of the National Program, a seminar for public comment was held and discussion was conducted among participants such as enterprises, relevant ministries and agencies, researchers etc..

From now, AFCCP will submit the modified draft to the Deputy Prime Minister Office, then the draft will be discussed at the government meeting after confirmation of the draft by the Ministry of Finance. The draft is scheduled to be

approved within 2018. Following the approval at the government meeting, AFCCP at its initiative will shift its focus toward implementing the action plan of the National Program.

As for the implementation system, AFCCP is the executing agency for more than half of the 84 action plans, however, other relevant ministries and agencies are assigned as co-executing agencies which collaborate with AFCCP for the implementation. For instance, in regards to the mobile phone market, AFCCP will implement the relevant activity together with Information and Communication Regulation Authority.

2-3 Improvement for Inspection Capacity of AFCCP Inspectors

The number of complaints and petitions filed to AFCCP has sharply increased and it is expected that the inspection work volume related to the competition law of the AFCCP as a whole will continue to increase in the future. Because there is a risk that the current number of inspectors may not be able to respond to the increase in work volume, AFCCP plans to increase the number of staff at least twice by 2022, which is specified in the draft of National Program (Action Plan 3.7.2.).

While it is anticipated that the needs of staff training to improve the capacity of AFCCP inspectors to improve their work are expected to further increase, AFCCP plans to prepare a training program for AFCCP inspectors, staffs and local inspectors by 2022 so that their level of expertise will be higher (Action Plan 3.7.6).

In the project, AFCCP and JICA cooperated with professor Hashchlon of Economics Department of Economics, Mongolian National University and basic training for AFCCP inspectors to learn fundamental knowledge such as economics was conducted for about two months from May 2018. Lectures of the training were conducted in total of 28 times, and AFCCP inspectors who participated in the lecture learned fundamental theory on economics such as complete and incomplete competitive markets, markets failures and government interventions which backs the substantive provision of the law on competition. In addition, AFCCP inspectors learned the operation of laws based on the Antitrust Law in Japan and the experience / know-how of examination practice through training in Tokyo and training seminars in Ulaanbaatar. From now on, AFCCP plans to prepare training programs for inspectors and staffs using materials and information obtained in the project.

2-4 Efforts of Advocacy for Public Awareness through Publication of AFCCP Magazines

AFCCP issues quarterly magazines or journals on topics such as regulations based on competition law and AFCCP's work and various activities, and plans to continue the publication even after completion of the project (Action Plan 3.6.3.).

3. Recommendations for the Mongolian side

Based on the above IV. 2, JICA proposes the following contents to the Government of Mongolia for the realization of its contents.

3-1 Formulation of Rules and Regulations for the New Law

As enforcement regulation specifies detailed rules necessary for ensuring the enforcement of laws and regulations, it is imperative that the above mentioned six rules and regulations shall be promulgated and enforced in a prompt manner along with enforcement of the new law.

In this regard, Japan has experience and know-how of law enforcement of the Antitrust Law Act over 70 years and the Japan Fair Trade Commission releases enforcement regulations and orders of Antitrust Law. The Commission also pronounces the way of thinking about its official opinion of application and operation of Antitrust Law in a form of "Guidelines". In preparing the draft of the rules and regulations for the new law, it is advisable for AFCCP to utilize publication materials etc. of the competition authorities of other countries and especially to incorporate experience of foreign countries including Japan, which has many years of experience in operation of Antitrust Law, into Mongolia along with the actual circumstances in Mongolia.

3-2 Consideration and Creation of the Mid and Long Term Human Resource Development Curriculum

Concerning training for inspectors and staffs of AFCCP, a proposal is to consider and prepare a mid and long term human resource development curriculum that concretely show expertise and work level to be achieved according to years of working. By corresponding to the issue with mid and long term perspective, it will be possible to conduct training in a planned and a continuous manner, and for inspectors, each of them can look at their career in AFCCP more objectively and visibly. It is expected to further improve the attitude towards work and training. Also, it is necessary for the Government of Mongolia to implement budgetary measures on the expenses necessary for implementing the training, possibly providing larger incentives to inspectors for further improving their skills and working attitude. Also, it is necessary for the Government of Mongolia to implement budgetary measures on the expenses necessary for implementing the training.

3-3 Advocacy for Public Awareness

Concerning AFCCP's efforts of public relations activities on competition law and competition policy, certain results have been achieved and it should be continued even after completion of the project. In particular, the AFCCP magazine is considered to be an efficient public information media as an information source for

general public, enterprises, etc. to comprehensively comprehend the operational situation of law on competition by AFCCP. Regarding the necessary expenses, it is advisable that the Mongolian Government will make a budget measure after completion of the project so that the publication of the magazine can be continued.

4. Monitoring Plan from the end of the Project to Ex-post Evaluation

(If the Project will be continuously monitored by JICA after the completion of the Project, mention the plan of post-monitoring here.)

Upon the completion of the project, JICA in cooperation with AFCCP will work and set up the content, duration and methodology of the Ex-post evaluation and will also monitor operation status and process of AFCCP.

ANNEX 1: Results of the Project

(List of Dispatched Experts, List of Counterparts, List of Trainings, etc.)

ANNEX 2: List of Products (Report, Manuals, Handbooks, etc.) Produced by the Project

ANNEX 3: PDM (All versions of PDM)

ANNEX 4: R/D, M/M, Minutes of JCC (copy) (*)

ANNEX 5: Monitoring Sheet (copy) (*)

(Remarks: ANNEX 4 and 5 are internal reference only.)

Separate Volume: Copy of Products Produced by the Project

Results of the Project

(List of Dispatched Experts, List of Counterparts, List of Trainings, etc.)

1. Summary of the Results

Item of Input	Planned	Actual
(a) Dispatch of Experts - Long-term Expert(s) - Short-term expert(s)	1 Expert 5 times	1 Expert (Training / Project Coordination) 5 times, 11 experts in total* <u>*See Table 1-1 - List of Experts and Works below</u>
(b) Training - Training in Japan - In-Country Training - Third-country Training	7 times 6 times Upon consultation	1 time (Output 1) 2 times (Output 2) 1 time (Output 4) <u>*See Table 1-2 - List of Training in Japan below</u> 5 times (Output 1) 6 times (Output 2) 28 lectures (Output 2) 1 time (Output 4) 1 time (Output 2)
(c) Machinery and Equipment	Upon necessity	1) interrogation room - 1 set of table and chairs 2) public relations - 1 set of digital camera - 1 set of lap-top computer - 1 set of projector - 1 set of hand-held video shooting equipment - 1 set of smart-tablet
(d) Overseas Activities Cost	- Costs for activities of the project including conducting workshops, seminars and third-country training,	- Costs for activities of the project including conducting workshops, seminars and third-country training, printing (guidelines, manuals, brochures, handouts) and

	printing (guidelines, manuals, brochures, handouts) and personnel cost for project assistant	personnel cost for project assistant
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Table 1-1 - List of Experts and Works

No.	Month, Year	Name	Works
1	January 2016	Sadaaki SUWAZONO, JFTC	1) Lecturer, Practical seminar on investigation 2) Lecturer, Seminar on the Competition law and its reform
2	January 2016	Kazuhira NAKASATO, JFTC	1) Lecturer, Practical seminar on investigation 2) Lecturer, Seminar on the Competition law and its reform
3	October 2016	Sadaaki SUWAZONO	Commentator, Interim Report Meeting of Base-line Survey on Law on Competition
4	October 2016	Junichi YANAGITA, JFTC	Commentator, Interim Report Meeting of Base-line Survey on Law on Competition
5	November 2016	Sadaaki SUWAZONO	1) Lecturer, Practical seminar on investigation, 2) Lecturer, Seminar on the Competition law and its reform
6	November 2016	Junichi YANAGITA, JFTC	1) Lecturer, Practical seminar on investigation, 2) Lecturer, Seminar on the Competition law and its reform
7	November 2016	Maiko YUKI, JFTC	1) Lecturer, Practical seminar on investigation, 2) Lecturer, Seminar on the Competition law and its reform
8	June 2017	Kazuhiro HARA, JFTC	Commentator, Public Comment Discussion (Amendment Law on Competition)
9	June 2017	Junichi YANAGITA,	Commentator, Public Comment

		JFTC	Discussion (Amendment Law on Competition)
10	November 2017	Kazuhiro HARA, JFTC	Commentator, 2nd Public Comment Discussion (Amendment Law on Competition)
11	November 2017	Mari NUNOMURA, JFTC	Commentator, 2nd Public Comment Discussion (Amendment Law on Competition)

Table 1-2 - Table of Training in Japan

No.	Month, Year (Training Course No.)	Name of the Training	Number of Participated Counterpart
1	January 2016 (J1522273)	Japanese Competition Law and Competition Policy	20
2	May 2016 (J1621630)	Competition Policy and Law(For Judges)	17
3	March 2017 (J1622414)	Special Course for Law Amendment of Competition Law	15
4	February - March 2018 (J1722562)	Competition Law and Market Research Training	15
5	May 2018 (J1821681)	Training on Competition Law and Its practice	15

List of Products (Report, Manuals, Handbook)

No.	Name of Products	Relevant Project Output	Month, Year
1	Concept Paper and Draft of Amendment of Law on Competition (Mongolian Language)	Output 1	August, 2018
2	Draft of National Program on Competition (Mongolian Language)	Output 1	May, 2018
3	Reports of Five Contracted Survey on Law on Competition and Competition Policy (Mongolian Language)	Output 1	November, 2016
4	Curriculum of Basic Training for Inspectors (Mongolian Language)	Output 2	May, 2018
5	Lecture Materials of Basic Training for Inspectors (Mongolian Language)	Output 2	July, 2018
6	Reference Book for Inspectors	Output 2	August, 2018
7	Leaflet on Law on Competition and Competition Policy	Output 3	August, 2016
8	Five Volumes of AFCCP Magazine	Output 3	March, 2017 - August, 2018
9	Booklet of Selected Cases of Violation on Law on Competition	Output 3	August, 2018

Project Design Matrix (All Version of PDM)

ANNEX 3

Version 1.0

Date: 04 September 2015

Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Implementing Agency: Authority for Fair Competition and Consumer Protection (AFCCP)

Target Group: Project Management Unit (PMU) of AFCCP

Period of Project: 3 years (Starting from 04 September 2015 until 03 September 2018)

Project Site: Ulaanbaatar

Narrative Summary	Objectively Verifiable Indicators	Means of Verification	Important Assumption
Overall Goal			
Fair market competition is enhanced in Mongolia.	Level of effectiveness of enforcement activities is comprehensively analyzed by independent experts based on competition law and policy.	- AFCCP's internal reference - Expert assessment	
Project Purpose			
AFCCP's enforcement activities are efficiently and appropriately implemented.	- Percentage of court cases of winning lawsuits - Survey on degree of satisfaction and confidence in AFCCP's enforcement activities. - Number of resolved complaints - Complaint settlement period	- AFCCP's internal reference - Court decision - Baseline and endline survey	-Mid- to long-term political commitment to the fair market competition and public support are maintained and strengthened. - Personnel change of AFCCP executives does not take place frequently.
Outputs			
1. Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.	- Completion of draft of competition law and regulations - Completion of draft of National Program -Number of workshops and seminars organized by the Project to solicit comments from stakeholders on the draft of guidelines and regulations, as well as number of participants in the workshops and the seminars.	- Completed drafts - Project reference	- Sufficient budget and personnel are allocated to AFCCP for its enforcement activities. - Independence of AFCCP is maintained. - An environment to enable public officials to continue in employment is developed.
2. AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas.	-Number of newly conducted training modules (regular internal lectures, training courses in Japan, and in-country workshops and seminars) for AFCCP inspectors out of all the (possible) modules that were considered to be necessary for the improvement of investigation skills. - Results of self-evaluation surveys by the participants in the above training modules on how much degree they understood. -Result and number of inspection work of AFCCP in rural areas. -Result and number of workshop and discussion.	- Project reference - Project reference and Survey questionnaire - Investigation reference	
3. Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.	- Result and number of workshop and discussion. - the Result of the Survey/assessment based on the implementation of competition Law and Policy - the Result of Survey/assessment based on the promotion on awareness on competition Law and Policy - the number of pamphlet, brochure, manual and magazines	- Project reference - Project reference, survey questionnaire - Brochure, manual and magazines	

4. AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved.	<ul style="list-style-type: none"> - Completion of a draft of market research methodologies - Research - Training/seminar/workshop for the officers within the framework of market research 	-Completion of draft	
Activities	Inputs		Pre-Conditions
	The Japanese Side	The Mongolian Side	
<p>1-1 Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.</p> <p>1-2. Provide advice on reviewing Competition law and its regulations and making national program.</p> <p>1-3. Conduct workshops and seminars to discuss the draft amendments and national program with academic or legal experts and also invite comments on the draft amendments and national program from outside stakeholders.</p>	<p><Personnel for the Project> Dispatch of long-term experts (Training / Project Coordination) Dispatch of short-term experts based on Plan of Operation <Training in Japan> Necessary trainings are provided based on Plan of Operation. <Overseas Activities Cost> Costs for activities of the project including conducting workshops, seminars and third- country training, printing (guidelines, manuals, brochures, handouts) Personnel cost for project assistant</p>	<p><Personnel for the Project> Necessary administrative staff for smooth implementation of the project. Project Director Project Manager Counterpart personnel <Buildings and Facilities > Conference rooms for workshops and seminars <Administrative and operational costs> • Running costs for electricity, water, communication, etc. • In-country Travel Expenses for AFCCP officials • Others</p>	- The Mongolian government places high priority on competition policy for the creation of fair competition.
<p>2-1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.</p> <p>2-2. Conduct training courses in Japan and in-country workshops and seminars for the enhancement of investigation knowledge and techniques.</p>			
<p>3-1. Discuss methods of effective advocacy and develop a plan for advocacy</p> <p>3-2. Conduct advocacy activities based on the activity 3-1 (e.g. seminars, workshops, leaflets).</p>			
<p>4-1. Analyzing current procedures of economic and market research by AFCCP</p> <p>4-2. Introducing Japanese experiences of previous researches</p> <p>4-3. Provide advice on improved methodologies of market research and conduct workshop and seminars including those with foreign competition authorities.</p>			

**MINUTES OF MEETING
BETWEEN THE JAPANESE CONSULTATION TEAM
AND
THE AUTHORITY FOR
FAIR COMPETITION AND CONSUMER PROTECTION
ON
JAPANESE TECHNICAL COOPERATION FOR
PROJECT FOR ENHANCEMENT OF THE FAIR COMPETITION ENVIRONMENT
IN MONGOLIA**

The Japanese Consultation Team (hereinafter referred to as "the Team") organized by the Japan International Cooperation Agency (hereinafter referred to as "JICA"), headed by Mr. Shinji YANAGAWA visited Mongolia from 5th to 8th April 2016.

During their stay in Mongolia, the Team had a series of discussions with the Authority for Fair Competition and Consumer Protection (hereinafter referred to as "AFCCP"), and jointly reviewed the achievement of Japanese Technical Cooperation Project, "Project for Enhancement of the Fair Competition Environment in Mongolia" (hereinafter referred to as "the Project") and exchanged views on the Tentative Annual Work Plan for Japanese Financial Year (hereinafter referred to as "JFY") 2016.

As a result of discussions, the both sides agreed the matters referred to in the document attached hereto.

Ulaanbaatar, 7th April, 2016



Mr. Mutsumi SATO
Chief Representative
Mongolia Office
Japan International Cooperation Agency
Japan



Mr. D. Munkhtur
Chairman
Authority for Fair Competition and Consumer
Protection
Mongolia



Mr. Shinji YANAGAWA
Team Leader
Public Governance and Financial Management
Team, Governance Group, Industrial
Development and Public Policy Department
Japan International Cooperation Agency
Japan



Mr. B. Gantulga
Director General
Development Financing, Debt Management
Department
Ministry of Finance
Mongolia

LIST OF ANNEXES

- | | |
|-----------|---|
| ANNEX I | Participants of the Joint Coordinating Committee |
| ANNEX II | Tentative Plan of Operation (PO) |
| ANNEX III | Tentative Annual Work Plan for JFY 2016 proposed by AFCCP |
| ANNEX IV | Project Implementation Structure |
| ANNEX V | MAIN POINTS DISCUSSED |



68



モンゴル「公正競争環境改善プロジェクト」
第1回合同調整委員会 出席者名簿



【AFCCP】

	氏 名	職 名
1	D. Munkhtur	プロジェクト・ディレクター (AFCCP 長官)
2	L. Gan-Ulzii	プロジェクト・マネージャー (AFCCP 競争規制・市場調査局 局長)
3	D. Bat-Orgil	国際関係局 局長
4	A. Myagmardorj	プロジェクト作業部会委員 (AFCCP 競争規制・市場調査局 主任検査官)
5	B. Oyuntsetseg	プロジェクト作業部会委員 (AFCCP 国際関係局 主任検査官)
6	M. Erdene	国際関係局 職員

【JICAモンゴル事務所／調査団】

	氏 名	職 名
1	佐藤 睦	JICA モンゴル事務所 所長
2	柳川 伸二	JICA 産業開発・公共政策部ガバナンスグループ行財政・金融チーム 課長補佐
3	桜井 祐介	公正取引委員会事務総局官房国際課 課長補佐
4	A. Saikhintuya	JICA モンゴル事務所 所員
5	D. Namjilmaa	プロジェクト・アシスタント
6	Ts. Buyanjargal	JICA モンゴル事務所 所員

【大蔵省】

	氏 名	職 名
1	B. Gantulga	開発ファイナンス・債務管理局 局長
2	D. Anudar i	開発ファイナンス・債務管理局 職員

↑



“МОНГОЛ УЛСЫН ШУДАРГА ӨРСӨЛДӨӨНИЙ ОРЧИНГ
БЭХЖҮҮЛЭХ НЬ” ТЕХНИК ТУСЛАЛЦААНЫ ТӨСӨЛ



ТӨСЛИЙН ХАМТАРСАН УДИРДАХ ХОРООНЫ
ХУРАЛД ОРОЛЦОГЧДЫН НЭРС

Д/д	Оролцогчдын нэрс	Албан тушаал
Шударга Өрсөлдөөн, Хэрэглэгчийн Төлөө Газар		
1.	Д. Мөнхтөр	Дарга, Төслийн удирдагч
2.	Л. Ган-Өлзий	ӨХЗЗЗСГ-ын дарга, Төслийн менежер
3.	Д. Бат-Оргил	ГХТХХАГ-ын дарга
4.	А. Мягмардорж	ӨХЗЗЗСГ-ын Ахлах мэргэжилтэн, Төслийн Нарийн бичиг
5.	Б. Оюунцэцэг	ГХТХХАГ-ын Ахлах мэргэжилтэн
6.	М. Эрдэнэ	ГХТХХАГ-ын мэргэжилтэн
ЖАЙКА болон ЯШХХ		
7.	Сато Мүцүми	ЖАЙКА Монгол дахь Төлөөлөгчийн газрын дарга
8.	Янагава Шинжи	ЖАЙКА Аж үйлдвэрийн хөгжил, Төрийн бодлогын газар Засаглал, санхүүгийн удирдлагын хэлтсийн Дэд дарга
9.	Сакурай Юүсүкэ	Японы Шударга Худалдааны Хорооны Тамгын газар Гадаад харилцааны хэлтсийн Дэд дарга
10.	А. Сайхантуяа	ЖАЙКА Монгол дахь Төлөөлөгчийн газрын ажилтан Засаглалын салбар хариуцсан сууринтөлөөлөгч
11.	Д. Намжилмаа	ШӨХТГ дахь Төслийнажилтан
12.	Ц. Буянжаргал	ЖАЙКА Монгол дахь Төлөөлөгчийн газрын ажилтан
Сангийн яам		
13.	Б. Гантулга	Хөгжлийн санхүүжилт, Өрийн удирдлагын газрын дарга
14.	Д. Анударь	Хөгжлийн санхүүжилт, Өрийн удирдлагын газрын мэргэжилтэн

Plan of Operation

ANNEX II

Version 1.0
Date: 07 April 2016

Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia															Monitoring																	
Inputs		Year	2015					2016					2017					2018					Remarks	Issue	Solution							
			7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4				5	6	7	8	9	10	11
Expert																																
Long Term Expert (Training / Project Coordination)		Plan																												Tentatively starting at the end of May 2018		
		Actual																														
Short Term Experts		Plan																														
		Actual																														
Training in Japan																																
For AFCCP executives		Plan																														
		Actual																														
For AFCCP officials		Plan																														
		Actual																														
For Judges		Plan																														
		Actual																														
In-country Training																																
Seminar, Workshop, etc.		Plan																														
		Actual																														
Third-country Training																																
For AFCCP officials		Plan																												For consultation as needed		
		Actual																														
Overseas Activities Cost																																
Costs for activities of the project including conducting workshops, seminars and third-country training, personnel cost for project assistant, printing (guidelines, manuals, brochures, handouts), etc.		Plan																														
		Actual																														
Activities		Year	2015					2016					2017					2018					Responsible Organization		Achievements	Issue & Countermeasures						
Sub-Activities			7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4	5	6			7	8	9	10	11	Japan
Output 1: Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.																																
1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.		Plan																														
		Actual																														
1-2. Provide advice on reviewing Competition law and its regulations and making national program.		Plan																														
		Actual																														
1-3. Conduct workshops and seminars to discuss the draft amendments and national program with academic or legal experts and also invite comments on the draft amendments and national program from outside stakeholders.		Plan																														
		Actual																														
Output 2: AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas.																																
2-1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.		Plan																														
		Actual																														
2-2. Conduct training courses in Japan and in-country workshops and seminars for the enhancement of investigation knowledge and techniques.		Plan																														
		Actual																														
Output 3: Knowledge of Competition Law and Policy of Judges, government and local administration, enterprises and public are improved.																																
3-1. Discuss methods of effective advocacy and develop a plan for advocacy.		Plan																														
		Actual																														
3-2. Conduct advocacy activities based on the activity 3-1 (e.g. seminars, workshops, leaflets).		Plan																														
		Actual																														
Output 4: AFCCP Inspector's capacity on market research for natural monopoly and dominant position is improved.																																
4-1. Analyzing current procedures of economic and market research by AFCCP.		Plan																														
		Actual																														
4-2. Introducing Japanese experiences of previous researches.		Plan																														
		Actual																														
4-3. Provide advice on improved methodologies of market research and conduct workshop and seminars including those with foreign competition authorities.		Plan																														
		Actual																														
Duration / Phasing		Plan																														
		Actual																														
Monitoring Plan		Year	2015					2016					2017					2018					Remarks	Issue	Solution							
			7	8	9	10	11	1	2	3	4	5	6	7	8	9	10	11	1	2	3	4				5	6	7	8	9	10	11
Monitoring																																
Joint Coordinating Committee (JCC) Meeting		Plan																														
		Actual																														
Set-up the Detailed Plan of Operation		Plan																														
		Actual																														
Submission of Monitoring Sheet		Plan																														
		Actual																														
Monitoring Mission from Japan		Plan																												as necessary		
		Actual																														
Joint Monitoring		Plan																														
		Actual																														
Post Monitoring		Plan																														
		Actual																														
Reports/Documents																																
Project Completion Report		Plan																														
		Actual																														
Public Relations																																
		Plan																														
		Actual																														

ANNUAL WORK PLAN 2016-2017

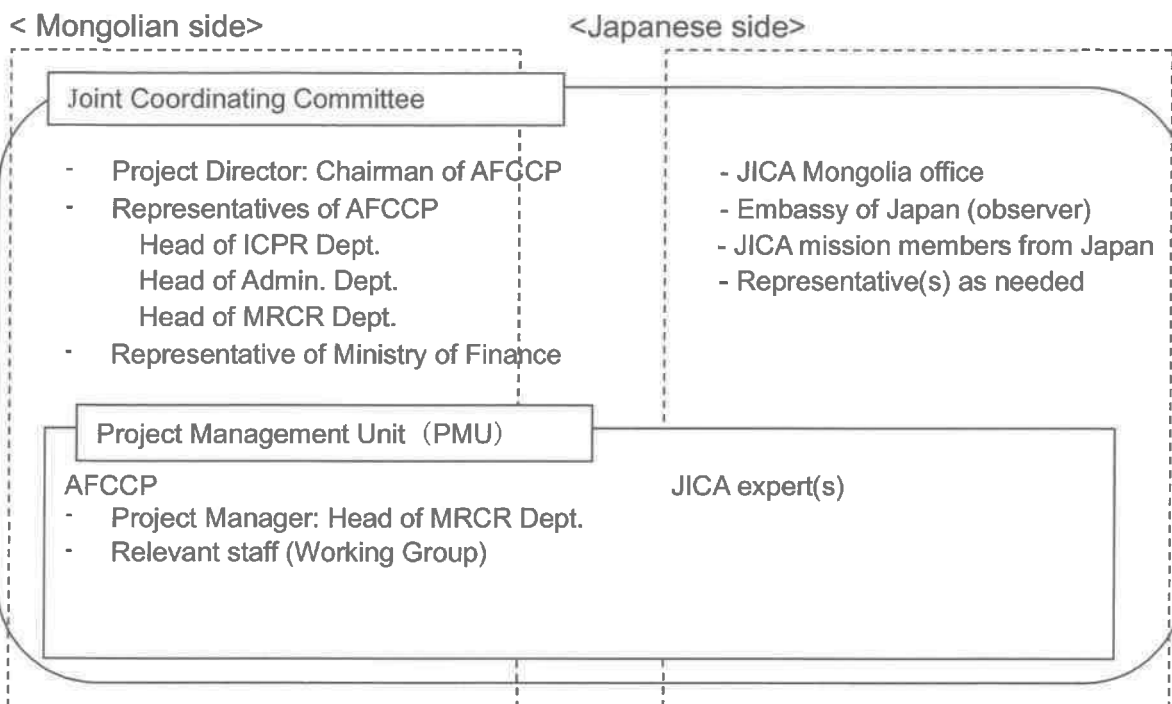
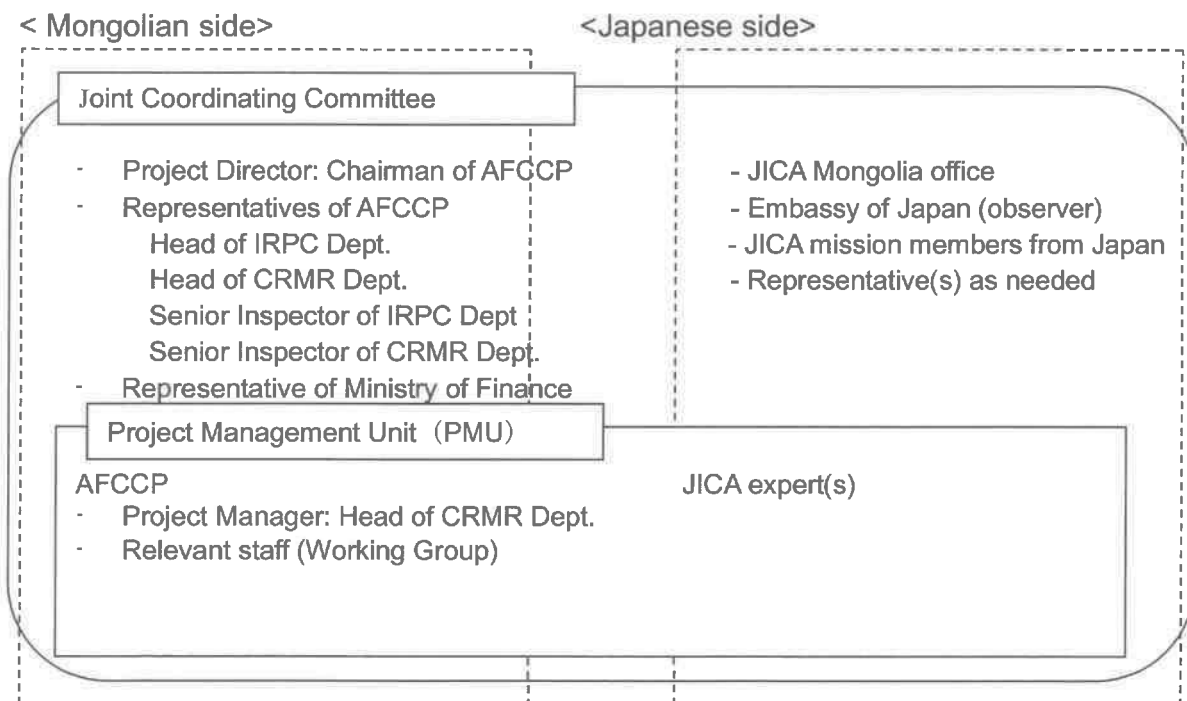
ANNEX III



Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Activities	Year	2016												2017			Consulting team 1
1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	Consulting team 2				
																Consulting team 3	Consulting team 4	Consulting team 5	
Output 1: Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.																			
1		1.1.1. Analyze the perception and behavior of business entities about importance and legal environment of competition in the market and define the current situation of fairness of competition and barriers to market entry in Mongolian market.	Plan																
			Actual																
2		1.1.2. On a basis of international research methodology, to analyze the enforcement of the Article 12 and 13 of Competition Law; develop the legal revisions and relevant procedures of inspection to prevent, detect and regulate the anti-competitive conducts.	Plan																
			Actual																
3		1.1.3. To develop the revisions to the Articles 6 and 7 of Competition law and Government Guideline #298 "to define the business entities as natural monopoly and dominant position holder" by analyzing the enforcement of law regulations of natural monopoly and dominant entities. Also, to develop economic methodology to control and regulate the regulated markets, price of monopolies, excessive and low price, vertical monopolization, abuse of dominance and make a recommendation to inspection handout.	Plan																
			Actual																
4	1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.	1.1.4. On a basis of economic methodology, to analyze the enforcement of the Article 8-10 of Competition Law and develop the legal revisions to regulate merger cases. Also to develop the procedures to review merger cases to be included in inspection handout.	Plan																
			Actual																
5		1.1.5. To analyze the enforcement of the Articles of Competition law related with cartel and agreements restraining competition in the market and develop the methodology and procedures to define and regulate the cartel cases. Also to analyze the possibility to enforce the Leniency program in Mongolian market, and develop the revision to current guidelines.	Plan																
			Actual																
6		1.1.6. To analyze the procedures of inspection and propose the law revision in Competition law and other	Plan																
			Actual																

10	Best practices of monopoly price regulations in Russia and Kazakhstan	Actual																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
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On the signed RD, as follows:**Proposed Version**

CRMR – Competition Regulations and Market Research Department
 IRPC – International Relations, Projects and Cooperation Department

ANNEX IV

MAIN POINTS DISCUSSED

- JICA and AFCCP confirmed that training in Japan for judges will be carried out on 23rd-28th May 2016(including travel days). JICA asks AFCCP to consult with Judicial General Council about joint participation in the training with AFCCP staffs as soon as possible.
- JICA agreed with the changes in members of the Working Group proposed by AFCCP. For sustainable and stable management of the Project, JICA requested AFCCP that members of the Working Group should not be changed during the duration of the Project, except in cases when inevitable circumstances exist.
- JICA and AFCCP confirmed that it is crucial for the Project to focus its work on the amendment of Competition Law and its regulation based on the tentative Annual Work Plan proposed by AFCCP for the first half of JFY 2016 (i.e. from April to September 2016) with a view to support preparations submission of the amendment of Competition to the Parliament session in the spring of 2017. Both sides will monitor the progress of the Annual Work Plan at the Joint Coordinating Committee meeting which shall be held in September 2016. If both sides confirm that the work on the amendment of Competition Law and its regulation will be progressing well based on the Annual Wok Plan, both side will then agree on the Annual Work Plan for the second half of JFY 2016 (i.e. from October 2016 to March 2017) including possible activities on advocacy relating with the amendment of Competition Law and its regulation.
- JICA and AFCCP confirmed that the participants for training in Japan for judges in JFY 2017 and JFY 2018 will include state inspectors from rural areas.
- JICA will make effort toward preparation for implementing third-country training in Indonesia from August to September 2016 with a view to support preparations submission of the amendment of Competition to the Parliament session in the spring of 2017.
- JICA and AFCCP will consider necessity of equipment for the interrogation room requested by AFCCP at the JCC meeting in September 2016.
- JICA and AFCCP confirmed that training for state inspectors from rural areas will be carried out from April 2017 (on 7 occasions). AFCCP agreed with the dispatch of AFCCP staff as lecturers.

end



**MINUTES OF MEETING
BETWEEN THE JAPANESE CONSULTATION TEAM
AND
THE AUTHORITY FOR
FAIR COMPETITION AND CONSUMER PROTECTION
ON
JAPANESE TECHNICAL COOPERATION FOR
PROJECT FOR ENHANCEMENT OF THE FAIR COMPETITION ENVIRONMENT
IN MONGOLIA**

The Japanese Consultation Team (hereinafter referred to as "the Team") organized by the Japan International Cooperation Agency (hereinafter referred to as "JICA"), headed by Mr. Mutsumi SATO joined the second Joint Coordinating Committee (hereinafter referred to as "JCC") on 18th November 2016.

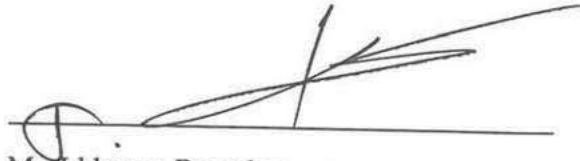
During JCC meeting, the Team had discussion with the Authority for Fair Competition and Consumer Protection (hereinafter referred to as "AFCCP"), and jointly reviewed the achievement of Japanese Technical Cooperation Project, "Project for Enhancement of the Fair Competition Environment in Mongolia" (hereinafter referred to as "the Project") and exchanged views on the Tentative Annual Work Plan for Japanese Financial Year (hereinafter referred to as "JFY") 2016 and 2017.

As a result of discussions, the both sides agreed the matters referred to in the document attached hereto.

Ulaanbaatar, 18th November, 2016



Mr. Mutsumi SATO
Chief Representative
Mongolia Office
Japan International Cooperation Agency
Japan



Mr. Lkhagva Byambasuren
Chairman
Authority for Fair Competition and Consumer
Protection
Mongolia

Mr. B. Gantulga
Director General
Development Financing, Debt Management
Department
Ministry of Finance
Mongolia

LIST OF ANNEXES

ANNEX I	Participants of the Joint Coordinating Committee
ANNEX II	Annual Work Plan
ANNEX III	MAIN POINTS DISCUSSED
ANNEX IV	Plan of Operation (PO)

**Participants of Joint Coordinating Committee
of the "Enhancement of the Fair Competition Environment in
Mongolia"**

AFCCP		JICA & JFTC	
Name	Position	Name	Position
B.Lkhagva	Chairman	Mutsumi Sato	Chief Representative, JICA Mongolia Office
S.Tsogtgerel	Deputy Chairman and Competition Affairs Commissioner	A.Saikhantuya	Representative, JICA Mongolia Office
D.Unubold	Director of State Administration and Management Department	Sadaaki Suwazono	Director of International Affairs Division, JFTC
Ch.Tsoodol	Director of Competition Policy Regulation Department	Junichi Yanagita	Deputy Director of International Affairs Division, JFTC
R.Sarantuya	Director of Market Research Department	Maiko Yuki	Officer, International Affairs Division, JFTC
Sh.Tserendulam	Director of Cooperation Department	U.Javkhlan	Project Coordinator, JICA Mongolia Office
T.Battsetseg	Senior Officer, Competition Policy Regulation Department	Ryuji Kuroda	Project Coordinator, JICA-PEFCM
A.Myagmardorj	International Affairs Officer, Cooperation Department	D.Namjilmaa	Project Officer, JICA-PEFCM
		M.Erdene	Project Officer, JICA-PEFCM
Representative of Ministry of Finance			



ANNUAL WORK PLAN 2016-2017

ANNEX II



Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Activities	Year	2016												2017			
				4	5	6	7	8	9	10	11	12	1	2	3				
Output 1: Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.																			
1	1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.	1.1.1.1. Analyze the perception and behavior of business entities about importance and legal environment of competition in the market and define the current situation of fairness of competition and barriers to market entry in Mongolian market.	Plan															Consulting team 1	
		Actual																	
2		1.1.1.2. On a basis of international research methodology, to analyze the enforcement of the Article 12 and 13 of Competition Law; develop the legal revisions and relevant procedures of inspection to prevent, detect and regulate the anti-competitive conducts.	Plan																Consulting team 2
		Actual																	
3		1.1.1.3. To develop the revisions to the Articles 6 and 7 of Competition law and Government Guideline #298 "to define the business entities as natural monopoly and dominant position holder" by analyzing the enforcement of law regulations of natural monopoly and dominant entities. Also, to develop economic methodology to control and regulate the regulated markets, price of monopolies, excessive and low price, vertical monopolization, abuse of dominance and make a recommendation to inspection handout.	Plan																Consulting team 3
		Actual																	
4		1.1.1.4. On a basis of economic methodology, to analyze the enforcement of the Article 8-10 of Competition Law and develop the legal revisions to regulate merger cases. Also to develop the procedures to review merger cases to be included in inspection handout.	Plan																Consulting team 4
		Actual																	
5		1.1.1.5. To analyze the enforcement of the Articles of Competition law related with cartel and agreements restraining competition in the market and develop the methodology and procedures to define and regulate the cartel cases. Also to analyze the possibility to enforce the Leniency program in Mongolian market, and develop the revision to current guidelines.	Plan																Consulting team 5
		Actual																	

*Plan starting December is the ones discussed and confirmed during 2nd JCC

ANNUAL WORK PLAN

2016-2017

ANNEX II



Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Activities	Year	2016												2017																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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6	1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program. (Continued)	1.1.6. To analyze the procedures of inspection and propose the law revision in Competition law and other related laws.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																</

*Plan starting December is the ones discussed and confirmed during 2nd JCC

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2016-2017

Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Activities	Year	2016												2017		
				4	5	6	7	8	9	10	11	12	1	2	3			
Output 2: AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas.																		
13	2-1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.	2.1.1. With the recommendations, handouts and research conclusions of Consulting teams, to organize series of trainings and workshops for inspectors of AFCCP.	Plan															
		Actual																
14		2.1.2. To publish General Instructions Handout for Inspection Procedures including all aspects of Competition Regulations and organize trainings to introduce the handout.	Plan															
		Actual																
15	2-2. Conduct training courses in Japan and in-country workshops and seminars for the enhancement of investigation knowledge and techniques.	2.2.1. To organize field trip to Indonesian Competition Commission (KPPU) to learn from best practices of implementation of JICA Technical Cooperation Project in KPPU, involving AFCCP Executives and Project working group.	Plan															
		Actual																
16		2.2.2. To organize comparative research to learn from best practices of monopoly price regulations of Russia and Kazakhstan	Plan															
		Actual																
																JICA AFCCP Translation cost needed		

*Plan starting December is the ones discussed and confirmed during 2nd JCC

ANNUAL WORK PLAN 2016-2017

ANNEX II



Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Activities	Year	2016												2017		
				4	5	6	7	8	9	10	11	12	1	2	3			
Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.																		
17	3-1. Discuss methods of effective advocacy and develop a plan for advocacy.	3.1.1. To organize series of workshop conducted by Judges who are trained in Japan with support of AFCCP and JICA to form "per se approach" behavior for other judges to understand and highlight the abuse of dominance.	Plan															
		Actual																
18		3.1.2. To publish handout with general information about competition and its regulations.	Plan															
		Actual																
19		3.2.1. To promote the competition related legislations through internet, website, social networks by learning from best practices of JFTC and develop website of AFCCP.	Plan															
		Actual																
20	3-2. Conduct advocacy activities based on the activity 3-1 (e.g. seminars, workshops, leaflets).	3.2-2. Series of trainings on advocacy for business entities about competition policy, regulations of monopoly and dominance, cartel and merger, etc.	Plan															
		Actual																
21		3.2.3. To make training materials on competition issues for new inspectors and public and publish through internet.	Plan															
		Actual																

*Plan starting December is the ones discussed and confirmed during 2nd JCC

ANNUAL WORK PLAN 2016-2017

ANNEX II



Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Activities	Year	2016												2017		
				4	5	6	7	8	9	10	11	12	1	2	3			
Output 4: AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved.																		
22	4-1. Analyzing current procedures of economic and market research by AFCCP.	4.1.1. To carry out experimental market research with the proposed new methodology of market research by consulting teams to define natural monopoly and dominant position holder in the market.	Plan															
		Actual																
23		4.1.2. To develop market research methodologies in each markets, publish respective handouts and carry out researches to experiment.	Plan															
		Actual																
24	4-2. Introducing Japanese experiences of previous researches.	4.2.1. To carry out researches with Japanese methodology in markets of energy, water, heating, railway, banking, communications, utilities service, and make unified market research methodology by comparing AFCCP current methods.	Plan															
		Actual																
			Consulting team 3															
			Consulting teams															
			JICA JFTC AFCCP Consulting teams															

*Plan starting December is the ones discussed and confirmed during 2nd JCC

MAIN POINTS DISCUSSED

1. Change in Members of Joint Coordinating Committee (JCC)

- AFCCP proposed to change members of JCC in accordance with organizational change of AFCCP structure in September 2016.
- JICA acknowledged the above change and both AFCCP and JICA confirmed the members of JCC as per attachment-1 (List of Members of JCC - Mongolian Side).

2. Change in Members of the Project Working Group

- AFCCP proposed to assign Mr. Tsogtgerel Sukhbaatar, Deputy Chairman and Commissioner of AFCCP as the new Project Manager due to resignation of the former Project Manager. AFCCP also explained to JICA that Ms. Tserendulam would be a new Project Working Group Member, replacing Mr. Borolzoi Itgelbat due to his resignation.
- JICA acknowledged the above change and both AFCCP and JICA confirmed the new members of the Project Working Group as per attachment-2 (List of Members of Project Working Group).

3. Project Activity Focused on Work on the Amendment of Competition Law

- Based on the agreement in the first JCC meeting held in April 2016, both JICA and AFCCP confirmed the progress of the work on the amendment of the Competition Law and its regulation.
- By the time of this second JCC meeting, AFCCP has considered proposals from five Consulting Teams and give a tentative direction to the amendment of the law. AFCCP has also assigned members of legislation working group of AFCCP. As the start of contract for commissioned survey by consulting teams are delayed two months compared to the initial plan, the overall progress is postponed likewise, however, both AFCCP and JICA agreed to make necessary measures to support the work in the Project to the extent that it matches the Project purpose and its cost ranges within the budget limit of JICA.
- Concerning the law about procedures for amending of laws which will be in effect, AFCCP will provide relevant information to JICA so that the due process and schedule of amending the Competition Law will be clear to JICA side.

4. Monitoring on Annual Work Plan

- AFCCP made brief presentation on the progress of the Annual Work Plan. Both AFCCP and JICA attained same understanding about the progress that no lengthy delays which might obstruct achievement of the project purpose, however, AFCCP requested to JICA, as AFCCP and JICA agreed in the first JCC meeting in April 2016, that JICA would make sure to secure budget necessary for implementing training for state inspectors from rural areas will be carried out from April 2017 (on 7 occasions) and to include them in activities plan for JFY2017 and/or JFY2018. AFCCP will make detailed plan by end of 2016 and consult with JICA about it in order for both parties to start advance preparation.
- JICA pointed out that plans of some activities (1.1.7., 1.1.8., 2.1.2., 2.2.2., 3.1.1., 3.2.3. and 4.2.1.) are not clearly defined and should be reviewed further in details e.g. from the standpoint of methods of implementation, timing of implementation, scale of input, kind of input and priority order in the project etc..

5. Project Activities for JFY2016 (April 2016 until March 2017)

- JICA and AFCCP confirmed the following activities will be implemented until the end of JFY2016:

(1) Another counterpart training in Japan intended for executive officers of AFCCP will be implemented within March 2017. The purpose of the training is for the participants to well understand topics related to major issues in the law revision (Also see item (5) in attachment-3).

Concerning a counterpart training in Japan intended for judges which was scheduled in the initial annual plan, it will be postponed to JFY 2017 (April 2017 until March 2018). Both AFCCP and JICA confirmed that the topics of the program of the training, the timing of its implementation and members should be considered after the draft of the law amendment will be submitted to the parliament, and that State inspectors from rural areas will be included in the member as per discussion of the 1st JCC meeting.

(2) Concerning additional request by AFCCP for implementing commissioned survey for making the first draft of the law revision, JICA suggested that members of legislation working group of AFCCP would work on drafting by themselves and that JICA-AFCCP project will organize an advisory team

consisted of several Mongolian experts who can advise on the revision draft through the view point of consistency between the competition law and other laws etc.(Also see item (6) in attachment-2, Request for Additional Project Activities and its Measures Agreed).

(3) Three times of publishing Bulletin of AFCCP will be implemented by March 2017. JICA will provide the cost for binding and printing of the Bulletin.

6.Request for Additional Project Activities Made by AFCCP to JICA

· In October 2016, after the appointment of Mr. Lkhagva Byambasuren, Chairman of AFCCP, seven requests for additional input in the project are made by AFCCP to JICA. After discussion between AFCCP and JICA, both parties confirmed and agreed on measures to be taken as per attachment-3.

7. Project Activities for JFY2017 (April 2017 until March 2018)

· JICA explained that JICA would be able to implement the following input under the current budget situation. Both AFCCP and JICA agreed to continue communication on determining further details of the activities including others not mentioned below:

(1) Counterpart Training in Japan x 2 times

(2) Seminars in Mongolia with JICA short-term experts x 2 times

end



**Members of Joint Coordinating Committee (JCC)
- Mongolian Side**

<Mongolian Side>

(a) Chairperson

No.	Organization, Position	Name
1	Chairman of AFCCP	B. Lkhagva

(b) Members

No.	Organization, Position	Name
1	Deputy Chairman and Commissioner (in charge of competition affairs)	S. Tsogtgerel
2	Director of State Administration and Management Department, AFCCP	D. Unubold
3	Director of Competition Policy Regulation Department, AFCCP	Ch. Tsoodol
4	Director of Market Research Department, AFCCP	R. Sarantuya
5	Director of Cooperation Department, AFCCP	Sh. Tserendulam
6	Program and Project Officer, State Administration and Management Department, AFCCP	B. Oyuntsetseg
7	Senior Officer, Competition Policy Regulation Department, AFCCP	T. Battsetseg
8	International Affairs Officer, Cooperation Department, AFCCP	A. Myagmardorj
9	Representative of Ministry of Finance	-

Attachment-2

List of Members of Project Working Group

	Name	Department and title	Project position
1	Tsogtgerel Sukhbaatar	Deputy Chairman and Commissioner of AFCCP	Project manager
2	A. Myagmardorj	International Affairs Officer, Cooperation Department, AFCCP	Secretary
3	B. Oyuntsetseg	State Senior Inspector, State Administration and Management Department, AFCCP	Member
4	T. Battsetseg	State Senior Inspector, Competition Policy Regulation Department, AFCCP	Member
5	D. Uuganbayar	State Inspector, Market Research Department, AFCCP	Member
6	B. Munkhkhand	State Senior Inspector, Consumer Protection Department, AFCCP	Member
7	Sh. Tserendulam	Director, Cooperation Department, AFCCP	Member

Request for Additional Project Activities and its Measures Agreed

(1)Public Awareness Activity through Mass Media

- Overview of Activities: TV appearances (10-20 minutes per month), Daily newspapers (a half page ad per month), Brochures, Bulletin of AFCCP (once per half term), Compact Discs for Publicity, Publicity through AFCCP website

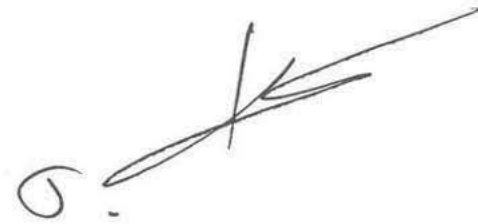
- Measures: JICA cannot burden advertisement rate (fee) for TV appearances and daily newspapers. JICA agreed that creating brochures and Bulletin of AFCCP can be implemented under the condition that its contents, cost and timing of implementation are well examined and considered and that plan should be consulted to JICA and JICA expert prior to its implementation. Concerning the cost of publishing Bulletin of AFCCP, AFCCP agreed to take necessary measures for securing budget starting Mongolian fiscal year 2018. As for Compact Discs for Publicity, Publicity through AFCCP website, JICA explained that it is possible to support AFCCP for creating contents, however, JICA cannot support development of website.

(2) System of Information Management

- Overview of Activities: development of shared sever for internal use of AFCCP which accommodates all necessary information and database e.g. decisions made, research reports, statistics, and development of software application for management of the information and database.

- Measures: JICA explained that it is difficult for JICA to support development of software application in this project. JICA also expressed an opinion that such development of software application in general would hardly be implemented unless all the necessary specifications of the system, data, database and equipment are clearly determined before its commencement, and aspects of maintenance of the whole system, necessary human resources and cost should be examined. AFCCP showed understanding about the explanation by JICA and agreed not to include the activity in this project.

(3) Equipment for Interrogation Chamber



- Overview of Activities: procurement of a set of table and chairs, speakers and wireless microphone, a set of high-performance video camera etc..

- Measures: JICA expressed understanding about the importance of installation of the chamber and necessary equipment. JICA agreed to provide only a set of high-performance video camera and a set of table and chairs. Other necessary equipment and construction will be provided by AFCCP. JICA made another two conditions on implementation and one of them is that AFCCP would confirm recording video and voice during interrogation was legal based on the prevailing laws and regulations and would have no trouble with those interrogated. The other condition is that AFCCP will secure the space for the chamber and will prepare specifications of the camera and the table and chair set.

(4) Cars for Conducting Inspection

- Overview of Activities: Procurement of three vehicles which will be used for conducting inspection in the field.

- Measures: JICA expressed an opinion that it was not possible to implement the request because procurement of the vehicles were not directly related to the Project purpose and its priority in the project was low.

(5) Counterpart Training in Japan Focused on Competition Law and Policy

- Overview of Activities: Counterpart Training in Japan intended for AFCCP executive officers including all commissioners.

- Measures: JICA expressed an opinion that it was important for AFCCP executive officers to understand competition law and policy and made themselves well prepared for proceedings of parliament concerning the revision of the competition law in year 2017, however, JICA requested to AFCCP not to include non-standing members of the commission and suggested to AFCCP that the 6 non-standing members should join training implemented in Mongolia.

(6) Commissioned Survey for Making the First Draft of the Law Revision

- Overview of Activities: Implementation of commissioned survey by consultant team starting late November 2016 until the enactment of the revision of the law.

The consultant team will create the draft of the revision of the law by utilizing and organizing all the recommendation and proposal made by the five Consulting Teams.

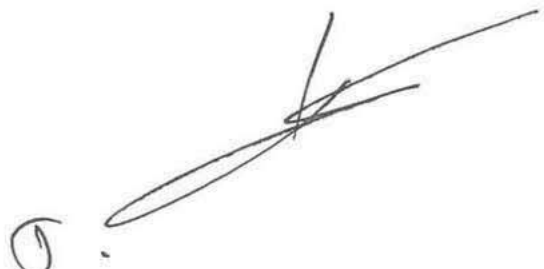
- Measures: JICA suggested that members of legislation working group of AFCCP would work on drafting by themselves and that JICA-AFCCP project will organize an advisory team consisted of several Mongolian experts who can advise on the revision draft through the view point of consistency between the competition law and other laws etc..

(7) Training for AFCCP Inspectors

- Overview of Activities: Implementation of training in Ulaanbaatar intended for inspectors working at AFCCP. Topics such as market research, inspection procedures, competition law and economic theories behind will be covered. Contract will be made with professors and researchers of domestic universities etc. in Mongolia and they will be instructors for the training.

- Measures: JICA expressed understanding for the necessity of providing more opportunities of training to inspectors and it was essential in order for AFCCP to further develop their capacities of examination, and for the situation that all the training needs were difficult to be fulfilled with two to three times of training seminars in Mongolia and one or two times of training in Japan annually. Before undergoing preparation for the plan, JICA proposed to AFCCP that AFCCP should consider the following points. First point is to check availability of human resources of professors and researchers who can be instructors. The second is to start with considering training program of inspectors concerning target level of participants, level of difficulty of training, frequency and curriculum with JICA's expectation that these training mechanism will be maintained by AFCCP in a sustainable manner even after the completion of the project.

AFCCP mentioned that supposed frequency of the implementation was once a week and the duration was three to four hours per time. The detailed plan of the program will be considered by AFCCP and will be explained to JICA later.



Tentative Plan of Operation

Version 1.1
Date: 18 Nov. 2016

Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Inputs		Year				2015				2016				2017				2018				Remarks	Monitoring	
		Year	2015	2016	2017	2018	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	Issue	Solution
Expert																								
Long Term Expert (Training / Project Coordination)		Plan																						
		Actual																						
Short Term Experts		Plan																						
		Actual																						
Training in Japan																								
For AFCCP executives		Plan																						
		Actual																						
For AFCCP officials		Plan																						
		Actual																						
For judges		Plan																						
		Actual																						
In-country Training																								
Seminar, Workshop, etc.		Plan																						
		Actual																						
Third-country Training																								
For AFCCP officials		Plan																						
		Actual																						
Overseas Activities Cost																								
Costs for activities of the project including conducting workshops, seminars and third-country training, personnel cost for project assistant, printing (guidelines, manuals, brochures, handouts), etc.		Plan																						
		Actual																						
Activities																								
Sub-Activities																								
Output 1: Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.																								
1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.		Plan																						
		Actual																						
1-2. Provide advice on reviewing Competition law and its regulations and making national program.		Plan																						
		Actual																						
1-3. Conduct workshops and seminars to discuss the draft amendments and national program with academic or legal experts and also invite comments on the draft amendments and national program from outside stakeholders.		Plan																						
		Actual																						
Output 2: AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas.																								
2-1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.		Plan																						
		Actual																						
2-2. Conduct training courses in Japan and in-country workshops and seminars for the enhancement of investigation knowledge and techniques.		Plan																						
		Actual																						
Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.																								
3-1. Discuss methods of effective advocacy and develop a plan for advocacy.		Plan																						
		Actual																						
3-2. Conduct advocacy activities based on the activity 3-1 (e.g. seminars, workshops, leaflets).		Plan																						
		Actual																						
Output 4: AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved.																								
4-1. Analyzing current procedures of economic and market research by AFCCP.		Plan																						
		Actual																						
4-2. Introducing Japanese experiences of previous researches.		Plan																						
		Actual																						
4-3. Provide advice on improved methodologies of market research and conduct workshop and seminars including those with foreign competition authorities.		Plan																						
		Actual																						
Duration / Phasing																								
		Plan																						
		Actual																						
Monitoring Plan																								
Monitoring																								
Joint Coordinating Committee (JCC) Meeting		Plan																						
		Actual																						
Set-up the Detailed Plan of Operation		Plan																						
		Actual																						
Submission of Monitoring Sheet		Plan																						
		Actual																						
Monitoring Mission from Japan		Plan																						
		Actual																						
Joint Monitoring		Plan																						
		Actual																						
Post Monitoring		Plan																						
		Actual																						
Reports/Documents																								
Project Completion Report		Plan																						
		Actual																						
Public Relations																								
		Plan																						
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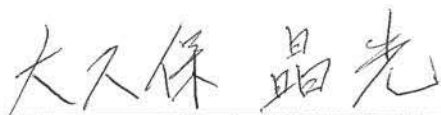
**MINUTES OF MEETING
BETWEEN THE JAPANESE CONSULTATION TEAM
AND
THE AUTHORITY FOR
FAIR COMPETITION AND CONSUMER PROTECTION
ON
JAPANESE TECHNICAL COOPERATION FOR
PROJECT FOR ENHANCEMENT OF THE FAIR COMPETITION ENVIRONMENT
IN MONGOLIA**

The Japanese Consultation Team (hereinafter referred to as “the Team”) organized by the Japan International Cooperation Agency (hereinafter referred to as “JICA”), headed by Mr. Akimitsu OKUBO joined the third Joint Coordinating Committee (hereinafter referred to as “JCC”) on 20th June 2017.

During JCC meeting, the Team had discussion with the Authority for Fair Competition and Consumer Protection (hereinafter referred to as “AFCCP”), and jointly reviewed the achievement of Japanese Technical Cooperation Project, “Project for Enhancement of the Fair Competition Environment in Mongolia” (hereinafter referred to as “the Project”) and exchanged views on the Tentative Annual Work Plan for Japanese Financial Year (hereinafter referred to as “JFY”) 2017 and 2018.

As a result of discussions, the both sides agreed the matters referred to in the document attached hereto.

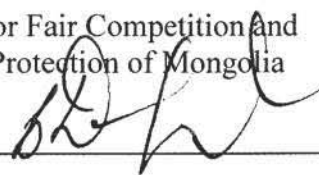
Ulaanbaatar, 20th June, 2017



Mr. Akimitsu OKUBO
Director
Industrial Development and Public Policy
Department
Japan International Cooperation Agency
Japan



Mr. Lkhagva BYAMBASUREN
Chairman
Authority for Fair Competition and
Consumer Protection of Mongolia



Mr. Dorjsembed Batsengee
Director,
Department of Development Financing
Ministry of Finance Mongolia

LIST OF ANNEXES

ANNEX I	Participants of the Joint Coordinating Committee
ANNEX II	Annual Work Plan
ANNEX III	Main Points Discussed

**Participants of Joint Coordinating Committee
of the “Enhancement of the Fair Competition Environment in
Mongolia”**

AFCCP		JICA & JFTC	
Name	Position	Name	Position
B.Lkhagva	Chairman	Okubo Akimitsu	Director, Industrial Development and Public Policy Department, JICA
S.Tsogtgerel	Deputy Chairman and Competition Affairs Commissioner	A.Saikhantuya	Representative, JICA Mongolia Office
D.Unubold	Director of State Administration and Management Department	Arai Makiko	Deputy Director, Industrial Development and Public Policy Department, JICA
Ch.Tsoodol	Director of Competition Policy Regulation Department	Junichi Yanagita	Deputy Director of International Affairs Division, JFTC
Sh.Tserendulam	Director of Cooperation Department	U.Javkhlan	Project Coordinator, JICA Mongolia Office
T.Battsetseg	Senior inspector, Competition Policy Regulation Department	Kuroda Ryuji	Project Coordinator, JICA-PEFCM
B.Ariunzaya	Senior officer, Cooperation Department	D.Namjilmaa	Project Officer, JICA-PEFCM
O.Munkhzul	State inspector, Market Research Department	M.Erdene	Project Officer, JICA-PEFCM
Representative of Ministry of Finance			

**Members of Joint Coordinating Committee (JCC)
-Mongolian Side**

<Mongolian Side>

(a) Chairperson

No.	Organization, Position	Name
1	Chairman of AFCCP	B.Lkhagva

(b) Members

No.	Organization, Position	Name
1	Deputy Chairman and Commissioner of AFCCP	S.Tsogtgerel
2	Director of State Administration and Management Dept., AFCCP	D.Unubold
3	Director of Competition Policy Regulation Dept., AFCCP	Ch.Tsoodol
4	Director of Market Research Dept., AFCCP	R.Sarantuya
5	Director of Cooperation Dept., AFCCP	Sh.Tserendulam
6	Program and Project Officer, State Administration and Management Dept., AFCCP	B.Oyuntsetseg
7	Senior Officer, Competition Policy Regulation Dept., AFCCP	T.Battsetseg
8	International Affairs Officer, Cooperation Dept., AFCCP	B.Ariunzaya
9	Representative of Ministry of Finance	L.Munkhtuya

ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

		Inputs		Activities		Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																								
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Output 1: Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							
1	1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.	1.1.1. Analyze the perception and behavior of business entities about importance and legal environment of competition in the market and define the current situation of fairness of competition and barriers to market entry in Mongolian market.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				

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ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

		Inputs	Activities	Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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Output 2: AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
31			2.1.1. With the recommendations, handouts and research conclusions of Consulting teams, to organize series of trainings and workshops for inspectors of AFCCP.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													

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ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

		Inputs		Activities		Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														
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Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
38	3-1. Discuss methods of effective advocacy and develop a plan for advocacy.	3.1.1. To organize series of workshop conducted by Judges who are trained in Japan with support of AFCCP and JICA to form "per se approach" behavior for other judges to understand and highlight the abuse of dominance.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										

Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.

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ANNUAL WORK 2016-2018

Project Title: Project for Enhancement of the Fair Competition

Inputs		Activities	Year	2016												2017												2018													
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Output 4: AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved.																																									
48	4-1. Analyzing current procedures of economic and market research by AFCCP.	4.1.1. To carry out experimental market research with the proposed new methodology of market research by consulting teams to define natural monopoly and dominant position holder in the market.	Plan																																						
		Actual																																							
4.1.2. To develop market research methodologies in each markets, publish respective handouts and carry out researches to experiment.		Plan																																							
Actual																																									
4.1.3. AFCCP analyses the current procedures of economic and market research particularly concerning natural monopolies and business entities with dominant position, cartels, anti-competitive conducts and abuse of dominant position in the relevant market, and organize discussion event among the state inspectors. If necessary, JICA will make 2-3 times of arrangement of inviting market research professionals of Mongolian nationals to the discussion event such as workshops (* honorarium basis). No JICA short-term experts are sent for this activity.		Plan																																							
Actual																																									
4.1.5. AFCCP will create draft of Market research method.		Plan																																							
Actual																																									
51		4-2. Introducing Japanese experiences of previous researches.	JICA and AFCCP conduct training program in Japan on Market research. Targeted participants are director of MRD, the state inspectors from MRD and CPRD. Total number of participants will be 15. The leader of the delegate will be proposed by AFCCP according to the notification of precaution statement issued by JICA Mongolia Office to AFCCP concerning JICA's counterpart training in Japan.	Plan																																					
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ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

	Inputs	Activities	Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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53	4-3. Provide advice on improved methodologies of market research and conduct workshop and seminars including those with foreign competition authorities.	4.3.1. AFCCP revises the draft of market research method.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																														

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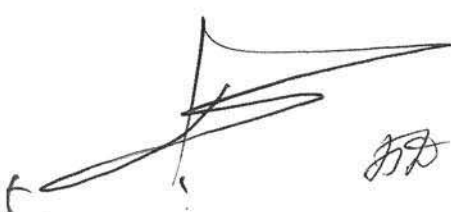
MAIN POINTS DISCUSSED

1. Project Activities for JFY2016 and JFY2017

AFCCP and JICA confirmed the progress of the activities conducted in JFY2016 and JFY2017 as per ANNEX II.

2. Project Activities for JFY2017 and JFY2018

AFCCP and JICA agreed and approved the plan as per ANNEX II.

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**MINUTES OF MEETING
BETWEEN THE JAPANESE CONSULTATION TEAM
AND
THE AUTHORITY FOR
FAIR COMPETITION AND CONSUMER PROTECTION
ON
JAPANESE TECHNICAL COOPERATION FOR
PROJECT FOR ENHANCEMENT OF THE FAIR COMPETITION ENVIRONMENT
IN MONGOLIA**

The Japanese Consultation Team (hereinafter referred to as "the Team") organized by the Japan International Cooperation Agency (hereinafter referred to as "JICA"), headed by Mr. Akimitsu OKUBO joined the fourth Joint Coordinating Committee (hereinafter referred to as "JCC") on 25th January 2018.

During the JCC meeting, the Team had discussion with the Authority for Fair Competition and Consumer Protection (hereinafter referred to as "AFCCP"), and jointly reviewed the achievement of Japanese Technical Cooperation Project, "Project for Enhancement of the Fair Competition Environment in Mongolia" (hereinafter referred to as "the Project") and exchanged views on the activities for the period from June 2017 until December 2017 and the Tentative Annual Work Plan for the last quarter of the Japanese Fiscal Year (hereinafter referred to as "JFY") 2017 and JFY 2018, until the end of the project.

As a result of discussions, the both sides agreed on the matters referred to in the document attached hereto.

Ulaanbaatar, 25th January, 2018



Mr. Akimitsu OKUBO
Director
Industrial Development and Public Policy
Department
Japan International Cooperation Agency
Japan



Mr. Lkhagva BYAMBASUREN
Chairman
Authority for Fair Competition and
Consumer Protection of Mongolia

Mr. Dorjsembed Batsengee
Director General,
Development Financing Department
Ministry of Finance
Mongolia

LIST OF ANNEXES

ANNEX I	Participants of the Joint Coordinating Committee
ANNEX II	Annual Work Plan
ANNEX III	Main Points Discussed

**Participants of Joint Coordinating Committee
of the "Enhancement of the Fair Competition Environment in
Mongolia"**

AFCCP		JICA & JFTC	
Name	Position	Name	Position
B. Lkhagva	Chairman	Okubo Akimitsu	Director, Industrial Development and Public Policy Department, JICA
S. Tsogtgerel	Deputy Chairman and Competition Affairs Commissioner	A. Saikhantuya	Representative, JICA Mongolia Office
Ts. Terbish	Director of State Administration and Management Department	Junichi Yanagita	Deputy Director of International Affairs Division, JFTC
B. Munkhkhand	Acting director of Competition Policy Regulation Department	U. Javkhlan	Project Coordinator, JICA Mongolia Office
R. Sarantuya	Director of Market Research Department	Kuroda Ryuji	JICA Expert, Project Coordinator, JICA-PEFCEM
Sh. Tserendulam	Director of Cooperation Department	M. Erdene	Project Officer, JICA-PEFCEM
G. Enkhmanlai	Senior officer, State Administration and Management Department	Ts. Buyanjargal	Project Officer, JICA-PEFCEM
B. Narantsetseg	State inspector, Competition Policy Regulation Department	D. Namjilmaa	JICA Interpreter
P. Khash-Erdene	Officer, Cooperation Department		
Representative of Ministry of Finance	"Not attended"		

**Members of Joint Coordinating Committee (JCC)
-Mongolian Side**

<Mongolian Side>

(a) Chairperson

No.	Organization, Position	Name
1	Chairman of AFCCP	B. Lkhagva

(b) Members

No.	Organization, Position	Name
1	Deputy Chairman and Commissioner of AFCCP	S. Tsogtgerel
2	Director of State Administration and Management Dept., AFCCP	Ts. Terbish
3	Acting director of Competition Policy Regulation Dept., AFCCP	B. Munkhkhand
4	Director of Market Research Dept., AFCCP	R. Sarantuya
5	Director of Cooperation Dept., AFCCP	Sh. Tserendulam
6	Senior officer, State Administration and Management Dept., AFCCP	G. Enkhmanlai
7	State inspector, Competition Policy Regulation Dept., AFCCP	B. Narantsetseg
8	Officer, Cooperation Dept., AFCCP	P. Khash-Erdene
9	Representative of Ministry of Finance	L. Munkhtuya

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ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

	Inputs	Activities	Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
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8		1.1.8. Analysis on current structure, operations, human resources, commissioners, board meeting, rights and obligations of inspectors of AFCCP and develop proposal to review legislations related above issues.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																											</

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ANNUAL WORK 2016-2018

Project Title: Project for Enhancement of the Fair Competition

	Inputs	Activities	Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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31	2-1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.	2.1.1. With the recommendations, handouts and research conclusions of Consulting teams, to organize series of trainings and workshops for inspectors of AFCCP.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													

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A.C.

ANNUAL WORK 2016-2018

Project Title: Project for Enhancement of the Fair Competition



Inputs		Activities	Year	2016												2017												2018																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																													
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Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
38	3-1. Discuss methods of effective advocacy and develop a plan for advocacy.	3.1.1. To organize series of workshop conducted by Judges who are trained in Japan with support of AFCCP and JICA to form "per se approach" behavior for other judges to understand and highlight the abuse of dominance.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						</

Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.

ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

		Inputs		Activities		Year	2016												2017												2018											
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Output 4: AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved.																																										
48	4-1. Analyzing current procedures of economic and market research by AFCCP	4.1.1. To carry out experimental market research with the proposed new methodology of market research by consulting teams to define natural monopoly and dominant position holder in the market.	Plan																																							
		Actual																																								
4.1.2. To develop market research methodologies in each markets, publish respective handouts and carry out researches to experiment.		Plan																																								
Actual																																										
4.1.3. AFCCP analyses the current procedures of economic and market research particularly concerning natural monopolies and business entities with dominant position, cartels, anti-competitive conducts and abuse of dominant position in the relevant market, and organize discussion event among the state inspectors. If necessary, JICA will make 2-3 times of arrangement of inviting market research professionals of Mongolian nationals to the discussion event such as workshops (* honorarium basis). No JICA short-term experts are sent for this activity.		Plan																																								
Actual																																										
4.1.5. AFCCP will create draft of Market research method.		Plan																																								
Actual																																										
51			JICA and AFCCP conduct training program in Japan on Market research. Targeted participants are director of MRD, the state inspectors from mainly MRD, CPRD and staffs of relevant ministries. Total number of participants will be 15. The leader of the delegate will be proposed by AFCCP according to the notification of precaution statement issued by JICA Mongolia Office to AFCCP concerning JICA's counterpart training in Japan	Plan																																						
Actual																																										
52	4-2. Introducing Japanese experiences of previous researches.																																									

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A. D.

MAIN POINTS DISCUSSED

1. Project Activities for the Period from June 2017 until December 2017

AFCCP and JICA confirmed the progress of the activities conducted for the period from June 2017 until December 2017 as per ANNEX II.

2. Project Activities for the Last Quarter of JFY 2017 and JFY 2018, until the End of the Project

AFCCP and JICA agreed and approved the plan as per ANNEX II. Both sides understand that the plan is subject to change depending on the situation of the budget of JICA.

3. Progress of Amendment of Competition Law and Schedule Hereafter

AFCCP explained to JICA the progress and schedule hereafter concerning the amendment of Competition Law. AFCCP also made a statement that AFCCP would continue its best efforts to realize the passage of the bill for amendment of Competition Law within the current session of the Parliament (State Great Khural). JICA understood the current situation and welcomed AFCCP's said efforts for the early passage of the bill.

4. Modification of Indicators of Project Design Matrix (PDM)

AFCCP and JICA, for the appropriate evaluation of the achievements of the project, agreed to continue their discussion on the necessity to modify the "Objectively Verifiable Indicators" on PDM. AFCCP and JICA will sign another Minutes of Meeting to make the modification separately after this JCC.



**MINUTES OF MEETING
BETWEEN THE JAPANESE CONSULTATION TEAM
AND
THE AUTHORITY FOR
FAIR COMPETITION AND CONSUMER PROTECTION
ON
JAPANESE TECHNICAL COOPERATION FOR
PROJECT FOR ENHANCEMENT OF THE FAIR COMPETITION ENVIRONMENT
IN MONGOLIA**

The Japanese Consultation Team (hereinafter referred to as “the Team”) organized by the Japan International Cooperation Agency (hereinafter referred to as “JICA”), headed by Ms. Makiko ARAI joined the fifth Joint Coordinating Committee (hereinafter referred to as “JCC”) on 21st June, 2018.

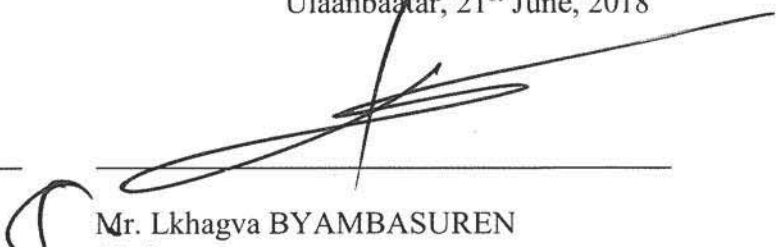
During the JCC meeting, the Team had discussion with the Authority for Fair Competition and Consumer Protection (hereinafter referred to as “AFCCP”), and jointly reviewed the achievement of Japanese Technical Cooperation Project, “Project for Enhancement of the Fair Competition Environment in Mongolia” (hereinafter referred to as “the Project”) and exchanged views on the activities for the period from January 2018 until June 2018 and the Tentative Annual Work Plan for the remaining period until the end of the project on 3rd September 2018.


As a result of the discussions, the both sides agreed on the matters referred to in the document attached hereto.

Ulaanbaatar, 21st June, 2018



Ms. Hiromi SAWADA
Senior Representative
Mongolia Office
Japan International Cooperation Agency
Japan


Mr. Lkhagva BYAMBASUREN
Chairman
Authority for Fair Competition and
Consumer Protection of Mongolia


Mr. Batkhuy Idesh
Director General,
Development Financing Department
Ministry of Finance
Mongolia

LIST OF ANNEXES

ANNEX I	Participants of the Joint Coordinating Committee
ANNEX II	Annual Work Plan
ANNEX III	Main Points Discussed
ANNEX IV	Project Completion Report Draft

**Members of Joint Coordinating Committee (JCC)
-Mongolian Side**

<Mongolian Side>

(a) Chairperson

No.	Organization, Position	Name
1	Chairman of AFCCP	B. Lkhagva

(b) Members

No.	Organization, Position	Name
1	Deputy Chairman and Commissioner of AFCCP	S. Tsogtgerel
2	Director of State Administration and Management Dept., AFCCP	Ts. Terbish
3	Director of Competition Policy Regulation Department	T. Battsetseg
4	Director of Market Research Dept., AFCCP	R. Sarantuya
5	Director of Cooperation Dept., AFCCP	Sh. Tserendulam
6	Senior officer, State Administration and Management Dept., AFCCP	G. Enkhmanlai
7	Senior Officer, State inspector, Administration and Management Department, AFCCP	B. Narantsetseg
8	Officer, Cooperation Dept., AFCCP	P. Khash-Erdene
9	Representative of Ministry of Finance	L. Munkhtuya

B.I.

**Participants of 5th Joint Coordinating Committee
of the “Enhancement of the Fair Competition Environment in
Mongolia”**

AFCCP		JICA & JFTC	
Name	Position	Name	Position
B. Lkhagva	Chairman	Hiromi SAWADA	Senior Representative Mongolia Office, JICA
S. Tsogtgerel	Deputy Chairman and Competition Affairs Commissioner	Makiko ARAI	Deputy Director, Industrial Development and Public Policy Department, JICA
Ts. Terbish	Director of State Administration and Management Department	A. Saikhantuya	Representative, JICA Mongolia Office
T. Battsetseg	Director of Competition Policy Regulation Department	Junichi Yanagita	Deputy Director of International Affairs Division, JFTC
R. Sarantuya	Director of Market Research Department	U. Javkhlan	Project Coordinator, JICA Mongolia Office
Sh. Tserendulam	Director of Cooperation Department	Ryuji Kuroda	JICA Expert, Project Coordinator, JICA- PEFCM
G. Enkhmanlai	Senior officer, State Administration and Management Department	M. Erdene	Project Officer, JICA-PEFCM
B. Narantsetseg	Senior Officer, State inspector, Administration and Management Department	Ts. Buyanjargal	Project Officer, JICA-PEFCM
P. Khash-Erdene	Officer, Cooperation Department	D. Namjilmaa	JICA Interpreter
Representative of Ministry of Finance	"Not attended"		



Project Title: Project for Enhancement of the Fair Competition

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ANNUAL WORK 2016-2018

Project Title: Project for Enhancement of the Fair Competition



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32		2.1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.	2.1.2. To publish inspectors' General Instructions Handout and/or other references for the inspectors to refer to in conducting inspection.	Plan																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						</

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ANNUAL WORK 2016-2018

ANNEX II



Project Title: Project for Enhancement of the Fair Competition

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MAIN POINTS DISCUSSED

1. Project Activities for the Period from January 2018 until June 2018

AFCCP and JICA confirmed the progress of the activities conducted for the period from January 2018 until June 2018 as per ANNEX II.

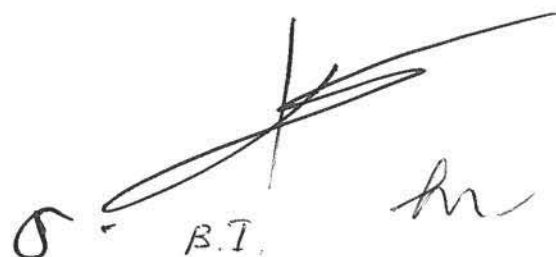
2. Project Activities for the remaining period until End of the Project in September 2018

AFCCP and JICA reviewed all the plans of activities which are not yet implemented and discussed on its order of priority. Based on the result of the discussion, both sides agreed and approved the plan as per ANNEX II.

3. Both sides exchanged views and opinions on the first draft of the outline of the joint-review of the achievements of the Project, and agreed on the tentative results of joint-review as of today as well as the overall direction of the joint-review. Both sides will jointly continue further discussions on the topic towards the end of the Project.

4. AFCCP explained the current situation regarding the amendment of the Competition Law, and JICA requested AFCCP to fully utilize the outputs and the achievements of the Project in their efforts to realize the early amendment of the law.

5. Both sides agreed to create a list of the challenges and issues to be addressed by Mongolian side by July 6, 2018, in order that sustainability of effect of the project after its completion would continue, and that the list should be included in the Project Completion Report. JICA made a statement that self-reliant efforts would be necessary, and requested that relevant actions should be taken in a timely and continuous manner. Mongolian side replied to the statement that they would continue such efforts.

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Project Completion Report (Draft)

I. Basic Information of the Project

1. Country
2. Title of the Project
3. Duration of the Project (Planned and Actual)
4. Background (from Record of Discussions(R/D))
5. Overall Goal and Project Purpose (from Record of Discussions(R/D))
6. Implementing Agency

II. Results of the Project

1. Results of the Project

- 1-1 Input by the Japanese side (Planned and Actual)
- 1-2 Input by the ●● side (Planned and Actual)
- 1-3 Activities (Planned and Actual)

2. Achievements of the Project

2-1 Outputs and indicators

(Target values and actual values achieved at completion)

2015 оны 9 сарын 4-ний өдөр ШӨХТГ болон ЖАЙКА-ийн Монгол дахь төлөөлөгчийн газар хооронд харилцан тохиролцож, гарын үсэг зурсан Хурлын тэмдэглэл буюу Record of Discussions (Цаашид R/D гэнэ) -н хавсралт болох Project Design Matrix (Цаашид PDM гэнэ) -д заасан шалгуур үзүүлэлт зэргийг харгалзан үзэж, төслөөс гарах 4 үр дүн тус бүрээр төслийн хэрэгжсэн байдал, хүрсэн үр дүн зэргийг дүгнэв. Үүнийг доорх хүснэгтээр харуулж байна.

Үр дүн	Хэрэгжсэн байдал, нэмэлт тайлбар
Үр дүн 1	Ерөнхийдөө хэрэгжсэн. <u>Өрсөлдөөний хуулийн төсөл болон Зах зээлийн өрсөлдөөнийг дэмжих үндэсний хөтөлбөрийн төслийг боловсруулсан.</u> Дагалдах дүрэм журмын төсөл боловсруулагдаж дуусаагүй байгаа ч энэ нь Өрсөлдөөний хуулийн төсөл батлагдах төлөвтэй болж, хуулийн төслийн агуулга эцсийн байдлаар баталгаажсаны дараа дагалдах дүрэм журмын төслийг боловсруулдаг учраас юм.

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PM Form 4 Project Completion Report
Draft June 21

	Өрсөлдөөний хуулийн төслийг хэдийнээ Шадар сайдад өргөн барьсан ба хууль боловсруулах ажиллагааны хувьд ШӨХТГ-ын зүгээс шалтгаалах ажлыг хийж дууссан. Иймд энэ төслийн хугацаанд дагалдах дүрэм журмын төслийг боловсруулж дуусгах боломжгүйг ойлгож болох асуудал юм. .
Үр дүн 2	Хэрэгжсэн. Хяналт шалгалтын чадавхи дээшилсэн тухай ШӨХТГ-ын өөрийн үнэлгээ зэргээс харахад төслийн хүрээнд хэрэгжүүлсэн үйл ажиллагаа, зарцуулсан нөөцүүдийн хүрээнд хяналт шалгалтын чадавхи сайжирсан гэж үзэж болно.
Үр дүн 3	Ерөнхийдөө хэрэгжсэн. ШӨХТГ-т ирүүлэх Өрсөлдөөний хуультай холбоотой өргөдөл, гомдлын тоо <u>нэмэгдэх хандлагатай байна</u> . Семинар, хэлэлцүүлэг зохион байгуулах, танилцуулах материал бэлдэх, тараах гэх мэт ажлууд нь шүүгчид, төрийн захиргааны төв болон орон нутгийн байгууллага, аж ахуйн нэгж, олон нийтийн өрсөлдөөний хууль ба бодлогын талаарх ойлголт, мэдлэг нэмэгдэхэд чухал үүрэг гүйцэтгэсэн.
Үр дүн 4	Ерөнхийдөө хэрэгжсэн. Япон дахь сургалтуудаар зүй ёсны монополь, давамгайл байдлыг тогтоох судалгаанд шаардлагатай зах зээлийн хүрээг тодорхойлох, шаардлагатай мэдээлэл цуглуулах, дүн шинжилгээ хийх чадавхи сайжирсан. SSNIP тест хийхэд шаардлагатай асуулга судалгааны хуудас бэлтгэх, судалгааны төлөвлөгөө гаргах зэргийг ШӨХТГ бие даан хэрэгжүүлдэг болсон.

2-1-1 Output 1

Үр дүн 1 нь "үр дүнтэй бөгөөд оновчтой үйл ажиллагааг бий болгох үүднээс өрсөлдөөний бодлогыг сайжруулахын тулд өрсөлдөөний хууль, холбогдох дүрэм журам зэргийг шинэчлэх, үндэсний хөтөлбөрийг боловсруулах" болно. Үр дүн 1-тэй холбоотой үйл ажиллагааны хэрэгжсэн байдлыг доорх Table - XX хүснэгтээр харуулав.

PM Form 4 Project Completion Report
Draft June 21Table - XX : Үр дүнгийн шалгуур үзүүлэлт, гарсан үр дүн болон хэрэгжсэн байдал
(Үр дүн 1)

Шалгуур үзүүлэлт	Үр дүн	Хэрэгжсэн байдал※
• Өрсөлдөөний хуулийн төслийг боловсруулсан байх	<p>• 2017 оны 6 сард Өрсөлдөөний хуулийг шинэчлэх анхны төслийг боловсруулсан. Холбогдох байгууллагын саналыг тусгах гэх мэтээр өөрчлөлт хийж, 2017 оны 11 сард Өрсөлдөөний хуулийн төслийн үзэл баримтлал зэрэг шаардлагатай баримт бичгийн хамт шадар сайдад өргөн барьсан.</p> <p>• 2018 оны 5 сарын 1-ний өдөр, Шадар сайд Хууль зүй, дотоод хэргийн яамны сайдад албан бичиг хүргүүлж, хуулийн төсөл, түүний үзэл баримтлалыг хянан батлахыг хүссэн.</p> <p>(※) Хууль тогтоомжийн үзэл баримтлал нь хууль боловсруулах, өөрчлөх болсон шалтгаан, зорилгыг нэгтгэсэн, хуулийн төсөлтэй хамт УИХ-д өргөн баригддаг чухал баримт бичиг болно.</p>	А
• Өрсөлдөөний хуулинд өөрчлөлт оруулахтай холбоотойгоор холбогдох хууль тогтоомжийн төслийг боловсруулсан байх	• Нийт 7 хууль (Зөрчлийн тухай хууль, Зөрчил шалган шийдвэрлэх тухай хууль, Банкны тухай хууль, Төрийн хяналт шалгалтын тухай хууль, Компанийн тухай хууль, Аж ахуйн үйл ажиллагааны тусгай зөвшөөрлийн тухай хууль, Хуулийн этгээдийн бүртгэлийн тухай хууль)-д нэмэлт өөрчлөлт оруулах төслийг боловсруулж, Өрсөлдөөний	С

PM Form 4 Project Completion Report
Draft June 21

	<p>хуулийн төсөлтэй хамт Шадар сайдад өргөн барьсан.</p> <ul style="list-style-type: none"> Хуулийн төслийг хэрэгжүүлэх дүрэм журмын төсөл хийгдээгүй байна. Хуулийн төсөл одоогоор УИХ-д өргөн баригдаагүй байгаа тул хууль тогтоомжийг батлуулах дэс дарааллын хувьд холбогдох дүрэм журмын төслийг боловсруулах үе шатанд ороогүй учраас юм. . 	
<ul style="list-style-type: none"> Үндэсний хөтөлбөрийн төслийг боловсруулсан байх 	<ul style="list-style-type: none"> 2018 оны 3 сард, Хёого Их сургуулийн профессор Ишихара Такако ШӨХТГ-ын удирдлага болон ажилтнуудад "Японы өрсөлдөөний хууль ба бодлогын түүхэн хөгжил" гэсэн сэдвээр цахимаар лекц уншсан. ШӨХТГ энэхүү сургалтаар олж авсан мэдлэг, мэдээлэллийг үндэсний хөтөлбөрийн төсөлд боловсруулахад тусгасан. 2018 оны 4 сард Үндэсний хөтөлбөрийн анхны төслийг боловсруулсан. 2018 оны 5 сарын 9-нд Олон нийтийн санал авах зөвлөлдөх уулзалтыг зохион байгуулж, холбогдох яам, агентлаг зэрэг төрийн байгууллага, аж ахуйн нэгжийн төлөөллөөс авсан санал, хүсэлтийг үндэсний хөтөлбөрийн төсөлд тусгасан. <u>Үндэсний хөтөлбөрийн төслийг боловсруулж дууссан.</u> 	А
<ul style="list-style-type: none"> Хуулийг хэрэгжилтийг хангахад шаардлагатай журам, бусад эрх зүйн 	<ul style="list-style-type: none"> Төслийн шалгуур үзүүлэлт нь зөвхөн журам болон бусад эрх зүйн актын төслийг боловсруулах гэсэн 	А

PM Form 4 Project Completion Report
Draft June 21

<p>актын төслийг боловсруулахад холбогдох байгууллага, аж ахуйн нэгжийн санал, хүсэлтийг авах семинар, хэлэлцүүлгийг зохион байгуулсан тоо, нийт оролцогчдын тоо</p>	<p>байгаа боловч <u>Өрсөлдөөний хуулийн төслийн боловсруулахад холбогдох байгууллага, хувь хүнээс санал авахтай хамт дагалдах дүрэм журмын талаар санал солилцож байсан. Иймд Өрсөлдөөний хуулийн төсөлтэй холбоотой зохион байгуулагдсан семинар, хэлэлцүүлэг нь энэхүү шалгуур үзүүлэлтэд хамааралтай үйл ажиллагаа тул түүний үр дүнг доор нэгтгэв.</u></p> <p>• Өрсөлдөөний хуулийн төслийг боловсруулж байх явцад нийт 4 удаа хэлэлцүүлэг семинар зохион байгуулж, холбогдох яам, агентлаг зэрэг төрийн байгууллага, аж ахуй эрхлэгч, судлаачид гэх мэт оролцогч талуудын санал, хүсэлтийг хүлээн авсан.</p> <p>① Өрсөлдөөний хууль, түүний өөрчлөлт шинэчлэлт семинар (2016 оны 1 сар) <u>Оролцогчдын тоо 100 хүн орчим (Тодорхой тоог ЖАЙКА-н Монгол дахь төлөөлөгчийн газраас тодруулж байгаа.)</u></p> <p>② Өрсөлдөөний хууль, түүний өөрчлөлт шинэчлэлт семинар (2016 оны 11 сар) Оролцогчдын тоо 159 хүн</p> <p>③ Өрсөлдөөний хуулийн төсөлд олон нийтийн санал авах хэлэлцүүлэг (2017 оны 6 сар) Оролцогчдын тоо 130 хүн</p> <p>④ Өрсөлдөөний хуулийн төсөлд</p>
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PM Form 4 Project Completion Report
Draft June 21

	<p>олон нийтийн санал авах 2 дахь удаагийн хэлэлцүүлэг (2017 оны 11 сар) Оролцогчдын тоо 80 хүн</p> <ul style="list-style-type: none"> • ШӨХТГ-ын удирдах албан тушаалтанд зориулсан Өрсөлдөөний хуулийн өөрчлөлт тусгай сургалт (2017 оны 3 сар)-ыг зохион байгуулсан. • ЯШХХ Өрсөлдөөний хуулийн төсөлд зөвлөмж өгсөн (2016 оны 10 сар, 11 сар, 2017 оны 11 сар). • Үндэсний хөтөлбөрийн төсөл боловруулахтай холбоотойгоор нэг удаа семинар зохион байгуулж, холбогдох яам, агентлаг зэрэг төрийн байгууллага, аж ахуй эрхлэгч, судлаачид гэх мэт оролцогч талууд оролцож, саналаа хэлсэн. <p>①Зах зээлийн өрсөлдөөнийг дэмжих үндэсний хөтөлбөрийн төслийн зөвлөлдөх уулзалт (2018 оны 5 сар) Оролцогчдын тоо 98 хүн</p>	
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※Хэрэгжсэн байдлыг "А" хэрэгжсэн, "В" ерөнхийдөө хэрэгжсэн, "С" зарим хэсэг нь хэрэгжсэн, "Ongoing" бэлтгэл шатандаа, хэрэгжиж байгаа, эсвэл "Pending" хэрэгжээгүй гэсэн 5 төрлөөр дүгнэж байна.

2-1-2 Output 2

Үр дүн 2 нь "Улаанбаатар хот, орон нутаг дахь үйл ажиллагааг үр дүнтэй, оновчтой болгох үүднээс ШӨХТГ-ын өрсөлдөөнийг хязгаарлах үйлдлийг шалган тогтоох чадавхи сайжирах" болно. Үр дүн 2-тай холбоотой үйл ажиллагааны хэрэгжсэн байдлыг доорх Table - XX хүснэгтээр харуулав.

PM Form 4 Project Completion Report
Draft June 21Table - XX : Үр дүнгийн шалгуур үзүүлэлт, гарсан үр дүн болон хэрэгжсэн байдал
(Үр дүн 2)

Шалгуур үзүүлэлт	Үр дүн	Хэрэгжсэн байдал※
<ul style="list-style-type: none"> ШӨХТГ-ын байцаагчдын шалгалтын техник ажиллагааны чадавхийг сайжруулах сургалт (Төлөвлөгөөт дотоод сургалт, Япон дахь сургалт, бусад семинар, хэлэлцүүлэг) зохион байгуулсан тоо 	<ul style="list-style-type: none"> Төслийн хүрээнд доорх хяналт шалгалтын практик сургалтуудыг зохион байгуулсан. <ul style="list-style-type: none"> (1) Япон дахь сургалт <ul style="list-style-type: none"> ①Өрсөлдөөний хуулийн тухай сургалт (2016 оны 1 сар) ②Өрсөлдөөний хуулийн практик сургалт (2018 оны 5 сар) (2) Монгол дахь сургалт семинар <ul style="list-style-type: none"> ① Хяналт шалгалтын практик сургалт семинар (2015 оны 11 сар) ②Хяналт шалгалтын практик сургалт семинар (2016 оны 1 сар) ③ Хяналт шалгалтын практик сургалт семинар (2016 оны 11 сар) ④Хяналт шалгалтын практик сургалт семинар (Орон нутгийн байцаагч нарт зориулсан) (2017 оны 8 сар) ⑤ Хяналт шалгалтын практик сургалт семинар (Орон нутгийн байцаагч нарт зориулсан) (2017 оны 10 сар) (3) Үндсэн мэдлэг олгох сургалт (Хэрэгжиж байгаа) МУИС-ийн багш нарын байцаагч нарт зориулсан сургалт (2018 оны 5 сар - 6 сар) Нийт 28 удаагийн сургалт (Нэг удаагийн сургалтын 	А

PM Form 4 Project Completion Report
Draft June 21

	цаг 1.5 цаг орчим)	
• Сургалтад оролцогчдын ойлголтын түвшинг өөрсдөө үнэлсэн байдал	→Монгол дахь сургалтын талаар ШӨХТГ өөртөө үнэлгээ өгнө. →Япон дахь сургалтын тухайд өөрийн үнэлгээний нэг хэсэг болгож тухайн сургалтад оролцогчдоос авсан асуулгын хариултыг нэгтгэсэн үр дүнгээс авч ашиглана.	
• Орон нутагт ШӨХТГ-ын хийсэн хяналт шалгалтын гүйцэтгэл	→ШӨХТГ доорх 2 зүйлээр мэдээлэл гаргаж өгөх болсон. ① Орон нутаг дахь хяналт шалгалтын тоо ②Төслийн үйл ажиллагаанаас олж авсан мэдлэг мэдээллийг үр дүнтэй ашигласан жишээ. (Хэрвээ байвал)	
• Семинар, хэлэлцүүлэг зохион байгуулсан гүйцэтгэл	• Төслийн хүрээнд дараах үйл ажиллагаагаар дамжуулан Индонезийн өрсөлдөөний байгууллагатай хамтран хяналт шалгалтын байх ёстой дүр төрхийн талаар санал солилцох уулзалт зохион байгуулсан. (1) Гуравдагч орны сургалт ① Индонези дахь сургалт (2016 оны 9 сар) (2) Монгол дахь сургалт ①Индонези дахь сургалтын үргэлжлэл семинар (2016 оны 5 сар)	А

※Хэрэгжсэн байдлыг "А" хэрэгжсэн, "В" ерөнхийдөө хэрэгжсэн, "С" зарим хэсэг нь хэрэгжсэн, "Ongoing" бэлтгэл шатандаа, эсвэл хэрэгжиж байгаа, эсвэл

"Pending" хэрэгжээгүй гэсэн 5 төрлөөр дүгнэж байна.

2-1-3 Output 3

Үр дүн 3 нь "Шүүгч, төрийн захиргааны төв болон орон нутгийн байгууллага, аж ахуй эрхлэгч, олон нийтийн өрсөлдөөний бодлогын талаарх мэдлэг дээшилсэн байх" болно. Үр дүн 3-тай холбоотой үйл ажиллагааны хэрэгжсэн байдлыг доорх Table - XX хүснэгтээр харуулав.

Table - XX : Үр дүнгийн шалгуур үзүүлэлт, гарсан үр дүн болон хэрэгжсэн байдал (Үр дүн 3)

Шалгуур үзүүлэлт	Үр дүн	Хэрэгжсэн байдал※
• Семинар, хэлэлцүүлэг зохион байгуулсан гүйцэтгэл	<p>• Доорх Япон дахь сургалтыг зохион байгуулж, үүнд ШӨХТГ-ын байцаагчид болон 10 шүүгч оролцсон.</p> <p>① Өрсөлдөөний хуулийн Япон дахь сургалт (2016 оны 5 сар)</p> <p>• Үүнээс гадна Үр дүн 1-тэй холбоотойгоор зохион байгуулсан 5 удаагийн сургалт, семинарт холбогдох төрийн байгууллага, аж ахуйн нэгжийн төлөөлөл, шүүгчид, прокуроруудыг оролцуулсан.</p> <p>• Үр дүн 4-тэй холбоотой зохион байгуулсан семинарт холбогдох яам, агентлагын төлөөлөл, шүүгчид оролцсон.</p>	А
• Өрсөлдөөний хууль болон өрсөлдөөний бодлогын хэрэгжилттэй холбоотой судалгаа, үнэлгээний үр дүн	→Зохистой мэдээлэл, материал юу байж болох талаар дараа нь ярилцах.	
• Өрсөлдөөний хууль болон	• ШӨХТГ-т ирүүлж буй өрсөлдөөний	

PM Form 4 Project Completion Report
Draft June 21

<p>өрсөлдөөний бодлогын ойлголтыг нэмэгдүүлэхтэй холбоотой судалгаа, үнэлгээний үр дүн</p>	<p>хуультай холбоотой өргөдөл, гомдлын тоо <u>нэмэгдэх хандлагатай байгаа.</u></p> <p><u>→ШӨХТГ-аас зохион байгуулсан семинар, уулзалт гэх мэт үйл ажиллагаан дээр өрсөлдөөний хууль ба бодлогын талаар зохистой мэдлэгтэй байхаар оролцогчийн оновчтой асуулт, санал өгсөн жишээ (ШӨХТГ мэдээлэл гаргаж өгөхөөр болсон).</u></p>	
<p>• Танилцуулах материал, гарын авлага, сэтгүүлийн тоо</p>	<p>• Өрсөлдөөний хуулийн талаарх танилцуулах материал (Голчилон аж ахуйн нэгжүүдэд ойлголт өгөх зорилготой)-ыг боловсруулж, тараасан (2016 оны 8 сар) 1,000 ширхэг (Аж ахуй эрхлэгч, орон нутгийн захиргаа, холбогдох яам, агентлагт тараасан.)</p> <p>• ШӨХТГ-ын сэтгүүл гаргаж, тараасан (2017 оны 3 сараас 2018 оны 9 сар хүртэл) 1,000 ширхэг х 4 удаа (2018 оны 9 сар хүртэл нэг удаагийн хэвлэлтийг төлөвлөж байгаа.)</p>	В

※Хэрэгжсэн байдлыг "А" хэрэгжсэн, "В" ерөнхийдөө хэрэгжсэн, "С" зарим хэсэг нь хэрэгжсэн, "Ongoing" бэлтгэл шатандаа, хэрэгжиж байгаа, эсвэл "Pending" хэрэгжээгүй гэсэн 5 төрлөөр дүгнэж байна.

2-1-4 Output 4

Үр дүн 4 нь "ШӨХТГ-ын байцаагчдын Зүй ёсны монополь болон давамгайл байдлын зах зээлийн судалгаа хийх чадавхийг сайжруулах" болно. Үр дүн 4-тэй холбоотой үйл ажиллагааны хэрэгжсэн байдлыг доорх Table - XX

PM Form 4 Project Completion Report
Draft June 21

хүснэгтээр харуулав.

Table - XX : Үр дүнгийн шалгуур үзүүлэлт, гарсан үр дүн болон хэрэгжсэн байдал
(Үр дүн 4)

Шалгуур үзүүлэлт	Үр дүн	Хэрэгжсэн байдал※
• Зах зээлийн судалгааны аргачлалын төслийг боловсруулсан байна.	• 2 бүтээгдэхүүний зах зээлийн судалгааны аргачлалыг боловсруулах (Асуулга судалгааны хуудас бэлтгэх, судалгааны төлөвлөгөө гаргах) шатандаа явж байна.	Ongoing
• ШӨХТГ-ын байцаагч нарын зах зээл судалгааны чадавхитай холбоотой судалгаа	• Япон дахь сургалтын үр дүнд зүй ёсны монополь болон давамгайл байдлыг тогтоох судалгаанд шаардлагатай зах зээлийн хүрээ тогтоох арга, мэдээлэл цуглуулах, анализ хийх чадвар сайжирсан. SNIPP тест хийхтэй холбоотойгоор анкетийн асуулгын хуудас бэлтгэх, судлагааны төлөвлөгөө зохиох зэрэг ажлыг ШӨХТГ бие даан хийдэг болсон. • 2016 оны 10 сард зах зээлийн судалгааг хариуцах бие даасан нэгж шинээр байгуулагдсан. Үүнтэй холбоотойгоор ШӨХТГ-ын судалгаа шинжилгээ хийх чадавхи нэмэгдсэн.	
• Зах зээл судалгааны аргачлалын талаарх ажилтнуудын сургалт, семинар	• Төслийн хүрээнд семинар зохион байгуулж, зах зээл судалгааны тулгамдсан асуудлын талаар оролцогчдын хооронд мэтгэлцээн өрнүүлсэн. ① Зах зээл судалгааны	A

PM Form 4 Project Completion Report
Draft June 21

	<p>аргачлалыг сайжруулах тухай зөвлөлдөх уулзалт (2017 оны 12 сар)</p> <ul style="list-style-type: none"> Төслийн хүрээнд доорх Япон дахь сургалтыг зохион байгуулсан. <p>①Өрсөлдөөний хууль, зах зээл судалгаа Япон дахь сургалт (2018 оны 2 сар - 3 сар)</p>	
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※Хэрэгжсэн байдлыг "А" хэрэгжсэн, "В" ерөнхийдөө хэрэгжсэн, "С" зарим хэсэг нь хэрэгжсэн, "Ongoing" бэлтгэл шатандаа, хэрэгжиж байгаа, эсвэл "Pending" хэрэгжээгүй гэсэн 5 төрлөөр дүгнэж байна.

2-2 Project Purpose and indicators

(Target values and actual values achieved at completion)

Төслийн зорилго нь "ШӨХТГ-ын хууль хэрэгжүүлэх үйл ажиллагааг үр дүнтэй бөгөөд оновчтой болгох" юм. 4 үр дүнд хүрсэн байдлыг харгалзан үзэж, мөн PDM-д тусгасан 4 шалгуур үзүүлэлтийг дүгнэн, төслийн зорилго биелсэн байдалд дүгнэлт өгөв. Дүгнэсэн байдлыг доор нэгтгэсэн болно.

Агуулга	Хэрэгжсэн байдал, нэмэлт тайлбар
Төслийн зорилго	Ерөнхийдөө биелсэн.

2-2-1 Indicator - 1

Эхний буюу 1 дүгээр шалгуур үзүүлэлт нь "ШӨХТГ-ын хууль хэрэгжүүлэх үйл ажиллагаанд хандах сэтгэл ханамжийн байдал, итгэл найдвартай байдлын судалгаа" юм.

ШӨХТГ нь Өрсөлдөөний тухай хууль, Хэрэглэгчийн эрх ашгийг хамгаалах тухай хууль, Зар сурталчилгааны тухай хууль, Сонгуулийн тухай хууль, Төрийн болон орон нутгийн өмчийн хөрөнгөөр бараа, ажил, үйлчилгээ худалдан авах тухай хууль, Монгол хэлний тухай хууль (※1) гэсэн 6 хуулийн хэрэгжилтийг хангаж ажиллах, үүнтэй холбоотой хуульд заасан үйл ажиллагааг хариуцаж ажилладаг (※2) Эдгээр хуулийн хэрэгжилттэй холбоотой өргөдөл,

PM Form 4 Project Completion Report
Draft June 21

гомдол гэх мэт олон мэдээллийг ШӨХТГ-т ирүүлж байдаг. Өрсөлдөөний хуулийн тухайд, өрсөлдөгч аж ахуй эрхлэгч нь шударга бус аргаар зах зээлээс шахан гаргах гэж байна гэсэн гомдол, шалгаж өгөхийг хүссэн өргөдөл аж ахуй эрхлэгчдээс ирдэг.

ШӨХТГ нь 2016 онд "1284 мэдээллийн төв"-ийг Хэрэглэгчийн эрх ашгийг хамгаалах газрын дор байгуулж, 2-3 байцаагч байнга ажиллаж, аж ахуй эрхлэгч, хэрэглэгчдээс утсаар болон биеэр ирж өргөдөл, гомдол өгснийг хүлээн авч, тэдгээрийг үр дүнтэйгээр барагдуулах бүтэц, зохион байгуулалтыг бий болгож, тасралтгүй үйл ажиллагаагаар хангаж байна. Өргөдөл, гомдлын дотроос өрсөлдөөний хуультай холбоотой мэдээллийг Хэрэглэгчийн эрх ашгийг хамгаалах газраас холбогдох газар нэгжид дамжуулж байна.

Зөвхөн Өрсөлдөөний хуультай холбоотой өргөдөл, гомдлын тоо 2016 онд 95 байсан бол 2017 онд 169 болж өсөх хандлагатай байгаагийн зэрэгцээ агуулгын хувьд өрсөлдөөний хуулийн талаар зөв ойлголттой байгааг илтгэсэн оновчтой байх нь ихэссэн. Үүнээс харахад ШӨХТГ-ийн хууль хэрэгжүүлэх үйл ажиллагаанд хандах итгэл найдвар дээшилснийг харуулж байна. Энэ нь таниулан сурталчилах материал бэлдэх, тараах, өрсөлдөөний хууль, бодлогын талаар сургалт, семинар зохион байгуулах зэргээр өрсөлдөөний хууль, бодлогыг олон нийт, аж ахуй эрхлэгчид таниулах арга хэмжээ хэрэгжүүлж ирсэний үр дүн гэж бодож байна.

Table - XX ШӨХТГ-т ирүүлсэн өргөдөл, гомдлын тоо

Өргөдөл, гомдлын тоо	2015 он	2016 он	2017 он	2018 он
Нийт 6 хуулийн талаар	2,692	1,978	1,850	
Өрсөлдөөний хууль	223	95	169	

2-2-2 Indicator - 2

2 дахь шалгуур үзүүлэлт нь "шийдвэрлэсэн өргөдөл, гомдлын тоо" болно.

Энэхүү "шийдвэрлэсэн өргөдөл, гомдлын тоо" гэдэг нь шийдвэрлэх тухай тодорхойлолт нь тодорхой бус, төслийн зорилго дахь хууль хэрэгжүүлэх

PM Form 4 Project Completion Report
Draft June 21

үйл ажиллагааны зохистой байдлыг хангахад тохирох шалгуур үзүүлэлт гэж хэлэх боломжгүй тул хяналт шалгалтын тоог шалгуур үзүүлэлт болгох нь зүйтэй.

ШӨХТГ-ын хийсэн хяналт шалгалтын тоо 2010 онд 211 байсан бол 2014 онд 1,240 болж эрс нэмэгдсэн боловч дараа нь буурч 2016 оноос хойш • хавьцаа хэлбэлзэж байна (2017 оны хяналт шалгалтын тоог лавлах шаардлагатай).

Өрсөлдөөний хуулийн хэрэгжилтийг хангахтай холбоотой хяналт шалгалтын тоо • онд • байсан бол • онд • болж •• сан байна. ШӨХТГ-т янз бүрийн өргөдөл, гомдол ирдэг ба түүний тоо нь тухайн үеийн эдийн засгийн байдал гэх мэт олон шалтгаанаас хамаарч өсөж, буурч байдаг тул ирүүлсэн бүх өргөдөл, гомдол зөрчлийн сэжүүр болдоггүй, мэдээллийг нягталсны дүнд хяналт шалгалт хийх шаардлагагүй мэдээлэл байдаг. ШӨХТГ-ын эрхийн хүрэн хяналт шалгалт хийх тохиолдол байна.

Table - XX ШӨХТГ-ын хяналт шалгалт хийсэн тоо

Хяналт шалгалтын тоо	'09 он	'10 он	'11 он	'12 он	'13 он ※4	'14 он	'15 он	'16 он	'17 он	'18 он
Нийт 6 хуулийн хүрээнд	23	211	550	402	761	1,240	946	108		
Өрсөлдөөний хуулийн хүрээнд										

ШӨХТГ хуулийн хэрэгжилтийг оновчтой болгох бүтэц, зохион байгуулалтыг хийж байгаа.

Өрсөлдөөний хуулийг хэрэгжүүлэхэд ШӨХТГ-ын 37 байцаагч хамаарч ажилладаг ба голчилон Өрсөлдөөний бодлого, зохицуулалтын газар болон Зах зээл судалгааны газрын байцаагч нар өдөр тутмын үйл ажиллагаа, хяналт шалгалтыг хариуцаж ажилладаг. Харин томоохон хэмжээний хэрэг, чухал хэргүүдийн хувьд Хэрэглэгчийн эрхийг хамгаалах газар, Төрийн захиргаа, удирдлагын газрын байцаагч нар туслах байдлаар Өрсөлдөөний хуулийн хэрэгжилттэй холбоотой хяналт шалгалтад орж ажиллана гэсэн уян хатан зохион байгуулалттайгаар ажилладаг байна.

Орон нутгийн хэмжээний хяналт шалгалтын тухайд, төсөл хэрэгжиж эхлэх үед 21 аймаг бүрт нэг байцаагч ажилладаг байсан. Иймд өрсөлдөөний хуулийн хэрэгжилтийг нэгдсэн байдлаар үр ашигтай явуулах бүтэц бүрдээгүй байсан. 2017 онд аймаг бүрт 1 байцаагч байсныг 3 болгож байцаагчийн тоог эрс нэмэгдүүлснээр нь Монгол улс даяар өрсөлдөөний хуулийн хэрэгжилтийг үр дүнтэй хэрэгжүүлэх бүтэц бүрдсэн. Одоогийн байдлаар, нийт 21 аймаг тус бүрт 3 байцаагч, Улаанбаатар хотын 9 дүүрэг тус бүрт 3 байцаагч, орон нутагт нийтдээ 90 улсын байцаагч ажиллаж байна.

2-2-3 Indicator - 3

3 дахь шалгуур үзүүлэлт нь "Өргөдөл, гомдлыг шийдвэрлэх хүртэлх хугацаа" болно.

Үүн дээр ч мөн 2 дахь шалгуурын адил хяналт шалгалт хийх хугацааг шалгуур үзүүлэлт болгох нь зүйтэй.

Одоо хүчин төгөлдөр хэрэгжиж буй Өрсөлдөөний хуулинд хяналт шалгалтын хугацаа 60 хоног гэж заасан байгаа. Зарчмын хувьд 60 өдрийн дотор хяналт шалгалт хийж дууссан байх шаардлагатай (Өрсөлдөөний хуулийн 23.1) хэдий ч ШӨХТГ-ын даргын шийдвэрээр дахин 30 хоног сунгах (Өрсөлдөөний хуулийн 23.1) боломжтой байдаг.

Энэхүү шалгуур үзүүлэлт нь хэргийг шийдвэрлэж дуусгах хугацаа богино байх тусмаа үр ашиг өндөртэй гэсэн логик дээр суурилсан гэж ойлгогдож байгаа боловч өрсөлдөөний хуулийн хэрэгжилтийг хангах бодит талбар дээр тухайн хяналт шалгалтад хамрагдаж буй аж ахуй эрхлэгч нь өрсөлдөөний байгууллагын зүгээс хэрэгжүүлж буй сонсох ажиллагаа, мэдээлэл гаргаж өгөх шаардлагыг хүлээн авахгүй байх гэх мэт хандлага гаргах тал байдаг тул харин ч оновчтой үр дүн гаргахын тулд хангалттай хугацаа шаардлагатай байдаг. Одоо хүчин төгөлдөр байгаа өрсөлдөөний хуулийн хяналт шалгалтын 60 хоног нь дэлхийн улс орнуудын өрсөлдөөний байгууллагын хяналт шалгалтын нийтлэг хугацаатай харьцуулахад хэт богино байгаа тул ЯШХХ-ноос нэг жил, дахин нэг жил хүртэл хугацаагаар сунгах боломжтой тогтолцоог бий болгохыг зөвлөсөн. Энэхүү зөвлөмжийн дагуу хяналт шалгалтын хугацаа 1 жил байхаар өөрчилж, мөн ШӨХТГ-ын хорооны даргын шийдвэрээр 6 сар сунгах, мөн прокурорын шийдвэрээр 1 жил сунгах, нийтдээ 2 жил 6 сарын хугацаа байх заалтыг хуулийн төсөлд (Зөрчил шалган шийдвэрлэх тухай хууль) тусгасан.

Дээрх нөхцөл байдал, олон улсын нийтлэг жишгээс харахад илүү

тохиромжтой шалгуур үзүүлэлт байгаа ба уг шалгуур үзүүлэлтээр үнэлэх нь зүйтэй.

2-2-4 Indicator - 4

4 дэх шалгуур үзүүлэлт нь "захиргааны шийдвэртэй холбоотой гомдлыг шүүхэд хэрэгсэхгүй болгох хувь буюу ШӨХТГ шүүхэд ялалт байгуулах хувь" болно.

ШӨХТГ-ын гаргасан захиргааны шийдвэрийг эсэргүүцэж захиргааны шүүхэд гомдол гаргах боломжтой байдаг. 2009 оноос 2016 оны хооронд ШӨХТГ-ыг хариуцагчаар татсан хэргийн дотроос 97 хэргийн тухайд шүүхийн шийдвэр гарсан байдаг ба нэг жилд ойролцоогоор 10 орчимд хэлбэлзэж байна. Үүнээс нэхэмжлэгч тал (захиргааны шийтгэл хүлээсэн тал) -ын гомдлыг бүрэн хэрэгсэхгүй болгосон хэрэг 37 байгаа ба ШӨХТГ-ын шүүхэд ялалт байгуулсан хувь 38 хувьтай (нийт 6 хуулийн тухайд) байна. Харин ШӨХТГ-аас тогтоосон (Өрсөлдөөний хуулийн 15.6-тай холбоотой) зүй ёсны монополь болон давамгайл байдлын зөв буруутай холбоотой маргааны тухайд ШӨХТГ-ын ялалтын хувь 14 байсан (Үндэслэл болж буй мэдээллийн эх сурвалжийг нягтлах шаардлагатай). ШӨХТГ ялагдсан хэрэгт зах зээлийн хүрээг тогтоох, орлох бүтээгдэхүүний зах зээл, холбогдох зах зээлийг тогтоох зэрэг ШӨХТГ-ын судалгаа, дүгнэлт алдаатай байсан гэж нэхэмжлэгч тал үзсэн, нотлох баримт хангалтгүй гэсэн шалтгаантаар ялагдсан байгаа нь зах зээлийн судалгаа, нотлох баримтын бүрдүүлэлт нь тулгарч буй асуудал болж байгааг илтгэсэн.

Мөн шүүхэд ялсан хувь нь шүүгчийн дүгнэлт оновчтой байсан эсэхээс хамаарч өөрчлөгдөх тул зөвхөн ялсан хувийг авч үзэх биш өрсөлдөөний хуулийг зүйл заалтын ойлголт, хэрэглээ нь зүй зохистой байсан эсэх агуулга талаас нь нарийн авч үзэх шаардлагатай. ШӨХТГ-т 2016 оны 10 сард Зах зээл судалгааны газар байгуулагдсан ба цаашид зах зээл судалгааны аргачлалыг сайжруулна гэж найдаж байгаа. Төслийн хүрээнд хэрэгжүүлсэн Монгол дахь болон Япон дахь сургалтуудаар дамжуулан зах зээлд давамгайлах хүчээ урвуулан ашиглахтай холбоотой судалгаа хийх арга (2016 оны 11 сар), SSNIP тест (үнийн өсөлттэй холбоотойгоор бүтээгдэхүүний эрэлт, орлох шинжид гарах өөрчлөлтөд тест хийх) гэх мэт зах зээлийн судалгааны аргачлал (2018 оны 2 сар), гэнэтийн шалгалтын практик ажиллагаа, шалгалтын дараах нотлох баримт цуглуулах (2018 оны 5 сар), бусад асуудлын талаарх хяналт шалгалтын

PM Form 4 Project Completion Report
Draft June 21

практик сургалт зохион байгуулж, ШӨХТГ-ын байцаагчдын чадавхийг сайжруулахад анхаарч ирсэн. Цаашид эдгээр сургалтуудын үр дүнг практик ажилдаа нэвтрүүлж, улмаар ШӨХТГ-ын шүүхэд ялалт байгуулах хувийг нэмэгдүүлэхэд хувь нэмрээ оруулна гэж найдаж байна. Мөн ЯШХХ-ны зөвлөмжид тулгуурлан хяналт шалгалтын хугацаатай холбоотой заалт өөрчлөгдөж, олон улсын жишигт нийцүүлэх байдлаар хяналт шалгалтын хугацаа эрс урт болох төлөвтэй. Иймд ШӨХТГ хяналт шалгалт, нотолгоонд шаардлагатай хугацаатай болж, энэ нь хяналт шалгалтын чанарт хувь нэмрээ оруулна гэж найдаж байна.

Table - XX ШӨХТГ-ын захиргааны шийдвэрийг эсэргүүцэж шүүхэд гомдол гаргасан хэргийн тоо

Шүүхэд гомдол гаргасан хэргийн тоо	'09 он	'10 он	'11 он	'12 он	'13 он	'14 он	'15 он	'16 он	'17 он	'18 он
6 хуулийн хүрээнд										
Өрсөлдөөний хуулийн хүрээнд										

Table - XX ШӨХТГ-ын захиргааны шийдвэрийг эсэргүүцэж шүүхэд гомдол гаргасан хэргийн шүүхийн шийдвэр

Шүүхийн шийдвэрийн тоо	'09 он	'10 он	'11 он	'12 он	'13 он	'14 он	'15 он	'16 он	'17 он ※5	'18 он
6 хуулийн хүрээнд	4	1	18	6	17	14	14	23	(12)	
Өрсөлдөөний хуулийн хүрээнд										

→Шүүхийн шийдвэрийн тоо, шүүхэд ялсан хувийг нягтлах. Мөн сүүлийн үеийн шүүхээр орсон хэргүүдээс Японы техник туслалцааны үр дүн гарсан хэрэг байвал мэдээлэл өгнө үү.

3. History of PDM Modification**4. Others**

4-1 Results of Environmental and Social Considerations (if applicable)

4-2 Results of Considerations on Gender/Peace Building/Poverty Reduction (if applicable)

III. Results of Joint Review**1. Results of Review based on DAC Evaluation Criteria****2. Key Factors Affecting Implementation and Outcomes****3. Evaluation on the results of the Project Risk Management****4. Lessons Learnt****IV. For the Achievement of Overall Goals after the Project Completion****1. Prospects to achieve Overall Goal****2. Plan of Operation and Implementation Structure of the ●● side to achieve Overall Goal****3. Recommendations for the ●● side****4. Monitoring Plan from the end of the Project to Ex-post Evaluation**

(If the Project will be continuously monitored by JICA after the completion of the Project, mention the plan of post-monitoring here.)

ANNEX 1: Results of the Project

(List of Dispatched Experts, List of Counterparts, List of Trainings, etc.)

ANNEX 2: List of Products (Report, Manuals, Handbooks, etc.) Produced by the Project**ANNEX 3: PDM (All versions of PDM)****ANNEX 4: R/D, M/M, Minutes of JCC (copy) (*)****ANNEX 5: Monitoring Sheet (copy) (*)**

(Remarks: ANNEX 4 and 5 are internal reference only.)

Separate Volume: Copy of Products Produced by the Project

Project Completion Report (Draft)

I. Basic Information of the Project

1. Country
2. Title of the Project
3. Duration of the Project (Planned and Actual)
4. Background (from Record of Discussions(R/D))
5. Overall Goal and Project Purpose (from Record of Discussions(R/D))
6. Implementing Agency

II. Results of the Project

1. Results of the Project

- 1-1 Input by the Japanese side (Planned and Actual)
- 1-2 Input by the ●● side (Planned and Actual)
- 1-3 Activities (Planned and Actual)

2. Achievements of the Project

2-1 Outputs and indicators

(Target values and actual values achieved at completion)

2015 年 9 月 4 日に AFCCP 及び JICA モンゴル事務所の間で署名・合意された Record of Discussions (以下、R/D) に添付された Project Design Matrix (以下、PDM) に記載されている指標等に照らして、5 つの成果毎にプロジェクトの進捗及び成果の達成状況についてレビューを行った。レビュー結果を以下に示す。

項目	達成状況、備考
成果 1	概ね達成された。改正競争法及びナショナル・プログラムの草稿が完成した。なお、施行規則等の草案の作成が未了であるが、競争法改正案の可決・成立の見通しが立ち、改正法案の内容が固まった後でなければ作成の準備を始めることができないという外部条件が存在する。競争法の改正法案は、既に副首相に提出され、法改正手続きについて AFCCP としてできる取り組みは全て完了している。こうした状況から本プロジェクト期間中に施行規則等の草案の作成が完了しなくてもやむを得ないと考えられる。
成果 2	達成された。検査能力向上に係る AFCCP の自己評価等を通じ

	て、プロジェクトで実施した活動・投入の規模に見合う形で検査能力の強化を確認することができた。
成果 3	概ね達成された。AFCCP に対する競争法に関する苦情・相談件数は、増加傾向にある。セミナー、ワークショップの開催や広報資料の作成・配布等の取組みを通じて、裁判官、中央・地方政府、事業者及び国民の競争法及び競争政策に係る知識は相当程度向上した。
成果 4	概ね達成された。訪日研修を通じて、自然独占及び（市場）支配的地位に係る調査に必要な市場画定手法、必要な情報収集・分析の能力を向上させることが出来た。SSNIP テストの導入に向けてアンケート調査票の設計、調査計画の立案について AFCCP 自ら草案作りを行えるようになった。

2-1-1 Output 1

成果 1 は、「効果的かつ適正な手続きの観点から、競争政策を強化するための競争法、関連規則、ナショナル・プログラムが改正又は作成される。」である。成果 1 に係るプロジェクトの進捗は、以下の Table - XX のとおりである。

Table - XX : 成果指標、結果・成果並びに進捗（成果 1）

指標	結果・成果	進捗※
・競争法の草稿の完成	<p>・2017 年 6 月、競争法改正法案の最初の草稿が作成された。その後、修正作業を経て、2017 年 11 月、改正法案はコンセプト・ペーパー（※）等と共に副首相に提出され、承認手続きを終えた。</p> <p>・2018 年 5 月 1 日、副首相は法務大臣に対してレターを発出し、改正法案及びコンセプト・ペーパー等の承認について依頼した。</p> <p>（※）コンセプト・ペーパーは、立法・法改正の趣旨、目的等を記載した文書であり、立法・法改正手続きにおいて</p>	A

	法案と共に国会に提出が求められる 必須の書面のこと。	
・（競争法改正に伴い必要となる）関連規則の草稿の完成	<ul style="list-style-type: none"> ・ 7 つの法律（違反法、違反事件処理法、銀行法、国家検査法、会社法、許認可事業法、法人国家登記法）の一部改正案の草稿が作成され、競争法改正法案とともに副首相に提出された。 ・ 施行規則等の草稿は未だ作成されていない。改正法が未だ国会に提出されておらず、法改正手続きが施行規則の草稿の作成を始める段階に至っていないためである。 	C
・ ナショナル・プログラムの草稿の完成	<ul style="list-style-type: none"> ・ 2018 年 3 月、兵庫大学の石原敬子（たかこ）教授が AFCCP 幹部・職員を対象として「日本の競争法と競争政策の歴史」についてオンライン講義を行った。AFCCP は、この講義で得られた知見・情報をナショナル・プログラムの草稿の作成に活用した。 ・ 2018 年 4 月、ナショナル・プログラムの最初の草稿の作成が行われた。2018 年 5 月 9 日、パブコメ募集のための協議会が開催され、関係省庁や事業者等から得られた意見・コメントがナショナル・プログラム草稿の内容に反映され、起草作業が完了した。 	A
・ ガイドライン（案）及び関連規則（案）に関する関係者からの意見聴取のためのワークショップ及びセミナーの開催数並びに参加者数	<ul style="list-style-type: none"> ・ 評価指標は、ガイドライン（案）及び関係規則（案）のみを対象とした記述となっているが、競争法の改正案自体について関係者からの意見聴取を行う中で、当然に下位法令である関係規則等についても意見交換の対象として含まれていた。よって、競争法改正案に関するワークショップ・セミナーは当該指標に関わる活動であり、その実績は以下のとおりである。 	A

	<p>・競争法改正法案の完成までにプロジェクトでは4回のセミナーを開催し、関係省庁、事業者、研究者等のステークホルダーが参加した。</p> <p>①競争法・法改正セミナー（2016年1月）100人参加（正確な数字をモンゴル事務所に確認中）</p> <p>②競争法・法改正セミナー（2016年11月）159名参加</p> <p>③競争法・法改正パブコメ募集セミナー（2017年6月）130名参加</p> <p>④競争法・法改正第2回パブコメ募集セミナー（2017年11月）80名参加</p> <p>・AFCCP 幹部を対象とした競争法改正特別研修（2017年3月）を行った。</p> <p>・公正取引委員会が競争法改正案についてコメント・助言を行った（2016年10月・11月、2017年11月）。</p> <p>・ナショナル・プログラムの草案の完成までに1回のセミナーを開催し、関係省庁、事業者、研究者等のステークホルダーが参加した。</p> <p>①市場競争促進ナショナル・プログラム（案）協議会（2018年5月）98名参加</p>	
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※進捗は、「A」完了、「B」概ね完了、「C」部分的に完了、「Ongoing」準備中・実施中、「Pending」未着手の5種類とする。

2-1-2 Output 2

成果2は、「ウランバートル及び地方において、効果的かつ適正な手続きの観点から、競争制限行為に係る AFCCP の審査能力が強化される。」である。成果2に

係るプロジェクトの進捗は、以下の Table - XX のとおりである。

Table - XX : 成果指標、結果・成果並びに進捗（成果 2）

指標	結果・成果	進捗※
・ AFCCP 審査官の審査技術の向上のための研修（定期的な内部講義、本邦研修、現地ワークショップ・セミナー）の実施数	<p>・ プロジェクトでは以下の検査実務研修を行った。</p> <p>（１）訪日研修</p> <p>①競争法訪日研修（2016 年 1 月）</p> <p>②競争法実務訪日研修（2018 年 5 月）</p> <p>（２）現地セミナー</p> <p>①検査実務セミナー（2015 年 11 月）</p> <p>②検査実務セミナー（2016 年 1 月）</p> <p>③検査実務セミナー（2016 年 11 月）</p> <p>④検査実務セミナー（主に地方検査官向け）（2017 年 8 月）</p> <p>⑤検査実務セミナー（主に地方検査官向け）（2017 年 10 月）</p> <p>（３）基礎研修（実施中）</p> <p>モンゴル国立大学教員による審査官向け基礎研修（2018 年 5 月～6 月）計 28 回（1 回あたり 1.5 時間）</p>	A
・ 研修参加者の理解度に係る自己評価結果	<p>①現地セミナーについては、AFCCP が自己評価を行う。</p> <p>②訪日研修については、自己評価結果の一部として実施済み研修員の質問票の集計結果を活用する。</p>	
・ 地方における AFCCP の審査活動実績	<p>→AFCCP が以下の 2 点に関し、情報提供予定。</p> <p>①地方における審査件数</p> <p>②プロジェクト成果を有効に活用した事例（もし、あれば）</p>	
・ ワークショップ及びディスカッションの実績	<p>・ プロジェクトでは以下の活動を通じてインドネシア競争当局の関係者と</p>	A

	<p>検査のあり方等についてディスカッション・意見交換を行った。</p> <p>(1) 第三国研修</p> <p>①インドネシア・スタディ・ツアー (2016 年 9 月)</p> <p>(2) 現地セミナー</p> <p>①インドネシア・スタディ・ツアー・フォローアップセミナー (2016 年 5 月)</p>	
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※進捗は、「A」完了、「B」概ね完了、「C」部分的に完了、「Ongoing」準備中・実施中、「Pending」未着手の 5 種類とする。

2-1-3 Output 3

成果 3 は、「裁判官、中央・地方政府、事業者及び国民の競争法及び競争政策に係る知識が向上する。」である。成果 3 に係るプロジェクトの進捗は、以下の Table - XX のとおりである。

Table - XX : 成果指標、結果・成果並びに進捗（成果 3）

指標	結果・成果	進捗※
・ワークショップ及びディスカッションの実績	<p>・以下の訪日研修を実施し、AFCCP 関係者以外に裁判官 10 名が参加した。</p> <p>①競争法訪日研修 (2016 年 5 月)</p> <p>・その他、成果 1 について開催した 5 回のセミナーに関係省庁の関係者、事業者、裁判官、検察官が参加した。</p> <p>・成果 4 について開催したワークショップに関係省庁の関係者、裁判官が参加した。</p>	A
・競争法及び競争政策の実施に関する調査及び評価結果	・適切な情報・資料について後日検討	
・競争法及び競争政策の認知度の促進に関する調査及び	・AFCCP に対して寄せられる競争法に関する苦情・相談件数は、増加傾向	

評価結果	にある。 →AFCCP 主催のセミナー等において、競争法・競争政策について適切な理解をしていることが推察される参加者からの意見・コメントの事例（AFCCP から情報提供予定）	
・パンフレット、マニュアル、雑誌の数	<ul style="list-style-type: none"> ・主競争法パンフレット（主に事業者向け）の作成・配布（2016 年 8 月）1,000 部（事業者、地方政府、関係省庁へ配布） ・AFCCP 機関誌の作成・配布（2017 年 3 月～2018 年 9 月）1,000 部×4 回（2018 年 9 月までにあと 1 回機関誌の発行を予定している。） 	B

※進捗は、「A」完了、「B」概ね完了、「C」部分的に完了、「Ongoing」準備中・実施中、「Pending」未着手の 5 種類とする。

2-1-4 Output 4

成果 4 は、「自然独占及び支配的地位に係る市場調査における AFCCP 審査官の能力が向上する。」である。成果 4 に係るプロジェクトの進捗は、以下の Table - XX のとおりである。

Table - XX：成果指標、結果・成果並びに進捗（成果 4）

指標	結果・成果	進捗※
・市場調査手法の草稿の完成	・2 つの商品市場を対象とした市場調査の手法の開発（アンケート調査票の設計、調査計画の立案）の準備中。	Ongoing
・AFCCP 審査官の市場調査能力に係る調査	・訪日研修を通じて、自然独占及び（市場）支配的地位に係る調査に必要な市場画定手法、必要な情報収集・分析の能力を向上させることが出来た。SSNIP テストの導入に向けてアンケート調査票の設計、調査計画の立案に	

	<p>ついて AFCCP 自ら草案作りを行えるようになった。</p> <p>・2016 年 10 月、市場調査を専門に行う独立した部署が市場調査局として新たに設置された。これにより、AFCCP の組織としての市場調査能力が強化された。</p>	
<p>・市場調査の枠組みに関する職員向けの研修、セミナー及びワークショップ</p>	<p>・プロジェクトではワークショップを開催し、市場調査の課題等について参加者の間で議論を行った。</p> <p>①市場調査手法改善協議会（2017 年 12 月）</p> <p>・プロジェクトでは以下の訪日研修を実施した。</p> <p>①競争法・市場調査訪日研修（2018 年 2～3 月）</p>	A

※進捗は、「A」完了、「B」概ね完了、「C」部分的に完了、「Ongoing」準備中・実施中、「Pending」未着手の 5 種類とする。

2-2 Project Purpose and indicators

(Target values and actual values achieved at completion)

プロジェクト目標は、「AFCCP の執行活動が効率的かつ適切に実施される。」である。4 つの成果の達成状況を勘案し、かつ、PDM に記載されている 4 つの指標に照らして、プロジェクト目標の達成状況についてレビューを行った。レビュー結果を以下に示す。

項目	達成状況、備考
プロジェクト目標	概ね達成された。

2-2-1 Indicator - 1

1 つ目の指標は、「AFCCP の執行活動における満足度・信頼度調査」である。

AFCCP は、競争法、消費者保護法、広告法、選挙法、調達法、モンゴル語法
※1 の 6 つ法律の執行業務及び法律に定められた関連の事務を所掌している※2。

これらの法律に関する苦情、相談等の様々な情報が AFCCP に対して寄せられている。競争法については、競合他社により不公正な方法で市場から排除されようとしているといった苦情及び調査依頼が事業者等から寄せられている。

なお、AFCCP は、2016 年に「1284 コールセンター」を消費者保護局の下に設置、常時 2～3 名の検査官を配置し、事業者、消費者等から電話・面談を通じて苦情、相談等を受け付け、効率的に処理を行う仕組みを構築し、継続的に運用している。苦情、相談等のうち、競争法に関する情報は、消費者保護局を通じて AFCCP 内の関係部署と共有される。

競争法に限ると、苦情・相談件数は、2016 年の 95 件から 2017 年の 169 件へ、増加傾向にあり、かつ内容についても競争法の正しい理解に基づく的を得たものが増えている。このことから、AFCCP の執行活動に対する信頼度の向上が見て取れる。かかる成果は、広報資料の作成・配布や競争法セミナーの開催等を通じて、競争法・競争政策に関する広報に取り組んできた結果の現れであると思われる。

Table - XX AFCCP に対する苦情・相談件数

苦情・相談件数	2015 年	2016 年	2017 年	2018 年
6 法全て	2,692	1,978	1,850	
競争法	223	95	169	

2-2-2 Indicator - 2

2 つ目の指標は、「解決した苦情の数」である。

ここで、「解決した苦情の数」という内容は、解決の定義が不明瞭であり、プロジェクト目標の執行能力の適切性を図るうえで適切な指標であるとはいえず、検査件数を指標として用いるべきである。

AFCCP による検査件数は、2010 年の 211 件から 2014 年の 1,240 件へ急増し、その後は急減、2016 年以降は、●件前後で推移している(2017 年の件数を要確認)。

競争法に基づく検査実施件数は、●年の●件から●年の●件へ●●している。なお、AFCCP に対して様々な情報が寄せられるが、その件数は、その時の経済状況等、様々な要因により増減するものであり、また、寄せられた全ての情報が検査の端緒となるわけではなく、情報を精査した結果、検査を行わない場合もある。AFCCP による職権探知もあり得る。

Table - XX AFCCP による検査実施件数

検査件数	'09 年	'10 年	'11 年	'12 年	'13 年	'14 年	'15 年	'16 年	'17 年	'18 年
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					※4					
6 法律全て	23	211	550	402	761	1,240	946	108		
競争法のみ										

上記指標に関連して、執行活動を効率的に行うための体制構築が極めて重要であり、AFCCPはこの点についても取り組みを進めた。

競争法の執行については、AFCCPに37名の国家検査官が配置されており、主に競争政策・規制局及び市場調査局の国家検査官が日常の検査業務を担当しているが、規模の大きい事件、重要な事件については消費者保護局や行政局の国家検査官が応援要員として競争法に基づく検査業務に加わることがあり、柔軟な組織運営を行っている。

地方レベルにおける検査については、プロジェクト開始時には、全国21件にそれぞれ地方検査官1名のみが配置されていた。このため、競争法の執行業務を全国規模で効率的に行う体制が構築されていなかった。そこで、2017年に各県1名から3名へ大幅な人員の増強が行われ、モンゴル国全土を通じて競争法の執行を効果的に行う体制が整備された。現在では、全国21県にそれぞれ3名、ウランバートル市の9つの行政区にそれぞれ3名の地方検査官、全国に計90名の地方検査官が配置されている。

2-2-3 Indicator - 3

3つ目の指標は、「苦情を解決するまでの期間」である。

ここで、2つ目の指標と同様に検査期間を指標として用いるべきである。

現行の競争法において、検査期間は60日間と法定されている。原則、60日間で検査を終える必要がある（競争法23.1条）が、AFCCP長官の裁量により30日以内の期間の延長（法23.1条）が可能となっている。

この指標は、苦情を解決するまでの期間が短ければ短いほど効率性が高いというロジックの下に設定されたと考えられるが、競争法の執行の現場では、検査対象の事業者が競争当局の事情聴取や報告命令等に非協力的な姿勢をもって対応する事態も想定され得るため、むしろ適切な検査を行うために十分な検査期間の確保が必要である。ここで、モンゴルの現行法に規定されている60日間の法定検査期間は、世界の主要な競争当局の標準的な検査期間と比較するとむしろ圧倒的に短すぎるため、日本の公正取引委員会は、最大1年あるいは2年まで延長できる制度とすべきであるとの提言をAFCCPに対して行った。この提言に沿った形で、検査期間が原則1年以内に変更され、AFCCP委員長の裁量による6月の期間延長並びに検事の職権による1年の期間延長を合せて最長で2年6月とする規定が改正法案（違反事件処理法）に盛り込まれた。

このような状況及び国際的な標準にかんがみると、より上記指標以外により適切な指標が存在すると思われる。本来であれば、その指標をもって評価を行うべきである。

2-2-4 Indicator - 4

4 つ目の指標は、「勝訴率」である。

AFCCP が行った行政処分に対し、処分を受けた者は、その内容について行政裁判所へ不服を申し立てることができる。2009 年から 2016 年までの間、AFCCP を被告として行政裁判所へ提起された訴訟のうち計 97 件について判決が下され、件数は年間 10 件前後で推移している。このうち、原告側（処分を受けた者）の訴訟内容を全面的に却下し、AFCCP 側が勝訴したのは、37 件であり、AFCCP の勝訴率は 38%（6 法律全て）となっている。一方、AFCCP が行った自然独占又は市場支配的地位にある事業者の認定（競争法 15.1.6 条関係）の是非が争点となった訴訟についての AFCCP の勝訴率は 14%であった（算定の根拠となった訴訟件数の情報を要確認）。AFCCP が敗訴した事案では、市場画定、代替市場、関連市場に係る AFCCP の調査・判断の誤りが原告側から主張されたり、証拠収集の瑕疵を指摘されたりして、市場調査や証拠収集のあり方が課題となっていることが認識された。

なお、勝訴率は、裁判官の判断の適切性によっても影響を受けるところ、勝訴率のみならず正しく競争法を解釈・適用した判決内容となっているか内容の精査が必要な場合もある点に留意すべきである。AFCCP では 2016 年 10 月に市場調査局が設置されたことにより、市場調査手法の改善が期待されている。プロジェクトでは、モンゴルにおける現地研修や訪日研修を通じて、市場支配的地位の濫用に係る調査手法（2016 年 11 月）、SSNIP テスト（価格の上昇に伴う製品需要及び代替性の変化に関するテスト）を含む市場調査手法（2018 年 2 月）、立入検査実務・立入検査後の証拠収集（2018 年 5 月）他をテーマとして検査実務研修を実施し、AFCCP 検査官の検査能力の向上を図ってきた。今後、研修の成果が実務に活かされ、結果として AFCCP の勝訴率の向上に貢献することは十分に期待できる。また、日本の公正取引委員会の提案を踏まえて、法改正により検査期間に関する規定が改正され、国際的な基準に合わせ検査期間が大幅に長くなる見込みである。これにより、AFCCP は、検査や証拠収集に必要な時間を確保することができるようになり、このことが検査の質の一層の向上に資することが期待される。

Table - XX AFCCP の行政処分に対する行政事件裁判所への不服申立て件数

不服申立て (提訴) 件数	'09 年	'10 年	'11 年	'12 年	'13 年	'14 年	'15 年	'16 年	'17 年	'18 年

6 法律全て										
競争法のみ										

Table - XX AFCCP の行政処分に対する行政事件裁判所への不服申立てに係る判決件数

判決件数	'09 年	'10 年	'11 年	'12 年	'13 年	'14 年	'15 年	'16 年	'17 年 ※5	'18 年
6 法律全て	4	1	18	6	17	14	14	23	(12)	
競争法のみ										

→判決件数、勝訴率は確認する。あわせて最近の訴訟事案で日本からの支援の成果が現れた事例があれば紹介願いたい。

3. History of PDM Modification

4. Others

4-1 Results of Environmental and Social Considerations (if applicable)

4-2 Results of Considerations on Gender/Peace Building/Poverty Reduction (if applicable)

III. Results of Joint Review

1. Results of Review based on DAC Evaluation Criteria

2. Key Factors Affecting Implementation and Outcomes

3. Evaluation on the results of the Project Risk Management

4. Lessons Learnt

IV. For the Achievement of Overall Goals after the Project Completion

1. Prospects to achieve Overall Goal

2. Plan of Operation and Implementation Structure of the ●● side to achieve Overall Goal

3. Recommendations for the ●● side

4. Monitoring Plan from the end of the Project to Ex-post Evaluation

(If the Project will be continuously monitored by JICA after the completion of the Project, mention the plan of post-monitoring here.)

ANNEX 1: Results of the Project

(List of Dispatched Experts, List of Counterparts, List of Trainings, etc.)

ANNEX 2: List of Products (Report, Manuals, Handbooks, etc.) Produced by the Project

ANNEX 3: PDM (All versions of PDM)

ANNEX 4: R/D, M/M, Minutes of JCC (copy) (*)

ANNEX 5: Monitoring Sheet (copy) (*)

(Remarks: ANNEX 4 and 5 are internal reference only.)

Separate Volume: Copy of Products Produced by the Project

Project Monitoring Sheet II (Revision of Plan of Operation)

Version: final
Date: 24 August, 2018

Project Title: Project for Enhancement of the Fair Competition Environment in Mongolia

Project Title: Enhancement of the Fair Competition Environment in Mongolia																				Monitoring					
Inputs		Year	2015				2016				2017				2018				Remarks	Issue	Solution				
Expert			7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12					
Long Term Expert (Training / Project Coordination)		Plan																			Tentatively starting from Oct 2015				
		Actual																							
Short Term Experts		Plan																							
		Actual																							
Training in Japan																									
For AFCCP executives		Plan																							
		Actual																							
For AFCCP officials		Plan																							
		Actual																							
For judges		Plan																							
		Actual																							
In-country Training																									
Seminar, Workshop, etc.		Plan																							
		Actual																							
Third-country Training																									
For AFCCP officials		Plan																			For consultation as needed				
		Actual																							
Overseas Activities Cost																									
Costs for activities of the project including conducting workshops, seminars and third-country training, personnel cost for project assistant, printing (guidelines, manuals, brochures, handouts), etc.		Plan																							
		Actual																							
Activities		Year	2015				2016				2017				2018				Responsible Organization		Achievements	Issue & Countermeasures			
Sub-Activities			7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	Japan	GOM			
Output 1: Competition law, its regulations, and national program are amended or drafted to enhance competition policy in terms of effectiveness and due process.																									
1-1. Analyze the current Competition law and its regulations and make recommendations on the issues to be reflected in the reviewing competition law and regulations and making national program.		Plan																							
		Actual																							
1-2. Provide advice on reviewing Competition law and its regulations and making national program.		Plan																							
		Actual																							
1-3. Conduct workshops and seminars to discuss the draft amendments and national program with academic or legal experts and also invite comments on the draft amendments and national program from outside stakeholders.		Plan																							
		Actual																							
Output 2: AFCCP's capacity for investigation of competition restriction cases is strengthened in terms of effectiveness and due process in Ulaanbaatar and rural areas.																									
2-1. Formulate training program necessary for AFCCP by analyzing the needs for investigation knowledge and techniques.		Plan																							
		Actual																							
2-2. Conduct training courses in Japan and in-country workshops and seminars for the enhancement of investigation knowledge and techniques.		Plan																							
		Actual																							
Output 3: Knowledge of Competition Law and Policy of judges, government and local administration, enterprises and public are improved.																									
3-1. Discuss methods of effective advocacy and develop a plan for advocacy.		Plan																							
		Actual																							
3-2. Conduct advocacy activities based on the activity 3-1 (e.g. seminars, workshops, leaflets).		Plan																							
		Actual																							
Output 4: AFCCP inspector's capacity on market research for natural monopoly and dominant position is improved.																									
4-1. Analyzing current procedures of economic and market research by AFCCP.		Plan																							
		Actual																							
4-2. Introducing Japanese experiences of previous researches.		Plan																							
		Actual																							
4-3. Provide advice on improved methodologies of market research and conduct workshop and seminars including those with foreign competition authorities.		Plan																							
		Actual																							
Duration / Phasing		Plan																							
		Actual																							
Monitoring Plan		Year	2015				2016				2017				2018				Remarks	Issue	Solution				
Monitoring			7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12					
Joint Coordinating Committee (JCC) Meeting		Plan																							
		Actual																							