



MEDIA RELEASE

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CCCS Consults on Proposed Changes to its Competition Guidelines

The Competition and Consumer Commission of Singapore (“**CCCS**”) has conducted a review of its Guidelines on the Competition Act (Cap. 50B) (the “**Act**”). The Guidelines outline the conceptual, analytical and procedural framework applied by CCCS in administering and enforcing the Act in Singapore.

2. Following its review, CCCS is seeking public feedback on proposed changes to the following Guidelines¹:

- (a) *CCCS Guidelines on the Treatment of Intellectual Property Rights;*
- (b) *CCCS Guidelines on Market Definition;*
- (c) *CCCS Guidelines on the Section 47 Prohibition;*
- (d) *CCCS Guidelines on Enforcement, to be renamed as CCCS Guidelines on Remedies, Directions and Penalties;*
- (e) *CCCS Guidelines on the Substantive Assessment of Mergers; and*
- (f) *CCCS Guidelines on Merger Procedures.*

3. The proposed changes to the abovementioned Guidelines aim to provide greater clarity and guidance to businesses and competition practitioners on the analytical and procedural frameworks used by CCCS in applying the Act. In its review, CCCS took into account the amendments made to the Act in 2018², the findings and recommendations from its E-commerce Platforms Market Study³, as well as its experience in applying the Act since the Guidelines were last revised in December 2016⁴. The proposed changes also considered feedback given by stakeholders, changes to the broader legal landscape within Singapore and international best practices.

¹ Consequential amendments following from the proposed amendments may be made to other CCCS Guidelines.

² The amendments to the Act via the Competition (Amendment) Act 2018 came into effect on 16 May 2018.

³ In 2019, CCCS embarked on a market study focusing on e-commerce platforms that compete in multiple market segments offering distinct products and/or services in Singapore and the South East Asian region. The report setting out the findings and recommendations from the market study was published on 10 September 2020, and is available at this [link](#).

⁴ The revised Guidelines came into effect on 1 Dec 2016. More information is available at this [link](#).

4. The proposed changes seek to:
- (a) Update the *CCCS Guidelines on the Treatment of Intellectual Property Rights* and to provide more clarity on the interface between intellectual property and competition law;
 - (b) Update the *CCCS Guidelines on Market Definition* to provide greater clarity on issues related to market definition that may be relevant in the digital era;
 - (c) Update the *CCCS Guidelines on the Section 47 Prohibition* to provide greater clarity on issues relating to the assessment of market power and types of potentially abusive conduct in the digital era;
 - (d) Update and rename the *CCCS Guidelines on Enforcement* as the *CCCS Guidelines on Remedies, Directions and Penalties* to give effect to legislative amendments to the Act relating to commitments and remedies and reflect CCCS's current practices on substantive and procedural matters in assessing commitments and remedies;
 - (e) Update the *CCCS Guidelines on Substantive Assessment of Mergers* to better guide businesses, consumers, and competition practitioners on issues relating to assessment of mergers; and
 - (f) Update the *CCCS Guidelines on Merger Procedures* to enhance and clarify the process of merger filing notifications to CCCS, and reflect CCCS's current practices on merger filings.
5. Competition law strives to level the playing field and promote innovation and productivity, which in turn benefits businesses, consumers and our economy as a whole. These proposed changes to the CCCS Guidelines will ensure that markets remain open and contestable, while providing stakeholders with greater certainty on how CCCS will apply the Act.

Public Feedback

6. The consultation documents can be accessed and downloaded from the CCCS website at www.cccs.gov.sg under the section "[Public Consultation](#)".
7. The closing date for submission is 8 October 2020. Full details relating to the manner of response are included in the consultation document.

About the Competition and Consumer Commission of Singapore (CCCS)

The Competition and Consumer Commission of Singapore (“CCCS”) is a statutory board of the Ministry of Trade and Industry. CCCS administers and enforces the Competition Act (Cap. 50B) which empowers CCCS to investigate and adjudicate anti-competitive activities, issue directions to stop and/or prevent anti-competitive activities and impose financial penalties. CCCS is also the administering agency of the Consumer Protection (Fair Trading) Act (Cap. 52A) which protects consumers against unfair trade practices in Singapore. Our mission is to make markets work well to create opportunities and choices for business and consumers in Singapore.

For more information, please visit www.cccs.gov.sg.

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