



MEDIA RELEASE

31 December 2021

CCCS Revises Competition Guidelines for Greater Clarity and Guidance

The Competition and Consumer Commission of Singapore (“**CCCS**”) has completed the review of a number of its Guidelines on the Competition Act 2004 (the “**Act**”). The Guidelines outline the conceptual, analytical and procedural framework applied by CCCS in administering and enforcing the Act in Singapore.

2. CCCS has revised and published the following Guidelines (collectively, the “**revised Guidelines**”) which will be effective from 1 February 2022:

- (a) *CCCS Guidelines on Market Definition;*
- (b) *CCCS Guidelines on the Major Competition Provisions;*
- (c) *CCCS Guidelines on the Section 34 Prohibition;*
- (d) *CCCS Guidelines on the Section 47 Prohibition;*
- (e) *CCCS Guidelines on the Substantive Assessment of Mergers;*
- (f) *CCCS Guidelines on Merger Procedures;*
- (g) *CCCS Guidelines on Directions and Remedies;*
- (h) *CCCS Guidelines on the Appropriate Amount of Penalty in Competition Cases; and*
- (i) *CCCS Guidelines on the Treatment of Intellectual Property Rights.*

3. The revised Guidelines considered amendments made to the Act in 2018¹, findings and recommendations from CCCS’s E-commerce Platforms Market Study², CCCS’s experience in applying the Act since the Guidelines were last revised in 2016³ and international best practices.

4. With changes to the broader legal and business landscapes within Singapore, the revised Guidelines provide greater clarity and guidance to businesses and

¹ The amendments to the Act via the Competition (Amendment) Act 2018 came into effect on 16 May 2018.

² 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 9 September 2020, and is available at this [link](#).

³ The revision came into effect on 1 Dec 2016.

competition practitioners on the analytical and procedural frameworks used by CCCS in applying the Act.

5. The revised Guidelines include the following clarification and revisions:
 - (a) The *CCCS Guidelines on the Section 47 Prohibition Guidelines* were revised to provide greater clarity on issues relating to the assessment of market power and types of potentially abusive conduct in the digital era;
 - (b) The *CCCS Guidelines on Substantive Assessment of Mergers* were revised to better guide businesses, consumers, and competition practitioners on issues relating to CCCS's assessment of mergers, such as that for conglomerate mergers and the relevance of proprietary rights and data as barriers to entry or expansion;
 - (c) The *CCCS Guidelines on Merger Procedures* were revised to enhance and clarify the process of notifying mergers to CCCS, and provide clarity on CCCS's practices in relation to notification of mergers;
 - (d) The *CCCS Guidelines on Market Definition* were revised to provide greater clarity on issues related to market definition that may be relevant in the digital era;
 - (e) The *CCCS Guidelines on Enforcement* were renamed as the *CCCS Guidelines on Directions and Remedies* to give effect to legislative amendments to the Act relating to commitments and remedies and to provide clarity on CCCS's practices on substantive and procedural matters in assessing commitments and remedies;
 - (f) The *CCCS Guidelines on the Appropriate Amount of Penalty in Competition Cases* were revised to clarify the list of mitigating factors in the calculation of financial penalties in a section 34 infringement;
 - (g) The *CCCS Guidelines on the Treatment of Intellectual Property Rights* were revised due to the changes in the intellectual property rights legal landscape, and to provide greater clarity on the interface between intellectual property and competition law; and
 - (h) The *CCCS Guidelines on the Major Competition Provisions* and the *CCCS Guidelines on the Section 34 Prohibition* were revised to make consequential amendments to reflect the same changes to the other guidelines above.

6. The revised Guidelines have incorporated suggestions and feedback from law firms, the business community, academia and a bar association. CCCS received a total of 12 submissions from the public consultation held between 10 September 2020

and 23 October 2020,⁴ and 2 submissions from the public consultation held between 16 July 2021 and 12 August 2021.⁵ The feedback was largely supportive of the changes. A summary of the feedback, which also contains CCCS's responses on the feedback received, is available on the CCCS website at www.cccs.gov.sg.

– End –

⁴ In respect of the *CCCS Guidelines on the Section 47 Prohibition*, *CCCS Guidelines on the Substantive Assessment of Mergers*, *CCCS Guidelines on Merger Procedures*, *CCCS Guidelines on Market Definition*, *CCCS Guidelines on Directions and Remedies* and *CCCS Guidelines on the Treatment of Intellectual Property Rights*.

⁵ In respect of the *CCCS Guidelines on the Appropriate Amount of Penalty in Competition Cases*.

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 2004 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 2003 or CPFTA 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.

For media clarification, please contact:

Ms. Grace Suen

Senior Assistant Director (Communications)
Competition and Consumer Commission of Singapore

Email: grace_suen@cccs.gov.sg

DID: 6325 8216

Ms. Nawwar Syahirah

Senior Assistant Director (Communications)
Competition and Consumer Commission of Singapore

Email: nawwar_syahirah@cccs.gov.sg

DID: 6325 8313