

SINGAPORE

**[Please introduce here the name of
your country]**

COMPETITION FRAMEWORK

Competition Law	<p>Competition Act (2004)</p> <p>It was amended by the Competition (Amendment) Bill 2007. The Bill amended the Competition Act's merger regime to allow businesses to notify anticipated acquisitions, enable CCCS to accept commitments for mergers and empower CCCS to direct interim measures in merger situations. Another key change in 2007 was to empower CCCS to obtain documents or information for market inquiries and notifications.</p> <p><i>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>
Competition Authority	<p>The Competition Commission of Singapore ("CCS") was established on 1 January 2005 to administer and enforce the Competition Act (the "Act") 2004.</p> <p>In 2018 it was renamed the Competition and Consumer Commission of Singapore ("CCCS") and took on an additional function of administering the Consumer Protection (Fair Trading) Act 2003.</p> <p>Website: https://www.cccs.gov.sg/</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>

POLICY-MAKING AGENTS

-DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>The Competition Act is enforced by the CCCS</p> <p>The 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.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<p>The Competition Act applies to commercial and economic activities carried on by private sector entities in all sectors, other than matters or mergers excluded as specified in the Third and Fourth Schedules of the Act.</p> <p>There are some sector regulators excluded because they have their own</p>

	<p>mandates: Energy Market Authority (EMA); Infocomm Media Development Authority of Singapore (IMDA); Ministry of Home Affairs/Singapore Police Force (MHA/SPF); Public Utilities Board (PUB) and National Environment Agency (NEA); Maritime and Port Authority of Singapore (MPA); Public Utilities Board (PUB) and National Environment Agency (NEA); Monetary Authority of Singapore (MAS); Land Transport Authority (LTA) and the Public Transport Council (PTC).</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>	
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>CCCS facilitates the Community of Practice for Competition and Economic Regulations (COPCOMER). COPCOMER serves as a platform for CCCS and participating sector regulators to share experiences and exchange ideas on competition and regulatory issues.</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>	
DISAGGREGATED FUNCTIONS— PROSECUTORIAL MODEL		
<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p>No</p> <p><i>[Answer: Yes or No]</i></p>	<p>CCCS has the power to investigate and adjudicate anti-competitive activities, including the imposition of financial penalties on infringing parties.</p> <p>Its investigative powers include the power to enter into premises for inspection (with or without a warrant), undertake dawn raids, require the production of specified documents and information (including emails) and request explanations of documents from directors, employees or parent company managers. The CCCS can take copies and extracts from documents on premises that are entered without a warrant. If the CCCS enters premises with a court warrant, they can also seize original documents. Failure to cooperate with a CCCS investigation is a criminal offense</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i></p>
<p>Are disputes presented for decision to judiciary authorities?</p>	<p>No</p> <p><i>[Answer: Yes or No]</i></p>	<p><i>[If the answer to your question is “yes”, please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i></p>
<p>Do private rights of action to challenge competition law infringements exist in your jurisdiction</p>	<p>Yes</p> <p><i>[Answer: Yes or No]</i></p>	<p>According to section 86 of the Competition Act (2004) people who suffer direct loss or damage as a result of another party’s infringement of the prohibition on anticompetitive agreements, abuses of dominance or merger control rules may bring a court action against that party for damages or other remedies.</p> <p>Unlike the UK, a private action in Singapore cannot be brought</p>

		<p>as a “stand-alone” action, it must be brought as a “follow-on” claim. This means that the decision of the CCCS, Competition Appeal Board or the High Court must be used to establish the fact that an infringement has occurred</p> <p><i>[If the answer is “yes”, please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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*** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

THE COMPETITION COMMISSION OF SINGAPORE

STATUS OF THE COMPETITION AUTHORITY

Accountability	Please, answer “Yes” in the boxes of this line if any of the duties on the right column apply to the authority, and “No” if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	YES	X	Obligations to report to the executive on on-going investigations upon request.	<i>[Introduce the relevant provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	Under the Competition Act 2004, the decisions of the CCCS are independent and not subject to the scrutiny of politicians. <i>[Introduce the relevant provisions]</i>
		√	The executive has to report on an annual basis to the executive.	Following the end of each financial year, CCCS will give the Minister a report on its activities and performance throughout the year. The annual report will contain information on the proceedings and policy of CCCS as the Minister may direct. <i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the legislature?	YES	√	Obligation to publish an annual report on its activities.	For corporate accountability, the CCCS is required to submit a copy of its audited financial statements and an auditor report to the ministry for presentation to parliament.
		√	Obligation to stand before parliament and to respond to congressmen on an annual basis.	
		√	Its activities are monitored by an independent auditor or by oversight committees.	
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	CCS is an administrative body whose decisions are subject to judicial review before the High Court, with a further right of appeal to the Court of Appeal.

				<p>Judicial review is distinct from an appeal as a judicial review examines the legality of CCCS's decision, whilst an appeal evaluates the substantive merits of the decision arrived at by CCCS (DAF/COMP/WP3/WD (2019)26)</p> <p><i>[Aside from the relevant provisions please mention the judicial authority charged with the review]</i></p>
		<p>√</p>	<p>Decisions of the Competition Authority are subject to review or control of an independent authority different than the judiciary?</p>	<p>Parties to whom the infringement decision is addressed have the right to appeal against the decision. The first instance of appeal is to the Competition Appeal Board ("CAB") and must be brought within a specified time period. (DAF/COMP/WP3/WD(2019)26)</p> <p><i>[Aside from the relevant provisions, please mention the authority charged with the review]</i></p>
		<p>Other obligations/comments: Please introduce any other obligation or comment that you consider relevant.</p>		
		<p>Section 8 of the Competition Act (2004) establishes that The Minister may give to the Commission any direction under section 5 of the Public Sector (Governance) Act 2018.</p>		
		<p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]</i></p>		
<p>Independence</p>	<p>Please, answer "Yes" or "No"</p>			
<p>Are the criteria for appointment and removal of the head/board members clear and transparent?</p>	<p>No</p>	<p>The chairman of the CCCS is appointed by the Ministry of Trade and Industry.</p> <p>Section 10 of the Competition Act (2004) establishes there must be a Chief Executive of the Commission, whose appointment, removal, discipline and promotion must be in accordance with the Public Sector (Governance) Act 2018.</p> <p>There is no provision that establishes what are the items taken into account by the Ministry to appoint the chairman of the CCCS.</p> <p>According to Section 16 of the Public Sector (Governance) Act 2018, The removal of a chief executive from their position in a public body requires the approval of the responsible Minister for the public body.</p> <p>There is no more information regarding this topic which makes it clear there are no clear criteria.</p>		

		<i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent]</i>
Does the executive have powers to decide on specific cases based on public interest?	Yes	According to section 54 of the Act, mergers can be exempted of the prohibition upon application to the Minister on grounds of public interest considerations <i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i>
Does the executive retain decision-making powers over the Competition Authority?	No	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	No	If CCCS considers it necessary in the interest of transparency to disclose any of the information over which confidentiality has been claimed, it will, to the extent that it is practicable to do so, consult the complainant who has provided the information. <i>[Please introduce the relevant provisions]</i>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	The total approved operating budget for the 2022 fiscal year was approximately S\$20.26 million, meanwhile the total approved operating budget for the 2019 fiscal year was approximately S\$19.93 million <i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	Section 13 of the Competition Act (2004) establishes that all moneys recovered or charges or composition sums collected under the Act, other than financial penalties, must be paid into and form part of the moneys of the Commission. Meanwhile, all financial penalties collected under the Act must be paid into the Consolidated Fund. <i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>
GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate Body	According to Section 5 of the Consumer Act, the Commission consists of a Chairperson; and other members, not being less than 2 or more than 16, as the Minister may determine Currently, the CCCS counts with 12 members <i>[Answer “single chairman” if the directive organ of the authority is composed of one person. Answer “collegiate body” if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i>
How are the members of the Authority's directive organ chosen?		The chairman of the CCCS is appointed by the Ministry of Trade and Industry, as well as the commission members. <i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i>
Is there a fixed period during which removal is prohibited?	Yes	Each term of office is no less than three years and no more than five years, and the Minister may reappoint CCCS members for a new term. <i>[If your answer is “yes”, please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>
Is the tenure of the heads renewable?	Yes	The ministry may reappoint CCCS members for a new term. <i>[Please, introduce the relevant provisions]</i>
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	There is no provision where it is stated that heads are require to have certain degrees <i>[If your answer is “yes”, please make reference to the qualifications require by law and the relevant provisions]</i>

ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<p>✓</p> <p><i>[Answer with X/ ✓ as it applies]</i></p>	<p>Concurrent consumer protection mandate.</p> <p>Consumer Protection (Fair Trading) Act 2003</p>
		<p>✓</p> <p><i>[Answer with X/ ✓ as it applies]</i></p>	<p>Concurrent IP mandate.</p> <p>Intellectual Property Office of Singapore Act (2001)</p>
		<p>Other mandates: Include any other mandates entrusted to the Competition Authority</p>	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<p>The CCCS is authorized to initiate an inquiry under section 62(1)(a) of the Act when there are reasonable grounds to suspect that any agreement has violated the section 34 prohibition (cartels are prohibited under this section). Such investigations are conducted either by the CCCS itself or by an appointed inspector, as stipulated in section 62(2) of the Act.</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed]</i></p>	
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>The Competition Act prohibits in section 47 conduct that constitutes an abuse of a dominant position in a market, including conduct that protects, enhances or perpetuates the dominant position of an undertaking in ways unrelated to competitive merit. Dominance itself is not prohibited, only abuse of the dominant position.</p> <p>The CCCS applies a two-step test to assess whether the section 47 prohibition has been infringed: (i) whether an undertaking is dominant and (ii) whether it is abusing its dominant position in a market in Singapore.</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p>	
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>Mergers or acquisitions that substantially lessen competition may be subject to section 54 of the Competition Act.</p> <p>A party to an anticipated merger can notify the CCCS of the merger and apply for the CCCS to make a decision as to whether the proposed merger would be in breach of the Competition Act.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant</i></p>	

		<i>provisions]</i>
Is the notification of merger transactions mandatory?	No	Singapore has a voluntary merger regime. <i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	Yes	The merger notification as per the Competition Act doesn't automatically halt the transaction. Yet, if the Commission issues interim directives to the involved parties, there are no standard exemptions to the halting effect of these directives. <i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	A party to a completed merger can also notify the CCCS of the merger and apply for a decision to be made as to whether any infringement under the Competition Act has occurred. <i>[Please mention relevant provisions]</i>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	Remedies may be implemented either by CCCS's acceptance of commitments which address competition concerns arising from a merger situation, or by directions issued by CCCS. <i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	Its investigative powers include the power to enter into premises for inspection (with or without a warrant), undertake dawn raids. <i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	Section 62 of the Competition Act (2004) establishes that CCCS may conduct an investigation if there are reasonable grounds for suspecting that the section 34, 47 or 54 prohibition has been infringed. <i>[Please, mention the relevant provisions]</i>
Does the Competition Authority have powers to accept leniency applications?	Yes	While the Competition Act itself doesn't mention a leniency program, section 61 empowers the CCCS to issue guidelines for implementing the Act. The CCCS published "Leniency Guidelines" which offer lenient treatment to companies that come forward with information on cartel activity. The CCCS leniency programme is only available for certain infringements of the section 34 prohibition, such as for hard-core cartels. The Leniency Programme offered by CCCS provides benefits to businesses based on certain criteria. Immunity from financial penalties: Businesses that are the first to report cartel activity to CCCS before any investigation begins can receive immunity from financial penalties.

		<p>Conditions include providing all available information, cooperating fully, ceasing participation in the cartel, admitting to the conduct, and granting confidentiality waivers.</p> <p>Reduction of up to 100% if a business reports cartel activity after CCCS has started an investigation, it may still qualify for up to 100% reduction in financial penalties based on factors like the stage of the investigation and the quality of information provided.</p> <p>Reduction of up to 50% if Businesses not first to report, those initiating cartel activity, or coercing others to join may still get up to a 50% reduction in penalties if they report before CCCS issues a notice of proposed infringement. They must meet similar requirements as for immunity.</p> <p>Quality of Information Regardless of the level of leniency sought, businesses must provide information and evidence to help CCCS investigate or enhance ongoing investigations.</p> <p>Leniency Plus: This program incentivizes businesses involved in one cartel to report another separate cartel. If they meet criteria including being the first to report and proving the separation of cartels, they can receive leniency for both cartels and additional reductions in penalties for their cooperation.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to accept seek criminal punishment?	No	<p>At the moment, competition law violations do not incur criminal liability; instead, penalties primarily consist of financial fines. However, criminal charges may be brought forth if undertakings or individuals impede the CCCS in carrying out its responsibilities or refuse to furnish requested information.</p> <p>The Guideline on enforcement outlines the Commission's enforcement powers, including directing parties to cease infringements, imposing interim measures, and levying financial penalties.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>CCCS is the adviser to Government and other public agencies on national policies in respect of competition matters</p> <p><i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<p>CCCS receives requests for advice on a wide range of competition issues, including the impact of government policies on competition in the affected markets, the structure of public procurement to encourage greater competition between suppliers, and the supply of goods and services by the government, and government divestments.</p> <p>Government agencies are encouraged to seek advice but there is no provision that states its mandatory character</p> <p><i>[if the answer is yes, include relevant provisions]</i></p>

Rulemaking			
Can the Competition Authority issue guidelines?	Non-Binding	X <i>[Answer with X/ ✓ as it applies]</i>	Guidelines on the calculation of fines.
		✓ <i>[Answer with X/ ✓ as it applies]</i>	Guidelines on merger control.
		X <i>[Answer with X/ ✓ as it applies]</i>	Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	No	<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<p>According to Section 7 of the Competition Act the may take actions it believes are helpful, required, or practical to fulfill its responsibilities under this Act or other laws. This includes any powers listed in the Second Schedule.</p> <p>The second schedule of the act specifies in section 5 that The Commission has the powers to carry out research and studies among other powers</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<p>According to a contribution made my Singapore in the Global Forum on Competition, the findings and recommendations from CCCS's previous market studies have been positively received and have motivated coordinated actions amongst different government agencies (DAF/COMP/GF/WD(2020)75).</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and make guilty findings?		<i>[If the answer is "yes", include relevant provisions]</i>	
Does the Competition Authority impose punishments?	Yes	<p>The Competition Act 2004 empowers CCCS to investigate and adjudicate anti-competitive activities, issue directions to stop and/or prevent anti-competitive activities and impose financial penalties.</p> <p>“The Commission may impose a financial penalty only if it is satisfied that the infringement has been committed intentionally or negligently.” (Section 69, Competition Act 2004)</p> <p>Under section 69 of the Act, CCCS may impose a financial</p>	

		<p>penalty if a merger has infringed the section 54 prohibition and the infringement was committed intentionally or negligently. A financial penalty may be up to 10% of the turnover of each relevant merger party in Singapore for each year of infringement for a maximum period of 3 years.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
<p>Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?</p>	<p>Yes</p>	<p>After receiving a complaint, CCCS may conduct informal checks and inquiries to clarify or gather more information from the business involved.</p> <p>Formal investigations are initiated only when there are reasonable suspicions of Competition Act violations. CCCS can issue notices to request information and documents from businesses and their personnel, and in specific cases, they can enter premises to gather evidence. Refusal to comply or providing false information can lead to fines and/or imprisonment.</p> <p>If CCCS determines a violation under sections 34 or 47, it notifies the business in writing and provides an opportunity for the business to present its case. After considering any representations made, CCCS will make a decision.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
<p>Can the Competition Authority's decisions be appealed to a court?</p>	<p>Yes</p>	<p>Where the CCCS has made an infringement decision, the parties may appeal to the Competition Appeal Board, an independent body comprising members appointed by the Minister for Trade and Industry. Further appeals against the decisions of the Competition Appeal Board may be made to the High Court, and thereafter to the Court of Appeal, but only on points of law and the amount of the financial penalty.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
<p>Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.</p>		