



سوروهنجاي قرسايشن برونبي دارالسلام
COMPETITION COMMISSION
BRUNEI DARUSSALAM

PRESS RELEASE COMPETITION COMMISSION BRUNEI DARUSSALAM

Competition Commission encourages businesses to comply with the Competition Order to promote business opportunities and growth

Date: 30 October 2019

1. More than 40 members of the French Brunei Business Association (FBBA) and ten other companies from across sectors participated in the ***Competition Order Business Dialogue*** this morning. Also present was His Excellency Mr Christian Ramage, the French Ambassador to Brunei Darussalam.
2. The series of *Competition Order Business Dialogue* sessions was jointly organised by the Competition Commission Brunei Darussalam (CCBD) and Darussalam Enterprise (DARe), to raise competition law awareness among the business community. The objective of the awareness session was to **encourage business compliance and reinforce Brunei Darussalam's commitment in fostering a healthy business environment to promote business opportunities and growth.**
3. The CCBD had announced in June 2019 that Brunei will enforce the Competition Order against cartel or anticompetitive business conducts beginning 1 Jan 2020. A six-month transitional period will begin from 1 Jan 2020. This transitional period is to allow businesses to make adjustments to comply with the Order.

4. The Dialogue began with a presentation on the key features of the Order by the Acting Director of the Department of Competition and Consumer Affairs in the Department of Economic Planning and Development (JPKE), as the Executive Secretariat to the CCBD.
5. The presentation focused on the three key prohibitions of the Competition Order, namely (i) Anti-competitive agreements (ii) Abuse of dominant position (iii) Anti-competitive mergers. Anti-competitive agreements, widely known as cartels, the prohibition of which is covered under S. 11 of the Order, will be enforced against by 1 Jan 2020.
6. Anti-competitive agreements are composed of four key illegal conducts. These illegal conducts are (i) price fixing; (ii) bid rigging; (iii) market sharing; (iv) limiting supply. Some real cases from the region were shared to illustrate such scenarios of illegal conducts.
7. The participants were informed that besides having the power to investigate any potential infringement, the Commission has the power to request for information from businesses to conduct a market study in order to gain insights of the market functions and explore causes of insufficient competition. It was noted to participants that not all issues in the market can be resolved through the competition law as some may require other policy measures to improve the market competitiveness.
8. Following the presentation on the scope of the law, participants were engaged in an interactive discussion on issues that may potentially raise competition concerns. Also present in the dialogue session was Competition Advisor, Dr Hassan Qaqaya, a former head of Competition and Consumer Policies in UNCTAD, with more than 35 years experience in the area of trade and competition policies.

9. The Dialogue deliberated on matters related to government policies; parallel imports; enforcement timeline; issue of mergers in a small economy, recommended fees or tariff set by industry players.
10. During the discussion, Dr Qaqaya further emphasized on the importance of effective enforcement of competition law to protect the competitive process in the economic landscape and ensure business players are on a level playing field to compete in a healthy business environment and not a victim of anti-competitive practices.
11. The participants were distributed with Guidelines on Competition for Business and FAQs on the Competition Order, published by the Competition Commission.
12. The Executive Secretariat of the CCBD applauded the FBBA in actively promoting bilateral trade and business in Brunei, through organising talks and activities to disseminate economic information. She also commended on the significant interest demonstrated by the encouraging number of FBBA members in attendance and their active participation in the Dialogue.

*Executive Secretariat to the Competition Commission of Brunei Darussalam
Department of Competition and Consumer Affairs
Department of Economic Planning and Development (JPKE)
Ministry of Finance and Economy*

About Competition Commission Brunei Darussalam (CCBD)

By the consent of His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam, the Competition Commission of Brunei Darussalam (CCBD) was established on 1 August 2017 as an independent body that is mandated to promote business competition in Brunei economic landscape through the enforcement of the Competition Order 2015.

The Department of the Competition and Consumer Affairs in the Department of Economic Planning and Development, Ministry of Finance and Economy being the Executive Secretariat to the CCBD is responsible in carrying out Commission's functions such as advocacy, receiving complaints, reviewing market and conducting investigations.



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SIARAN MEDIA SURUHANJAYA PERSAINGAN BRUNEI DARUSSALAM

***Suruhanjaya Persaingan menggalakkan
para peniaga untuk mematuhi Perintah Persaingan ke arah mempromosi
peluang dan pertumbuhan perniagaan***

Tarikh: 30 Oktober 2019

1. Lebih daripada 40 orang ahli Persatuan Perniagaan Perancis – Brunei (French Brunei Business Association – FBBA) dan 10 syarikat perniagaan daripada pelbagai sektor menyertai ***Dialog Perniagaan mengenai Perintah Persaingan*** pada pagi ini. Turut hadir pada Dialog tersebut adalah Tuan Yang Terutama Mr Christian Ramage, Duta Perancis ke Negara Brunei Darussalam.
2. Siri sesi *Dialog Perniagaan mengenai Perintah Persaingan* telah dianjurkan oleh Suruhanjaya Persaingan Brunei Darussalam (Competition Commission of Brunei Darussalam – CCBD) dengan kerjasama Darussalam Enterprise (DARE) ke arah meningkatkan kesedaran mengenai perundangan persaingan di kalangan komuniti perniagaan. Objektif sesi berkenaan adalah untuk menggalakkan pematuhan peniaga terhadap Perintah Persaingan dan memperkukuhkan komitmen Negara Brunei Darussalam dalam memupuk persekitaran perniagaan yang sihat demi menggalakkan peluang dan pertumbuhan perniagaan.
3. Pada Jun 2019, Suruhanjaya Persaingan Brunei Darussalam telah mengumumkan mengenai penguatkuasaan Perintah Persaingan terhadap larangan kartel atau kelakuan perniagaan yang bersifat anti-persaingan untuk bermula pada 1 Januari

2020. Tempoh peralihan selama 6 bulan akan bermula pada 1 Januari 2020. Tempoh peralihan bertujuan untuk memberi ruang kepada para peniaga untuk menyesuaikan mana-mana perjanjian bagi memastikan pematuhan terhadap Perintah Persaingan.

4. Dialog bermula dengan pembentangan mengenai ciri-ciri utama Perintah tersebut yang disampaikan oleh Pemangku Pengarah di Jabatan Persaingan dan Hal Ehwal Pengguna di bawah Jabatan Perancangan dan Kemajuan Ekonomi (JPKE), iaitu selaku Sekretariat Eksekutif kepada Suruhanjaya Persaingan Brunei Darussalam.
5. Pembentangan memberi fokus kepada tiga larangan utama Perintah Persaingan iaitu (i) Pejanjian Anti-Persaingan, (ii) Penyalahgunaan kedudukan dominan, dan (iii) Penggabungan Anti-Persaingan. Perjanjian Anti-Persaingan atau lebih dikenali sebagai kartel merupakan larangan di bawah Bab 11 Perintah Persaingan dan akan mula dikuatkuasakan pada 1 Januari 2020.
6. Perjanjian Anti-Persaingan mengandungi 4 jenis kelakuan yang dilarang iaitu (i) penetapan harga; (ii) penipuan bidaan; (iii) perkongsian pasaran; dan (iv) pengawalan bekalan. Beberapa kes dari rantau ASEAN juga dikongsikan bagi memberikan gambaran lanjut mengenai kelakuan yang dilarang tersebut.
7. Selain daripada mempunyai kuasa bagi menyiasat sesebuah pelanggaran, turut dikongsikan bahawa Suruhanjaya Persaingan juga mempunyai kuasa untuk mendapatkan maklumat daripada para peniaga bagi melaksanakan kajian pasaran dalam usaha untuk memahami mengenai fungsi pasaran dan seterusnya mengenalpasti punca kurangnya persaingan dalam pasaran. Turut dikongsikan bahawa tidak semua isu dalam pasaran boleh ditangani dengan perundangan persaingan memandangkan beberapa isu memerlukan dasar-dasar yang bersesuaian bagi penambahbaikkan daya saing pasaran.

8. Pembentangan mengenai skop perundangan persaingan diikuti dengan sesi perbincangan yang interaktif bersama para peserta mengenai hal-hal yang berpotensi untuk menimbulkan isu persaingan. Turut hadir pada Dialog tersebut adalah Penasihat Persaingan, Dr Hassan Qaqaya yang merupakan mantan Ketua Dasar Pengguna dan Persaingan di bawah United Nations Conference on Trade and Development (UNCTAD), dengan lebih dari 35 tahun pengalaman dalam perihal dasar persaingan dan perdagangan.
9. Dialog tersebut turut membincangkan perkara-perkara berkaitan dengan dasar-dasar kerajaan; *parallel import*; garismasa penguatkuasaan; isu penggabungan dalam ekonomi bersaiz kecil dan pengesyoran yuran atau penetapan tarif oleh mereka yang terlibat dalam sesebuah industri.
10. Semasa perbincangan tersebut, Dr Qaqaya menekankan akan kepentingan penguatkuasaan perundangan persaingan yang efektif untuk melindungi proses persaingan di dalam landskap ekonomi dan memastikan para peniaga berada di paras *level playing field* untuk bersaing di dalam persekitaran perniagaan yang sihat dan seterusnya tidak menjadi mangsa kepada kelakuan anti-persaingan.
11. Para peserta diberikan bahan-bahan pemberigaan seperti Garispanduan Persaingan untuk Peniaga dan risalah Soalan-Soalan Lazim Perintah Persaingan yang telah disediakan oleh Suruhanjaya Persaingan.
12. Eksekutif Sekretariat kepada Suruhanjaya Persaingan memberi pujian kepada pihak FBBA di atas usaha aktif dalam mempromosi perdagangan dan perniagaan dua hala di Negara Brunei Darussalam, dengan menganjurkan sesi dialog dan aktiviti untuk menyebarkan maklumat berkaitan dengan ekonomi. Beliau turut

memuji minat yang ditunjukkan melalui kehadiran para ahli FBBA yang menggalakkan dan penyertaan aktif ahli-ahli tersebut di dalam Dialog berkenaan.

*Sekretariat Eksekutif kepada Suruhanjaya Persaingan Brunei Darussalam
Jabatan Persaingan dan Hal Ehwal Pengguna
Jabatan Perancangan dan Kemajuan Ekonomi (JPKE)
Kementerian Kewangan dan Ekonomi*

Mengenai Suruhanjaya Persaingan Brunei Darussalam

Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan dan Yang Di-Pertuan Negara Brunei Darussalam telah memperkenalkan penubuhan Suruhanjaya Persaingan Brunei Darussalam pada 1 Ogos 2017 sebagai sebuah badan bebas yang dimandatkan untuk mempromosi persaingan perniagaan di pasaran ekonomi Brunei Darussalam melalui penguatkuasaan Perintah Persaingan 2015.

Jabatan Persaingan dan Hal Ehwal Pengguna di Jabatan Perancangan dan Kemajuan Ekonomi, Kementerian Kewangan dan Ekonomi selaku Sekretariat Eksekutif kepada Suruhanjaya Persaingan adalah bertanggungjawab dalam melaksanakan fungsi Suruhanjaya Persaingan seperti pemberigaan, menerima aduan, mengkaji pasaran dan menjalankan siasatan.