



PRESS RELEASE
DEPARTMENT OF ECONOMIC PLANNING AND DEVELOPMENT
MINISTRY OF FINANCE AND ECONOMY

***Competition Commission engaged professional bodies
on Competition Order 2015***

Date: 23 April 2019

More than 20 professionals from the legal and construction sector were introduced to the Competition Order 2015 in a dialogue session organised by the Department of Competition and Consumer Affairs of the Department of Economic Planning and Development (JPKE), Ministry of Finance and Economy, in collaboration with the Darussalam Enterprise (DARe). The professionals in attendance were from the Brunei Law Society and the Surveyors, Engineers and Architects Association (PUJA).

The dialogue session featuring the application of Competition Order on professional bodies was opened by the Chairman of the Competition Commission of Brunei Darussalam, Yang Berhormat Dayang Nik Hafimi binti Abdul Haadii. Also present was Commission Member, Yang Mulia Awang Mohammad Harris bin Brig. Jen (B) Dato Paduka Haji Ibrahim.

In her opening remarks, the Chairman of the Competition Commission of Brunei Darussalam highlighted that the session acts as a platform to create awareness and understanding on the Competition Order and exchange views to ensure that conducts of professional bodies are in compliance with the Order, towards creating a fair and healthy market in Brunei Darussalam.

The Acting Director of the Department of Competition and Consumer Affairs began the dialogue with a brief presentation on the objectives and the key prohibitions of the Competition Order including the functions and powers of the Commission highlighted besides the investigation power are such as power for the Commission to request data

or information in conducting market study to understand the function of a certain market. This is an important process in identifying potential issues as not all issues in the market place is within the ambit of the competition law. A market study may help to provide remedies including policy recommendations to the policy makers in addressing certain market structure issues.

Businesses including professionals are to set their fees or charges independently. The session shared several cases drawing from ASEAN member states to help participants in understanding the application of the law, including a case drawn from Singapore on proposed Guidelines of Fees by a medical association. The medical association claimed that fees guidelines were intended to promote price transparency in helping patients to be aware of medical charges. The competition authority, however, ruled the case as anti-competitive as it can create price convergence and restrict independent pricing among medical practitioners. The competition authority, therefore, advised the association to work with the Ministry of Health to explore other options to achieve improved price transparency by introducing itemised billing and publishing past record of medical bills in the Ministry's official website, to act as reference to patients. In general, scale of fees set by professionals or associations are prohibited under the anti-competitive agreements.

Further understanding into the application of the Order on professional bodies was led by Dr Hassan Qaqaya, competition advisor. Dr Qaqaya highlighted on the Dos and Dents for professional bodies that can help minimize the risk of issues arising under the Order. Attention were drawn to professionals on the need to act responsibly to avoid liabilities and potential infringement of the Competition Order. Amongst the risk areas that were flagged include exchange of information about future business plan and strategies, future prices, certification and standard setting, code of conducts, as well as the need for professional bodies to adopt compliance programme for their members.

The presentations were followed by an interactive question and answer session for professional bodies to share their concerns and obtain clarifications regarding the conducts prohibited in the law. The session concluded with the Chairman of the Competition Commission of Brunei Darussalam handing out a number of competition advocacy materials, including the ***Competition Guidelines for Businesses*** and ***Dos and Dents for Associations*** posters, to the representatives of professional bodies.

The Competition Commission of Brunei Darussalam was established on the 1 August 2017, as an independent body that is mandated to promote business competition in Brunei Darussalam economic landscape through the enforcement of the Competition Order 2015. The Department of Competition and Consumer Affairs was established on

the same day as the secretariat, administrative and investigative arms of the Competition Commission.

For any inquiries and request for briefings on the Competition Order 2015, please contact the Department of Competition and Consumer Affairs in the Department of Economic Planning and Development, Ministry of Finance and Economy through email at brunei.competition@jpke.gov.bn or call 2233344 extension 341 or 643.



SIARAN MEDIA
JABATAN PERANCANGAN DAN KEMAJUAN EKONOMI
KEMENTERIAN KEWANGAN DAN EKONOMI

***Suruhanjaya Persaingan memberigakan mengenai Perintah Persaingan 2015
kepada badan-badan profesional***

Tarikh: 23 April 2019

Lebih daripada 20 orang profesional dari sektor perundangan dan pembinaan telah diperkenalkan kepada Perintah Persaingan 2015 di dalam satu sesi dialog yang dianjurkan oleh Jabatan Persaingan dan Hal Ehwal Pengguna di Jabatan Perancangan dan Kemajuan Ekonomi (JPKE), Kementerian Kewangan dan Ekonomi, dengan kerjasama pihak Darussalam Enterprise (DARE). Para profesional yang hadir terdiri daripada Persatuan Undang-Undang Brunei dan Pertubuhan Ukur, Jurutera & Arkitek (PUJA).

Sesi dialog yang memberi fokus mengenai aplikasi Perintah Persaingan kepada badan-badan profesional berkenaan telah dirasmikan pembukaannya oleh Pengerusi Suruhanjaya Persaingan Brunei Darussalam, Yang Berhormat Dayang Nik Hafimi binti Abdul Haadii. Turut hadir pada sesi dialog adalah Ahli Suruhanjaya Persaingan, Yang Mulia Awang Mohammad Harris bin Brig. Jen (B) Dato Paduka Haji Ibrahim.

Dalam ucapan pembukaannya, Pengerusi Suruhanjaya Persaingan Brunei Darussalam menekankan bahawa sesi dialog merupakan platform bagi membina kesedaran dan pemahaman terhadap Perintah Persaingan dan seterusnya menggalakkan pertukaran pendapat dalam usaha bagi memastikan pematuhan tingkah laku badan-badan profesional terhadap Perintah berkenaan, ke arah mewujudkan pasaran yang adil dan sihat di Negara Brunei Darussalam.

Pemangku Pengarah di Jabatan Persaingan dan Hal Ehwal Pengguna memulakan sesi dialog dengan pembentangan ringkas mengenai objektif dan larangan-larangan utama

Perintah Persaingan termasuk penerangan mengenai fungsi dan kuasa Suruhanjaya Persaingan, selain daripada kuasa penyiasatan seperti kuasa untuk mendapatkan data atau maklumat bagi mengendalikan kajian pasaran untuk memahami fungsi pasaran tertentu. Ini merupakan proses penting untuk mengenalpasti potensi isu-isu persaingan kerana tidak semua isu di pasaran terkandung di bawah bidangkuasa perundangan persaingan. Kajian pasaran boleh membantu untuk menangani keadaan pasaran tertentu termasuk melalui memberi cadangan dasar kepada para penggubal dasar.

Para peniaga termasuk profesional digalakkan untuk menentukan yuran atau caj tanpa mengadakan rundingan dengan pesaing lain. Sesi dialog mengongsikan beberapa kes dari negara-negara ahli ASEAN bagi memahami aplikasi undang-undang persaingan dengan lebih lanjut, termasuk kes dari Singapura mengenai cadangan *Guidelines of Fees* oleh persatuan perubatan. Persatuan perubatan berpendapat bahawa yuran yang dicadangkan akan mempromosi ketelusan harga (*price transparency*) bagi membantu pesakit untuk mengetahui caj perubatan. Namun pihak autoriti persaingan menetapkan bahawa perkara ini merupakan amalan anti-persaingan kerana ia berpotensi mewujudkan '*price convergence*' dan menyekat para profesional perubatan daripada menentukan harga secara berasingan. Pihak autoriti persaingan telah menasihatkan persatuan berkenaan untuk bekerjasama dengan Kementerian Kesihatan bagi meneroka alternatif untuk mencapai objektif ketelusan harga dengan memperkenalkan bil terperinci dan menerbitkan rekod bil perubatan masa lalu di laman sesawang pihak Kementerian sebagai rujukan kepada para pesakit. Secara umum, yuran yang ditetapkan oleh sesebuah persatuan atau badan profesional adalah dilarang di bawah perjanjian anti-persaingan.

Pemahaman lebih lanjut mengenai aplikasi Perintah Persaingan kepada badan-badan profesional telah diketuai oleh Dr Hassan Qaqaya, penasihat persaingan. Dr Qaqaya mengongsikan beberapa '*Dos and Donts*' bagi badan-badan profesional yang boleh membantu mengurangkan risiko daripada timbulnya isu persaingan di bawah Perintah berkenaan. Perhatian diberikan kepada keperluan bagi badan-badan profesional untuk sentiasa bertanggungjawab dan mengelakkan liabiliti dan pelanggaran Perintah Persaingan. Di antara risiko yang dibangkitkan adalah berkaitan dengan pertukaran maklumat mengenai rancangan dan strategi perniagaan serta harga masa depan, pensijilan dan penetapan standard, dan kod tingkah laku. Badan-badan profesional juga digalakkan untuk mengamalkan program pematuhan bagi ahli-ahli.

Pembentangan diikuti dengan sesi soal jawab bagi memberi peluang kepada badan-badan profesional untuk mengongsikan pandangan serta mendapatkan penjelasan lanjut mengenai larangan-larangan utama Perintah Persaingan. Sesi dialog diakhiri dengan penyampaian bahan-bahan pemberitaan Perintah Persaingan termasuk **Competition**

Guidelines for Businesses dan ***Dos and Donts for Associations*** poster, daripada Pengerusi Suruhanjaya Persaingan kepada wakil-wakil daripada badan-badan profesional.

Suruhanjaya Persaingan Brunei Darussalam ditubuhkan pada 1 Ogos 2017, sebagai sebuah badan bebas yang dimandatkan untuk mempromosi persaingan perniagaan di Negara Brunei Darussalam melalui penguatkuasaan Perintah Persaingan 2015. Jabatan Persaingan dan Hal Ehwal Pengguna ditubuhkan pada pada tarikh yang sama dengan peranan selaku sekretariat, di samping melaksanakan kerja-kerja pentadbiran dan penyiasatan bagi Suruhanjaya Persaingan.

Sebarang pertanyaan dan permintaan bagi taklimat mengenai Perintah Persaingan 2015, sila hubungi Jabatan Persaingan dan Hal Ehwal Pengguna di Jabatan Perancangan dan Kemajuan Ekonomi, Kementerian Kewangan dan Ekonomi melalui e-mel brunei.competition@jpke.gov.bn atau hubungi 2233344 ext 341 atau 643.