



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

***Competition Commission working with the business enterprises and associations
towards a more efficient market and sustainable growth***

Date: 27 April 2019

The role of business enterprises and their associations as important partners in creating favourable market conditions that are conducive for the Small Medium Enterprises (SMEs) growth, consumer welfare and sustainable economy in Brunei Darussalam, was the focus of a dialogue titled *“Competition Order: Towards a More Efficient Market and Sustainable Growth”*.

The Dialogue was organized by the Department of Competition and Consumer Affairs in the Department of Economic Planning and Development, Ministry of Finance and Economy as the Executive Secretariat of the Competition Commission of Brunei Darussalam, in collaboration with the Darussalam Enterprise. More than 30 representatives attended the session, from across business associations including the Young Entrepreneurs Association Brunei, Brunei Malay Chamber of Commerce, Brunei Darussalam International Chamber of Commerce and Industry as well as banking, hotel, travel and shipping sector.

The Dialogue discussed the key prohibitions of the Competition Order and provided insights and frank exchanged on how anti-competitive practices in business can create

threats to growth and the benefits of compliance to promote business growth opportunities.

Leading the discussion on the application of the Competition Order to business associations, Dr Hassan Qaqaya, Competition advisor shared on some of the business practices which may potentially raise concerns with the introduction of the Competition Order, such as sharing of commercially sensitive information, particularly, price information exchange in the associations' meetings or other information which may facilitate collusion among competitors such as bid rigging, market sharing, limiting supply.

He further clarified that Competition Order does not protect competitors but protect competitive process; it provides a set of 'rule of the game' to ensure business players are in a level playing field to compete in a healthy business environment and not a victim of anti-competitive practices.

The Dialogue is a priority for the Competition Commission before Order enter into force. Business will be given notice in a public announcement with regards to the beginning of the 'grace period' before the Order is enforced. The Order prohibits business from entering into agreements which may restrain or restrict a fair competitive process in the market, which may harm consumers. The context of consumers include public entities and businesses themselves, highlighted the Acting Director of Competition and Consumer Affairs in the opening of the session.

The 3 key prohibitions of the Order are (i) Anti-competitive agreements; (ii) Abuse of Dominant position; and (iii) Anti-competitive mergers. The first phase of enforcement will focus on conducts under the anti-competitive agreements, which can be summarized into 4 Key Don'ts. The 4 Key Don'ts are (i) price fixing; (ii) bid rigging; (iii) market sharing; (iv) limiting supply.

Participants engaged actively throughout the session and sought clarifications about the scope of the law, application to the local context, for example on price recommendation which could not be discussed in an association; type of statistical data could be

collected and shared; conditions to be attached to accreditation and certification or standard setting.

The session ended with presentation of booklets on ***Guidelines on Competition for Businesses*** by the Acting Director of the Competition and Consumer Affairs Department to the representatives of the associations. Posters on the ***Dos and Dont's for Business Association*** were also distributed to representatives of associations.

The Department of Competition and Consumer Affairs expressed appreciation to business associations for their cooperation in promoting business compliance by sharing inputs and to spreading words in educating their associations members in promoting awareness to create a healthy business environment.



SIARAN MEDIA
JABATAN PERANCANGAN DAN KEMAJUAN EKONOMI
KEMENTERIAN KEWANGAN DAN EKONOMI

***Suruhanjaya Persaingan berkerjasama dengan perusahaan dan
persatuan perniagaan ke arah pasaran yang lebih cekap dan
pertumbuhan yang mampan***

Tarikh: 27 April 2019

Dialog bertajuk “*Perintah Persaingan: Ke Arah Pasaran yang Cekap dan Pertumbuhan yang Mampan*” memberi fokus kepada peranan perusahaan dan persatuan perniagaan yang penting dalam mewujudkan pasaran yang sihat dan kondusif bagi pertumbuhan Perusahaan Kecil dan Sederhana (PKS), kebajikan pengguna serta ekonomi yang mampan di Negara Brunei Darussalam.

Dialog telah dikendalikan oleh Jabatan Persaingan dan Hal Ehwal Pengguna di Jabatan Perancangan dan Kemajuan Ekonomi (JPKE), Kementerian Kewangan dan Ekonomi selaku Sekretariat Eksekutif kepada Suruhanjaya Persaingan Brunei Darussalam, dengan kerjasama pihak Darussalam Enterprise. Lebih daripada 30 orang wakil komuniti dan persatuan perniagaan telah menghadiri dialog berkenaan, termasuk Persatuan Usahawan Muda Brunei, Dewan Perniagaan dan Perusahaan Melayu Brunei, Dewan Perniagaan dan Industri Antarabangsa Brunei Darussalam serta sektor perbankan, hotel, pelancongan dan perkapalan.

Dialog membincangkan mengenai larangan-larangan utama di dalam Perintah Persaingan dan memberikan pandangan serta pertukaran pendapat yang tulus mengenai amalan anti-persaingan perniagaan yang menjadi ancaman kepada perkembangan perniagaan serta manfaat pematuhan kepada menggalakkan peluang pertumbuhan perniagaan.

Mengetuai perbincangan mengenai pengenaan Perintah Persaingan kepada komuniti dan persatuan perniagaan adalah penasihat persaingan, Dr Hassan Qaqaya. Beliau juga mengongsikan beberapa amalan perniagaan yang boleh menimbulkan kebimbangan kepada Perintah Persaingan seperti perkongsian maklumat sensitif pasaran, khususnya, pertukaran maklumat harga di dalam mesyuarat persatuan atau maklumat-maklumat lain yang boleh menyumbang kepada pakatan di antara pesaing seperti penipuan bidaan (kolusif tender), perkongsian pasaran dan membataskan pengeluaran.

Beliau turut menjelaskan bahawa Perintah Persaingan bukan bertujuan untuk melindungi peniaga tetapi proses persaingan. Ia menyediakan peraturan '*rule of the game*' bagi memastikan para peniaga dapat bersaing di aras yang rata di dalam persekitaran perniagaan yang sihat dan tidak menjadi mangsa perbuatan kartel.

Sesi dialog seumpama ini merupakan keutamaan Suruhanjaya Persaingan sebelum Perintah Persaingan mula berkuatkuasa. Peniaga akan diberi notis melalui pengumuman awam mengenai permulaan tempoh perolehan sebelum Perintah Persaingan dikuatkuasakan. Perintah ini melarang peniaga daripada membuat perjanjian yang boleh menyekat dan menghalang proses persaingan yang adil di pasaran, yang mana boleh menjejaskan kebajikan pengguna. Pemangku Pengarah Jabatan Persaingan dan Hal Ehwal Pengguna, semasa sesi pembukaan, turut menekankan bahawa konteks pengguna turut termasuk agensi awam dan para peniaga.

Perintah Persaingan mengandungi tiga larangan utama iaitu (i) Perjanjian Anti-Persaingan; (ii) Penyalahgunaan Kedudukan Dominan; dan (iii) Penggabungan Anti-Persaingan. Fasa pertama penguatkuasaan akan memberi fokus kepada kelakuan anti-persaingan di bawah larangan Perjanjian Anti-Persaingan, yang boleh diringkaskan kepada "*4 Key Don'ts*", iaitu (i) penetapan harga; (ii) penipuan bidaan; (iii) perkongsian pasaran; dan (iv) menghadkan bekalan.

Peserta dialog memberikan interaksi secara aktif bagi mendapatkan penjelasan mengenai skop undang-undang dan pengenaannya di dalam

konteks domestik. Di antara yang dibincangkan termasuk cadangan harga yang tidak boleh dibincangkan di dalam persatuan; jenis data perangkaan yang boleh dikumpulkan dan dikongsikan serta syarat-syarat yang dilampirkan kepada akreditasi dan pensijilan atau penetapan standard.

Sesi berakhir dengan penyerahan buku ***Guidelines on Competition for Businesses*** oleh Pemangku Pengarah Jabatan Persaingan dan Hal Ehwal Pengguna kepada wakil-wakil persatuan perniagaan. Poster mengenai ***Dos and Don'ts for Business Associations*** juga turut diagihkan.

Jabatan Persaingan dan Hal Ehwal Pengguna merakamkan penghargaan kepada pihak persatuan perniagaan di atas kerjasama di dalam menggalakkan pematuhan peniaga melalui perkongsian pendapat dan menyebarkan mengenai Perintah Persaingan bagi mendidik ahli-ahli persatuan dalam meningkatkan kesedaran ke arah mewujudkan persekitaran perniagaan yang sihat.