



MEDIA RELEASE

8 June 2016

CCS Consults on Proposed Changes to the Calculation of Financial Penalties

The Competition Commission of Singapore (“CCS”) conducted public consultations between 25 September and 27 November 2015 on the proposed amendments to the CCS Guidelines (“2015 Public Consultation”).

2. Arising from the feedback received from the consultation, CCS is seeking feedback on its further proposed changes to the Guidelines on the Appropriate Amount of a Penalty (“Penalty Guidelines”) and the CCS Guidelines on Enforcement (“Enforcement Guidelines”).

Proposed Changes to Guidelines

3. During the 2015 Public Consultation, feedback was received that CCS should consider amending the Penalty Guidelines so that the calculation of financial penalties is based on turnover for the financial year preceding the date when the undertaking’s participation in the infringement ended rather than the turnover for the financial year preceding the date on which the decision of the CCS is taken (which is CCS’s current practice). This would bring CCS’s practices in line with the legal position in the European Union (“EU”) and the United Kingdom (“UK”), on which our Competition Act is modelled after. CCS intends to adopt this method of penalty calculation, and is seeking further feedback on this proposal.

4. In addition, CCS has also reviewed its process with regard to the issuance of Proposed Infringement Decisions (“PID”) and proposes to clarify in the Enforcement Guidelines that, in line with CCS’s practice, the proposed amount of financial penalty will be set out in the PID so as to permit addressees of the PID to make written and oral representations to CCS on matters of liability as well as penalty. CCS is also seeking feedback on incorporating this practice into the Enforcement Guidelines.

Public Feedback

5. The consultation documents can be downloaded from the CCS website at www.ccs.gov.sg under the section "[Public Register and Consultation](#)" and the Government Online Consultation Portal at www.reach.gov.sg.

6. The closing date for submission is 8 July 2016. Full details relating to the manner of response are included in the consultation document.

About The Competition Commission of Singapore

CCS is a statutory board established under the Act on 1 January 2005 to administer and enforce the Act. It comes under the purview of the Ministry of Trade and Industry. The Act empowers CCS to investigate alleged anti-competitive activities, determine if such activities infringe the Act and impose suitable remedies, directions and financial penalties.

For more information, please visit www.ccs.gov.sg.

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