

MEDIA RELEASE

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CCCS Consults on Proposed Clarifications to the Scope of Mitigating Factors in its Penalty Guidelines

The Competition and Consumer Commission of Singapore (“**CCCS**”) is seeking public feedback on the proposed changes to its *Guidelines on the Appropriate Amount of Penalty in Competition Cases 2016* (“**Penalty Guidelines**”).¹ The Penalty Guidelines provide general guidance and information about the basis on which CCCS will calculate financial penalties for infringements of the Competition Act (Cap. 50B) (the “**Act**”).²

Proposed Changes

2. CCCS has received representations in past cases on the mitigating weight to be attached to an undertaking’s³ role in an infringement of section 34 of the Act (“**section 34 infringement**”). CCCS proposes to make changes to the Penalty Guidelines to provide greater clarity to businesses and competition practitioners on the circumstances in which an undertaking’s role in a section 34 infringement may be deserving of a mitigating discount in the calculation of financial penalties.

3. In particular, these proposed changes aim to provide guidance on the standard that an undertaking has to meet in order to show that its involvement in a section 34 infringement is deserving of a mitigating discount.

Public Feedback

4. CCCS is now seeking public feedback on the specific changes proposed to the Penalty Guidelines. The consultation documents can be accessed and downloaded

¹ Read the current Penalty Guidelines here: <https://www.cccs.gov.sg/legislation/competition-act/financial-penalty-framework>

² The Act gives CCCS the power to impose financial penalties on undertakings for infringing the section 34 prohibition against anti-competitive agreements, the section 47 prohibition against abuses of dominance and the section 54 prohibition against mergers that substantially lessen competition.

³ An “undertaking” means any person, being an individual, a body corporate, an unincorporated body of persons or any other entity, capable of carrying on commercial or economic activities relating to goods or services.

from the CCCS website at www.cccs.gov.sg under the section "[Public Consultation](#)".

5. The closing date for submission is 5 August 2021. Full details relating to the manner of response are included in the consultation document.

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About the Competition and Consumer Commission of Singapore (CCCS)

The Competition and Consumer Commission of Singapore (“**CCCS**”) is a statutory board of the Ministry of Trade and Industry. CCCS administers and enforces the Competition Act (Cap. 50B) which empowers CCCS to investigate and adjudicate anti-competitive activities, issue directions to stop and/or prevent anti-competitive activities and impose financial penalties. CCCS is also the administering agency of the Consumer Protection (Fair Trading) Act (Cap. 52A) which protects consumers against unfair trade practices in Singapore. Our mission is to make markets work well to create opportunities and choices for businesses and consumers in Singapore.

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

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