

Competition Regulations 2005

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FIRST SCHEDULE Warrant to Enter Premises and Exercise the Statutory Powers under Section 65 of the Competition Act 2004

SECOND SCHEDULE Applicable Turnover

No. S 866

COMPETITION ACT 2004 (ACT 46 OF 2004)

COMPETITION REGULATIONS 2005

In exercise of the powers conferred by section 93 of the Competition Act 2004, the Competition Commission of Singapore, with the approval of the Minister for Trade and Industry, hereby makes the following Regulations:

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Competition Regulations 2005 and shall come into operation on 1st January 2006.

Definitions

2. In these Regulations, unless the context otherwise requires —

“appropriate further fee” and “appropriate initial fee” mean, respectively, the appropriate further fee and the appropriate initial fee as specified in the Competition (Fees) Regulations 2005 (G.N. No. S 868/2005);

“confidential information” means —

- (a) commercial information the disclosure of which would, or might, in the opinion of the Commission, significantly harm the legitimate business interests of the undertaking to which it relates;
- (b) information relating to the private affairs of an individual the disclosure of which would, or might, in the opinion of the Commission, significantly harm the individual's interests; or
- (c) information the disclosure of which would, in the opinion of the Commission, be contrary to the public interest;

“infringement decision” means a decision that the section 34 prohibition has been infringed, a decision that the section 47 prohibition has been infringed, or both;

“internal document” means —

- (a) a document produced by, or exchanged —
 - (i) between the Commission and any other public authority; and
 - (ii) between any other such public authorities; or
- (b) a document produced by any person from time to time retained under a contract for services by the Commission or any other public authority in connection with such a contract;

“public authority” includes —

- (a) a court or tribunal and any person or body exercising functions of a public nature; and
- (b) in any country or territory outside Singapore, a court or tribunal and any person or body which appears to the Commission to be exercising functions of a public nature;

“working day” means any day which is not a Saturday, Sunday or a public holiday;

“writing” includes text that is —

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

PART II

NOTIFICATIONS FOR GUIDANCE OR DECISION

Definition of this Part

3. In this Part, “application” means an application made —

- (a) under section 43 or 44 of the Act for an agreement to be examined; or
- (b) under section 50 or 51 of the Act for conduct to be considered,

as the case may be.

Making of application

4.—(1) An application shall be made to the Commission by the person specified in regulation 6 in Form 1 and shall be accompanied by the appropriate initial fee.

(2) Where the Commission requests an applicant to provide —

- (a) Form 2 under regulation 5(1); or
- (b) any other information under regulation 5(5),

Form 2 or such other information, as the case may be, shall form part of the application.

(3) Subject to regulation 5(3), an application is made, and notification for the purpose of section 43, 44, 50 or 51 of the Act, as the case may be, is given, on the date on which Form 1 is submitted to the Commission.

Commission may request further information, documents and fees

5.—(1) The Commission may, at any time after receiving Form 1, give notice to the applicant —

- (a) requiring the applicant to submit the information in Form 2 to the Commission; and
- (b) specifying such time limit as the Commission considers appropriate for Form 2 to be submitted to the Commission.

(2) Where the Commission finds that the information submitted in Form 1 or Form 2, as the case may be, is incomplete, it may give notice in writing to the applicant specifying —

- (a) what information is outstanding; and
- (b) such time limit as the Commission considers appropriate for the outstanding information to be submitted to the Commission.