



سوروهنجاي قرسايعن برونئي دارالسلام
COMPETITION COMMISSION
BRUNEI DARUSSALAM

Competition Commission Brunei Darussalam

ANNUAL REPORT

1 January

2019-2020

April 30

Perpustakaan Dewan Bahasa dan Pustaka Brunei
Pengkatalogan Data-dalam-Penerbitan

COMPETITION Commission Brunei Darussalam

COMPETITION Commission Brunei Darussalam : Annual report 1 January 2019 - 30 April 2020.-- Bandar Seri Begawan : Suruhanjaya Persaingan Brunei Darussalam, 2020.

42 p. cm

9789991772271 ISBN (softcover)

9789991772288 ISBN (e-book)

1. Competition -- Government policy -- Brunei Darussalam. 2. Competition Order 2015 -- Brunei Darussalam. I. Competition Commission -- Brunei Darussalam.

343.59550721 BRU (DDC 23)

Promoting business opportunities
& consumer choice

CONTENTS

01	Chairperson's foreword
04	Vision and Mission
05	About CCBD
07	Institutional Framework
08	Board of Commission and Biodata
11	Executive Secretariat
12	Our Mandate
13	Phased Implementation
14	Our Journey
15	Year in Review: 2019-2020
	<ul style="list-style-type: none">Building an Effective Legal FrameworkPublic Outreach and AdvocacyMarket Review and Policy AdvisoryInstitutional Capacity and TrainingInternational EngagementCCBD MeetingsLogo and Website
33	In the News
37	2020/2021 Focus

Chairperson's foreword

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

“ Competition law is a technical and relatively new concept in the country which will require pro-active and open advocacy efforts over time to build up a competition culture and promote competition ”



The Competition Commission of Brunei Darussalam (CCBD) was established with a mandate to enforce the Competition Order 2015. Effective enforcement of the Order is imperative as one of the driving forces towards sustainable economic growth through the prohibition of anti-competitive conduct and the promotion of competitive markets.

As a young agency we acknowledge these are new and challenging tasks, however, with the cooperation of other regional agencies and with learnings from best practices of more experienced agencies, CCBD will take each milestone of its endeavor, Insya Allah. The undertaking to set up the structural systems and processes and build up its capabilities in preparation for the enforcement is indeed voluminous, but has been fulfilling thus far.

Key achievements

2020 saw the CCBD make significant progress in achieving one of our strategic objectives: to draft and publish the implementation guidelines, and to begin the phased-in enforcement of the Competition Order, starting 1st January 2020.

During this year in review, the CCBD has focused on laying a foundation for the enforcement of the first key prohibition of the Order, which came into force on 1 January 2020. Key deliverables of this include advocacy; internal preparation related to formulation of regulations and guideline; and development of institutional capacity.

As of April 2020, 46 advocacy sessions have been conducted in reaching out to key stakeholders such as government agencies, business organisations, academic and student communities to raise awareness on the benefits of the law and to encourage and promote business compliance.

The emphasis of advocacy is not to focus on the constraints, resultant sanctions and fines which the Competition Order provides for, but rather introduces the mechanisms of increasing equal opportunities that would allow business to compete fairly.

It is fundamental for the key stakeholders to understand the benefits of competition and that competitive markets will promote business opportunities and better consumer choice. Several advocacy materials have been prepared in plain language to support these continuous efforts.

Through the advocacy and dialogue sessions, more than 100 questions have been compiled and largely categorised into issues related to policies and procurement procedural related matters. As such, priority areas have been established to focus on policy coherence and enhancing competitiveness within public procurement.

Alhamdulillah, the CCBD has received encouraging and increasing requests for briefings and dialogues by the business community on competition law and referrals for guidance from policy makers. 3 policy advices have been issued on subjects related to business registration, barrier to entry and scale of fees. The sectors involved are halal meat, construction and professional services.

Another significant milestone during the year in review was the launch of the applications guidelines that will allow the CCBD to implement the Competition Order in full transparency and allow businesses to understand and comply with the Order.

In 2019, a total of 10 procedural documents, including the guidelines on Anti-Competitive Agreements; guidelines on Complaint Procedures; guidelines on Leniency Application and guidelines on Application of Transitional Extension, have been completed to provide details on how the CCBD will enforce and administer the Competition Order.

On the international front, CCBD continued to participate actively in the regional and international competition fora, which have positively served as rewarding, informative, and enriching capacity building platforms.

Making an impact

Although we are a small agency, compared to our counterparts in ASEAN and internationally, we are a young agency with considerable energy and much ambition. The Executive Secretariat, which has both a competition and consumer protection remit, allows us to assess market issues holistically and propose effective remedies.

The last 12 months our activities spanned several different sectors where business behaviours or structural issues were distorting particular markets. With our extensive and proactive engagement over the past year, competition consideration plays an increasingly important role in the formulation

and execution of public policies and schemes. Many ministries have reached out to the CCBD during the early stage of formulating new public initiatives, as well as when reviewing outdated rules and policies.

In the past year, the CCBD has also stepped up its efforts to advise the public sector and policy makers to include the competition dimension in policy decisions. Public procurement is also a significant priority for the CCBD as we continue to work with various public agencies to develop awareness of the warning signs of bid-rigging and explore the potential of developing screening tools in the procurement process

A series of tailored training led by international competition law and policy experts was conducted for government officials, departments, public bodies, and regulators. In sustaining the momentum, the CCBD has also engaged with traders, businesses, business associations and the local universities.

In addition to raising awareness about certain behaviours or business practices, all businesses are reminded that they will be in breach of the Order if they engage in anti-competitive behavior.

At this time when Brunei is managing the impact of COVID-19, we should not get distracted from our priorities and lose the momentum of our work. We will continue to work with all Ministries to assess the impact of COVID-19 across all of our work and feed this into the wider Government preparation for dealing with crisis.

The CCBD role includes ensuring adequate supplies at accessible prices while maintaining the competitiveness and attractiveness of the country as a good place to do business is essential and challenging.

Artificially high consumer prices, created by anti-competitive conduct, may lead to social problems and undermine the objectives of the Order. However, unjustified price control may make Brunei less attractive for foreign direct investment as the country is seeking to attract foreign investment to generate employment and economic growth.

Challenges

The challenges we are facing today in implementing the Competition Order are significant and invigorating as they are similarly in developed and developing countries. More work lies ahead to address the lack of awareness and understanding on competition law amongst all segments of society.

Competition law is a technical and relatively new concept in the country which will require pro-active and open advocacy efforts over time to build up a competition culture and promote competition, as well as, to ensure that well-intended policies are in tandem with the objectives of competition, and business practices which can hinder fair competitive process are curbed.

Looking ahead

As we move into our first year of Competition Order enforcement, we hope to strengthen our workforce for effective implementation of the law. It will also be the period where the CCBD does its best to make markets work in the long-term interest of consumers and the Brunei community it serves.

2020-21 is likely to be another significant challenging year, not only for the CCBD but for Brunei as a whole. The current COVID-19 crisis will pass. Certain state interventions and stimulus packages can prevent a more severe downturn and be instrumental to the recovery and stability of markets. Our role is therefore to find a compromise between

competition law and policy and state interventions in dealing with the current crisis rather than focusing on their potential conflicts.

Our vision for open and competitive markets where consumers are protected and businesses actively compete has never been more relevant. I am confident that with this vision guiding us and the commitment and ambition that the organisation has, the CCBD will continue to strive forward and make a difference in markets where consumers need us most.

Our stakeholders

In closing, my deepest appreciation and gratitude to our fellow Commissioners and the Executive Secretariat of the CCBD, whose effort, dedication and enthusiasm have been integral in shaping the CCBD into the organisation that it became in such short time. I would also like to acknowledge the support of key Ministries, particularly in relation to the continued policy dialogue and the harmonious cooperation at both the policy and the technical levels.

I am grateful for the continuous support given by our key partners, industry players and members of the public.

Together we will continue to make the market work well.



**Yang Berhormat
Dayang Nik Hafimi
binti Abdul Haadii**
Chairperson

GOAL

Dynamic
and
Sustainable
Economy

**WAWASAN
2035**
NEGARA BRUNEI DARUSSALAM



VISION

Enhanced market
efficiency and
consumer welfare

MISSION

Detering anti-
competitive practices
and promoting
competition



About CCBD

Competition Commission Brunei Darussalam (CCBD) was established on 1 August 2017 as an independent quasi-judicial body mandated to sustain and promote competition in Brunei Darussalam economic landscape through the enforcement of the Competition Order.

The Order empowers the CCBD to carry out functions as follows:

- To curb anti-competitive conducts which have adverse effect on preventing, restricting or distorting competition in Brunei Darussalam's market;
- To advocate on competition matters and create public understanding of the value of competition and how the Competition Order promotes competition;
- To advise the Government or other public authority on national needs and policies in respect of matters concerning competition in Brunei Darussalam;
- To maintain and enhance efficient market conduct and promote overall productivity, innovation and competitiveness of markets in Brunei Darussalam;
- To promote research into and the development of skills in relation to the legal, economic and policy aspects; and
- To represent Brunei Darussalam internationally in respect of competition matter.

Competition Commission Brunei Darussalam

The Board of Commission

The CCBD consists of 7 board members, which is currently chaired by Yang Berhormat Nik Hafimi binti Abdul Haadii.

Role of the Board of Commission

- Steer strategic direction and priority of CCBD
- Issue policy advisory
- Adjudicate anti-competitive cases
- Impose penalties on business entities found to have infringed the Competition Order



Department of Competition and Consumer Affairs (DCCA)

The Department of Competition and Consumer Affairs (DCCA) in the Department of Economic Planning and Statistics, Ministry of Finance and Economy was established on 1 August 2017 as the Executive Secretariat to the CCBD.

As the Executive Secretariat to the CCBD, the Competition Division of the DCCA administers the day-to-day affairs of the CCBD as well as carries out functions including advocating Competition Order to key stakeholders; receiving and handling complaints; investigating anti-competitive cases; as well as conducting market reviews.

The Consumer Affairs Division of the DCCA is responsible for the enforcement of Consumer Protection (Fair Trading) Order and Price Control Act.

Department of Competition and Consumer Affairs	
Efficient market and enhance consumer welfare towards economic growth	
<div>Competition Division</div> <div>Executive Secretariat to CCBD</div> <div>Enhance market efficiency and consumer welfare through business competitiveness by prohibiting anti-competitive practices</div>	<div>Consumer Affairs Division</div> <div>Promote consumer confidence and interest through prohibiting unethical and unfair business conducts</div>

Institutional Framework



سوروهنجاي قرساينغن برونئي دارالسلام
COMPETITION COMMISSION
BRUNEI DARUSSALAM

Minister in the Prime Minister's Office and
Minister of Finance and Economy II
As minister responsible in competition matters

Policy Matters

Competition Commission Brunei Darussalam (CCBD)

The Board of Commission

Chairperson

Commissioners

Conducts hearings, decides on case
infringement and imposes penalties,
steers strategic direction of CCBD,
issues policy advisory

Executive Secretariat

Department of Competition and Consumer Affairs (DCCA)

Director of DCCA

Assistant Director of DCCA

Competition Division

Legal &
Enforcement

Research &
Investigation

Advocacy &
Strategic
Planning

Corporate
Affairs



From Left to Right (Front)

Yang Mulia Awang Mohammad Harris bin Brigadier General (B) Dato Paduka Haji Ibrahim, *Head of FDI Action Support Centre, Brunei Economic Development Board at the Ministry of Finance and Economy*

Yang Berhormat Dayang Nik Hafimi binti Abdul Haadii, *Member of the Legislative Council of Brunei Darussalam*

Yang Mulia Pengiran Haji Kamalrudzaman bin Pengiran Haji Mohd Ishak, *Permanent Secretary at the Ministry of Primary Resources and Tourism*

From Left to Right (Back)

Yang Mulia Dr Joyce Teo Siew Yean, *Assistant Vice Chancellor and Vice President (Global Affairs) Universiti Brunei Darussalam*

Yang Mulia Dr Dayang Hajah May Fa'ezah binti Haji Ahmad Ariffin, *Permanent Secretary (Economy) at the Ministry of Finance and Economy*

Yang Mulia Pengiran Hajah Zety Sufina binti Pengiran Dato Paduka Haji Sani, *Permanent Secretary (Industry) at the Ministry of Finance and Economy*

Yang Mulia Dayang Hajah Nor Hashimah binti Haji Mohd Taib, *Deputy Permanent Secretary for Security, Enforcement and Law at the Prime Minister's Office*

Commissioners' Biodata

Yang Berhormat Dayang Nik Hafimi binti Abdul Haadii

Hafimi is a Member of The Legislative Council of Brunei Darussalam and was appointed as the Chairman of the Competition Commission Brunei Darussalam in 2018. She was a founding Member of Young Entrepreneur Association Brunei. She serves within the following organisations APEC Business Advisory Council; Asia Business Leaders Advisory Council; University Brunei Darussalam Council, Digital Economy Council. She is a Board Member of Brunei Economic Development Board; Darussalam Enterprise and Bank Usahawan; Chairperson – Yayasan Committee on Social Enterprise. She holds a Bachelor of Architecture (Honours) from Deakin University.

Yang Mulia Dr Dayang Hajah May Fa'ezah binti Haji Ahmad Ariffin

Dr May holds the position of Permanent Secretary (Economy) at the Ministry of Finance and Economy. Her portfolio includes trade promotion and facilitation, Public-Private partnership (PPP) initiatives, national statistics and research at the Ministry of Finance and Economy. Dr May was appointed as a member of the Competition Commission Brunei Darussalam in 2018. She has a PhD in Economics.

Yang Mulia Pengiran Hajah Zety Sufina binti Pengiran Dato Paduka Haji Sani

Pengiran Hajah Zety was appointed as a member of the Competition Commission Brunei Darussalam in 2018 during her tenure as the Permanent Secretary (Performance and Corporate) at the Ministry of Finance and Economy and in her capacity as the Deputy Chairperson of the State Tender Board. She has been recently appointed as the Permanent Secretary (Industry) at the Ministry of Finance and Economy in December 2019. She sits in various boards including the Brunei Economic Development Board, Darussalam Enterprise and Maritime and Port Authority of Brunei Darussalam. She holds an honours bachelor degree in Accounting.

Yang Mulia Pengiran Haji Kamalrudzaman bin Pengiran Haji Mohd Ishak

Pengiran Haji Kamalrudzaman is the Permanent Secretary in the Ministry of Primary Resources and Tourism. He was appointed as a member of Competition Commission Brunei Darussalam in 2018. He holds MSc in Agriculture Economics.

Yang Mulia Dayang Hajah Nor Hashimah binti Haji Mohd Taib

Hajah Nor Hashimah is the Deputy Permanent Secretary (Security, Enforcement & Law) at the Prime Minister's Office. She is a qualified Barrister-at-Law, and started her career in law at the Attorney General's Chambers (AGC) in 1992. She has extensive experience in international law, public law, alternative dispute resolution, commercial law, intellectual property, Islamic Banking and Finance and in negotiations of international trade agreements.

Commissioners' Biodata

Yang Mulia Awang Mohammad Harris bin Brigadier General (B) Dato Paduka Haji Ibrahim

Harris heads the FDI Action & Support Centre (FAST), Brunei Economic Development Board (BEDB), a Statutory Board under the Ministry of Finance and Economy. Currently, Chairman of Mahkota Crystal and sits on the Board of local SME bank, Bank Usahawan Berhad. Member of the Competition Commission Brunei Darussalam since 2017.

Yang Mulia Dr Joyce Teo Siew Yean

Dr Joyce Teo Siew Yean is a member of Competition Commission Brunei Darussalam since 2017. She holds the position of Assistant Vice Chancellor and Vice President (Global Affairs) at Universiti Brunei Darussalam. Her professional appointments include Member of APEC HRD Working Group (Capacity Building Network), and Country Representative for projects involving ASEAN Economic Community (AEC) and East Asia Free Trade Area (EAFTA), amongst others. She has a PhD in Economics majored in Labour Economics and Econometrics.

A group of four women, all wearing hijabs and business attire, are posed around a light-colored wooden table. One woman is seated at the table, looking at a laptop. The other three women are standing behind her, smiling at the camera. The background shows a large window with a view of greenery outside.

Nur Izzawanie binti Haji Zainin
Economic Officer

**Nurulizzati binti
Haji Jahari**
Senior Economic Officer

**Anisah Syakirah
binti Haji Anwari**
Economic Officer

Heidi Farah Sia binti Abdul Rahman
Acting Director
Department of Competition and Consumer Affairs

Our Mandate: The Competition Order

The CCBD is responsible in implementing and enforcing the Competition Order with the objectives of promoting market efficiency and consumer welfare.

The Competition Order plays an important role for businesses and consumers alike in fostering healthy competition in the Brunei market. It reinforces Brunei Darussalam's efforts towards achieving a pro-business and pro-investment climate, in line with the Government's long term economic goal to achieve a dynamic and sustainable economy, as aspired in Wawasan Brunei 2035.

Through the prohibition of anti-competitive conducts, the Order is expected to provide incentives for businesses to be innovative, productive and responsive to consumer needs. As such, consumers may benefit from competitive prices and wider choices of goods and services in the marketplace. The Order is instrumental in addressing competition-related concerns under the scope of the law, to promote or maintain proper functioning of the markets. This will not only provide certainty and enhance investors' confidence but also provide business opportunities to micro, small and medium enterprises to enter the market.

Key Prohibitions



Section 11 Anti-Competitive Agreements

Agreements between businesses, which have the object or effect of preventing, distorting or restricting competition



Section 21 Abuse of Dominant Position

Business with substantial market power engages in conducts that prevents or hamper others from competing in the market



Section 23 Anti-Competitive Mergers

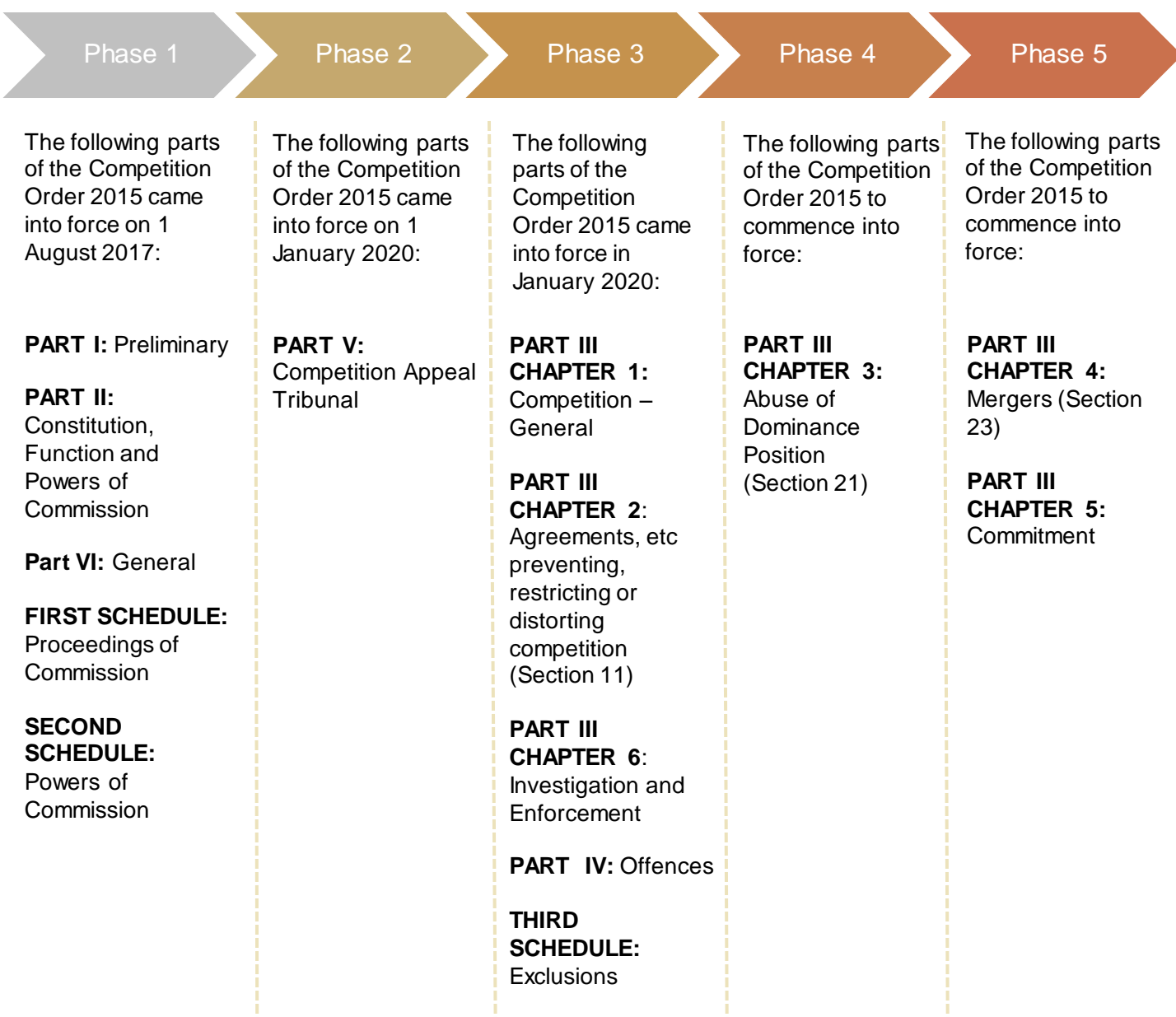
Mergers, which have resulted, or expected to result, in a substantial lessening competition in the market

Phased Implementation

With phased-implementation approach admissible under the Competition Order, the enforcement of key parts and prohibitions of the Order will commence in phases beginning with the establishment of the CCBD. This phased approach allows sufficient time for the CCBD and key stakeholders to prepare for the enforcement of the new competition law in an orderly fashion.

The enforcement of the first key prohibition, Anti-Competitive Agreements and its related provisions had come into force in 1 January 2020. The enforcement of prohibitions related to abuse of dominant position and anti-competitive merger will initiate in the later phases.

The parties to an Anti-Competitive Agreement made before 1 June 2019 is granted a transitional period, starting from 1 January to 30 June 2020 to adjust, renegotiate, and terminate their agreement to comply with the Competition Order.



Our Journey

Jan 2020

First key prohibition, Anti-Competitive Agreements and its related provisions came into force

Establishment of Competition Appeal Tribunal

June 2019

Announced the enforcement date of the first key prohibition, Anti-Competitive Agreements and its related provisions. Commenced grace period for businesses to renegotiate or readjust agreement

Dec 2018

Appointment of new Commissioners

Sept 2018

Competition and Consumer Affairs Department in Department of Economic Planning and Development was absorbed in the Ministry of Finance (now renamed to Ministry of Finance and Economy)

Aug 2017

Establishment of
(i) Competition Commission of Brunei Darussalam; and
(ii) Department of Competition and Consumer Affairs (DCCA) in the Department of Economic Planning and Development, Prime Minister's Office

Oct 2016

Advocacy and outreach to government agencies and policy makers

July 2016

Establishment of Competition and Consumer Affairs Division in Department of Economic Planning and Development, Prime Minister's Office

Mar 2015

Competition Order 2015 gazetted

Jan 2015

Brunei competition law passed

2014

Submitted competition law draft for Ministerial review

2013

Finalised competition law draft

2012

Establishment of the Brunei Competition Law Drafting Group led by the Prime Minister's Office

YEAR IN REVIEW

1 January

2019-2020

April 30

Building an Effective Legal Framework for operationalisation of the Order

In preparation towards the enforcement of Competition Order, year in review was a crucial year to ensure all foundations including legal framework have been properly laid out to ensure effective implementation of the Order.

Total of 10 procedural documents including 4 application forms, 2 internal manuals and 4 external guidelines have been completed in 2019.

Forms

- i. Complaint
- ii. Case submission
- iii. Extension for Transitional Period Application
- iv. Leniency Application

Internal procedures

- i. Complaint Mechanism
- ii. Commission Meeting

Guidance documents

- i. Guidelines on Anti-Competitive Agreements
- ii. Guidelines on Leniency
- iii. Guidelines on Complaint Procedures
- iv. Guidelines on Extension of Transitional Period

The guidelines are prepared to provide clarity, transparency and certainty to interested stakeholders with regards to the implementation and enforcement of the Order.

Guidelines on Anti-Competitive Agreements (Section 11)

incorporate the examples of business agreements that may adversely affect competition process in the marketplace and practical recommendations for business compliance

Guidelines on Complaint Procedures

describe the complaint mechanisms and process in handling complaints

Guidelines on Leniency

detail the process and procedures for cartel members to break up a cartel, in exchange for immunity from the financial penalty

Guidelines on Extension of Transitional Period

include the rules and procedures for applications relating to extension of the transitional period. This is only applicable for agreements that were made before 1 June 2019.



Access competition guidance documents in our website
<http://www.ccbd.gov.bn/SitePages/guidelines.aspx>



The CCBD had also finalised 4 competition regulations as follows:

Competition Regulations, 2020

Regulations to cover commitments, guidance, proposed decisions in respect of investigations, decisions following applications and investigations, directions, block exemptions, exercise of powers of investigations, miscellaneous which includes information on forms, notices, time, confidentiality, consultation, public register, revocation.

Competition (Transitional Provisions) Regulations, 2020

Regulations dealing with parties seeking an extended transitional period to readjust their agreements to comply with the Order.

Competition (Composition of Offences) Regulations, 2020

Regulations on compoundable offences under the Competition Order as well as acceptance of composition of offence.

Competition (Appeals) Regulations

Appeals regulation includes commencing of and response to appeal proceedings, roles and functions of the Appeal Board Secretary, publication and consolidation, case management and the general provisions.

Public Outreach and Advocacy

The CCBD recognises that competition culture and compliance are best nurtured when the key stakeholders comprehend the benefits of competition and understand the Order. In accordance to the Competition Communication Plan, the CCBD has successfully undertaken 21 advocacy programme in the year in review, engaging government agencies and business community including the professional bodies and trade associations. Many of these advocacy sessions were in collaboration with Darussalam Enterprise (DARE).

The CCBD also engaged undergraduates and academia from three local universities in early 2020 to create awareness on the importance of competition in the operation of a well-functioning market and the scope of the Competition Order. The sessions also took opportunities to promote and stimulate research interest in the fields of competition economics and laws.



Session with Dynamik Technology and Anggerek Desa Technology Park Community, 2 April 2019



Hari Perkhidmatan Awam Exhibition during Bandarku Ceria, 3 November 2019



Hari Perkhidmatan Awam Exhibition during Bandarku Ceria, 3 November 2019



Session with Brunei Darussalam Association of Surveyors, Engineers and Architects, 31 October 2019

There has been an increasing show of interest gauging from the requests for briefing by the business community on competition law.

Through the advocacy and dialogue sessions, more than 100 questions have been compiled and many frequently discussed issues are compiled as FAQs which can be found in the CCBD website.

The issues discussed in the dialogue sessions largely categorised into issues concerning policies and procurement procedures related matters. As such, priority work has been identified to focus on enhancing competitiveness of public procurement towards more efficient public procurement that can potentially lead to government savings and opportunities in SMEs' growth.



Session with Trade Associations 22 April 2019



Session with French Bruneian Business Association, 30 October 2019

Advocacy and Outreach Events in January 2019 – March 2020

Phase 1 of Competition Communication Plan Government Agencies and Statutory Bodies

4 April 2019

Mini Tender Board of Ministry of Development

11 April 2019

Mini Tender Board of Ministry of Health

30 October 2019

His Majesty Sultan's Flight

6 April 2019

Mini Tender Board of Ministry of Education

23 April 2019

Attorney General's Chambers



3 February 2020

Ministry of Defence

Dialogue session with Ministry of Defence explored the prohibition of collusive tender and how procurement officers can play an important role in preventing and detecting collusive tender, to achieve potential savings.

Phase 2 of Competition Communication Plan Business Associations and Professional Bodies

19 January 2019

Vendors registered under Ministry of Health

Focusing on collusive tendering, vendors registered under Ministry of Health were briefed on the various forms of collusive tendering and the leniency provision in the Competition Order, which serves as a tool to detect cartels – including collusive tendering.



2 April 2019

Dynamik Technology and Anggrek Desa Technology Park Community

Dynamik Technology, a Government-Linked-Company, has taken the initiative to organise a sharing session, inviting companies in Anggrek Desa Technology Park, to learn more about the key prohibitions of the Competition Order and the harmful effects that it may cause to the market, economy and consumer welfare in the long-run. The dialogue ended with words of encouragement from Yang Berhormat Chairperson of CCBD for businesses to conduct their activities in a fair and ethical manner, for the benefit of their business growth.



20 April 2019

Professional Bodies:

- i. Brunei Law Society;
- ii. Brunei Darussalam Association of Surveyors, Engineers and Architects



Featuring the application of Competition Order to professional bodies, the session discussed the objectives and key prohibitions of the Competition Order including the functions and powers of the Commission such as power for the Commission to request data or information in conducting market study to understand the function of a certain market. The session called for the participants to set their fees or charges independently and shared the Do's and Don'ts to minimise the risk of contravening the Order.

22 April 2019

Trade Associations:

- i. Bank of Brunei Association;
- ii. Malay Business Chamber;
- iii. Brunei Darussalam International Chamber
- iv. Young Entrepreneurs Association of Brunei;
- v. Hotel Association;
- vi. Travel Agent Association;
- vii. Shipping Association



Engaging with 7 trade associations in discussing key prohibitions in the Competition Order along with the business practices that may potentially raise competition concerns. These practices include sharing of commercially sensitive information, particularly price information exchange in the associations' meetings or other information, which may facilitate collusion among competitors. The session clarified on the type of statistical data that could be collected and shared; conditions to be attached to accreditation and certification or standard setting, among others.

30 October 2019

French Bruneian Business Association



Initiated by the French Bruneian Business Association to foster a healthy business environment to promote business opportunities and growth. Focusing on the Anti-Competitive Agreements prohibition, the dialogue deliberated on matters related to policies; parallel imports; enforcement timeline; issues of mergers in a small economy and recommended fees or tariff set by industry players.

31 October 2019

Brunei Darussalam Association of Surveyors, Engineers and Architects



In creating awareness and understanding on the Competition Order 2015, the session with Brunei Darussalam Association of Surveyors, Engineers and Architects highlighted the four don'ts under Section 11 of Anti-Competitive Agreements (Cartels) namely price fixing, market sharing, bid rigging and limiting supply. The session also discussed on matters including the application of the law to trade/professional associations; recommended fees; and policy coherence with the objectives of the law.

2 November 2019

Vendors registered under Ministry of Education



Several matters concerning bid rigging, "gentlemen's understanding", dominant position, sub-contracting and joint tender were raised during the session with vendors under Ministry of Education. The session also elaborated on the scope of Competition Order including the Commission's powers to detect and investigate cartels. The participants were reminded that competition law aims to create opportunities and help businesses to grow and prosper, and ultimately contribute to consumer welfare and economic development.

25 November 2019

Brunei Shell Petroleum (BSP)

16 January 2020

Copynice Sdn Bhd

Phase 3 of Competition Communication Plan
Other targeted group including academia, media and public

28 – 31 March 2019

Public - DARE's Brunei's Micro Small Medium Enterprise Festival

3 November 2019

Public - Hari Perkhidmatan Awam Exhibition during Bandarku Ceria

29 November 2019

Public – Rampai Pagi, Radio Television Brunei



Continuous Engagement and Education

20 February 2020

Universiti Teknologi Brunei

The CCBD also reached out to local universities to instill understanding on the role of competition law in economic growth and development towards achieving Wawasan Brunei 2035.

Participants were given insights on the Brunei Competition Order, specifically on the anti-competitive agreements, which has been enforced 1 January 2020.

The sessions also served to introduce competition law as a potential area of research among undergraduates, post-graduates and academia, in view of the importance of competition policy in achieving a sustainable market towards Brunei's long-term economic vision.

In encouraging local start-ups amongst the Universiti Brunei Darussalam entrepreneurship incubators, the session highlighted on the need to exercise extra care in managing business information as sharing commercially sensitive information could pose a threat to competition.

The sessions ended with interactive discussion on matters relating to the application of the Competition Order, the business conducts observed in the Brunei context and the impact of competition in the digital economy, among others.

The CCBD endeavour to continuously engage local universities and higher institutions as part of its effort to educate the next generation on the importance of competition in economic growth and development.



20 February 2020

Universiti Islam Sultan Sharif Ali



26 February 2020

Universiti Brunei Darussalam



To support the advocacy effort, the CCBd has prepared numerous advocacy materials in plain language to assist key stakeholders in understanding the key prohibitions. They are available in various formats and in different themes, in both Malay and English language.

Leaflets

i. Frequently Asked Questions on Competition Order

1 What is Competition Order 2015?

The Competition Order 2015 is a law that seeks to promote and maintain healthy market competition by prohibiting business practices which restrain or restrict a fair competition process. It prohibits three key anti-competitive conducts as follows:

- Anti-competitive agreements; and
- Abuse of dominant position; and
- Anti-competitive mergers.

2 Who does the Competition Order 2015 apply to?

The Order applies to all commercial activities across sectors regardless of ownership of the entity.

The Order does not apply to the Government and Statutory Bodies as well as any entities that carry out activities on behalf of them.

The Order does not apply to the activities listed in the Third Schedule of Competition Order 2015. The exclusions include services of general economic interest, compliance with legal requirements, avoidance of conflict with international commitments and public policy.

3 What are the investigative powers of the Competition Order 2015?

The Competition Order 2015 provides the following powers to investigate anti-competitive conduct:

- Requests to produce specified documents or information from any person or business by giving written notice;
- Entry of premises to retrieve copies of relevant documents without court warrant after giving advance written notice to the occupants; and
- Enter and search premises with a court warrant and to seize relevant documents and remove any article from the premises for investigation.

7 How does the Competition Order 2015 help protect consumers?

Consumer welfare is safeguarded as the Order encourages businesses to:

- **GOOD VALUE FOR MONEY**
- **INCREASE OF CONSUMER CHOICE**
- **More Innovation!**
- **ECONOMIC EFFICIENCY**
- **PRODUCTIVITY RISES**

ii. Understanding Bid Rigging

BID RIGGING

ANTI-COMPETITIVE AGREEMENTS

UNDERSTANDING AND DETECTING BID RIGGING IN PUBLIC PROCUREMENT

Bid Rigging under Competition Order 2015

With healthy competition, businesses compete independently to offer more choices, better quality products and services at better prices for consumers, including government and business consumers. Public and private organizations rely on tendering process to achieve that end.

Tendering procedures are designed to provide competition in areas where it might otherwise be absent. However, the benefits of competition can only be achieved when bidders genuinely compete.

Bid rigging, or commonly known as tender collusion, occurs when businesses conspire to fix prices, lower quality of products or services or otherwise coordinate their bids by allowing one cartel members to 'win' the tender through pre-determination of winner. It refers to an agreement among some or all businesses to limit or eliminate competition during the tendering process.

Bid rigging, which is a form of cartel, is illegal and subject to Competition Order 2015.

Bid rigging can occur in any market where tender processes are used. When businesses collude, prices are inflated, choices reduce and consumers suffer as a result. Consumers including the government are at risk of purchasing goods and services at uncompetitively high prices. Government resources that could otherwise be used for other socially desirable purposes are wasted. Thus, it is particularly crucial for procurement officials to appreciate the importance of their role in detecting and fighting bid rigging and for them to be alert to possible signs of collusion in order to safeguard the competitive procurement processes.

Posters

- i. Do's and Don'ts for Trade Association
- ii. Objectives of Competition Order
- iii. Benefits of Competition

KNOW THE DO's AND DON'Ts FOR TRADE ASSOCIATIONS

Both trade association and its members can be liable for breaches of the Competition Order 2015. Below are the practical tips of the do's and don'ts that can help association and its members minimize the risk of infringing the Order.

- Do educate members on the key prohibitions of the Competition Order 2015.
- Do exercise care when collecting information from members. Information should be handled by the staff of the association or a third party, independently from members.
- Do require members to leave any meetings or discussions with competitors where competitively sensitive information is discussed.
- Do ensure that membership criteria are clear, objective and impartially applied.
- Do ensure that each and every meeting has a clear legitimate purpose or agenda.
- Do stipulate clearly in the rules of the trade association or code of conduct that no exchanges or discussions around competitively sensitive issues should take place at meetings.
- Do maintain proper record of meeting that accurately reflect attendance and discussions.
- Do continue to help members understand developments relevant to the industry and promote the industry's interests to government and customers.
- Don't establish pricing or output recommendations or requirements to members.
- Don't prevent members from taking independent commercial decisions.
- Don't facilitate sharing of competitively sensitive information such as future pricing, discounts, rebates, terms of sale and outputs.
- Don't impose restrictions on members with regard to the terms and conditions on which they sell their products.
- Don't help members divide up their sales territories, including by geographic areas, types of customers or types of products.
- Don't coordinate collusive tendering by members.
- Don't use standard setting to artificially create barrier to entry.

Learn more about the Competition Order at www.ccb.gov.bn or contact the Competition and Consumer Affairs Department at the Department of Economic Planning and Development, Ministry of Finance and Economy

Block 2A, Level 2, West Wing, Room 104, Jalan Ong Siang Ping, Bandar Seri Begawan, B43111

Negara Brunei Darussalam

+673 223 3344 +673 223 0256

COMPETITION ORDER, 2015

Towards sustainable business growth and consumer welfare

VISION 2035

Sustainable business growth and consumer welfare

3 key anti-competitive conducts:

- Section 19: Anti-Competitive Agreements (Cartels)
- Section 20: Abuse of Dominant Power
- Section 21: Anti-Competitive Mergers

First phase: Section 19 and 20 will be enforced at a later stage

Penalty:

Fines: Not exceeding 10% business turnover in Brunei for a maximum of 3 years

How does the Competition Order 2015 protect consumers and businesses?

- **GOOD VALUE FOR MONEY**
- **INCREASE OF CONSUMER CHOICE**
- **PRODUCTIVITY RISES**
- **ECONOMIC EFFICIENCY & GROWTH**
- **More Innovation!**

Handbook

i. Business Guidelines on Competition



Short Article

i. 5 things to know about Competition Order



ii. The Four Don'ts under Anti-Competitive Agreements

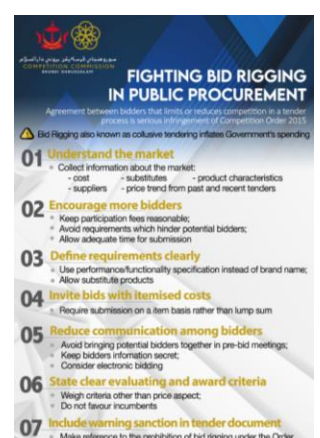
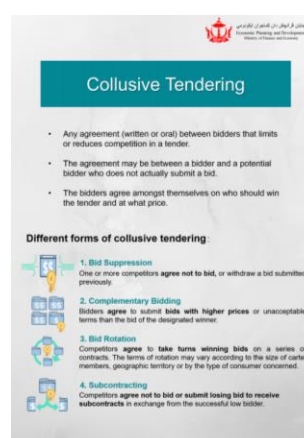


Banner

i. Prohibition of Anti-Competitive Agreements



- iv. The Four Don'ts under Anti-Competitive Agreements
- v. Types of Bid Rigging
- vi. Fighting Bid Rigging in Public Procurement



Market Review and Policy Advisory

One important outcome from the vigorous outreach and advocacy is the recognition from policy makers and business community to comply with the Competition Order. The CCBD has received a fair amount of requests for assessment and guidance from policy makers to ensure the existing regulations and policies are in accordance with the competition principles and the objectives of the law.

Up to date, the CCBD had issued 5 policy advisories after close consultation with relevant Ministries, ranging from issues related to high cost of entry in halal meat sector, business registration requirements in the construction sector, and public procurement process and procedures.

While there were many inquiries received through emails and phone calls from businesses, only 3 formal complaints were filed at the CCBD. Following a complaint filed, the CCBD had conducted a preliminary market review on eggs sector in Q4 2019 and concluded no evidence of the alleged anti-competitive conduct in the market concerned.



Institutional Capacity and Training

Since the institution was set up in August 2017, the CCBD has attended several capacity building programmes. In 2019 alone, the CCBD participated in at least 11 international programmes including workshops, seminars and conferences encompassing the subject of competition policy and law. Such regional and international events have offered valuable learning opportunities for the Commissioners as well as the members of the Executive Secretariat through actively taking up roles as speakers, resource person and facilitators.

7 – 8 Mar 2019

Global Competition Review Live 8th Annual Singapore Conference, Singapore

6 – 7 May 2019

Kick-off Workshop on AEGC Priority Deliverable, Ho Chi Minh, Vietnam

12 Jun 2019



2nd Annual Competition Law, Singapore

24 – 28 Jun 2019

1st EU-ASEAN Competition Week, Kuala Lumpur, Malaysia

2 – 4 Jul 2019



Commissioners' Retreat, Brisbane, Australia

10 – 12 Jul 2019

18th Intergovernmental Group of Experts on Competition Law and Policy, Geneva, Switzerland



1 – 2 Aug 2019

Competition Enforcers and Academic Summit, Hong Kong

26 – 27 Sept 2019

Regional Workshop on the Interface between Competition Law and Intellectual Property Rights, Manila, Philippines

14 – 15 Nov 2019



8th ASEAN Competition Conference
Phnom Penh, Cambodia

19 – 21 Nov 2019



Module 6 - Market Studies by Competition
Agencies Workshop, Bangkok, Thailand

5 - 6 Dec 2019



OECD Global Competition Forum, Paris, France

21 April 2020

Webinar on Competition Authorities' Response to COVID-19, Hong Kong Competition Commission

Regular capacity building programmes are critical in cultivating and producing expertise within the institution to ensure proper and effective implementation of the law, more so for young agency like CCBD. The complex and technical subject of competition law surely requires continuous specialised trainings.

Participation in international competition programmes provides the opportunity for CCBD to gain knowledge and exposure through experience shared by other countries in relation to the implementation and enforcement of competition law, as well as to develop informal cooperation with other competition authorities.

Apart from international programmes, the CCBD has also organised 2 in-house trainings in 2019 involving officials in the Attorney General's Chambers and Autoriti Monetari Brunei Darussalam. The sessions were led by the CCBD competition advisor, Dr Hassan Qaqaya.

1. Training on Application of Section 11 of Competition Order

Date: 4 November 2019

Participants: DCCA, Attorney General's Chambers, State Judiciary and Law Society of Brunei



2. Workshop on Definition of Relevant Market and Theory of Harms

Date: 5 November 2019

Participants: DCCA, Autoriti Monetari Brunei Darussalam and Research and Development Division, Ministry of Finance and Economy



In the beginning of 2020, the CCBD had successfully conducted series of workshops entitled “Fighting Bid Rigging in Public Procurement”, with the Ministry of Health, Ministry of Development and Ministry of Education respectively.

Ministry of Health

25 February 2020

Ministry of Development

27 February 2020

Ministry of Education

29 February 2020

The workshops featuring on “Spot and Stop Bid Rigging” were led by Competition Advisor, Dr Hassan Qaqaya and Senior Legal Advisor from Indonesia Competition Commission, Mr Mohammad Reza, who was in CCBD for his two-week placement.

The workshops explored concepts, best practices and preventive measures to stop bid rigging, as well as the potential of Electronic Tendering System or e-procurement system in substantially reducing risk of collusion in public procurement among bidders.

The workshops ended with presentation of "Fighting Bid Rigging in Public Procurement" posters to the participants and a call for continuous cooperation to fight bid rigging towards achieving national agenda on prudent spending and value-for-money for public procurement.



Dr Hassan Qaqaya



Mr Mohammad Reza



International Engagements

In fostering its regional and international engagement, the CCBD has actively participated in competition law and policy meetings, including those held by the ASEAN-Experts Group on Competition (AEGC). The meetings were immensely useful as a platform for knowledge exchange; and enhance informal cooperation between CCBD and fellow ASEAN competition authorities.

23rd ASEAN Experts Group on Competition and related meetings
8 – 11 April 2019
Kuala Lumpur, Malaysia

11th ASEAN-Australia-New Zealand Free Trade Area on Competition Committee Meetings
29 April – 1 May 2019
Melbourne, Australia

Brainstorming Meeting: Development of the Peer Review Guidance
17 – 18 June 2019
Bali, Indonesia

24th ASEAN Experts Group on Competition and related meetings
14 – 18 October 2019
Langkawi, Malaysia



The CCBD and the Indonesia Competition Commission (ICC) had strengthened cooperation in building enforcement capacity through a two-week placement of an ICC expert in the CCBD, in early 2020. The work placement programme is supported by the Japan-ASEAN Integration Fund Phase II (JAIF 2.0) Programme.

The two-week placement programme provided insights on methodologies in case investigation and aided on the drafting and development of investigation manual that will serve as a practical reference in conducting investigation in a structured and systematic manner.

The practical exchange of experience and candid discussion between the ICC expert and the CCBD were highly valued in promoting cross-country learning and fostering institutional relationship between the two agencies for future cooperation in the enforcement of competition law.






Presentation of token of appreciation by Yang Mulia Commissioner Dayang Hajah Nor Hashimah binti Haji Mohd Taib to Mr Mohammad Reza, on his final day of mission in Brunei Darussalam.



Logo



The official CCBD logo was adopted in 2019 to enhance identity of the CCBD. The logo, which was designed by a local artist, depicts the following meaning:

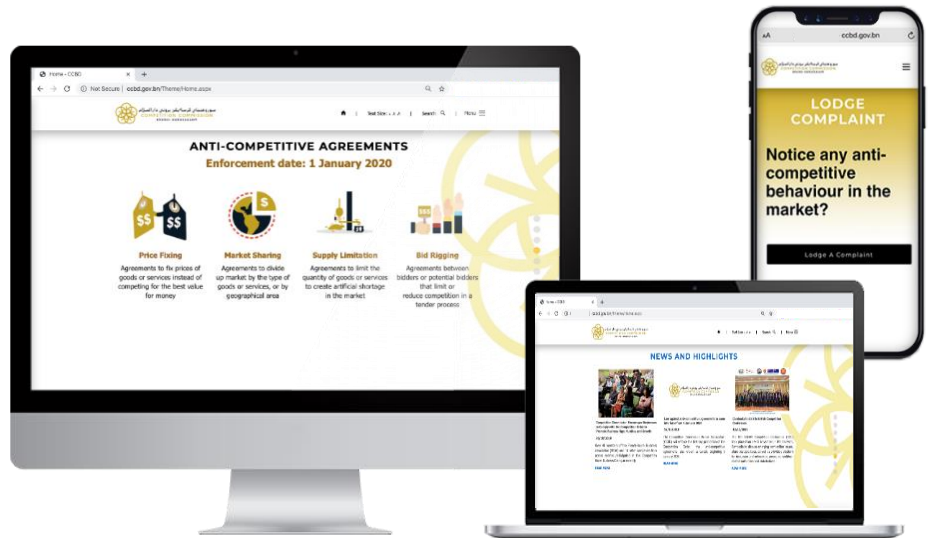
Elements		Description
Simpur - Brunei's national flower		The simpur flower symbolises the growth and development of economy in line with the CCBD's aspiration to achieve the objectives of the Competition Order. The concept of the flower also reflects a "blooming" economy spurs from a competitive market.
5 flower petals / rings		The five flower petals / rings represent the key stakeholders to the CCBD including the Government, the private sector, sector regulators, business communities and consumers, each with its own role in ensuring well-functioning market. The five flower petals / rings also signify the unity of economic agents towards achieving the economic agenda.
Central ring		The central ring represents the CCBD as the agency responsible for promoting business competition in Brunei Darussalam through the enforcement of the Competition Order 2015, aimed at improving market efficiency and consumer well-being in the country.
Golden colour		The golden color symbolises the strength and dynamism of the economy as a result of increasing competitive, efficient, productive and innovative market behavior through the prevention of anti-competitive practices.

Website

To provide the public and key stakeholders an easy gateway to information about the Competition Order, the CCBD has launched its official website on 1 February 2020. The website, www.ccbd.gov.bn, was launched by Yang Berhormat Minister at the Prime Minister's Office and Minister of Finance and Economy II, Dato Seri Setia Dr. Awang Haji Mohd Amin Liew bin Abdullah.

The CCBD website features practical information and functions to promote understanding and business compliance:

- About Competition Order
- About CCBD
- Competition Guidelines
- News and Highlights
- Resource materials
- Lodge complaint
- FAQs



Yang Berhormat Minister at the Prime Minister's Office and Minister of Finance and Economy II, Dato Seri Setia Dr. Awang Haji Mohd Amin Liew bin Abdullah graced the launching of the CCBD website during the Customer Appreciation Day at the Ministry of Finance and Economy, 1 February 2020



IN THE NEWS

Minister launches competition commission website, guidelines

By The Editor

Minister at the Prime Minister's Office and Minister of Finance and Economy, Dr. Hassan Ali, today launched the Competition Commission of Brunei Darussalam (CCB) website and the Competition Guidelines. The website provides information on the CCB's activities and the Competition Guidelines, which are the first of its kind in the country.



Minister at the Prime Minister's Office and Minister of Finance and Economy, Dr. Hassan Ali, today launched the Competition Commission of Brunei Darussalam (CCB) website and the Competition Guidelines. The website provides information on the CCB's activities and the Competition Guidelines, which are the first of its kind in the country.

Competition law to come into force on Jan 1, 2020

Low Chien Wu

BY THE command of His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam, it is hereby announced that His Majesty has consented to the enforcement of the Section II prohibition on Anti-Competitive Agreements of the Competition Order 2015, with the provisions relating to this prohibition to take effect on January 1, 2020.

The objective of the Competition Order 2015 is to promote market efficiency and consumer welfare in Brunei Darussalam's economic landscape through the prohibition of anti-competitive conduct including Anti-Competitive Agreements (Cartel), Abuse of Dominant Position and Anti-Competitive Merger.

In desisting anti-competitive conduct, the Order aims to promote a healthy business eco-

availing to them better choices of goods and quality and competitive pricing. In line with best practices and Brunei's domestic context, the implementation and enforcement of the Order is undertaken in phases.

Since the enactment of the Competition Order 2015, the regulatory framework of the Order has been gradually put into place, starting with the establishment of the Competition Commission of Brunei Darussalam and its implementing arm, the Department of Competition and Consumer Affairs of the Department of Economic Planning and Development (PEDE), Ministry of Finance and Economy.

Section II of the Competition Order 2015 prohibits anti-competitive agreements between two or more businesses that have the intention to limit, prevent, distort or restrict competition in Brunei Darussalam, regardless of how the agreement was reached

Page 8

Homepage

Borneo Bulletin, Wednesday April 24, 2019



FROM LEFT: Legislative Council member and Chairperson of the Competition Commission of Brunei Darussalam Yang Berhormat Nik Hafini binti Abdul Haadi speaks during the event and attendees in a group photo

Dialogue session educates professionals on Competition Order 2015

MORE than 20 professionals from the Brunei Law Society and the Institution of Surveyors, Engineers and Architects (IPSEA) Brunei attended a dialogue session on Competition Order 2015. It was organised by the Department of Competition and Consumer Affairs of the Department of Economic Planning and Development (PEDE), Ministry of Finance and Economy (MOFE), in collaboration with the DAB (Darussalam Enterprise).

The dialogue session featured the application of Competition Order on professional bodies. It was opened by Legislative Council member and Chairperson of the Competition Commission of Brunei Darussalam Yang Berhormat Nik Hafini binti Abdul Haadi. Competition member, Muhammad

Pakha Haji Ibrahim was also present. In her opening remarks, the Chairperson of the Competition Commission highlighted that the session acts as a platform to create awareness and understanding on the Competition Order 2015 and exchange views to ensure that conduct of professional bodies are in compliance with the Order, towards creating a fair and healthy market in Brunei Darussalam. Yang Berhormat Nik Hafini presented the objectives and the key prohibitions of the Competition Order including the functions and powers of the Commission. She highlighted the power for the Commission to request data or information in conducting market study to understand the function

process in identifying potential issues. Businesses including professionals are to set their fees or charges independently. The session shared several cases deriving 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. Competition Advisor Dr. Hassan Ali also presented the risk of issues arising under the Order. Attention was drawn to professionals

Page 10

Homepage

Borneo Bulletin, Friday November 2, 2018



Senior officers and attendees during the advocacy session

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Borneo Bulletin

Monday January 14, 2019 THE INDEPENDENT NEWSPAPER IN BRUNEI DARUSSALAM, SABAH AND SARAWAK Vol. 23 No. 169 IS100 / RM3.45

PRAYER TIMES Insaak 5:11am Subuh 5:11am Syurak 6:33am Doha 6:57am Zuhur 12:30pm Asar 3:32pm Maghrib 6:25pm Isyak 7:25pm

Competition Commission Chairman, members appointed

BY THE command of His Majesty Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan and Yang Di-Pertuan of Brunei Darussalam, it is hereby announced that His Majesty has consented to the appointment of Yang Berhormat Nik Hafini binti Abdul Haadi as the Chairman of the Competition Commission of Brunei Darussalam with date of appointment effective 28 of Rabuladul Hattal corresponding December 6, 2018.

The newly appointed Chair of the Competition Commission of Brunei Darussalam will be joined by six senior members.

They are Permanent Secretary at the Ministry of Primary Resources and Tourism (new appointment) Pengan Hajj Kamaluddin bin Pengan Hajj Mohd Ishak, Permanent Secretary (Performance and Corporate) at the Ministry of Finance and Economy as the Deputy Chair of the State Tender Board (new appointment) Pengan Hajj Zey Sulina binti Pengan Dato Paduka Haji Sani, Permanent Secretary (Economic) at the Ministry of Finance and

Hashimah binti Haji Mohd Taib, Head of the FDI Action and Support Centre (FAST) Division Mohammad Harris bin Brigadier General (Retd) Dato Paduka Haji Ibrahim, Assistant Vice-Chancellor (Global Affairs) of the Universiti Brunei Darussalam Dr Joyce Teo New Year.

The Competition Commission of Brunei Darussalam was established on August 1, 2017, as an independent body with the mandate to promote business competition in Brunei

INSIDE

4 | HOMEPAGE

Borneo Bulletin, Saturday April 27, 2019

Business

A bold move to protect competitive process

DANIEL NORDI

A DIALOGUE on "Competition Order: Towards a More Efficient Market and Sustainable Growth" was recently held, putting focus on the role of business enterprises and their associations as important partners in creating favourable market conditions that are conducive for small and medium enterprises (SMEs) growth, consumer welfare and sustainable economy in Brunei Darussalam.

Held on April 22 at the Design & Technology Building in Ampang, Kuala Lumpur, the dialogue was organised 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 DAB (Darussalam Enterprise).

The session was attended by more than 30 representatives from young business associations including the Brunei Entrepreneurs Association Brunei, Brunei Malay Chamber of Commerce, Brunei Darussalam International Chamber of Commerce and Industry as well as the banking, hotel, travel and shipping sectors.

According to press release, the dialogue discussed the key prohibitions

of compliance to promote business growth opportunities.

Leading the discussion on the application of the Competition Order to business associations, Competition Advisor Dr. Hassan Ali shared 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 and limiting supply.

He further clarified that Competition

In a healthy business environment and not a victim of anti-competitive practices.

The press release notes that the Dialogue is a priority for the Competition Commission before the Order enters into force. Businesses 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 businesses from entering into agreements which may restrict or limit 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 Advisor Dr. Hassan Ali during the dialogue

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Kukuhkan kerjasama pembangunan kapasitas penguatkuasaan



PENOLONG Peguacara Negara di Pejabat Peguam Negara, Dayang Hajah Nor Hashimah binti Haji Mohammed Taib selaku Ahli CCBD, menyempatkan tanda penghargaan kepada Mohammad Reza, Penasihat Undang-Undang Kanan di Indonesia Competition Commission (ICC).

Siaran Akhbar dan Foto : Sekretariat Eksekutif Suruhanjaya Pesaingan Brunei Darussalam, Jabatan Pesaingan dan Hal Ehwat Pengguna, Jabatan Perancangan dan Kemajuan Ekonomi, Kementerian Kewangan dan Ekonomi

BANDAR SRI BEGAWAN, Jumaat, 1 Mei - Suruhanjaya Pesaingan Brunei Darussalam (Competition Commission Brunei Darussalam - CCBD) dan Indonesia Competition Commission (ICC) pada hujung bulan Februari tahun ini mengukuhkan kerjasama dalam membangunkan kapasiti penguatkuasaan melalui program dua minggu penempatan pakar ICC di CCBD.

Program penempatan ini disokong di bawah Programme Japan-ASEAN Integration Fund Phase II (JAIF 2.0), bertujuan untuk membantu autoriti autoriti pesaing di rantau ASEAN untuk melaksanakan dasar dan perundangan pesaing secara efektif dan bagi mempromosi kerjasama yang lebih kukuh dalam kalangan negara anggota ASEAN.

Penasihat Undang-Undang Kanan di ICC, Mohammad Reza ditempatkan di CCBD bagi membantu Jabatan Pesaingan dan Hal Ehwat Pengguna selaku Sekretariat Eksekutif kepada CCBD dalam meningkatkan kapasiti mengenai kaedah penyiasatan dan penguatkuasaan perundangan pesaing.

Mohammad Reza mempunyai enam tahun pengalaman mengenai biro penyiasatan di ICC.

Program penempatan selama dua minggu tersebut memberi manfaat dan pengetahuan dalam kaedah penyiasatan kes dan juga membantu dalam menyusun dan membangunkan manual penyiasatan yang akan menjadi rujukan praktikal dalam melaksanakan siasatan secara teratur dan sistematik.

Dalam tempoh penempatannya, Mohammad Reza mengetahui tiga bengkel bertajuk 'Menganalisis dan Menghentikan Tindakan Bidaan' yang dihadiri oleh pegawai-pegawai dari Kementerian Kesihatan, Kementerian Pembangunan dan Kementerian Pendidikan.

Beliau memberi input mengenai proses dan prosedur perolehan yang cekap dan kompetitif dengan mengambil contoh daripada pengalaman Indonesia.

Mohammad Reza juga turut serta di dalam Sesi Dialog Pesaingan bertajuk 'Peranan Perintah Pesaingan di dalam Pertumbuhan Ekonomi' yang diadakan di Universiti Brunei Darussalam (UBD) pada akhir bulan Februari.

Pertukaran pengalaman dan perbincangan di antara pakar dari ICC dan CCBD amat dihayati dalam usaha bagi mempromosi perkongsian dan pembelajaran di antara kedua-dua badan, dan seterusnya memupuk hubungan institusi kedua-dua agensi terlibat bagi membina kerjasama melaksanakan perundangan pesaing di masa akan datang.

Penyempatan tanda penghargaan disampaikan oleh Penolong Peguacara Negara di Pejabat Peguam Negara, Dayang Hajah Nor Hashimah binti Haji Mohammed Taib selaku Ahli CCBD kepada Mohammad Reza pada hari terakhir beliau berada di Negara Brunei Darussalam.

CCBD merakamkan ucapan terima kasih kepada ICC atas sokongan dan bantuan yang diarahkan kepada pembangunan rejim pesaing NBD.

ICC ditubuhkan pada tahun 2000 dengan mandat untuk mengukuhkan perundangan pesaing di Indonesia yang bertujuan bagi menjaga kepentingan awam dan membina iklim perniagaan yang kondusif melalui pesaing yang adil dalam kalangan peniaga.

10 HARI SABTU 18 APRIL 2020

NASIONAL

Pendedahan perintah persaingan dalam pertumbuhan ekonomi



PENGERUSI Suruhanjaya Pesaingan Brunei Darussalam, Yang Berhormat Cik Hafizah binti Abdul Haadi, hadir sama di Sesi Dialog Pesaingan bertajuk 'Peranan Perintah Pesaingan di dalam Pertumbuhan Ekonomi' yang diadakan di Universiti Islam Sultan Sharif Ali (UNISSA).

Siaran Akhbar dan Foto : Suruhanjaya Pesaingan Brunei Darussalam

BANDAR SRI BEGAWAN, Jumaat, 17 April - Pesaingan merupakan komponen penting dalam pertumbuhan ekonomi. Perkaranya dibincangkan dalam Sesi Dialog Pesaingan bertajuk 'Peranan Perintah Pesaingan di dalam Pertumbuhan Ekonomi' yang diadakan di Universiti Islam Sultan Sharif Ali (UNISSA) dan Universiti Brunei Darussalam (UBD) pada awal tahun ini.

Sesi dialog yang dianjurkan oleh sekretariat Eksekutif Suruhanjaya Pesaingan Brunei Darussalam itu bertujuan untuk memberi gambaran mengenai konsep persaingan dalam operasi pasaran yang berintegriti dengan baik, dan memperkenalkan peranan perintah pesaing dalam mempromosi peluang perniagaan yang adil.

Sesi dialog juga diarahkan

Darussalam. Sesi dimulakan dengan taklimat yang disampaikan oleh pakar Pesaingan dan mantan Ketua Pesaingan dan Pengguna di United Nations Conference on Trade and Development (UNCTAD), Dr. Hassan Qasbiy.

Beliau juga merupakan Rakan Senior di Melbourne Law School, University of Melbourne di dalam bidang Dasar Perdagangan Antarabangsa dan Pesaingan. Ini disusuli dengan pengetahuan mengenai perkembangan Perintah Pesaingan yang disampaikan oleh Sekretariat Eksekutif Suruhanjaya Pesaingan Brunei Darussalam.

Dr. Hassan Qasbiy mengesahkan bahawa persaingan adalah suatu proses yang berlaku secara mampan dalam mencapai matlamat. Acekapan pasaran. Pelaksanaan dasar dan perundangan pesaing yang berkesan akan melahirkan peniaga yang inovatif dan produktif, yang

membagikan pasaran, mengahadkan bekalan, menipu (kolusi tender). Sekretariat Eksekutif turut mengalakkan pihak universiti untuk menyertai Virtual ASEAN Competition Research Centre (<https://aseancompetition.org/research/>) yang menyediakan platform kajian dalam bidang pesaing.

Turut menyertai Sesi Dialog bertajuk UBD selaku penceramah jemputan ialah Penasihat Undang-Undang Kanan dari Indonesia Competition Commission, Tuan Mohammad Reza.

Tuan Mohammad Reza, melalui perbincangan forum di dalam sesi berkenaan mengesahkan pengalaman Indonesia dalam mengukuhkan perundangan pesaing di peringkat awal pelaksanaannya, dengan tumpuan diberikan kepada kolusi tender.

Sesi diakhiri dengan perbincangan yang aktif bersama mahasiswa dan mahasiswi, antara lain menyentuh topik mengenai penguatkuasaan Perintah Pesaingan dan impak pesaing dalam ekonomi digital.

Sesi Dialog masing-masing mengambil tempat di bangunan UNISSA dan UBD, dihadiri oleh lebih daripada 50 orang terdiri dari mahasiswa dan mahasiswi dalam bidang perundangan, ekonomi, kewangan dan perdagangan, serta akademi dan warga pendidik yang berkenaan.

Sekretariat Suruhanjaya Pesaingan boleh dihubungi melalui e-mel brunei.competition@jpes.gov.bn atau talian 673 2233444 sambungan 230 / 341 / 343 bagi sebarang pertanyaan lanjut mengemangnya dan permohonan taklimat Perintah Pesaingan.

Competition Order dialogue focusses on economic growth

Over 70 undergraduates and post-graduates from the Faculty of Business, Universiti Teknologi Brunei (UTB) attended a dialogue session on the Role of Competition Order in Economic Growth, organised by the Executive Secretariat of the Competition Commission Brunei Darussalam (CCBD) last weekend.

The session was part of the Competition Order Dialogue Series, aimed at increasing understanding the role of competition law in economic growth and development.

The session also served to introduce competition law as a potential area of research among undergraduates, post-graduates and academics, in view of the importance of competition policy in building a sustainable



Universiti Teknologi Brunei students during the dialogue.



Senior Fellow to Melbourne Law School Dr Hassan Qasbiy from Melbourne University and Senior Legal Advisor to the Indonesia Competition Commission Mohammad Reza during the event. PHOTO: CCBD

CCBD educates officials on bid-rigging

The Competition Commission Brunei Darussalam (CCBD) is currently a workshop in Public Procurement workshop series to educate public officials on how to detect and prevent bid-rigging in public tenders.

The workshop is part of the CCBD's initiative to promote a competition culture in public procurement. It aims to educate officials on how to detect and prevent bid-rigging in public tenders.

University and Senior Legal Advisor to the Indonesia Competition Commission Mohammad Reza, the workshop discussed the concept of bid rigging and the warning signs that can be looked at an early stage.

may unintentionally hinder competition to achieve value for money and sustainable for collaboration between competitors.

Later, the participants were given a real case as an example from Indonesia to work

Competition, economic growth go hand in hand

In the beginning of the year, a dialogue series took place with the spotlight on the role of the Competition Order in economic growth.

Competition Commission Brunei Darussalam

Competition is crucial in driving economic growth. This was highlighted during the Competition Dialogue Series entitled 'The Role of Competition Order in Economic Growth' conducted at Universiti Islam Sultan Sharif Ali (UNISSA) and Universiti Brunei Darussalam (UBD) in the beginning of the year.

The dialogue series, organised by the Executive Secretariat of the Competition Commission Brunei Darussalam (CCBD), was aimed at creating awareness about the underlying concept of competition in the operation of a well-functioning market, and the enforcement of the Competition Order to create more opportunities for businesses and to maintain a fair marketplace.

The sessions also took the opportunity to inspire and stimulate interest of undergraduates and academics from UNISSA and UBD to undertake research in competition law and policy, considering the relevance and importance of the subject in achieving Brunei Darussalam's long-term economic vision of a dynamic and sustainable economic growth.

In attendance during the sessions were Legislative Council (LegCo) member and Chair of the CCBD Yang Berhormat Na Hafizah binti Abdul Haadi. Also present during the session with UBD was Commissioner of the CCBD, Dr Joyee Teo Siew Yuen, who is the Assistant Vice-Chancellor (Global Affairs) of UBD.

The sessions began with a lecture by competition advisor Dr Hassan Qasbiy, who is the former Head of Competition and Consumer Policies in the United Nations Conference on Trade and Development (UNCTAD). He is currently a senior fellow at the Melbourne Law School, University of Melbourne teaching International Trade and Competition Policy.

The lecture was followed by a presentation on the development of Brunei Competition Order from the Executive Secretariat of the CCBD. Dr Hassan Qasbiy underlined that competition is a process in a journey towards achieving market efficiency. Effective implementation of competition policy and law will encourage businesses to be innovative, productive, and compete on a fair-level playing field resulting in goods and services

being provided to consumers at competitive prices. In fulfilling the potential of competition to contribute to economic growth, it is crucial to also have in place policies which are coherent with the principle of competition.

In encouraging local startups amongst the UBD entrepreneurs, Dr Hassan Qasbiy highlighted on the need to exercise extra care in managing business information as sharing commercially sensitive information could pose a threat to competition.

Highlights on the scope and key prohibitions of Brunei Competition Order were presented by the Executive Secretariat of the CCBD. The first key prohibition on Anti-Competitive Agreements, commonly known as cartels, came into force beginning this year.

Cartels refer to agreements made by two or more businesses to fix price, share market, limit supply and collude in tender process.

The executive secretariat encouraged universities to visit the Virtual ASEAN Competition Research Centre and partake in research to develop local expertise on competition issues.

As is described on the centre's website, 'The Virtual ASEAN Competition Research Centre (Virtual Centre) is a platform to stimulate research on competition issues in ASEAN. It contains a repository of relevant research materials for the competition community in ASEAN as well as a database of researchers with an interest on competition policy and law in ASEAN.'

A guest speaker in the dialogue session at UBD was Senior Legal Advisor at the Indonesia Competition Commission Mohammad Reza.

Through a forum-based discussion during the session, Mohammad Reza touched on Indonesia's experience in the early stage of implementing competition law, with highlights on collusive tender.

The sessions ended with an encouraging and active dialogue among the attendees discussing topics on, including the application of the Competition Order and the impact of competition in the digital economy.

Speakers during the dialogue session. PHOTO: UBD

FIGHTING BID RIGGING IN PUBLIC PROCUREMENT

Agreement between bidders that limits or reduces competition in a tender process is a serious infringement of Competition Order 2015.

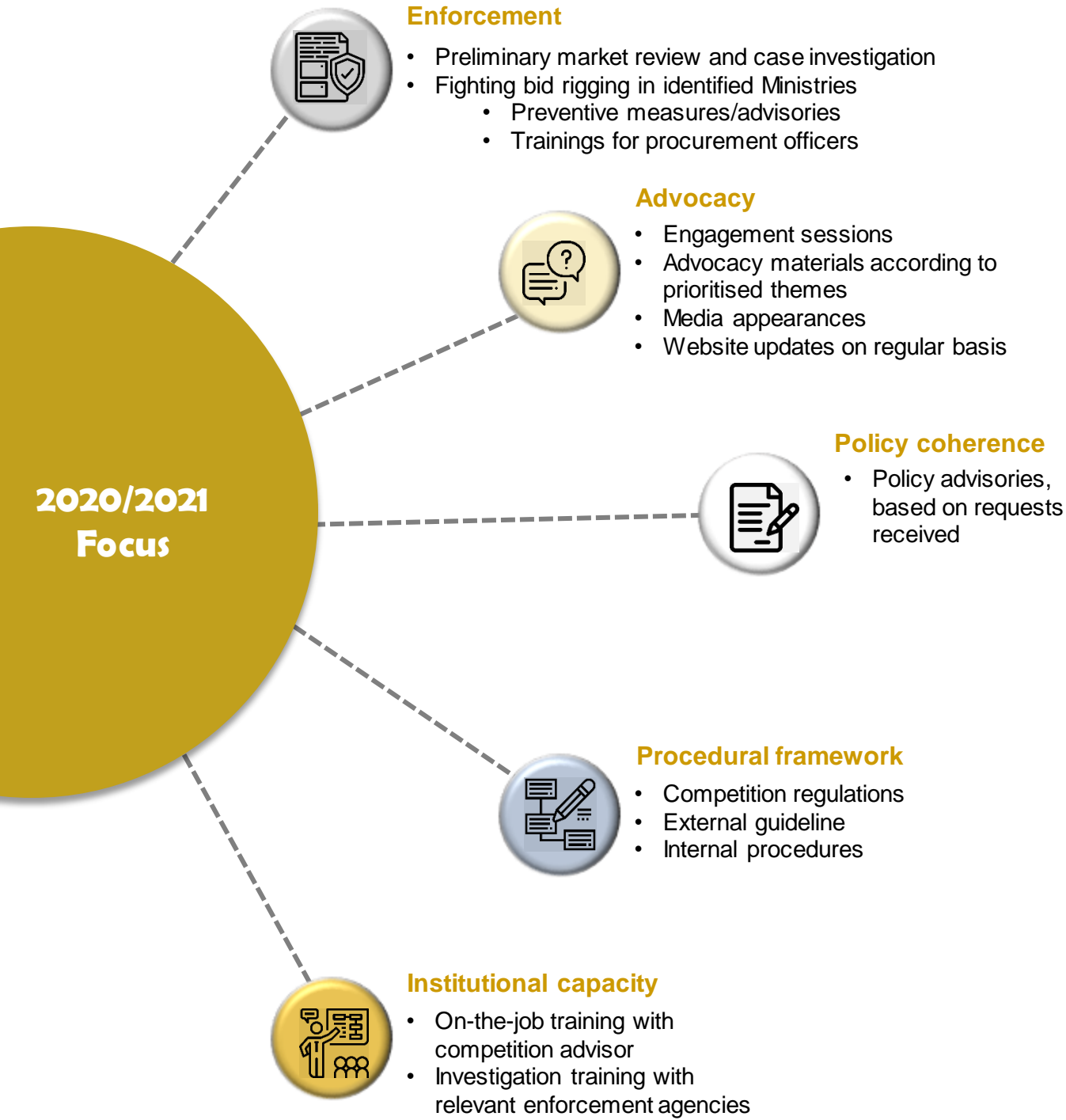
Bid Rigging also known as collusive tendering inflates Government's spending

- 01 Understand the market**
 - Collect information about the market:
 - cost
 - substitutes
 - product characteristics
 - suppliers
 - price trend from past and recent tenders
- 02 Encourage more bidders**
 - Keep participation fees reasonable;
 - Avoid requirements which hinder potential bidders;
 - Allow adequate time for submission
- 03 Define requirements clearly**
 - Use performance/functionality specification instead of brand names;
 - Allow substitute products
- 04 Invite bids with itemised costs**
 - Require submission on a firm basis rather than lump sum
- 05 Reduce communication among bidders**
 - Avoid bringing potential bidders together in pre-bid meetings;
 - Keep bidders' information secret;
 - Consider electronic bidding
- 06 State clear evaluating and award criteria**
 - Weight criteria other than price aspect;
 - Do not favour incumbents
- 07 Include warning sanction in tender document**
 - Make reference to the prohibition of bid rigging under the Order

Following the enforcement of the first key prohibition, Anti-Competitive Agreements, it is the Commission’s priority to stamp out and prevent bid rigging conducts, noting the potential significant harm to the consumers, economy and government expenditure. This priority is also in line with the national agenda that emphasises on prudent spending and value-for-money public procurement.

Policy coherence is another key aspect which requires attention to ensure policies are consistent with the competition principle and national vision towards achieving the long-term economic objective – a dynamic and sustainable economy.

As such, several priorities have been lined up as we move into our first year of Competition Order enforcement.





سوروهنجاڤي فرسايعن برونئي دارالسلام
COMPETITION COMMISSION
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www.ccbd.gov.bn

ISBN 978-99917-72-28-8

