



**Asia-Pacific
Economic Cooperation**

2010/SOM1/CPLG/016
Agenda Item: 7 (Session 2)

Procedural Fairness in the Investigation and Inquiry Phase - Singapore's Experience

Purpose: Information
Submitted by: Singapore



JAPAN 2010

**Competition Policy and Law Group Meeting
Hiroshima, Japan
28 February-1 March 2010**

Procedural Fairness in the Investigation and Inquiry Phase - Singapore's Experience


2010 Round Table with Private Sector on Procedural Fairness in Competition Cases

Hiroshima, Japan
APEC CPLG
28 Feb – 1 Mar 2010

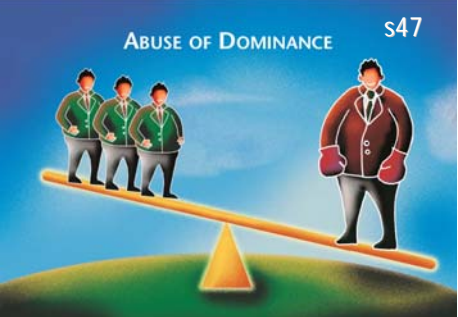


CCS


Competition Act: 3 Prohibitions



ANTI-COMPETITIVE AGREEMENTS s34



ABUSE OF DOMINANCE s47



s54 MERGERS THAT SUBSTANTIALLY LESSEN COMPETITION

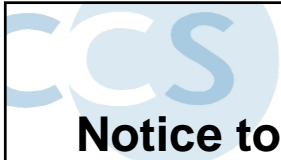
2

The slide is a presentation slide titled 'Competition Act: 3 Prohibitions'. It features the CCS logo in the top left. The main content is divided into three sections, each with an illustration and a corresponding legal section reference. The first section, 'ANTI-COMPETITIVE AGREEMENTS s34', shows four stylized figures in business attire standing in a circle and holding hands, representing an agreement. The second section, 'ABUSE OF DOMINANCE s47', shows a large figure in a red suit standing on a seesaw that is tilted heavily in his favor, with three smaller figures in green suits on the other side. The third section, 's54 MERGERS THAT SUBSTANTIALLY LESSEN COMPETITION', shows a group of figures sitting on a large, multi-colored pie chart that is being cut into smaller pieces, with an arrow pointing to a smaller pie chart, representing a merger. A small number '2' is located in the bottom left corner of the slide.



Investigation & Inquiry

- Preliminary Enquiries
- Investigations
 - Reasonable grounds for suspecting infringement of sections 34 or 47 or 54
- Investigation Powers
 - Require production of relevant documents or information (s 63)
 - Enter premises without a warrant (s 64)
 - Enter and search premises with a warrant (s 65)



Notice to provide information

- Notice – Background, purpose of investigation
- Annex A – Specified information and documents to be provided
- Annex B – Extract of legislation;
- Annex C – Explanatory Note
(*e.g.*, access to legal advice, legally privileged documents, confidentiality); and
- Annex D – Offences created by the Act
(*e.g.*, refusal to provide information, destroying or falsifying documents).



Other issues

- Internal Procedure Manuals
- Protection of Evidence
- Preservation of Secrecy
- Inspection of Files
- Handling Publicity

