



**PRESS RELEASE**  
**DEPARTMENT OF ECONOMIC PLANNING & DEVELOPMENT**  
**MINISTRY OF FINANCE & ECONOMY**

**Competition law to come into force**

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Date: 5 June 2019

1. By 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 11 prohibition on Anti-Competitive Agreements of the Competition Order 2015 and the provisions relating to this prohibition to take effect on 1 January 2020.
2. The Competition Order 2015 has the objective to promote market efficiency and consumer welfare in Brunei Darussalam economic landscape through the prohibition of anti-competitive conducts including Anti-Competitive Agreements (Cartel), Abuse of Dominant Position and Anti-Competitive Merger. Through deterring anti-competitive conducts, the Order aims to promote a healthy business eco-system which can build business efficiency and competitiveness that can benefit business ultimately in the export market and also benefit consumers through better choice of goods and quality and competitive pricing.
3. In line with best practices and Brunei's domestic context, the implementation and enforcement of the Order is introduced in phases. Since the enactment of Competition Order 2015, the regulatory framework of the Order has been gradually put into place, starting with the establishment of Competition Commission of Brunei Darussalam and its implementing arm, the Department of Competition and Consumer Affairs in the Department Economic Planning

and Development (DEPD), Ministry of Finance and Economy. The enforcement of the section 11 prohibition on Anti-Competitive Agreements underlined the subsequent of the phase implementation towards the full enforcement of the Competition Order 2015.

4. The section 11 of the Competition Order 2015 prohibits anti-competitive agreements between two or more businesses that has an object or effect to limit, prevent, distort or restrict competition in Brunei Darussalam, regardless how the agreement was reached and where the agreement was made – within or outside Brunei Darussalam. Anti-competitive agreements include price fixing, bid rigging, market sharing and supply limitation agreed between or among businesses. For instance, businesses collude to rig the tendering process by taking turns on who will submit the lowest bid and be the designated winner. These offences are categorized as hardcore cartel which are per se illegal.
5. Similarly, the involvement of business association in determining or recommending prices to be set in the market and facilitating the exchange of sensitive market information are also prohibited with the enforcement of the Order.
6. The Order applies to all commercial activities across sectors with exception to the functions of the Government and statutory bodies as well as entities that carry out activities on their behalf. The Order excludes activities listed in the Third Schedule of the Order such as service of general economic interest, compliance with legal requirements, avoidance of conflict with international commitments and public policy.
7. A formal investigation can be launched by the Competition Commission through the Department of Competition and Consumer Affairs should there be reasonable grounds to suspect provisions under the Order have been infringed. The Competition Commission is empowered to issue notices to require businesses to provide information and documents.

8. A financial penalty of up to 10% of business annual turnover in Brunei Darussalam, up to maximum period of 3 years, may be levied to businesses which are found to have infringed the Order.
9. Leniency programme will be put into place to encourage businesses to approach the Commission and disclose anti-competitive conducts that they had been involved with. Businesses may be granted up to full immunity from financial penalties in exchange to information disclosure and cooperation.
10. Businesses are urged to take proactive steps to understand the Order and any necessary steps to ensure compliance. Several regulations and guidelines will be made available to help businesses understand how the Commission will administer and enforce infringements of the prohibitions in the Order as well as provide greater clarity and transparency to businesses on the competition law application.
11. Enforcement of the Competition Order 2015 aims to promote ethical business conduct and respect to competition process for the benefit of the market, consumer welfare and economy as a whole. An efficient market will provide Brunei Darussalam with the competitive advantage not just domestically but also export market.
12. More information about the Competition Order 2015 can be found at [www.depd.gov.bn/cad](http://www.depd.gov.bn/cad).



**SIARAN MEDIA**  
**JABATAN PERANCANGAN DAN KEMAJUAN EKONOMI**  
**KEMENTERIAN KEWANGAN DAN EKONOMI**

**Undang-undang Persaingan akan mula dikuatkuasakan**

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Tarikh: 5 Jun 2019

1. Pada menjunjung titah perintah Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan Haji Hassanal Bolkiah Mu'izzaddin Waddaulah ibni Al-Marhum Sultan Haji Omar 'Ali Saifuddien Sa'adul Khairi Waddien, Sultan dan Yang Di-Pertuan Negara Brunei Darussalam, dengan ini memaklumkan bahawa Kebawah Duli Yang Maha Mulia Paduka Seri Baginda Sultan dan Yang Di-Pertuan Negara Brunei Darussalam telah mengurniakan titah perkenan bagi penguatkuasaan bab 11 larangan Perjanjian Anti-Persaingan di bawah Perintah Persaingan 2015 dan peruntukan-peruntukan yang berkaitan untuk berkuatkuasa pada 1 Januari 2020.
  
2. Perintah Persaingan 2015 mempunyai objektif bagi menggalakkan kecekapan pasaran dan kebajikan pengguna di landskap ekonomi Negara Brunei Darussalam melalui larangan amalan anti-persaingan iaitu Perjanjian Anti-Persaingan (Kartel), Penyalahgunaan Kedudukan Dominan dan Penggabungan Anti-Persaingan. Melalui pencegahan amalan anti-persaingan, Perintah ini bertujuan untuk mempromosikan eko-sistem perniagaan yang sihat bagi membangun kecekapan dan daya saing peniaga. Perkara ini akan dapat memberi manfaat kepada peniaga dalam pasaran eksport serta kebaikan kepada pengguna melalui pilihan barangan dan kualiti yang lebih baik dengan harga yang kompetitif.

3. Selaras dengan praktis terbaik dan konteks domestik Negara, pelaksanaan dan penguatkuasaan Perintah Persaingan 2015 akan diperkenalkan secara berperingkat. Sejak Perintah Persaingan 2015 diluluskan, rangkakerja perundangan Perintah ini telah beransur-ansur dilaksanakan, bermula dengan penubuhan Suruhanjaya Persaingan Brunei Darussalam dan badan pelaksanaannya iaitu Jabatan Persaingan dan Hal Ehwal Pengguna di Jabatan Perancangan dan Kemajuan Ekonomi, Kementerian Kewangan dan Ekonomi. Penguatkuasaan bab 11 larangan Perjanjian Anti-Persaingan merupakan kesinambungan fasa pelaksanaan ke arah penguatkuasaan penuh Perintah Persaingan 2015.
4. Bab 11 Perintah Persaingan 2015 melarang perjanjian anti-persaingan di antara dua atau lebih peniaga yang mempunyai objek atau kesan yang menghad, menghalang, mengganggu dan menyekat persaingan di Negara Brunei Darussalam, tanpa mengira bagaimana dan di mana perjanjian tersebut dicapai, sama ada di dalam atau di luar negara. Perjanjian Anti-Persaingan termasuk penetapan harga, penipuan bidaan, perkongsian pasaran dan pembatasan pengeluaran yang dicapai di antara peniaga. Sebagai contoh, peniaga yang berpakat untuk menipu proses bidaan dengan secara bergilir menghadapkan bidaan yang terendah untuk menjadi pemenang. Kesalahan ini dikategorikan sebagai *hardcore* kartel yang dilarang sama sekali.
5. Penglibatan persatuan perniagaan di dalam menetapkan dan mengesyorkan harga di pasaran dan memudahcara pertukaran maklumat pasaran yang sensitif juga dilarang di bawah Perintah Persaingan 2015.
6. Perintah Persaingan 2015 akan dikenakan kepada semua aktiviti komersial di seluruh sektor dengan pengecualian kepada fungsi Kerajaan dan badan berkanun serta entiti yang bertindak bagi pihak Kerajaan dan badan berkanun. Perintah ini turut mengecualikan aktiviti-aktiviti yang tersenarai di dalam Jadual Tiga Perintah berkenaan termasuk kepentingan ekonomi umum, pematuhan terhadap keperluan undang-undang, mengelakkan konflik komitmen antarabangsa dan dasar awam.

7. Penyiataan rasmi boleh dilaksanakan oleh Suruhanjaya Persaingan melalui Jabatan Persaingan dan Hal Ehwal Pengguna jika terdapat alasan yang munasabah bagi mengesyaki bahawa peruntukan-peruntukan Perintah Persaingan 2015 telah dilanggar. Suruhanjaya Persaingan mempunyai autoriti bagi mengeluarkan notis untuk mendapatkan maklumat-maklumat daripada peniaga.
8. Penalti kewangan sehingga 10% perolehan perniagaan tahunan, sehingga tempoh maksimum 3 tahun, boleh dikenakan kepada peniaga yang didapati bersalah melanggar Perintah Persaingan 2015.
9. Program kelonggaran akan diperkenalkan bagi menggalakkan peniaga untuk mendedahkan perjanjian anti-persaingan yang mereka libati kepada Suruhanjaya Persaingan. Sebagai pertukaran kepada pendedahan maklumat dan kerjasama yang diberikan, peniaga boleh mendapatkan immuniti daripada pengenaan penalti kewangan tersebut.
10. Peniaga adalah digesa untuk mengambil langkah proaktif dan berpatutan untuk memahami Perintah Persaingan 2015 dan memastikan kepatuhan kepada Perintah berkenaan. Beberapa peraturan dan garis panduan akan disediakan untuk membantu peniaga memahami bagaimana Suruhanjaya Persaingan akan mentadbir dan menguatkuasakan pelanggaran terhadap larangan Perintah Persaingan 2015 serta memberikan penjelasan dan ketelusan kepada peniaga mengenai pengenaan undang-undang persaingan.
11. Penguatkuasaan Perintah Persaingan 2015 bertujuan untuk mempromosi amalan perniagaan yang beretika dan menghormati proses persaingan bagi kebaikan pasaran, kebajikan pengguna dan ekonomi secara keseluruhannya. Pasaran yang cekap akan menjadikan Negara Brunei Darussalam berdaya saing di peringkat domestik dan antarabangsa.
12. Maklumat lanjut mengenai Perintah Persaingan 2015 boleh diperolehi melalui [www.depd.gov.bn/cad](http://www.depd.gov.bn/cad).