

Bills Committee on Competition Bill

**List of follow-up actions arising from the discussion
at the meeting on 26 July 2011**

At the meeting on 26 July 2011, the Administration was requested to provide written responses to the following concerns/requests –

- (a) advise the number of small and medium enterprises (SMEs) which were respondents of competition cases found not substantiated by the competition authority in Singapore in the past few years;
- (b) provide a breakdown on the types of substantiated competition cases involving SMEs under the list in the appendix to CB(1)2796/10-11(01);
- (c) provide statistics on the competition cases substantiated by the Canadian Competition Bureau before amendments were made to the competition law in 2009;
- (d) provide information on the annual legal fees incurred by undertakings for compliance with the competition law as estimated by some experts in the United Kingdom (UK);
- (e) re-consider exempting all types of vertical agreements from the application of the first conduct rule while empowering the future Competition Commission (the Commission) to regulate those vertical agreements having an appreciable adverse impact on competition as and when necessary;
- (f) concerning the right of appeal –
 - (i) re-consider lowering the requirement for leave to appeal against any decision, determination or order of the Competition Tribunal (the Tribunal); and
 - (ii) provide information on the requirement for leave to appeal in other competition jurisdictions, e.g. Singapore, the European Union and the UK;
- (g) provide information on the existing reciprocal arrangements of enforcement of judgments between the Mainland/Taiwan and Hong Kong;

- (h) in relation to clause 2 of the Bill, consider amending the expression "the directors of the company" in the definition of "shadow director" to read as "a majority of the directors of the company";

- (i) in relation to clause 9 of the Bill concerning application for decision by the Commission –
 - (i) consider specifying the time limit within which the Commission must make a decision, and inform the applicant of its decision and the reasons for it in writing;

 - (ii) advise whether other jurisdictions would specify the time limit within which their competition authorities must make a decision on applications for exclusion or exemption from their competition law; and

 - (iii) consider revising the Chinese text of subclause (2)(c);

- (j) given that words and expressions in the singular include the plural under section 7(2) of the Interpretation and General Clauses Ordinance (Cap. 1), advise whether two persons who jointly gave directions or instructions to a majority of the directors of the company would be considered as shadow directors of the company; and

- (k) in relation to clause 11 of the Bill concerning decision by the Commission, consider requiring the Commission to inform those who had made representations to the Commission of its decision