

KnowledgeShare Alert

Dear Clients & Friends

Competition (Amendment) Act 2007 comes into operation on 1 July 2007: Introducing merger control

The Competition (Amendment) Act 2007 (the “**Amendment Act**”) will come into operation on 1 July 2007. The Amendment Act was passed in Parliament on 21 May 2007, following its first reading on 9 April 2007.

Essentially, the Amendment Act will bring into effect the merger control regime prescribed under the Competition Act (the “**Act**”). The principal merger control provision under the Act is section 54. Section 54 prohibits mergers which substantially lessen competition within any market in Singapore for goods or services (the “**section 54 prohibition**”).

In anticipation of the new merger control regime, the Competition Commission of Singapore (the “**CCS**”) has, on 28 May 2007, published the following revised draft merger guidelines (the “**guidelines**”):

- **Draft CCS Guideline on the Substantive Assessment of Mergers:** Outlines the manner in which the CCS will interpret and give effect to the provisions of the Act when assessing mergers. It covers the analytical framework for assessing the competitive effects of mergers, and the principles that the CCS will use in considering commitments and remedies.
- **Draft CCS Guideline on the Merger Procedures:** Sets out the proposed procedures for notification and investigation under the merger regime.

Please click on the relevant titles above to view the guidelines.

The guidelines are expected to be gazetted and published on the CCS website by the third week of June 2007. For updates on the guidelines, please visit the CCS website at www.ccs.gov.sg.

At the same time, the CCS has also announced that it will start accepting requests for Pre-Notification Discussions (“**PNDs**”) with effect from 1 June 2007. This move is in preparation for the notification process under the new merger control regime, whereby parties will be able to notify their anticipated or completed mergers to CCS for a decision on whether there has been an infringement of the section 54 prohibition. The PNDs will give parties the opportunity to have informal discussions with the CCS to help parties to identify the information to be submitted with the notification. This will enable the CCS to complete its assessment of the merger situation more expeditiously.

The Allen & Gledhill Legal Bulletin has been following closely the progress of the merger control regime. Please click on the hyperlinked titles below to read the relevant articles:

- **[Merger Control – Impact on Singapore Take-over Offers](#)** (June 2007)
- **[CCS releases revised draft merger guidelines on 28 May 2007: Pre-Notification Discussions accepted by CCS with effect from 1 June 2007](#)** (June 2007)
- **[Parliament passes Competition \(Amendment\) Bill 2007: Introducing Merger Control](#)** (May 2007)
- **[Parliament introduces Competition \(Amendment\) Bill 2007: Introducing merger control](#)** (April 2007)

- **CCS issues response to public feedback on proposed merger control regime**
(January 2007)
- **Competition Commission of Singapore consults on proposed merger regime**
(October 2006)

Should you have any queries as to how this may affect your business, please do not hesitate to get in touch with your usual contact at Allen & Gledhill or any of the following:

Competition & Antitrust

Compliance, Regulatory and Merger Control

Daren Shiau
Tel: +65 6890 7612
E-mail: daren.shiau@allenandgledhill.com

Tan Wee Meng
Tel: +65 6890 7518
E-mail: tan.weemeng@allenandgledhill.com

Kelvin Wong
Tel: +65 6890 7644
E-mail: kelvin.wong@allenandgledhill.com

Yeo Wico
Tel: +65 6890 7775
E-mail: yeo.wico@allenandgledhill.com

Litigation

Christopher Anand Daniel
Tel: +65 6890 7888
E-mail: christopheranand.daniel@allenandgledhill.com

William Ong
Tel: +65 6890 7894
E-mail: william.ong@allenandgledhill.com

Yours faithfully
Allen & Gledhill
Singapore

Allen & Gledhill
One Marina Boulevard #28-00
Singapore 018989

Tel: +65 6890 7188
Fax: +65 6327 3800
E-mail: publications@allenandgledhill.com
Website: www.allenandgledhill.com

This message is intended to highlight issues and not to be comprehensive, nor to provide legal advice. Should you have any questions on issues reported here or require further advice, please contact your usual contact at Allen & Gledhill.

If you do not wish to receive these alerts or other marketing communications from Allen & Gledhill, please let us know by e-mailing us at publications@allenandgledhill.com

CONFIDENTIALITY CAUTION: This message is intended only for the use of the individual or entity to whom it is addressed and contains information that is privileged and confidential. If you, the reader of this message, are not the intended recipient, you should not disseminate, distribute or copy this communication. If you have received this communication in error, please notify us immediately by return email and delete the original message. Thank you.