

# Singapore and Indonesia enter into cross-border competition enforcement agreement

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As regulators continue to expand and entrench their cross border enforcement and coordination capabilities, businesses having operations in the ASEAN countries will do well to consider how any potential competition law infringement within a single jurisdiction may be eventually picked up and investigated by a regulator in another jurisdiction. In the age of globalised trade characterised by the seamless movement of goods and services, a silo mentality to approaching competition investigations and compliance by jurisdiction is no longer tenable and businesses are strongly encouraged to review the compliance with competition laws on a wider regional basis.

## Background to cooperation with Indonesia

The Competition and Consumer Commission of Singapore (CCCS) has entered into its first ever Memorandum of Understanding (MOU) on competition enforcement with another ASEAN competition authority. The MOU with the Commission for the Supervision of Business Competition of Indonesia (KPPU) was entered into on 30 August 2018 and seeks to facilitate cooperation on competition enforcement between the CCCS and the KPPU. In particular, the MOU will encourage notification of enforcement activities that potentially affect the CCCS and the KPPU interests. Crucially, the MOU will also facilitate the exchange of information between the CCCS and the KPPU as well as enforcement coordination for cases of mutual interest.

## Background to cooperation with Japan

This MOU follows the cross border enforcement agreement which the CCCS had entered into with the Japan Fair Trade Commission (JFTC) in June 2017 and signals the ever expanding cross-border cooperation on enforcement of competition related matters by regulators. This MOU will likely be replicated across the other ASEAN countries in line with the ASEAN Competition Action Plan 2025 which has, as one of its strategic goals, the establishment of regional cooperation arrangements between the ASEAN competition regulators.

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