



**THE INFO-COMMUNICATIONS DEVELOPMENT AUTHORITY OF SINGAPORE'S  
ISSUANCE OF:**

- (A) ADVISORY GUIDELINES GOVERNING PETITIONS FOR RECLASSIFICATION AND REQUESTS FOR EXEMPTION UNDER SUB-SECTIONS 2.3 AND 2.5 OF THE TELECOM COMPETITION CODE**
  
- (B) ADVISORY GUIDELINES GOVERNING ABUSE OF DOMINANT POSITION, UNFAIR METHODS OF COMPETITION AND AGREEMENTS INVOLVING LICENSEES THAT UNREASONABLY RESTRICT COMPETITION UNDER SECTIONS 8 AND 9 OF THE TELECOM COMPETITION CODE**

**30 SEPTEMBER 2005**

**Background**

- 1 In response to requests from industry to provide greater transparency and clarity regarding application of certain sections of the Telecom Competition Code ("Code"), on 11 March 2005, IDA released two sets of draft advisory guidelines ("Guidelines") for public consultation. Specifically:
  - (a) Advisory Guidelines Governing Petitions for Reclassification and Requests for Exemption under Sub-sections 2.3 and 2.5 of the Code ("Reclassification and Exemption Guidelines"); and
  - (b) Advisory Guidelines Governing Abuse of Dominant Position, Unfair Methods of Competition and Agreements involving Licensees that Unreasonably Restrict Competition under Sections 8 and 9 of the Code ("Telecom Competition Guidelines").
  
- 2 The Reclassification and Exemption Guidelines describe the procedures and criteria that IDA generally will use to assess: (a) requests by a Dominant Licensee to be exempted from the application of any special regulatory requirement applicable to Dominant Licensees and (b) petitions for reclassification by any Licensee.
  
- 3 The Competition Guidelines set out the criteria that IDA generally will use, in any *ex post* enforcement action, to determine whether a Licensee has contravened the "competition law" requirements contained in the Code. In particular, this Guideline explains the situations in which IDA will find that a Licensee has abused a dominant position, accepted an anti-competitive

preference, engaged in an unfair method of competition, and entered into an anti-competitive agreement.

### **Summary of comments**

- 4 The consultation closed on 6 May 2005. Six parties filed comments in response to IDA's Consultation Document.
- 5 Generally, commenters asked for greater detail and further illustrations on the application of some provisions of the Code. IDA was also asked to consider incorporating into the Guidelines provisions from guidelines issued by competition authorities and other sectoral regulators in Singapore and abroad. In addition, some commenters asked IDA to reconsider decisions that it had made during the Code review.
- 6 IDA has given significant consideration to the submissions made in the public consultation. However, IDA declines to use this proceeding to re-visit issues that it resolved during the Code review.
- 7 To provide greater clarity, IDA has expanded or clarified a number of provisions in the Guidelines. IDA has also added an Appendix to both Guidelines. In making these revisions, IDA has taken into account procedures and practices adopted by competition authorities and other sectoral regulators.

### **Issuance of Guidelines**

- 8 Pursuant to Section 28 of the Telecommunications Act (Cap. 323), IDA hereby issues the Reclassification and Exemption Guidelines, and the Telecom Competition Guidelines.
9. These Guidelines will come into effect on 30 September 2005.