



INTRODUCTORY REMARKS

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CHAIRMAN OF THE MALAYSIA COMPETITION COMMISSION**

**CONFERENCE ON THE CHALLENGES IN ENFORCING
COMPETITION LAW IN MALAYSIA AND POSSIBLE REFORM**

**27 November 2018, Raja Aziz Addruse Auditorium, Kuala
Lumpur**

Bismillahirrahmanirrahiim,

Assalamualaikum Warrahmatullahi Wabarakaatuh

The Honourable Mr Abdul Fareed Abdul Gafoor,

Vice President of Malaysian Bar

**Representatives of the Malaysian Bar, Officers of the Malaysia
Competition Commission, Practitioners, ladies and gentlemen.**

A very good morning to all.

1. First and foremost, I would like to express my appreciation and gratitude to the Malaysian Bar for the collaboration in putting together this meaningful event. Thank you for inviting the Malaysia Competition Commission (MyCC) for the second time to be part of it. To all our guests and participants here today, thank you for your presence and participation. Your esteemed presence is a strong show of support to the Commission in furthering the objectives of the Competition Act 2010.

Ladies and Gentlemen,

2. As we are all aware, MyCC is a regulatory body established under the Ministry of Domestic Trade and Consumer Affairs with the purpose of enforcing the Competition Act 2010. The Commission safeguards the process of fair competition in commercial markets to foster fair competition for the benefit of consumer welfare, efficiency of enterprises and the development of the nation's economy.

3. Competition Act 2010 emphasises on the prohibition against anti-competitive agreements such as price fixing, market sharing, resale price maintenance and any other activities that may injure the interest of the consumers and jeopardise the economic stability. Specifically, anti-competitive agreement refers to the arrangement made by the

enterprises that may prevent, restrict or distort competition in any market for goods or services in Malaysia or in any part of Malaysia. If enterprises collude in any anti-competitive activities, the consumer's interest will be affected without them being realised. The Commission is committed to ensure the process of competition in Malaysia is safe from any harmful elements, and in order to achieve such objective, support from vigilant and sentient practitioners is a must. As the economy is built on the basis of cooperation by all stakeholders within the economy landscape, practitioners' role in the commercial environment can never be denied. With assistance given by practitioners, a conducive, safe and fair economic condition in Malaysia can be achieved in the future.

Ladies and Gentlemen,

4. With all the enforcement in tow, the Commission's concern is on the voluntary compliance of enterprises towards the Competition Act 2010. Realising the significance, leniency regime has been introduced to enterprises, with the aim to increase self-regulatory compliance by businesses. The leniency regime is offered to enterprises that voluntarily admit infringing the Competition Act 2010.

5. In this new era, the issues on abuse of dominant position is being put at the highest level of priority by the Commission. The Government has established *Jawatankuasa Bagi Kajian Semula Dasar Monopoli Perkhidmatan dan Pembekalan* which the MyCC is part of as one of its Committee members. The Committee is being mandated to address the issues stemmed from certain act of monopolies in Malaysia that may harm the interest of the consumers. It is indeed very important for me to note that, being a monopoly is not an offence under Competition Act 2010, however, abusing its dominant position is an infringement under the Act. The Commission has also conducted investigations against a few enterprises suspected at abusing their dominant position. Stern actions will be taken against any businesses if they abuse their dominant position in the market.

Ladies and Gentlemen,

6. The Competition Act 2010 has been fully enforced from the year of 2012. Since its inception, the Commission has engaged with various Competition Authorities around the globe while discussing multiple aspects of competition including the merger and acquisition (M&A). Based on the realisation, the Commission is looking forward to incorporating the merger control provision in the Competition Act 2010.

As of today, Securities Commission is responsible of regulating take-overs, merger and acquisition in Malaysia. However, competition matters are not covered. On another note, the Malaysian Aviation Commission only covers M&A in local aviation sector. Based on the regulatory gap stated previously, the MyCC aims to harmonise the domestic economy ecosystem by implementing the merger control in the Competition Act 2010.

7. I am sure that this conference will be able to enhance your knowledge on what constitutes the Competition Act in Malaysia. It is absolutely vital for all us to be aware of the impact of competition and anti-competitive practices to our economy, to fully gauge the importance of fostering the culture of competition in Malaysia and ultimately gain the benefits of competitive markets as we strive towards a developed country status together. With that, I wish all of you a stimulating, fruitful and enjoyable conference. Lastly, I would like to once again thank all who are present today.

Wabillahitaufikwalhidayah, wassalamualikum w.b.t.

Prepared by: Malaysia Competition Commission

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