

Strategic Plan

FOR COMPETITION ADVOCACY
& COMMUNICATION

2015 - 2017



SURUHANJAYA PERSAINGAN MALAYSIA
MALAYSIA COMPETITION COMMISSION

Strategic Plan

FOR COMPETITION ADVOCACY
& COMMUNICATION
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CONTENTS

- 1. PREAMBLE**
- 2. SCOPE OF COMPETITION ADVOCACY & COMMUNICATION**
- 3. STRATEGIES**
 - 3.1 Long Term Goals
 - 3.2 Priority Sectors
- 4. WORK PROGRAMME 2015-2017**
 - 4.1 Key Stakeholders
 - 4.2 Advocate for Competition Matters [Section 16 (f)] and Inform and Educate Public [Section 16 (j)]
 - 4.3 Studies on Competition Issues [Section 16 (g)]
 - 4.4 Information Collection for MyCC [Section 16 (h)]





1. PREAMBLE

Competition advocacy involves a broad spectrum of activities undertaken by competition authorities in order to promote and advance competition law and policy.

Competition advocacy refers to those activities conducted by the competition authority related to the promotion of a competitive environment for economic activities by means of non-enforcement mechanisms, mainly through its relationships with other governmental entities and by increasing public awareness of the benefits of competition¹. Advocacy reinforces the value of competition by educating citizens, businesses and policy-makers. In addition to supporting the efforts of competition agencies in tackling private

anti-competitive behaviour, advocacy is an important tool in addressing public restrictions to competition.

It is especially important for competition agencies in developing countries to engage in competition advocacy. The economic policies in these countries are undergoing fundamental changes; markets are becoming more open; new government and regulatory institutions are being formed; trade is assuming greater influence; and state owned enterprises are being privatised. Competition policy should have a fundamental role in this transition process.

The Competition Act 2010 (CA 2010) which came into effect on 1 January 2012 is intended to promote

economic development by promoting and protecting the process of competition and that the process of competition encourages efficiency, innovation and entrepreneurship. This in turn promotes competitive prices, improvement in the quality of products and services and wider choices for consumers.

In addition, the CA 2010 also promotes healthy competition, which would enable consumers to benefit through better quality products at reasonable prices.

Established in June 2011 under the Competition Commission Act 2010 (CCA 2010), the Malaysia Competition Commission or the MyCC is an independent body responsible for enforcing the CA 2010.

The MyCC has established several Working Committees to facilitate the performance of its functions. One such committee is the Working Committee on Advocacy and Communication (WCAC) [formerly known as the Working Committee on Advocacy].

This Strategy Plan for Competition Advocacy & Communication 2015-2017 sets out the rationale and framework for the work programme of the WCAC in the CA 2010's second phase of implementation, and is seen as one of the most efficient platforms pursuing the MyCC's mission.

¹ As defined by the International Competition Network Advocacy and Competition Policy

2. SCOPE OF COMPETITION ADVOCACY & COMMUNICATION

The MyCC plays an active role in fostering regional cooperation on competition issues through the ASEAN Experts Group on Competition (AEGC). MyCC is a member of the Working Group on Developing Strategy and Tools for Regional Advocacy at the AEGC, and the objectives of the Working Group are to:

- Promote awareness in ASEAN on the contribution of competition policy and law to economic development;
- Facilitate exchange and sharing of information and experiences among ASEAN member states on competition issues; and
- Identify and implement projects and activities that would support ASEAN member states in developing advocacy strategies, approaches and programs for competition policy and law.

At the ASEAN level, all ASEAN Member States (AMSs) have committed in the ASEAN Economic Community (AEC) Blueprint, to endeavour to introduce national competition policy and law (CPL) by 2015. This is to ensure a level playing field and to foster a culture of fair business competition for enhanced regional economic performance in the long run.

Progress of CPL implementation in AMSs has been positive. There are comprehensive competition laws and competition authorities in place in Indonesia, Singapore, Thailand and Vietnam. Malaysia's competition law and competition authority have started operating in 2011. Brunei Darussalam, Cambodia, Lao PDR and Myanmar are currently drafting a competition law. The Philippines established a competition authority to begin implementing competition-related laws using a sectoral approach².

Advocacy is recognised as an important function of the MyCC and is incorporated into MyCC's organisational strategy as one of its over-arching goals.

The MyCC is responsible for raising public awareness of competition law, collaborating with other regulators on competition-related matters to ensure the consistent application of the law, reviewing public regulations and legislation, and alerting the executive of any anti-competitive provisions.

² <http://www.asean.org/communities/asean-economic-community/category/competition-policy>

STRATEGIC PLAN

For Competition Advocacy & Communication
2015 – 2017

The first three functions of the MyCC is stipulated in Section 16 of CA 2010 and relate to advising and alerting the Minister and other regulatory bodies as regards their task in relation to their duties pertaining to competition:

- i. To advise the Minister or any other public or regulatory authority on all matters concerning competition [Section 16 (a)];
- ii. To alert the Minister to the actual or likely anti-competitive effects of current or proposed legislation and to make recommendations to the Minister, if appropriate, for the avoidance of these effects [Section 16 (b)]; and
- iii. To advise the Minister on international agreements relevant to competition matters and to the competition laws [Section 16 (c)].

The Working Committee on Advocacy and Communications (WCAC) is responsible for overseeing the MyCC's advocacy and communication programmes for the year 2015-2017. WCAC is made up of members from different backgrounds and area of expertise. The list of members is as follows:

- i. Member of the Commission (Chairman);
- ii. Representative from the Ministry of Domestic Trade, Co-operatives & Consumerism (MDTCC);
- iii. Representative from the Performance Management & Delivery Unit (PEMANDU), Prime Minister's Office;
- iv. Representative from the Attorney General Chambers;
- v. Representatives from business associations and trade chambers;

- vi. Representative from the media; and
- vii. Representative from the consumer association.

The WCAC promotes voluntary compliance with the CA 2010, develops and maintains relationships with international and domestic stakeholders in the public and private spheres, and communicates the decisions and activities of the Commission. Although advocacy is housed in a specialist division under the WCAC, all of the MyCC's work is imbued with advocacy and the entire MyCC family plays an advocacy role as it relates to their enforcement duties.

Working towards a vision of a competitive market economy that is fair and efficient, the mission of the MyCC shall be the promotion of a robust competition friendly environment through advocacy and non-enforcement initiatives, directed as targeted stakeholders in the government, business and civil society sectors. Grounded on the presumption that awareness of the law and the benefits of competition will lead to greater compliance, the MyCC shall direct its advocacy efforts towards encouraging stakeholders to choose self-compliance over being caught for non-compliance of the law.

It is believed that the pre-emptive nature of advocacy and communication initiatives will result in better compliance thereby reducing the need for resource-heavy enforcement. The advocacy and communication work of the MyCC is meant to be pro-active and to complement the work of the enforcement arm of the Commission.

FUNCTIONS OF THE MyCC

Section 16: The MyCC shall have such functions as specified under the competition laws and shall also have the following functions:

a)	To advise the Minister or any other public or regulatory authority on all matters concerning competition;
b)	To alert the Minister to the actual or likely anti-competition effects of the current or proposed legislation and to make recommendations to the Minister, if appropriate, for the avoidance of these effects;
c)	To advise the Minister on international agreements relevant to competition matters and to the competition laws;
d)	To implement and enforce the provisions of the competition laws;
e)	To issue guidelines in relation to the implementation and enforcement of the competition laws;
f)	To act as an advocate for competition matters;
g)	To carry out, as it considers appropriate, general studies in relation to issues connected with the competition in the Malaysian economy or particular sectors of the Malaysian economy;
h)	To collect information for the performance of the Commission's functions;
i)	To publish, and otherwise raise awareness among persons engaged in commerce or trade and among the public of, information concerning the competition laws and the manner in which the Commission will carry out its functions under the competition laws;
j)	To inform and educate the public regarding the ways in which competition may benefit consumers in, and the economy of Malaysia;
k)	To consider and make recommendations to the Minister on reforms to the competition laws; and
l)	To carry on such activities and do such things as are necessary or advantageous and proper for the administration of the Commission.

3. STRATEGIES



Competition advocacy is distinct from competition enforcement and comprises two aspects, i.e. advocacy efforts directed towards specific government entities and efforts directed more generally towards generating support for competitive markets and the building of 'competition culture' in society.

Competition culture is strong in certain jurisdictions because of:

- Participation of the competition agency in regulatory reform and privatisation processes;
- Long experience with competition policy;
- Resolution of cases with significant media coverage;
- Existence of specialised competition tribunals;
- Interaction with universities;
- Publication of decisions;
- Case studies; and
- Personal leadership of the head of the competition authority.

STRATEGIC PLAN

For Competition Advocacy & Communication
2015 – 2017

The existence of a competition culture has an extremely important role in the success of a competition policy. Competition culture mainly involves being informed about the benefits introduced by competition, and the formation and development of the necessary awareness in the society as to the role possessed by the implementation of competition rules in securing such benefits. Competition culture in consumers, business circles, and public institutions and organisations enables that competition culture is rapidly adopted and implemented.

The International Competition Network (ICN) also reports that the strongest support for advocacy action comes from the academic community, consumer associations, the media and NGOs. The WCAC shall keep in view these findings in crafting its strategies and work plan on competition advocacy and communication.

The report from the 'Baseline Study on Awareness of CA 2010 in Malaysia' conducted in 2012 indicated that the level of awareness on the existence of the Competition Act 2010 was at a dismal 6%. Therefore, it is prudent for the MyCC to prioritise its competition advocacy and communication activities in order to maximise resources and achieve successes in the shortest period of time. The early successes of the MyCC will underscore the MyCC's visibility and credibility as an authority that is committed to enforcing the CA 2010. Thus, the strategies for competition advocacy and communication will focus on projects that are:

- i. Economically important;
- ii. Multiple touch point oriented;
- iii. Resource efficient; and
- iv. Enhance credibility, accountability and transparency.

Competition culture advocacy aims to increase the understanding within the wider society about competition and its benefits, including among consumers, civil society, academia and the business community. The objective is, thereby, to increase support for competitive markets and compliance with competition law. Competition culture advocacy is a matter of educating members of society about competitive markets and the role of competition law. In essence, this occurs through the provision of information, using a variety of communication tools - for example, booklets, posters, advertisements on television, radio or the internet or in magazine or newspapers, training seminars or presentations - which are targeted at particular stakeholders or groups in society and designed to an appropriate level accordingly.

In undertaking competition advocacy activities, the MyCC shall study and adopt the best practices of the competition advocacy work of competition agencies in other countries. The MyCC will therefore ensure that it networks and maintains international linkages in order to continuously learn from the successful advocacy activities carried out by these competition agencies.

The MyCC shall adopt a collegial approach by working with the various stakeholders and through their associations to deliver its messages. The ultimate aim to this approach is to win over stakeholder groups by building trust and encouraging self-compliance to achieve its objective of promoting a competition culture in Malaysia.



3.1 LONG TERM GOALS

With this, the goals of the MyCC have been set as follows:

GOAL 1: Build as well as deliver Advocacy and communication Programmes

Through case-studies for businesses, consumer groups and government bodies to obtain a clear understanding of the benefits of competition, the provisions of the Law and the role of MyCC and to act as the Advisor to the Government in policy review and/or formulation.

Goal 2: Establish competition contact points within government bodies

Identifying individuals within government departments, regulatory agencies or local or municipal bodies which can serve as a first point of contact for policymakers seeking competition advice is a useful exercise. For routine queries, it may be more convenient for public officials to liaise with the legal advisors within their department or agency. Staff who have moved from the competition authority to other agencies also provide a good source for informal contact points, while the hiring of staff with the experience of working in other agencies by the competition authority can similarly bring cross-pollination benefits.

Goal 3: Identify ‘Champions’ among key stakeholders and to build strong relationships with them

Advocacy and communication benefits from having a ‘competition champion’ at a high-level among the stakeholders, in addition to buy-in from officials working on the frontline of public administration. High-level support of this kind can assist the MyCC in realising its advocacy and communication goals.

Goal 4: Engage with Academia and Institutes of higher learning

To create avenues and deliver programmes for the education of students in Competition Law and Practice, with the aim of strengthening the understanding within the wider society about competition and its benefits.

Another aim is to ensure a continual supply of professionals who are educated and for law students in particular, to be trained in the law.

Goal 5: Engage with consumer authorities

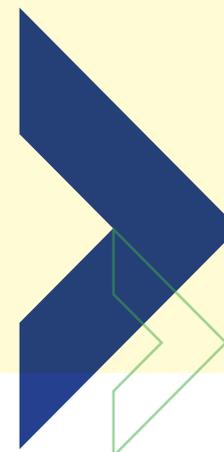
In jurisdictions where the competition and consumer protection functions are not combined in a single organisation, the competition authority should seek to develop links with the consumer protection agency. There are considerable synergies between the tasks of protecting competition and protecting consumers. Co-operation can allow these agencies to communicate more effectively the benefits of competition to the public

Goal 6: Training for MyCC staff and members

The MyCC engages closely with markets and industries through the very nature of their work, which places the Commission in a unique position to provide competition expertise and market insight to policymakers. The MyCC needs to take proactive approaches to strengthen the capability and efficiency of the MyCC staff and members through targeted training and workshops.

Goal 7: Advocacy and Communication Instruments

Selecting the most appropriate advocacy and communication tools that are better suited to communicating with stakeholders. Messages and instruments should be clearly defined based on the circumstances of the particular jurisdiction. It may be appropriate to communicate with the public through the media and website, whereas it is more effective to communicate with Government through one-on-one meetings. The MyCC would employ advocacy and communication instruments that best suit internal and external stakeholders, as well as the sector at stake, where possible.





3.2 PRIORITY SECTORS

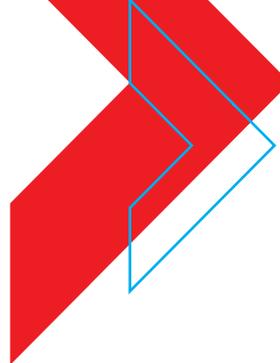
The priority sectors shall be determined by various means such as:

- Evidence-based market studies;
- Complaints from the public or business sectors;
- Information received from Members of the Commission, government agencies, members of the WCAC or whistle blowers;
- Intelligence gathering of existing inefficient and non-competitive sectors; and
- Conventional wisdom derived from the experiences of competition agencies from other countries.

While it will take time before information can be gathered through some of these means, the MyCC shall prioritise sectors based on the experiences of other competition agencies, its general

knowledge of existing market conditions in Malaysia, particularly sectors in which hard core cartels appear to be operating or where collusion is believed to be taking place affecting essential goods or services, and matters that are fundamentally critical to consumer's quality of life. Some of the priority sectors identified below are a continuation from the last plan as work on these areas are ongoing and complaints on the inefficiency of the sectors are still forthcoming. The proposed priority sectors are as follows:

- i. Food production, import and distribution;
- ii. Transport such as taxis, buses, mass rapid transit, railways, air travel, hauliers and shipping;
- iii. Healthcare Institutions, including the pharmaceutical industry; and
- iv. Professional services.

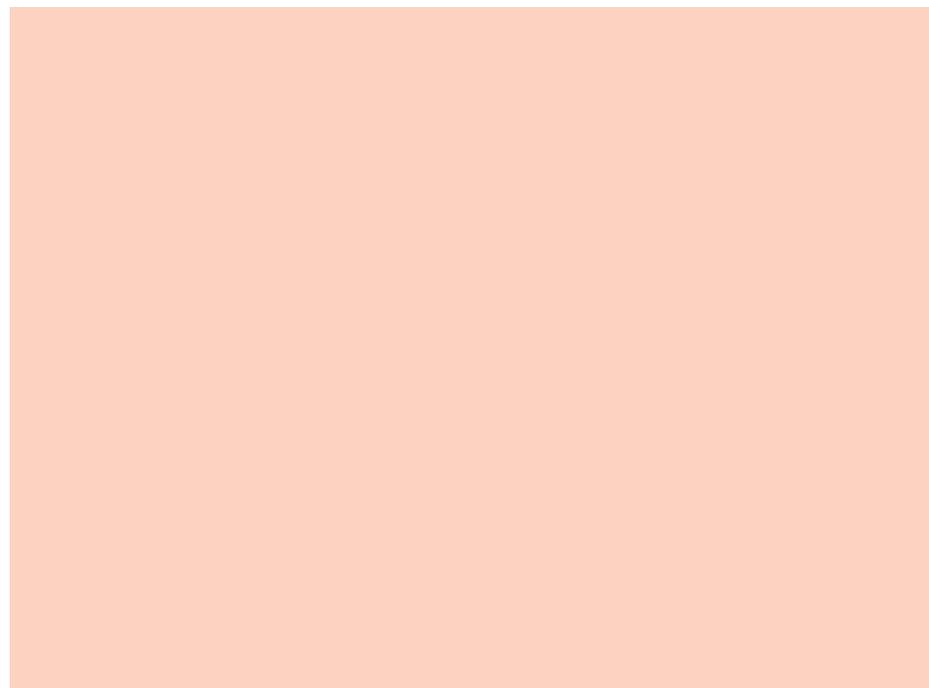


The sectors identified can or will be modified depending on the circumstances and need.

The MyCC shall work with key stakeholders, i.e. general public, government and public officials, legislature and judiciary at federal and state government level, sector regulators, enterprises and associations, professionals, consumer associations and civil society organisations, universities

and think-tanks, in order to promote a competition friendly climate in the above-mentioned priority sectors. Additionally, the MyCC will need to undertake general awareness raising programmes for the targeted stakeholders to raise their level of understanding and comprehension of competition concepts, the benefits of competition and their role in creating and sustaining competition culture.

END NOTE:



4. WORK PROGRAMME 2015-2017

The MyCC has reviewed the last work plan and strategies planned are a continuation/ strengthening of some of the programmes while additional ones are those trying to address some gaps.

Evaluating the impact of the advocacy and communication activities will help to ensure that the next phase of operations will be better informed by activities that had the most impact with the least cost.

The MyCC shall undertake the following work programmes, in line with its functional responsibilities under Section 16 of the CA 2010.



4.1 KEY STAKEHOLDERS

In order to do to that, the MyCC must educate the 'players', namely:

a) General Public

A key component of competition culture advocacy is to continually emphasise, clarify and publicise on the societal benefits that result from competition in the market place, and how competition law seeks to protect the competitive process. It is not always obvious on how regulatory requirements may function as a barrier to entry into an industry and thereby restrict competition.

b) Government and Public Officials

Educating public officials about basic competition concepts, as well as the benefits of competition, can lay the foundations for more targeted advocacy efforts to follow. More advanced training for policymakers would focus on how effective competition in the market can be introduced or maintained. It could also include working with policymakers to introduce a process to assess the impact upon competition of legislation, other regulations and public policies.

c) Executive, Legislature and Judiciary at Federal and State Government Level

Competition advocacy has a role beyond the executive branch. Competition policy concerns may have to give way to political decisions to prioritise other policy objectives, but nevertheless, legislators too should be educated about the benefits of competitive markets and how these may be distorted by government action. Even where other social or economic concerns are to be prioritised, efforts to minimise the adverse effects on competition can result in significant benefits.

The MyCC shall hold information sessions for parliamentarians as well as for public officials. Presentations made to the legislative branch would be targeted accordingly. For instance, for an audience composed of politicians rather than public administrators, emphasis of the presentation or training provided would be shifted from technical aspects of competition law and policy to bigger picture aspects of competition, principally its benefits to society as a whole and particularly to consumers.



Alternatively, the MyCC would also make a presentation to legislators about any major cases or studies that have recently been completed, in order to convey the pro-competition message in a less instructive format. The receptiveness of the political branch to competition advocacy may be linked to public demand for competitive markets, and so the effectiveness of this form of advocacy depends also, in part, on the development of a competition culture in society.

In addition, the WCAC will educate their key staff in these branches on competition concepts and benefits by collaborating with the Ministry of Finance (MOF) and Public Services Training Institute (INTAN) to conduct training programmes.

A further area in which the WCAC will engage in education efforts is in the provision of competition training to the judiciary. Competition cases can involve complex issues of law, policy and economics. It is necessary for the judicial branch to have an understanding of basic competition

law and economics, in order to ensure the coherent development of legal precedent in this area, as well as sound results in individual cases. Techniques for judicial education include the organisation of training events and workshops for judges dealing with substantive aspects of competition law, which may benefit from technical assistance from more experienced competition authorities, and the preparation and publication of technical guidelines to aid courts in reaching judgments in cases dealing with anti-competitive practices.

The MyCC shall collaborate with the Attorney General's Chamber (AGC) to invite the international experts on competition law to conduct training programmes for the legal advisor on competition concepts and the provisions of the CA 2010.

The need for competition advocacy in sector-specific regulation arises out of the often very substantial impact sector regulation has on competition in the regulated sectors. Moreover, in a number of jurisdictions such sectors are exempted

from competition law which makes the need for the MyCC to have itself heard ever more urgent. The dialogue between the MyCC and the regulatory framework for specific sectors plays an important part. A real challenge would be to acquire a sufficient base of expertise in the sectors at stake. These sectors sometimes pose complex and often unique competition problems. A useful tool to achieve this is by organising exchanges of staff between regulators and the competition authority, which enhance not only sector-specific knowledge, but also help to develop a mutual understanding of the concerns among the agencies.

e) Enterprise and Associations of Enterprises.

The CA 2010 not only regulates, but also empowers enterprises. It provides sanctions for those that infringe and remedies for those that are aggrieved. A robust competition culture can therefore only thrive if enterprises are aware of their rights and obligations under the CA 2010. A key focus area of MyCC work shall therefore be enterprises and their representative associations such as the Federation of Malaysian Manufacturers (FMM) and the Chambers of Commerce.

Associations of enterprises can play a key role in educating their

members on the benefits of competition for business profitability and compliance with the CA 2010 including the External Guidelines issued by the MyCC.

To enable the associations to play their role effectively, the MyCC shall conduct 'train the trainer' programmes for staff of such associations so they may in turn conduct education programmes for their members. A major portion of these programmes will focus on compliance with the CA 2010 as well as compliance with international trade norms as most countries have enacted competition laws. A key part of the learning objectives of these programmes shall be the provisions of the CA 2010 relating to the lodging of complaints, whistle-blowing and the leniency regime. Also addressed in the programmes will be the rights of enterprises to file private actions under Section 64 of the CA 2010. Associations of enterprises will also be encouraged to assist their members to establish competition law compliance units to monitor and track their own trade practices as well as those of their competitors. In this regard, the MyCC shall consult with the Competition Commissions of other countries to tap on their experiences with the implementation of their successful Competition Law Compliance Programmes.

f) Professionals and Associations of Professionals

Professional associations set standards for their members for entry into profession, their continued compliance with the norms of the profession, and sanctions and exclusions when these norms are breached. Professional associations themselves must ensure that they are not operating as cartels, fixing prices for the services offered by their members, or offering their services in any other manner that could be construed to be anti-competitive.

In addition, professional groups are in a position to influence policy positions of their corporate clients. Therefore, they are in the forefront in applying competition concepts in their day-to-day work. The MyCC shall organize education programmes for professional associations to comply with the CA 2010 and work with them to develop and monitor pro-competition standards/codes for their members.

The MyCC shall also work with experts in the professional groups to co-organise awareness raising campaigns and capacity building workshops for their community. The professionals are an important sector of most market economies. Professionals generally comprise a significant proportion of the services economy and access to

affordably priced and high quality professional services. The importance of professional flexibility for national and regional competitiveness is reflected in the ASEAN Economic Community Blueprint which provides facilitating the free flow of services by 2015. The ASEAN is also working towards recognition of professional qualifications with a view to facilitate their movement within the region.

In 2013, the MyCC completed its report 'Market Review on Fixing of Prices and Fees by Professional Bodies in Malaysia under the Competition Act 2010'. The report indicated the need to give attention and to review the professions from a competition policy perspective, to provide information on what the MyCC has done so far and to present its interim findings on key restrictions and their alleged general interest justifications. The report also proposed a future course of action aimed at encouraging the review and use of more pro-competitive mechanisms instead of traditional restrictive rules in some cases.

The MyCC is in the early stages of collaborating with the Malaysian Productivity Corporation (MPC) to review national legislation restricting professional services. The MyCC and MPC will work together to study whether the existing restrictions

STRATEGIC PLAN

For Competition Advocacy & Communication
2015 – 2017

pursue a clearly articulated and legitimate public interest objective, whether they are necessary to achieve that objective, and where necessary, to change existing rules or propose changes by using the Competition Impact Assessment (CIA) and Regulatory Impact Assessment (RIA) tools.

The MyCC may make use of Impact Assessments, including a competition impact assessment, which consider the costs and benefits of proposed policies. To assist government agencies in completing Impact Assessments, Competition Assessment Toolkits, such as that produced by the OECD, which provides the necessary tools like guidelines and checklists to identify potential restrictions on competition as well as to screen policies which would benefit from a competition assessment.

g) Consumer Associations and Civil Society Organisations

Working with consumer associations and civil society organisations will help build the capacity of the demand side of the market. A vigilant corps of consumers and citizens will keep businesses on their toes.

The MyCC shall work with these organisations to build their capacity to play a co-enforcement role by becoming informers of anti-competitive business practices, investigating and acting on consumer complaints, filling section 64 private action civil suits, and organising consumer campaigns against anti-competitive enterprises.

h) Universities and Think Tanks

Universities perform teaching, learning and research functions. They are the educators and suppliers of the future workforce for the country. Universities need to ensure that their graduates enter the job market with a better understanding of market structure and how competition policy and law functions. The MyCC shall collaborate with public and private universities to educate university graduates to acquire skills and knowledge on competition law by introducing new programmes/courses or embed competition concepts in existing university programmes/courses. An awareness raising programme such as organising a 'Career Fair' at the universities shall also be pursued to increase the awareness among the graduates.

An important function of the MyCC is to carry out studies on competition issues in the Malaysian economy. In order to give effect to this function, the Research Grant Programme (RGP) was established beginning 2013 in order to support this function and the RGP-funded research studies are expected to provide a clearer picture of the competitiveness of enterprises in the Malaysian economy. The MyCC will continue this function with the introduction of MyCC Special Research Grant in 2014.

The Academics will be encouraged to publish the findings of their market studies, to engage in discourse on competition issues in Malaysia by co-organising seminars and conferences with the MyCC and to contribute to law reform efforts.

The MyCC shall collaborate with the Ministry of Education (MOE) and to commission universities and 'think-tanks' to conduct research on competition studies. Previous proposal to MOE for the inclusion of competition studies as priority in MOE's Fundamental Research Grant Scheme (FRGS) shall continue to be pursued.



STRATEGIC PLAN

For Competition Advocacy & Communication
2015 – 2017

4.2 ADVOCATE FOR COMPETITION MATTERS [SECTION 16 (F)] AND INFORM AND EDUCATE PUBLIC [SECTION 16 (J)]

To advance its competition advocacy and communication work, the MyCC shall employ two approaches: –

- i. Produce information and education materials tailored for the key stakeholder groups and priority sectors; and
- ii. Organise talks, workshops, seminars, and road shows aimed at all the different stakeholder groups and priority sectors.

The MyCC shall continue to work to produce information and education materials for its advocacy and communication activities such as –

- i. Publications.
- ii. Website.
- iii. Facebook.
- iv. Presentations.

- v. Face-to-face meetings with stakeholder groups.
- vi. News releases.
- vii. Press conferences.
- viii. Surveys (e.g. survey forms after every seminar, at on-ground events).
- ix. Articles in professional journals and magazines, newspaper columns.
- x. Develop TV and radio content, purchase ad spots.
- xi. Training and education (training for media, research grant programme).

The MyCC will also continue to engage mass media organisations as partners to disseminate the information contained in these advocacy and communication materials as well as to publicise news of the advocacy activities carried out with all stakeholder groups and priority sectors. Such publicity will not only spread awareness but also enhance the image and visibility of the MyCC as an active proponent of competition culture.

Under the strategic communication plan, the MyCC main focus is on advocacy and raising awareness to further create an environment conducive in enhancing healthy competition through understanding and compliance of the CA 2010. This is conducted in concert with the implementation and enforcement of the CA 2010.

The theme message to be disseminated to the media is the objective of the Act. The CA 2010 promotes economic development and protects consumers' interests and is applicable to all Malaysian businesses. The CA 2010 however, is not meant to protect competitors, but to protect the competition process. The MyCC is the independent statutory body that implements and enforces the CA 2010, and issues guidelines.



4.3 STUDIES ON COMPETITION ISSUES [SECTION 16 (g)]

Many competition authorities conduct market studies as part of their portfolio of work. Market studies involve an examination and assessment of the state of competition in a particular segment of the economy, generally undertaken in light of some indication that the market is not working well at that point in time. The output of a market study is, typically, a report outlining the competitive structure of the sector concerned, highlighting any potential or existing competition problems and making recommendations as to how these barriers to free competition can be remedied.

Conducting a market study can be a time-consuming and resource-intensive process for a competition authority, yet the frequent rate at which such studies are conducted by competition authorities suggests that there are also considerable rewards to be gained by the process. In fact, market studies can potentially assist competition authorities with both their competition advocacy and competition law enforcement functions.

The MyCC shall continue to carry on specific market surveys and studies relating to the priority sectors, so that a body of evidence on anti-competitive and pro-competitive practices can be

developed and used as case studies for advocacy activities. These case studies will be used by the MyCC's Working Committee on Guidelines to further develop Guidelines for Best Practices for the priority sectors.

The market studies shall also evaluate whether the advocacy and enforcement activities of the MyCC have been successful and resulted in tangible benefits for the various stakeholders and the economy. The MyCC shall commission such market studies by seeking the cooperation of the Ministry of Education (MOE) to designate competition studies as a priority area of the Ministry's research grant schemes.

The MyCC shall itself carry on with its Research Grants Programme for academics from local public and private universities. The MyCC shall recommend a list of priority areas for the market studies and the research project proposals that are the best fit for the award of the research grants. The MyCC shall make an annual budget allocation to fund the Research Grants Scheme and the application for grants will be open throughout the year. The MyCC will also introduce Special Grant Schemes, which is a top down approach, where specific topics will be decided upon by the Commission for research.

4.4 INFORMATION COLLECTION FOR MyCC [SECTION 16 (h)]

The MyCC shall carry out its information collection functions in the following manner:

- i. Resource Centre - Resource Centre at the MyCC shall be upgraded to provide services for the Commission's internal stakeholders, as well as external stakeholders. This includes providing links to MyCC's website and access to a proposed e-library on competition issues from other jurisdictions. The Resource Centre shall also act as a depository for materials gathered from the various advocacy and communication programmes, collect market studies, newsletters, case studies, publications, conference papers and related materials on competition policy and law in Malaysia and other countries. These materials are valuable resources for the MyCC for the further development of its strategies, work programmes and activities. Materials would include publication of cases investigated and concluded by the MyCC as well as statistics of MyCC's performance, benchmarks, and improvements in compliance.
- ii. Conferences and seminars - organise conferences and seminars

including at least one international conference every other year and invite international experts to discuss, share and exchange information on practices and case studies. The international conference(s) will also be an excellent avenue to bring together all the various stakeholder groups to raise awareness on the latest issues relating to competition policy and law. The international conference shall have separate sessions where each stakeholder group can share and exchange information and experiences on their efforts in promoting a competition culture in their respective community. The MyCC shall also plan focussed seminars to meet certain requirements of stakeholders.

- iii. International Linkages - network, benchmark itself and update on best practices of other competition agencies' advocacy and communication activities. The MyCC shall continue to develop a contact list of competition agencies with expertise in particular areas. MyCC staff and WCAC members may perform working/study visits to these agencies or invite officers from these agencies to visit MyCC and share information and experiences. Further, the MyCC

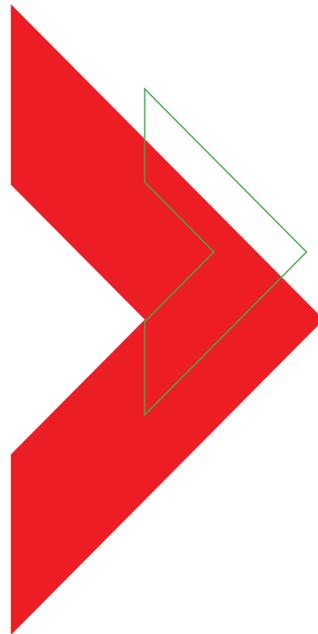
STRATEGIC PLAN

For Competition Advocacy & Communication

2015 – 2017

shall continue to develop a contact list of competition agencies with expertise in particular areas. MyCC staff and WCAC members may perform working/study visits to these agencies or invite officers from these agencies to visit MyCC and share information and experiences. Further, the MyCC shall actively engage with international organisations such as the ICN Advocacy Working Group, UNCTAD, ASEAN, OECD, European Competition

Network and the WTO, for their assistance in implementing its strategy plan and work programmes. The WCAC shall also gather information from other countries to assist the MyCC to provide its input to the Malaysian government before it enters into any international obligations relating to competition for e.g. WTO's proposed multilateral treaty on competition, rules on government procurement, etc.



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