



# SESSION 1

## OVERVIEW OF MALAYSIA COMPETITION COMMISSION AND COMPETITION ACT 2010

► Presented By :

Ahmad Rafdi Bin Endut  
Malaysia Competition Commission (MyCC)

► Presented to :

UPM

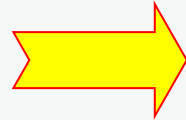
PROMOTING  
COMPETITION,  
PROTECTING YOU



# 01 OVERVIEW OF MALAYSIA COMPETITION COMMISSION

# ESTABLISHMENT OF MyCC

**Competition Act  
2010 (Act 712) &  
Competition  
Commission  
Act 2010  
(Act 713)  
gazetted  
on 10 June 2010**



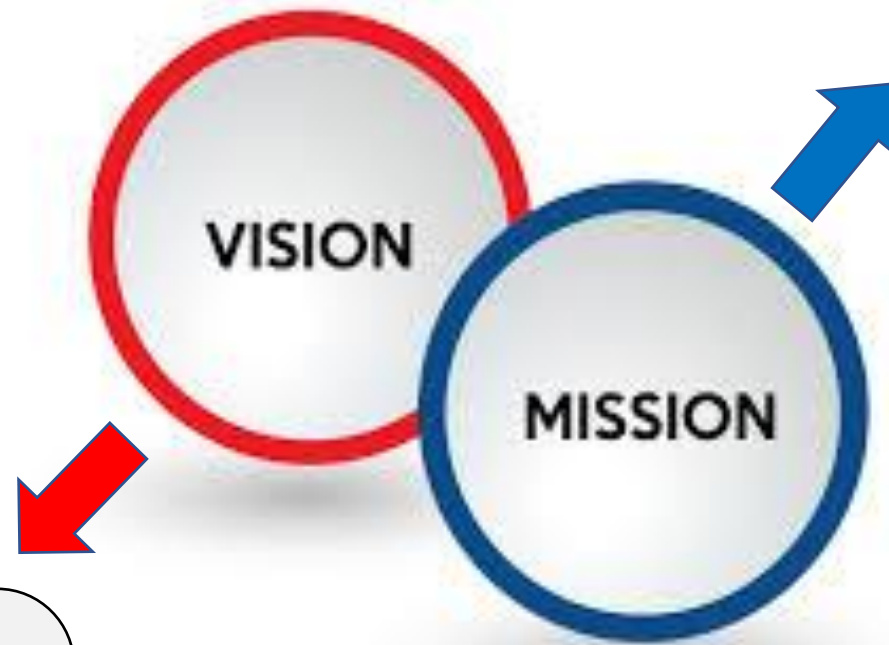
**Malaysia  
Competition  
Commission (MyCC)  
established  
on 1 April 2011**



**Competition Act  
2010  
enforcement  
starting  
from  
1 January 2012**



The Malaysia Competition Commission (MyCC) is a statutory body under the Ministry of Domestic Trade and Consumer Affairs



To be the leading competition authority in Malaysia

To execute our mandate efficiently and effectively, with a commitment to ensure a conducive competition culture to make markets work well for consumers, business and the economy

# MyCC SOURCE OF POWER



## LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED  
TEXT OF REPRINT

Act 712

### COMPETITION ACT 2010

*As at 15 August 2016*

**Competition Act 2010  
(CA 2010)**



## LAWS OF MALAYSIA

ONLINE VERSION OF UPDATED  
TEXT OF REPRINT

Act 713

### COMPETITION COMMISSION ACT 2010

*As at 1 March 2016*

**Competition Commission Act 2010  
(CCA 2010)**

# KEY RESPONSIBILITIES OF THE MyCC

**Promote economic development by promoting and protecting the process of competition, thereby protecting the interest of consumers and to provide for matters connected therewith**

## Main Functions



Investigation and enforcement



Exemption



Advocacy



Undertaking



Market Review



Policy Advice



Leniency Regime

# MEMBERS OF THE COMMISSION

**1. Datuk Seri Hishamudin Bin Yunus**

Chairman

*(5 September 2018 - 4 September 2024)*



**2. Dato' Jagjit Singh A/L Bant Singh**

Advocate & Solicitor

*(1 April 2017 – 31 March 2023)*



**3. Dato' Ir. Hj. Mohd Jamal Sulaiman**

Former Director General

Public Works Department

*(1 May 2018 – 30 April 2024)*



**4. Mr. Anil Ibrahim**

Group Head of Legal and Regulatory Affairs

MRCB

*(1 Jun 2020 – 31 March 2023)*



**5. Dr. Nasarudin Abdul Rahman**

Assistant Professor

International Islamic University Malaysia

*(1 October 2017 – 20 October 2023)*



**6. Datuk Tay Lee Ly**

Senior Federal Council

Attorney General's Chambers of Malaysia

*(1 July 2017 – 30 June 2023)*



**7. Mr. Arunan A/L K. Kumaran**

Deputy Director of Policy, Strategic Planning &  
International Division

Min. of Domestic Trade & Consumer Affairs

*(15 February 2021 – 14 February 2024)*



**8. Dr. Nor Mazny Abdul Majid**

Undersecretary

Ministry of Human Resource

*(1 June 2019 – 31 May 2022)*



**9. Dato Dr. Madeline Berma**

Commissioner

Human Rights Commission of Malaysia

*(4 September 2019 – 3 September 2022)*



**10. Mrs. Siti Juriani Jalaluddin**

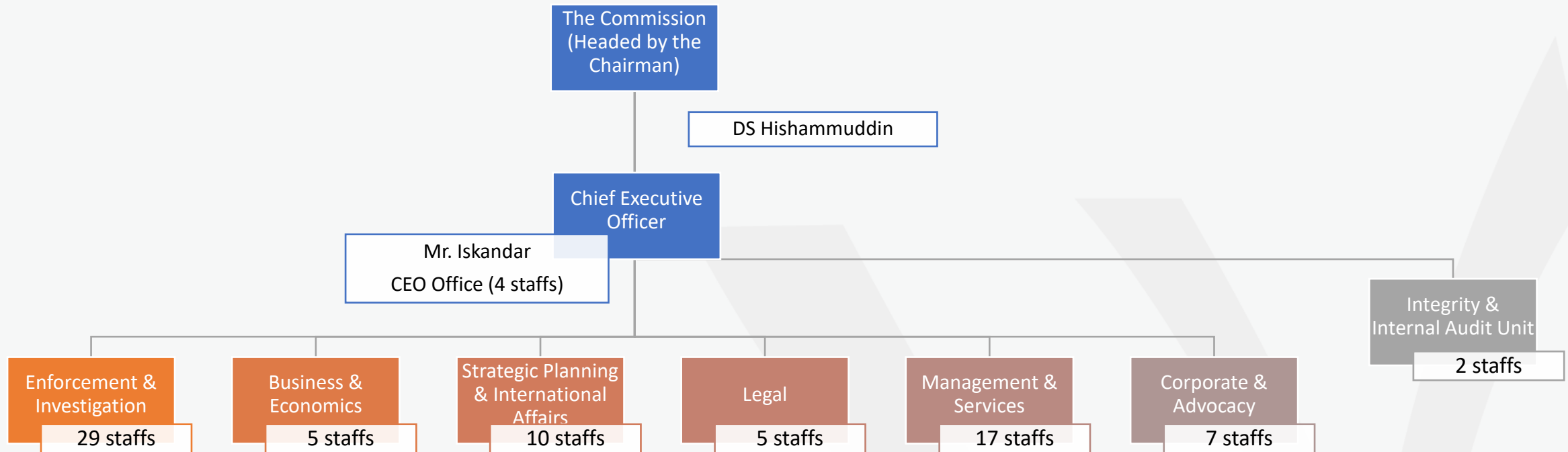
Head of Section Tax Division

Ministry of Finance

*(21 October 2020 – 20 October 2023)*



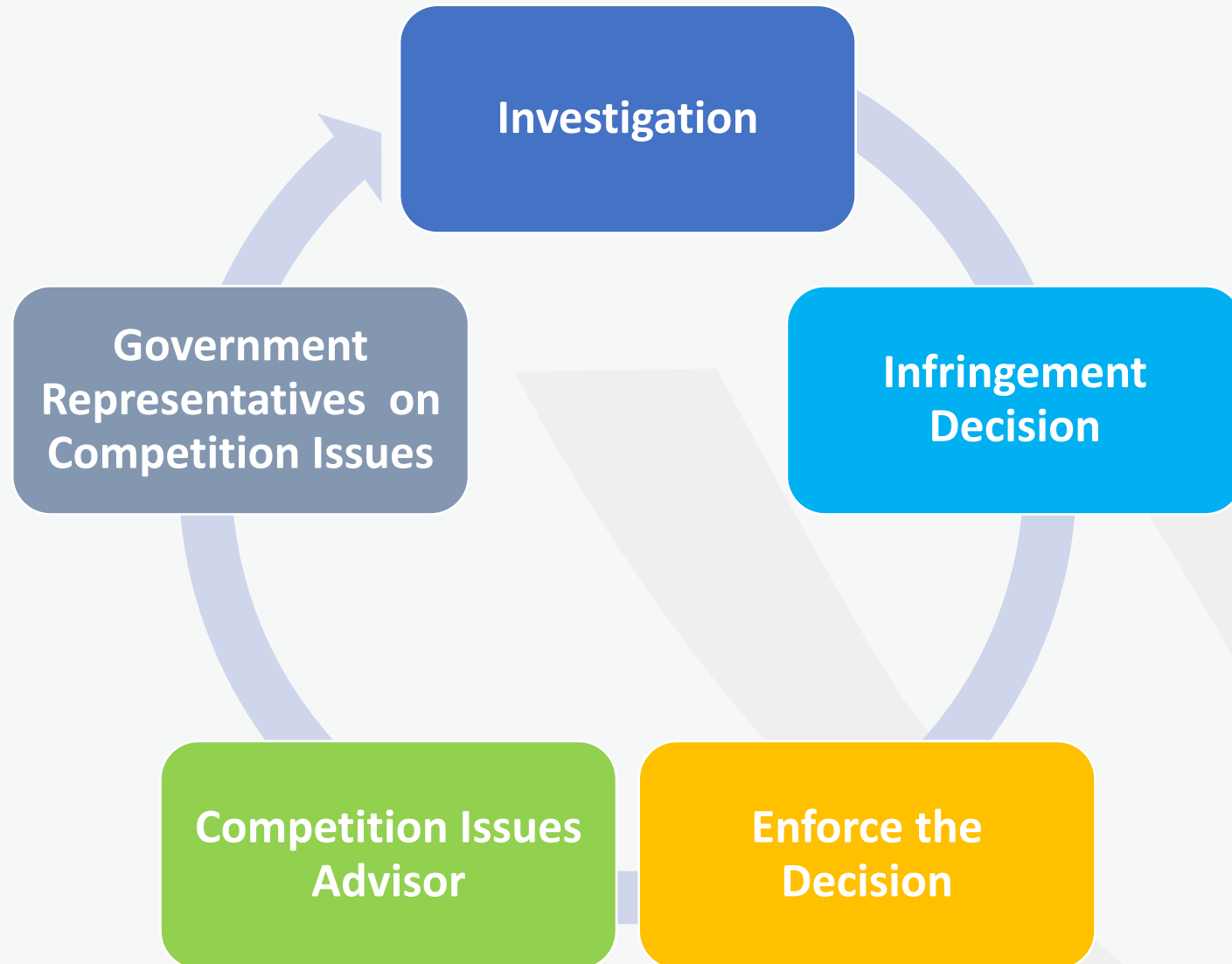
# ORGANIZATIONAL CHART



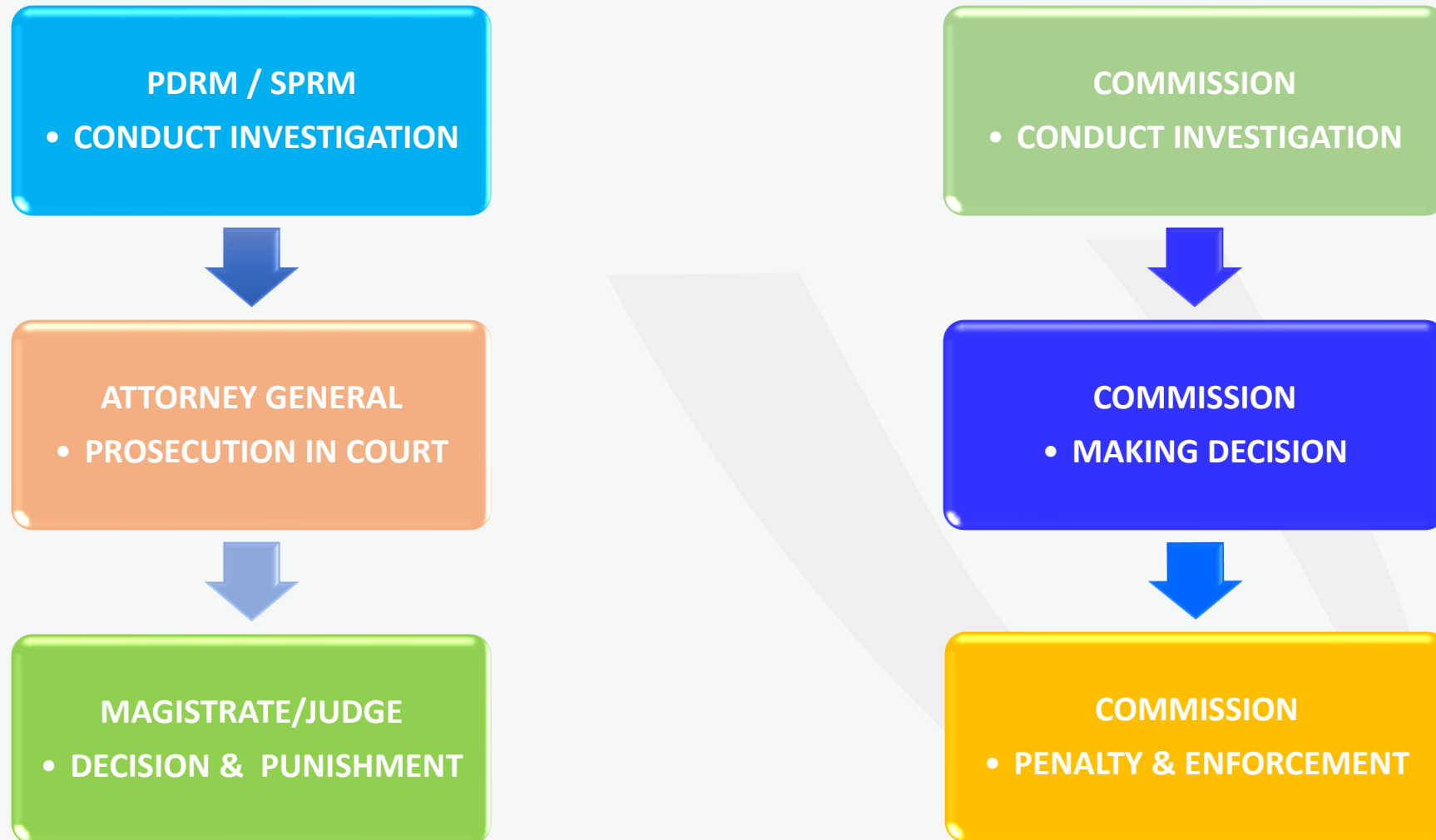
**Total staff number is 79  
as on 01/01/2022**



# THE UNIQUE ROLES OF MyCC



# MyCC IS QUASI-JUDICIAL BODY



# MyCC'S GUIDELINES

- ① *Guidelines on Complaints.*
- ② *Guidelines of Market Definition.*
- ③ *Guidelines Chapter 1 – Anti-Competitive Agreements.*
- ④ *Guidelines Chapter 2 – Abuse of Dominance.*
- ⑤ *Competition Act 2010: Compliance Guidelines*
- ⑥ *Exemption Application Procedure.*
- ⑦ *OECD: Garis Panduan Menentang Tipuan Bida dalam Perolehan Awam*
- ⑧ *Guidelines on Leniency Regime.*
- ⑨ *Guidelines on Financial Penalties.*
- ⑩ *Guidelines On Intellectual Property Rights And Competition Law*

Statistic	
YEAR	NO.
2011	-
2012	4
2013	2
2014	3
2015	-
2016	-
2019	1
2020	3
<b>Jumlah</b>	<b>10</b>

# MyCC'S GUIDELINES



## GUIDELINES ON COMPLAINT PROCEDURES



## GUIDELINES ON CHAPTER 1 PROHIBITION

Anti-competitive Agreements



## GUIDELINES ON MARKET DEFINITION

Malaysia Competition Commission



## GUIDELINES ON CHAPTER 2 PROHIBITION

Abuse of Dominant Position

Malaysia Competition Commission

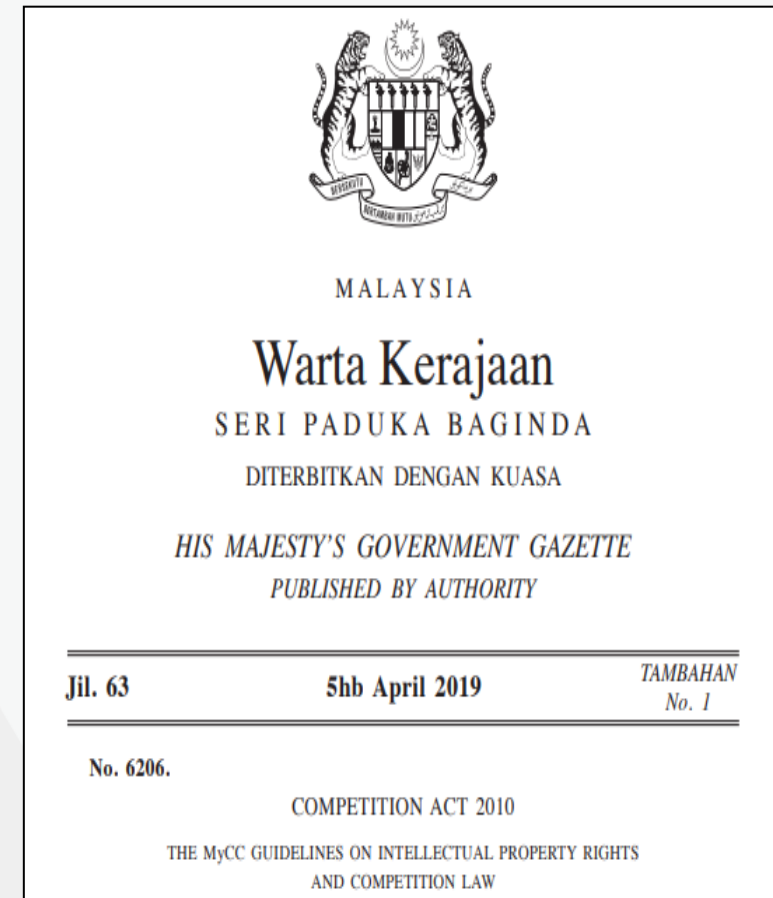
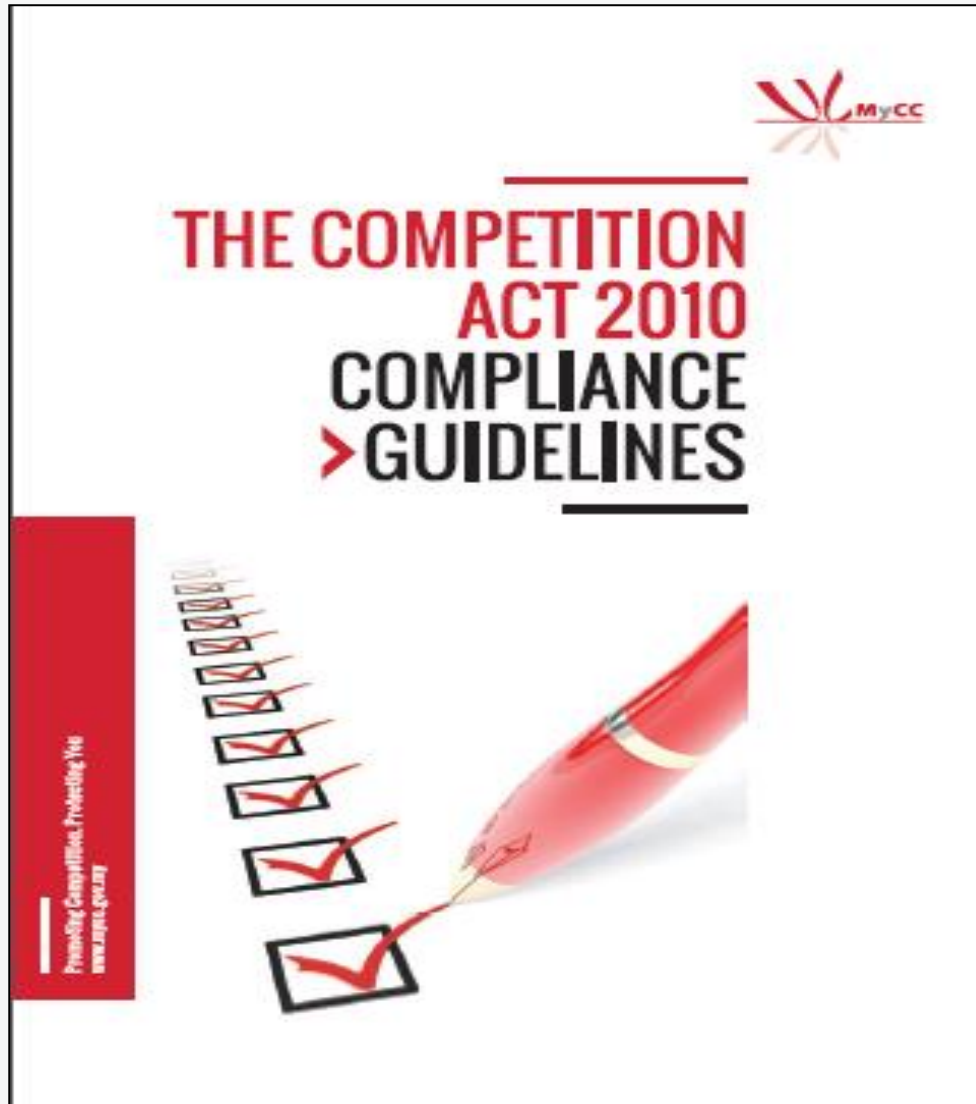


SURUHANJAYA PERSAINGAN MALAYSIA  
MALAYSIA COMPETITION COMMISSION

## COMPETITION ACT 2010 A GUIDE FOR BUSINESS

PROMOTING COMPETITION, PROTECTING YOU

# MyCC'S GUIDELINES



## The MyCC Guidelines on Intellectual Property Rights & Competition Law

# E-LEARNING PROGRAMME

- Program E-Learning MyCC
- Launched on 7 August 2019
- <http://elearning.mycc.gov.my/>



Welcome to the  
**Malaysia Competition  
Commission  
e-Learning System**  
on Competition Compliance for SMEs

## LOGIN

EN BM

Login with your  
username

Log in

[Request new password](#)  
[Create new account](#)

02

# OVERVIEW OF COMPETITION ACT 2010 (CA 2010)

# OBJECTIVE OF CA 2010





# PROMOTING COMPETITION VIA COMPETITION ACT

## Ensuring the market is supported by pro-competitive rules

- ❖ **Conducive reform of policy and regulations** that curb anti-competitive activities such as cartel and abuse of dominant position.
- ❖ Appointment of MyCC as the **Member at the National and Ministerial Level Committee** for the Review of the Monopoly Services and Supply Policy.
- ❖ To be the **main reference Commission in the matter of competition** in relation to any laws and policies.

## The Enforcement of Competition Act 2010

- ❖ Dealing with **cartel** that involves input and final products.
- ❖ Strictly curb the **abuse of dominant power** by key players in the market.
- ❖ Empowering Act 712 with the **introduction of mergers and acquisitions** to combat anti-competitive conduct.
- ❖ Comprehensive and quality **Market Review** for the reference of stakeholders.
- ❖ **Policy advice** as the main tools to ensure compliance.

# ANTI-COMPETITIVE CONDUCT PROHIBITED UNDER CA 2010

## Anti-Competitive Conduct

**Anti-Competitive  
Agreement  
(Section 4)**



**Abuse of Dominant  
Position  
(Section 10)**



# SCOPE OF THE CA 2010



Applicable to any **commercial activities** transacted within and outside of Malaysia which has an effect on competition in any Malaysian market

\*See section 3(1) and 3(2) CA 2010

However, the **CA 2010 shall not apply to any commercial activity regulated** under the:-

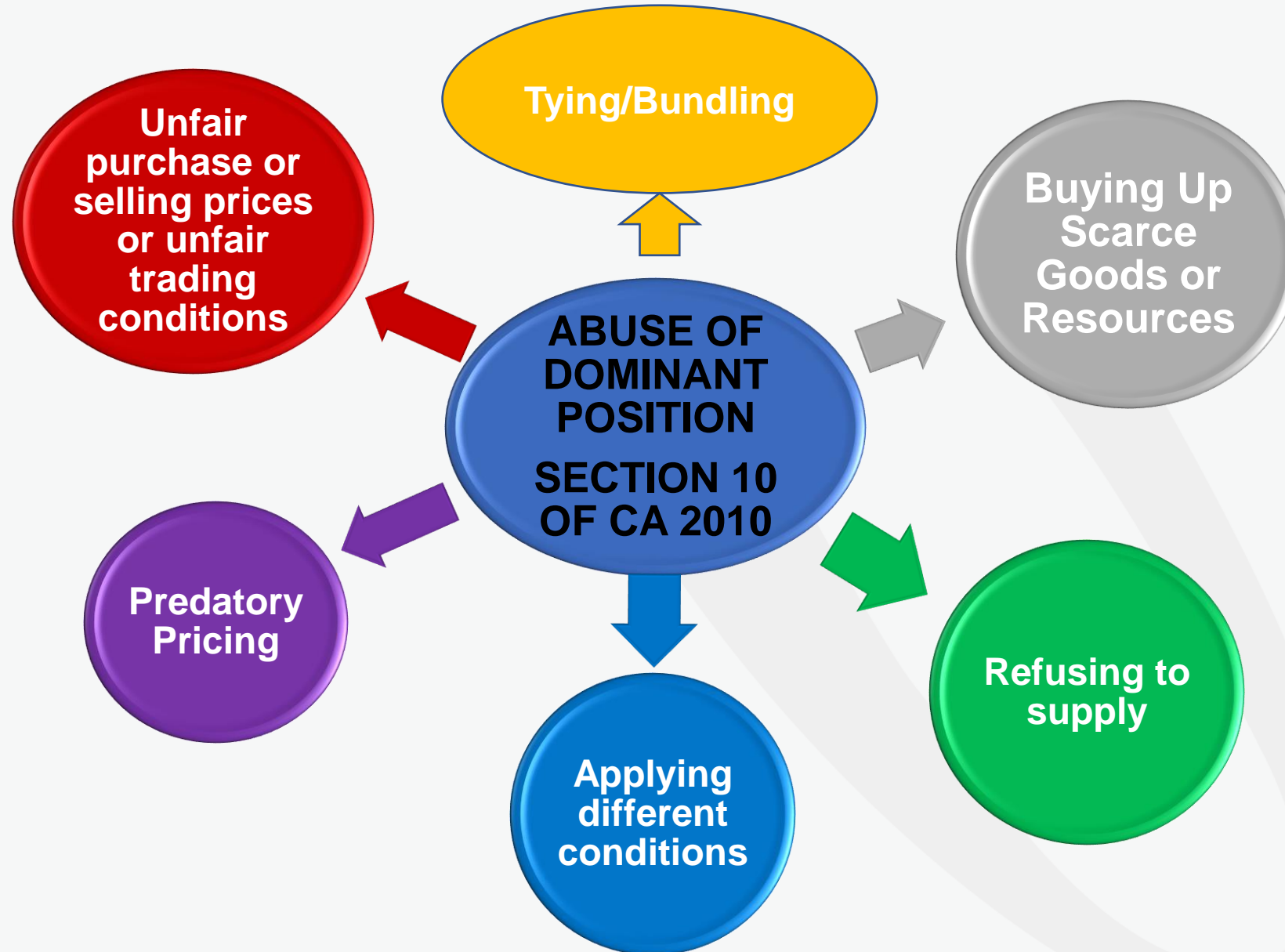
- i. Communications and Multimedia Act 1998
- ii. Energy Commission Act 2001
- iii. Petroleum Development Act 1974
- iv. Malaysian Aviation Commission Act 2015

\*See section 3(3) read together with the First Schedule of CA 2010

## SCOPE OF CA 2010



## SCOPE OF CA 2010



# INDUSTRY INVOLVED IN ASSESSMENT & INVESTIGATION

ASSESSMENT	INVESTIGATION
<ul style="list-style-type: none"><li>• GOVERNMENT PROCUREMENT</li><li>• AGRICULTURE</li><li>• PHARMACEUTICAL</li><li>• BANKING PRODUCTS</li><li>• FOOD AND BEVERAGES</li><li>• HEAVY INDUSTRY</li><li>• PUBLIC TRANSPORTATION</li><li>• COMMUNICATION</li><li>• TOURISM</li><li>• PUBLICATION</li><li>• RETAILS</li><li>• E-MONEY AND MARITIME</li></ul>	<ul style="list-style-type: none"><li>• GOVERNMENT PROCUREMENT</li><li>• PHARMACEUTICAL</li><li>• FINANCIAL PRODUCT</li><li>• LOGISTICS</li><li>• SERVICES</li><li>• POULTRY</li><li>• ICT</li><li>• TRANSPORTATION</li><li>• FOOD AND BEVERAGES</li><li>• WAREHOUSE</li><li>• AUTOMOTIVES</li></ul>



# COMPLETED CASE

PROPOSED DECISION	FINAL DECISION	APPEAL	UNDERTAKING	
<b>Section 36</b> 1) ASWARA – <b>4 March 2019</b> 2) GRAB – <b>3 October 2019</b>	<b>Section 39 (No Infringement)</b> 1) 1 Tube Ice Manufacturer – 30 January 2015 2) Pangsapuri Perdana – <b>12 February 2015</b> 3) 9- Sibu Confectionary and Bakery Association (SCBA) – <b>16 April 2015</b> 4) Sarawak Restaurant Association – <b>16 April 2015</b> 5)My Egg Consortium Sdn. Bhd. – <b>4 Jun 2015</b> 6) Federation of Stationers and Book Sellers Association of Malaysia – <b>26 October 2015</b> 7) Megasteel Sdn. Bhd. – <b>15 April 2016</b> 8) Dongwha Fibreboard Sdn. Bhd. dan Evergreen Fibreboard Bhd. (Woodsellers) – <b>7 February 2017</b> 9) Avery Dennison Materials Sdn. Bhd. and UPM Raflatac Sdn. Bhd. (Labelstock Makers) – <b>7 February 2017</b> 10) Coca-Cola – <b>7 October 2019</b>	<b>Section 40 (Infringement)</b> 1) Cameron Highland Floriculturist Association (CHFA) – <b>6 December 2012</b> 2) Malaysia Airline System Berhad, AirAsia Berhad & AirAsiaX Sdn. Bhd. – <b>31 Mac 2014</b> 3) Tube Ice Manufacturers (Tube Ice) – <b>30 January 2015</b> 4) Sibu Confectionary and Bakery Association (SCBA) – <b>12 February 2015</b> 5) Container Depot Operators (CDO Penang) – <b>1 June 2016</b> 6) MyE.G. Services Berhad. (MyEG) – <b>24 June 2016</b> 7) Daycare & Tuition Centre – <b>8 February 2018</b> 8) PIAM & 22 Members – <b>25 September 2020</b> 9) Dagang Net Technologies Sdn. Bhd – <b>26 February 2021</b> 10) Warehouse – <b>26 July 2021</b> 11) Langkawi Roro – <b>31 December 2021</b>	<b>Competition Appeal Tribunal (CAT)</b> 1) MAS & AirAsia – <b>4 February 2016</b> (Decision by CAT) 2) Prompt Dyanimcs Sdn. Bhd – <b>27 February 2017</b> (Decision by CAT) 3) MyE.G. Services Berhad – <b>28 December 2017</b> (Decision by CAT) 4) PIAM & 22 Members (ongoing) 5) Dagang Net Technologies Sdn. Bhd (ongoing)  <b>Judicial Review (High Court)</b> 1) MAS & AirAsia – <b>20 December 2018</b> (Reinstated decision of MyCC)) 2) MyE.G. Services Berhad – <b>22 January 2019</b> (Dismissed MyEG’s application) 3) GRAB – <b>9 March 2020</b> (Dismissed Grab’s application) 4) PIAM & 22 Members (ongoing)  <b>Court of Appeal</b> 1) MAS & AirAsia – <b>27 April 2021 (Completed)</b> 2) MyE.G. Services Berhad – <b>3 May 2021 (Completed)</b> 3) GRAB – <b>19 April 2021 (Reversed decision of High Court. Leave Application for JR allowed)</b>	<b>Section 43</b> 1) Barbers Association – <b>30 January 2014</b> 2) Pan Malaysia Lorry Owners Association (PMLOA) – <b>7 May 2014</b> 3) Giga Shipping Sdn Bhd & Nexus Mega Carriers Sdn Bhd) – <b>1 October 2014</b> 4) Malaysia Heavy Construction Equipment Owners’ Association (MHCEOA) – <b>12 October 2015</b> 5) Containerchain Malaysia Sdn. Bhd. – <b>30 June 2016</b> 6) Sand Traders for the four District Namely Kota Bharu , Pasir Mas, Tanah Merah and Machang, Negeri Kelantan – <b>25 September 2017</b> 7) Sabah Tourist Guide Association (STGA) – <b>30 August 2019</b> 8) FAWAOAM – <b>2 November 2021</b> 9) METROLOGY - <b>11 November 2021</b>

# Thank You

**Malaysia Competition Commission**

Level 15, Menara SSM @Sentral, 7 Jalan Stesen Sentral 5,  
Kuala Lumpur Sentral, 50623 Kuala Lumpur, Malaysia.

 +603 2273 2277  
 +603 2272 2293  
 [www.mycc.gov.my](http://www.mycc.gov.my)

**PROMOTING  
COMPETITION,  
PROTECTING YOU**

