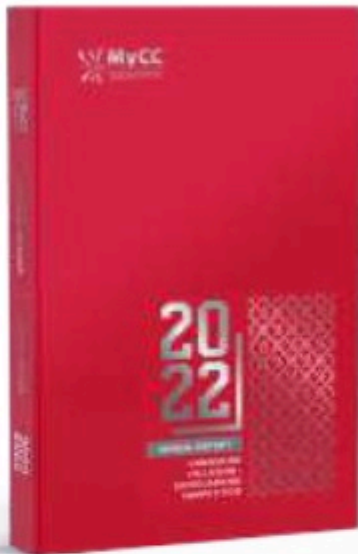


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ANNUAL REPORT

UNMASKING
COLLUSION :
SAFEGUARDING
COMPETITION





COVER RATIONALE

UNMASKING COLLUSION: SAFEGUARDING COMPETITION

The MyCC Annual Report cover adopts a bold, modern aesthetic with a dominant red theme, symbolizing strength, authority and urgency - reflecting MyCC's firm stance in enforcing competition law (Act 712). A geometric motif, inspired by Malaysian heritage, adds cultural relevance while conveying stability and structure. The theme "Unmasking Collusion: Safeguarding Competition" underscores MyCC's commitment to advocacy and enforcement, promoting a competitive market through education and public engagement. With a minimal yet impactful design, the cover projects confidence, reinforcing MyCC's role as a credible authority dedicated to fostering a dynamic, healthy and well-regulated marketplace for sustainable economic growth for the country.

MALAYSIA COMPETITION COMMISSION

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This annual report is available at:

www.mycc.gov.my



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01 | MINISTER'S FOREWORD

MINISTER'S FOREWORD

**YB DATO SRI
ALEXANDER NANTA LINGGI**
Minister of Domestic Trade
and Consumer Affairs



It gives me great pleasure to present the Malaysia Competition Commission's (MyCC) Annual Report for 2022, aptly themed "Unmasking Collusion: Safeguarding Competition." This theme resonates deeply with MyCC's unwavering commitment to promoting transparency, dismantling anticompetitive practices and safeguarding the integrity of our markets. In a rapidly evolving economic landscape, these efforts are more critical than ever in ensuring Malaysia's continued growth and resilience.

Throughout 2022, MyCC demonstrated exceptional resolve in combatting collusive practices threatening healthy competition and challenging its enforcement efforts. Key highlights include a proposed decision against five chicken feed millers and a landmark final decision against eight enterprises for bid-rigging in IT-related projects. These cases underscore MyCC's resolve to crack down on practices that distort the market and undermine consumer trust.

In today's rapidly changing world, shaped by globalization, technological innovation and shifting consumer preferences, the need for strong competition policies has never been greater. As the Minister of Domestic Trade and Consumer Affairs (MDTCA), I am keenly aware of the opportunities and challenges these changes bring. The Malaysian Digital Economy Blueprint (MyDigital), launched in February 2021, acknowledges the importance of competition law in the digital economy. MyCC's role in reviewing and strengthening policies in this area is essential to protecting small enterprises and preventing anticompetitive practices by dominant players.

Beyond enforcement, MyCC has been instrumental in creating awareness and fostering a culture of compliance. Through outreach and collaboration with businesses, industry groups and consumers, it continues to educate stakeholders on the value of healthy competition. The 3rd MyCC Competition Law Conference, held in June 2022, exemplified these efforts. With the theme "Digital Economy, Merger and Bid Rigging," the event brought together over 300 participants from more than ten countries, demonstrating MyCC's commitment to addressing both local and global competition challenges.

The theme "Unmasking Collusion: Safeguarding Competition" reflects MyCC's mission to expose anticompetitive behaviour and uphold healthy market practices. As Minister, I remain committed to working alongside MyCC to ensure Malaysia's markets are competitive and vibrant, enabling innovation and protecting consumer welfare.

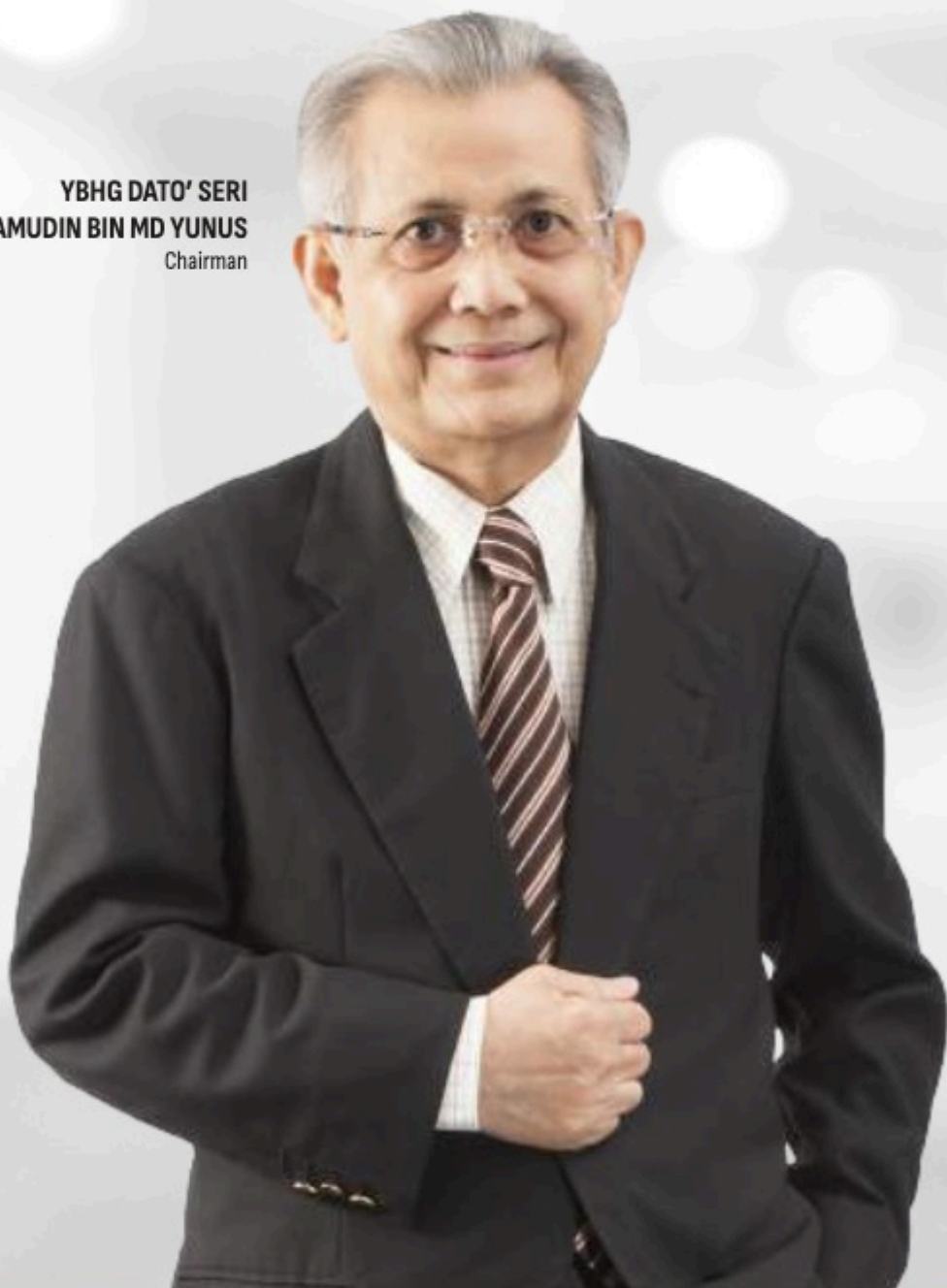
Together, we can build a future where competition thrives, innovation flourishes and consumer welfare is safeguarded, securing Malaysia's place as a strong and competitive economy in the global arena.

YB Dato Sri Alexander Nanta Linggi
Minister of Domestic Trade and Consumer Affairs

02 | CHAIRMAN'S MESSAGE

CHAIRMAN'S MESSAGE

**YBHG DATO' SERI
MOHD HISHAMUDIN BIN MD YUNUS**
Chairman



MyCC is an agency under the Ministry of Domestic Trade and Consumer Affairs (MDTCA) that has conducted numerous advocacy programs as well as investigations to encourage a healthy competition culture in Malaysia. Up to this day, MyCC serves as the Government's vital focal point on competition-related matters. Competition laws are a cornerstone of any modern economy. They serve to ensure that free markets operate healthily and prohibit any exploitative or exclusionary business activities that stifle healthy competition in the marketplace. This year, MyCC has prioritised tackling collusion among market players, reaffirming our commitment to fostering a competitive marketplace that ensures fairness and delivers tangible consumer benefits.

I am particularly pleased with MyCC's growing local and international influence for the year 2022. Through a series of advocacy and enforcement initiatives, we have strengthened our reputation as a leader in competition policy. MyCC had participated actively in high-profile events, for example, the UNCTAD Intergovernmental Group of Experts (IGE) on Competition Law and Policy, Twentieth Session in Geneva, Switzerland. Additionally, working visits by MyCC act as an important mode of networking and knowledge exchange. In 2022, we conducted two such visits, namely, to the Competition and Consumer Protection Commission (CCPC), Ireland and to the Competition and Markets Authority (CMA) in the United Kingdom.

On a reflective note, we bid farewell to our esteemed former commission member, Dato' Dr. Madeline Berma, whose contributions have significantly shaped MyCC's journey. Her leadership and guidance have left an indelible mark and we are profoundly grateful for her services.

Looking ahead, I am confident that MyCC will continue to break new grounds in advocating for competition policies and enhancing enforcement mechanisms. As we unmask collusions and strengthen safeguards for competition, we reaffirm our commitment to ensuring a vibrant and inclusive marketplace for all Malaysians. Together, we will navigate the challenges ahead and uphold the integrity of Malaysia's markets, fostering an economy that is resilient, innovative and fair.

YBhg Dato' Seri Mohd Hishamudin bin Md Yunus
Chairman

03 | CHIEF EXECUTIVE OFFICER'S MESSAGE

CHIEF EXECUTIVE OFFICER'S MESSAGE

**YBRS ENCIK
ISKANDAR BIN ISMAIL**
Chief Executive Officer



As we navigate the complexities of the evolving economic landscape, it is my honour to present the Malaysia Competition Commission (MyCC) Annual Report for 2022. This year marks a pivotal moment as we transition beyond the challenges, embracing both recovery and opportunity as the world resurfaces from the challenges of recent lockdowns. Indeed, 2022 represents a unique landscape of recovery and opportunity. At MyCC, we have approached these shifts with unwavering resolve, staying true to our mission of fostering a competitive marketplace that drives innovation, efficiency and consumer welfare.

Although the year 2022 has presented us with a myriad of challenges and economic uncertainties to steep digital transformation of industries, MyCC remained steadfast in its mission to ensure that competition thrives as a catalyst for innovation, efficiency and consumer welfare.

The theme of this year's report, "Unmasking Collusion: Safeguarding Competition," reflects MyCC's steadfast commitment to exposing and addressing anticompetitive practices that threaten market integrity. In this year 2022, we focused heavily on tackling the insidious issue of bid-rigging cartels, which distort public procurement processes and result in significant financial losses for the nation. These actions not only undermine healthy competition but also erode public trust and harm taxpayers.

In response, MyCC has prioritised bid rigging as a critical area of enforcement. Our efforts led to our first decision against eight enterprises involved in bid-rigging activities across four IT-related projects. Additionally, we issued a proposed decision against five (5) major players in the chicken feed market, a move that underscores our dedication to addressing anti-competitive conduct across diverse sectors.

Advocacy and capacity building also took centre stage in 2022. To ensure and encourage a culture of compliance, MyCC has actively engaged stakeholders from both the public and private sectors. Through a series of 12 advocacy programs, we have empowered ministries, government bodies and businesses to understand and embrace competition principles. The year's highlight was the 3rd MyCC Competition Law Conference held at Sunway Resort, which attracted over 300 participants, including government officials, industry experts, economists and academics. The presence of our Prime Minister, YAB Dato' Sri Ismail Sabri bin Yaakob, who officiated the event, emphasised the national importance of our work in promoting a competitive environment here in Malaysia.

Reflecting on the year's achievements, I extend my heartfelt gratitude to MyCC's dedicated team for their professionalism and perseverance. Their unwavering commitment has been the backbone of our success. I am also deeply appreciative of the support from our stakeholders—ministries, agencies, industry partners and the public—whose collaboration has been instrumental in advancing our shared vision of fair and open markets.

As we look to the future, MyCC remains resolute in its mission to unmask collusion and safeguard competition. Together, we are building a marketplace where innovation thrives, businesses compete fairly and consumers are empowered—a marketplace that serves the best interests of all Malaysians.

Thank you for your trust and continued support.

YBrs Encik Iskandar Ismail
Chief Executive Officer

04 | CORPORATE INFORMATION

INTRODUCTION

The Malaysia Competition Commission, known as the MyCC is an enforcement authority that is mandated to enforce and protect the process of competition in Malaysia. It was established on 1 April 2011 under the Competition Commission Act 2010 [Act 713] with the mandate to implement and enforce the provisions of the Competition Act 2010 [Act 712]. The Competition Act 2010 was designed to foster sustainable economic development through enhancing efficiency, innovation and competitive entrepreneurship. MyCC serves to empower the market in the interest of consumers, businesses and the overall economic progress of the nation. Ultimately, the objective is to ensure more competitive pricing, better quality products and wider choices in the market for consumers in the protection of their rights and interests.

VISION



Aiming to achieve a robust, efficient and sustainable economy for Malaysia and Malaysians through the implementation and enforcement of competition policy and law.

MISSION



Committed to excellence in ensuring and protecting well-functioned and innovative markets for businesses and consumers by championing competition.



FUNCTIONS AND POWERS OF THE COMMISSION



Under The Competition Commission Act 2010 (Act 713)



FUNCTION (SECTION 16)

- To advise the Minister, Government or other public authority on matters related to competition.
- To enforce competition laws through investigation and market study and to issue guidelines related to the implementation and enforcement of competition laws.
- To educate the public, businesses and other stakeholders on the benefits of competition to the economy as a whole.



POWERS (SECTION 17)

- To impose penalty for the infringement of the provisions of the competition laws.
- To impose fees or charges for services rendered by MyCC.
- To conduct programs in the course of performing the functions of MyCC.
- To collaborate with any other organizations or Government agencies for the purpose of performing MyCC's functions.
- To require the furnishing of information by enterprises to assist MyCC in the performance of its functions.

WORKING COMMITTEE



ADMIN & HUMAN RESOURCES

The Admin & Human Resources Committee is established to formulate principles and guidelines in governing human resource matters, focusing on selection and appointment of permanent and contract positions for Research Assistants and Officers for the Commission



ADVOCACY AND COMMUNICATION COMMITTEE

The Advocacy and Communication Committee is established to ensure all stakeholders that need to be educated about the law are involved in the advocacy and communications plan, ensure messages delivered are consistent and ensure continuous publicity for the Commission.



AUDIT AND RISK COMMITTEE

The main responsibilities of the Audit and Risk Committee are to examine all the records, documents and reports pertaining to financial and non-financial matters; to advise the Members of the Commission on the performance of activities which are subject to audit examination; to ensure the appropriate procedures are in place to identify, assess and manage risk from a strategic and operational perspective; and to ensure compliance with procedures and processes that have been approved and put in place by the Commission.



ECONOMICS COMMITTEE

The Economics Committee is established to examine and give direction on matters related to economic analysis, market review and policy advisory work. The Economics Committee provides policy advice and evaluates appropriate justification from economic perspective; provides guidance, advice and reviews on economic assessments, analysis and issues for investigation and exemption cases; and provides suggestions and proposes action plans for market review.



FINANCE AND ADMINISTRATION COMMITTEE

The Finance and Administration Committee is established to formulate principles and guidelines governing financial, administrative and human resource matters, including financial management control, accounting procedure, procurement process, general administration and human resource management for the Commission.



INVESTIGATION AND ENFORCEMENT COMMITTEE

The Investigation and Enforcement Committee shall ensure that all investigations undertaken by the Investigation and Enforcement Division are carried out in accordance with Standard Operating Procedures (SOPs) and best practices to ensure the effective and efficient enforcement of the prohibitions of the Competition Act 2010 by the Commission.



LEGAL AND DRAFTING COMMITTEE

The Legal and Drafting Committee is established in order to carry out the tasks in relation to legal advice and drafting provisions of the Competition Act 2010 [Act 712] and the Competition Commission Act 2010 [Act 713], as well as their subsidiary legislations including guidelines.

SPECIAL COMMITTEE ON COMPETITION

MyCC has a strong network of support for its competition work and activities. This has been cultivated via its role as chair in the Special Committee on Competition. The Special Committee on Competition is a committee that has been established since 2012. The Committee comprises of representatives from various sectoral regulators. The Committee holds a meeting annually to discuss various issues affecting competition in the markets involving different sectors covering key industries namely telecommunications, land and public transport, finance, electricity and water supply, aviation and intellectual properties.

COMMITTEE MEMBERS



FUNCTIONS

- i. Review and discuss competition issues with sector regulators.
- ii. Ensure, where possible, harmonization of competition principles, interpretation and application of the law.
- iii. Conduct joint research and make recommendations on the development of competition policy and law including peer review of related competition policy and law framework in respective sectors.
- iv. Carry out joint educational activities and media campaigns on competition related issues, if necessary, to the public.
- v. Provide necessary support to MyCC and vice versa to the respective sector regulators at national and international forums on competition.
- vi. Provide necessary technical support to MyCC and vice versa to the respective sector regulators.
- vii. Conduct joint advocacy program in the promotion of competition policy and law in Malaysia.
- viii. Any other functions necessary for the promotion of competition policy and law in Malaysia.

SCOPE OF COMPETITION ACT 2010 [ACT 712]

Act 712 applies to all commercial activities conducted within and outside Malaysia which affect competition in any market within Malaysia.

Activities that are excluded from the scope of Act 712 are:



Activities that involve the exercise of Governmental authority



Agreements or conducts that are entered into to comply with any law



Activities which are conducted based on the principle of solidarity



Purchase of goods or services not for re-sale or re-supply



Services involving general economic interest, which cover public utilities or having the character of a revenue-producing monopoly



Collective bargaining activities or collective agreements on behalf of employees between employers and trade union

Act 712 does not apply to commercial activities which are regulated under:



Communications and Multimedia Act 1998



Energy Commission Act 2001



Petroleum Development Act 1974



Petroleum Regulations 1974



Malaysian Aviation Commission Act 2015



MAIN PROHIBITIONS UNDER ACT 712



ANTI-COMPETITIVE AGREEMENTS (SECTION 4)

The Act prohibits any agreement, whether in written form or otherwise between enterprises which has the object or effect of significantly preventing, restricting or distorting competition within a market for goods or services.

An anti-competitive agreement, which may be either made open or secret (e.g., cartel), is one by which enterprises collectively agree not to compete or to collaborate with one another to reduce competition and distort market forces.

The following horizontal agreements are in every instance deemed to have the object of significantly reducing competition and are therefore prohibited:

- i. Price Fixing
- ii. Bid Rigging
- iii. Market Sharing
- iv. Limiting or Controlling Production
- v. Resale Price Maintenance
- vi. Exclusive Agreement



LENIENCY REGIME (SECTION 41)

The leniency regime established under Section 41 is available only to enterprise(s) which admits to an infringement in relation to horizontal agreements as outlined in Section 4(2) of Act 712.

Section 41 requires the applicant not only to make an admission but also extend significant cooperation and assistance to the Commission. Once the two requirements are completed to the satisfaction of the Commission, the enterprise(s) will be granted up to 100% reduction of the financial penalties. Usually, the first enterprise to apply will be given the highest reduction in fine.



ABUSE OF DOMINANT POSITION (SECTION 10)

An enterprise that has a market share of more than 60% is considered to be in a dominant position in relation to its relevant market.

An enterprise with a dominant position in a market is not in breach of any law unless it has abused that position by restricting competition of other enterprises in the same market that could adversely affect the interests of consumers.

Examples of Abuse of Dominance:

- i. Imposing Unfair Pricing or Conditions
- ii. Predatory Behavior
- iii. Refusing to Supply
- iv. Tying and Bundling
- v. Buying Up Scarce Goods or Resources
- vi. Imposing Different Conditions



FINANCIAL PENALTY

If MyCC determines that there has been an infringement of Act 712, an enterprise can be imposed a financial penalty of up to a maximum of 10% of its worldwide turnover and directed to comply with any other direction as MyCC deems appropriate to bring the infringement to an end.

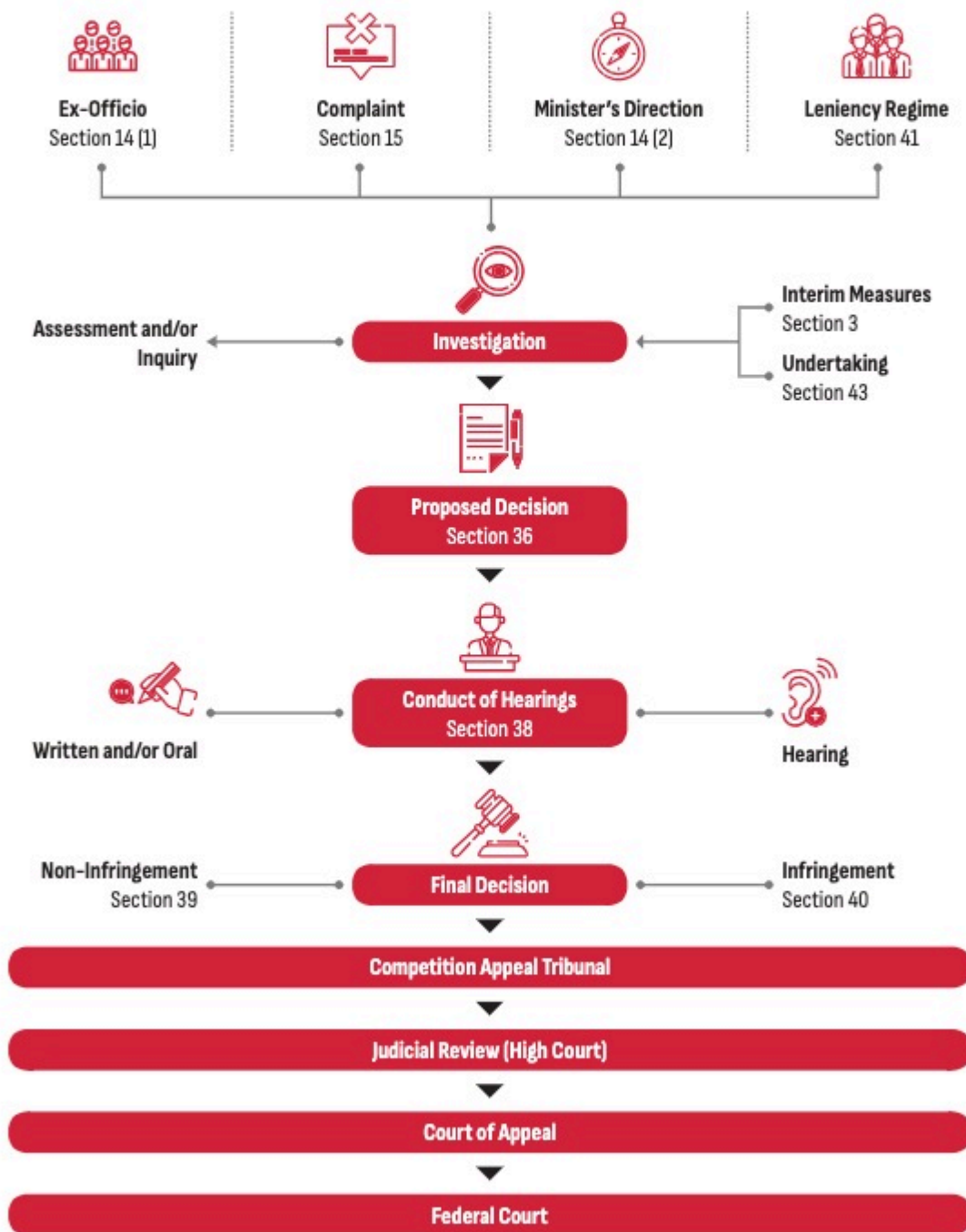


ENFORCEMENT PROCEDURE

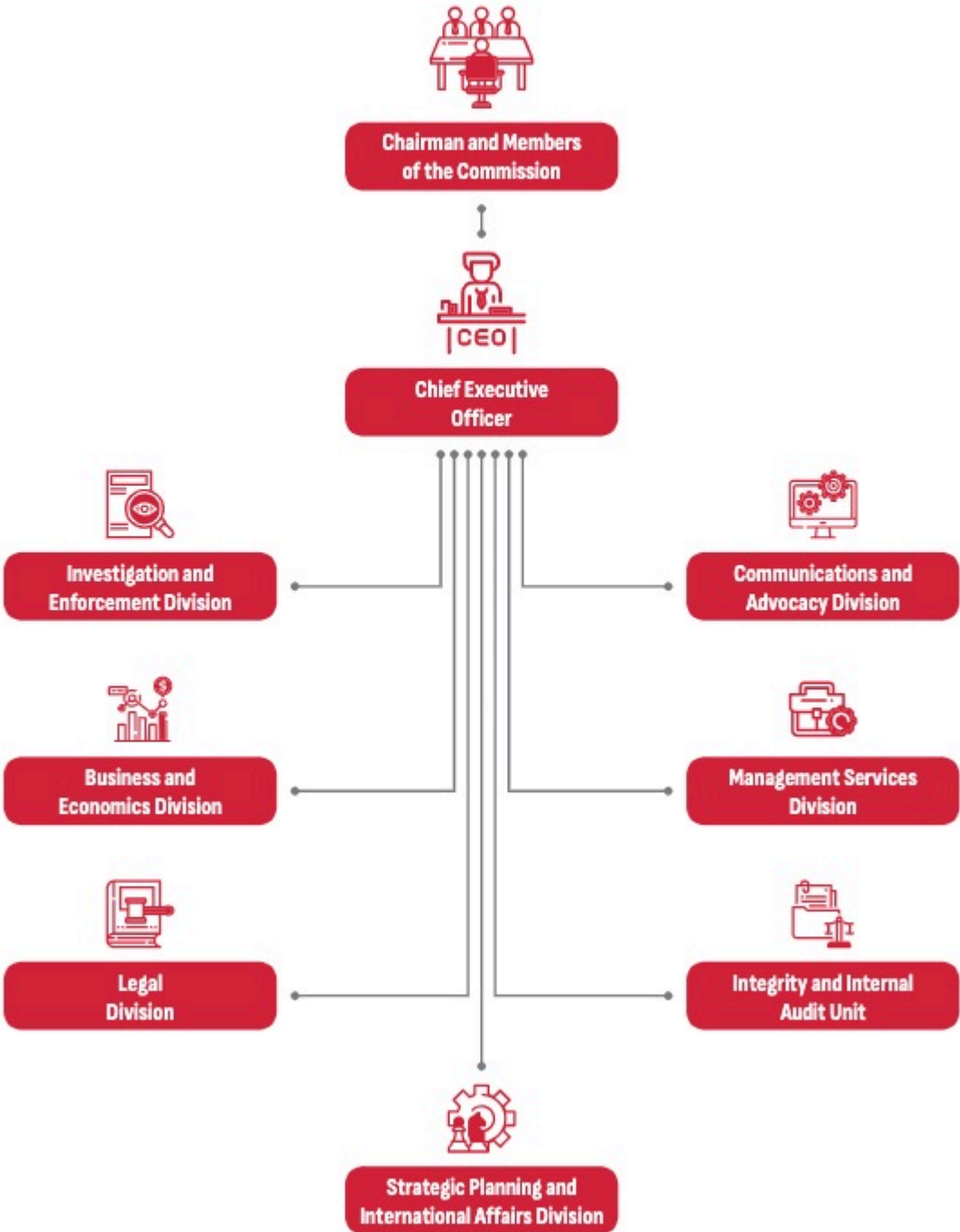
MyCC as a Quasi-Judicial Body

- MyCC conducts investigation
- MyCC makes decision
- MyCC enforces the decision

OVERVIEW OF ENFORCEMENT PROCEDURE



ORGANIZATION CHART



MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



—
**DATO' IR. HJ.
MOHD JAMAL BIN
SULAIMAN**

—
**DATUK
TAY LEE LY**

—
**DATO' SERI
MOHD HISHAMUDIN
BIN MD YUNUS**
Chairman

—
**DATO'
JAGJIT SINGH A/L
BANT SINGH**

—
**DR. NASARUDIN
BIN ABDUL RAHMAN**

The Commission comprises the Chairman, five members representing the Government and four members representing the private sector. The Prime Minister upon the recommendation from the Minister of Domestic Trade and Consumer Affairs (MDTCA) appoints the Chairman and the members of the Commission. Each member serves a three-year term subject to a maximum of two consecutive terms.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



MR. ANIL
ABRAHAM

MR. ARUNAN
TAN SRI
K. KUMARAN

MR. ISKANDAR
BIN ISMAIL
Chief Executive
Officer

DR. NOR MAZNY
BINTI ABDUL MAJID

MRS. SITI JURANI
BINTI JALALUDDIN

DATO DR.
MADELINE BERMA
(4 September 2022)

The Members of the Commission represent multiple fields of legal, economic, financial, trade and consumer interests. Meanwhile, MyCC's administration and management work and activities are led by the CEO and supported by the senior management team.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



**DATO' SERI MOHD HISHAMUDIN
MD YUNUS**
Chairman

Dato' Seri Mohd Hishamudin Md Yunus is a law graduate from the University of London who has previously served as the Malaysian Court of Appeal Judge, Chief Registrar of the Supreme Court, Senior Federal Counsel and the President of the Sessions Court. With 45 years of legal experience, he has also obtained the International Commercial Arbitration certification from the Chartered Institute of Arbitrators, United Kingdom. During his service in the High Court, he has written more than 750 judgments which have been reported in law journals.

He has also served as Legal Advisor to the Ministry of Primary Industry and a spokesman for rubber producing countries at the Natural Rubber Agreement Negotiations in Switzerland. Other than that, he has also served as the Head of Delegation for the International Bar Association's Human Rights Institute (IBAHRI) to South Africa before becoming the Arbitrator at the Kuala Lumpur Regional Centre for Arbitration.



**DATO' JAGJIT SINGH
A/L BANT SINGH**

Dato' Jagjit is the founding partner of a legal firm, Jagjit Ariff & Co. He holds a Masters of Law with Merit (Commercial and Corporate Law-Intellectual Property) degree from King's College, University of London. His expertise is in the laws and practical and procedural aspects of intellectual property matters. Dato' Jagjit Singh was a former Judge and has served the Malaysian Judicial and Legal Service for 28 years in various positions, including Senior Federal Counsel, Deputy Treasury Solicitor, Legal Advisor to the Ministry of Health, Deputy Public Prosecutor and Senior Assistant Parliamentary Draftsman.

He was also a member of the Special Copyright Task Force of the Ministry of Domestic Trade and Consumer Affairs (MDTCA) from 1999 to 2001, Panel of Experts Committee, National ICT Security and Emergency Response Centre from 2001 to 2003 and a Legal Advisor to the Special Parliamentary Select Committee on the Penal Code (Amendment) Bill 2004 and the Criminal Procedure Code (Amendment) Bill 2004. He has authored 'The Practical Approach to the Enforcement of Intellectual Property Rights' and co-authored 'Civil Trials Guidebook'.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



DATUK TAY LEE LY

Datuk Tay Lee Ly obtained her LLB (Hons) degree from the University of Malaya in 1988 and Masters in International Legal Studies from the University of Nottingham, Malaysia in 2010. She is currently the Head of Research Division at the Attorney General's Chambers Malaysia (AGC). Prior to her current role at the AGC, she served as the Legal Advisor of the Ministry of Domestic Trade and Consumer Affairs (MDTCA) since December 2013. She has served in the Judicial and Legal Service for 30 years. As the Legal Advisor of MDTCA, she is also the Head of the Legal Division of MDTCA and is involved in the drafting of legislations under the supervision of MDTCA. Among the legislations are; Companies Act 2016 [Act 777], Interest Scheme Act 2016 [Act 778], Control of Supplies (Amendment) Act 2015, Price Control and Anti-Profitteering Act (Amendment) 2014, Price Control and Anti-Profitteering Act (Amendment)

2017, Cooperatives Commission (Amendment) Act 2014, Companies Commission (Amendment) Act 2014, Weight and Measures (Amendment) Act 2017, Trade Descriptions (Amendment) Act 2017, Consumer Protection (Amendment) Act 2017 and 2019, Trade Marks Bill 2019, Trade Descriptions (Amendment) Bill 2019 and Companies (Amendment) Bill 2019.

Before serving at the MDTCA, Datuk Tay had served in various positions, such as, Chairman of Industrial Court Malaysia in Kuala Lumpur, Legal Advisor to the Ministry of Works, Ministry of Plantation Industries and Commodities and Economic Planning Unit in the Prime Minister's Department, Magistrate in the Petaling Jaya Court, Deputy Public Prosecutor, Senior Assistant Parliamentary Draftsman and Senior Federal Counsel in the AGC.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



**DR. NASARUDIN
BIN ABDUL RAHMAN**

Dr. Nasarudin was appointed as a Member of the Commission on 1 October 2017. He is an Assistant Professor at the Ahmad Ibrahim Kulliyah of Laws, International Islamic University Malaysia (IIUM). He obtained his LLB (Hons) degree in 2002 and his Master in Comparative Laws in 2008 from IIUM. He received his PhD from Macquarie University of Sydney, Australia in the area of competition policy and law in Malaysia.

He authored a book entitled "Competition Law in Malaysia" (published by Thomson Reuters) as well as many other published articles on Malaysian competition law and policy. Before joining IIUM, Dr. Nasarudin was an advocate and solicitor of the High Court of Malaya. Currently, Dr. Nasarudin teaches company law at the undergraduate level, and his areas of interest also include competition policy and law, industrial relations and Islamic banking.



**DATO' IR. HJ.
MOHD JAMAL BIN SULAIMAN**

Dato' Ir. Hj. Mohd Jamal Sulaiman holds a qualification in civil engineering from the University of Salford, United Kingdom. He began his career as a Civil Engineer in July 1981 and was placed in the Malaysian Public Works Department (JKR) in Pahang State. During his 36 years of service, he has served in various designations at different organizations such as the Economic Planning Unit, Hulu Selangor District Water Supply Department, JKR Selangor State.

He has also held Director of Policy and Corporate Management from 2014 until January 2017 and prior to his retirement later that year, he was appointed as Senior Director of General of Works (Building Sector) at JKR. Dato' Ir. Hj. Mohd Jamal was twice awarded the Excellent Service Award as well as the JKR Special Achievement Award 2010 during the span of his public service career.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



DR. NOR MAZNY BINTI ABDUL MAJID

Dr. Nor Mazny was in the Administrative and Diplomatic Service since 1995 for almost 24 years, assigned and responsible in various posts. In 1994, Dr. Nor Mazny received her Bachelor of Laws (LLB) from International Islamic University Malaysia (IIUM) and subsequently earned her Master's in Information Technology Law from the University of Strathclyde, United Kingdom, in 2002. Following that, she obtained her PhD from Victoria University, Australia, in 2012.

Dr. Nor Mazny started her career as an Assistant Secretary at the Ministry of Entrepreneur Development and later on, moved to the Ministry of Finance. She was then assigned to the Ministry of Energy, Green Technology and Water as the Senior Principal Assistant Secretary from 2010 to 2011. Since 2015 she has been the Deputy Director General of Policy and Development, Legal Affairs Division in the Prime Minister's Department, after being the Director of the same division from 2011.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



**MS. SITI JURIANI
BINTI JALALUDDIN**

Siti Juriani is the Head of Public Finance Section I of the Public Asset Management Division, Ministry of Finance (MOF). She holds a Bachelor of Business Administration with a major in Finance from University Utara Malaysia (UUM). She joined MOF in 2001 and was appointed in several divisions including Remuneration Policy and Management Division, Tax Division as well as in the National Budget Office.



**MR. ARUNAN
TAN SRI K. KUMARAN**

Arunan Tan Sri Kumaran is the Member of the Commission and the Deputy Director of Strategic Planning, Policy and International Division, Ministry of Domestic Trade and Consumer Affairs, Malaysia. He was the Chair/Convener of APEC Competition Policy and Law for two years from 2020. He has served the Malaysian Government for 19 years handling international trade matters relating to competition law, intellectual property, consumer protection and electronic commerce. He was also instrumental for the formulation and drafting of Malaysia's Competition Policy, Competition Act 2010, Competition Commission Act 2010 and subsequently the establishment of Malaysia Competition Commission (MyCC). Arunan is Malaysia's Lead Negotiator for Competition Policy of Free Trade Agreements including The Trans-Pacific Partnership (TPP), Regional Comprehensive Economic Partnership Agreement (RCEP) and Malaysia-European Free Trade Agreement. He continues to play a pivotal role in the development of competition policy and law in the Asia Pacific region.

MEMBERS OF THE COMMISSION & CHIEF EXECUTIVE OFFICER



DATO DR. MADELINE BERMA
(4 September 2022)

Dato Dr. Madeline obtained her Bachelors of Economics from Universiti Kebangsaan Malaysia (UKM) in 1982; and later completed her Master of Arts at the University of Wisconsin-Madison, USA, in 1986. Subsequently, she received her PhD from the University of Hull, England, in 1997. Dr. Madeline is credited strongly for her 35 years of academic experience, in which she held various positions during her years under UKM.

Currently, Dato Dr. Madeline is a Commissioner at the Human Rights Commission of Malaysia and is a consultant under NuMind Plus Training and Consultancy. Her past publications and research specialize in the field of development economics, which includes areas of poverty, inequality, rural development, women development and marginalized communities. She was awarded with three distinctive recognitions, which are *Pingat Ahli Bintang Kenyalang* (ABK), Sarawak Women in Education special award and Tokoh Wanita Sempena Hari Pekerja (CUEPACS).



MR. ANIL ABRAHAM

Mr. Anil Abraham is currently the Head of the Group Legal Department at Malaysian Resources Corporation Berhad (MRCB). Prior to MRCB, he worked for Usaha Tegas and MEASAT. He is a qualified solicitor in England and practiced Corporate Law at two international law firms in London. Mr. Anil holds a Bachelor and Masters of Laws from King's College London; and completed his Masters in Business Administration at École Supérieure des Sciences Economiques et Commerciales (ESSEC).



MR. ISKANDAR BIN ISMAIL
Chief Executive Officer

Mr. Iskandar Ismail was appointed as the Chief Executive Officer for MyCC on 15th October 2018 after serving as the Director of the Investigation and Enforcement Division for more than five years. He graduated from the International Islamic University with an LLB (Hons) in 1997 and holds an LLM in International and Comparative Law from the George Washington University Law School, Washington DC. Admitted to the High Court of Malaysia as an advocate and solicitor, he has served at Bank Negara Malaysia as a Prosecuting Officer for seven years. Prior to joining MyCC, he was an Assistant Trial Attorney with the United Nations for the International Criminal Tribunal for Rwanda in Tanzania for eight years. Iskandar was also appointed as the Chairman of the ASEAN Expert Group on Competition (AEGC) Meeting representing Malaysia for 2019.

During his tenure as Chief Executive Officer and the Director of the Investigation and Enforcement Division, Iskandar has led and overseen the investigation of

many of MyCC's landmark cases such as Malaysian Airline Systems Bhd and AirAsia Berhad, Container Depot Operators in Penang, MyEG Services Bhd, the General Insurance Association of Malaysia (PIAM) and its 22 members, Dagang Net Technologies Sdn. Bhd. and several others. As the Chief Executive Officer, he also oversees cases involving Grab and the first bid rigging case in Malaysia involving eight IT companies. He also led the Market Review on Food Sector and the Market Review on Service Sector (Wholesale and Retail for Selected Products) which received widespread attention and positive impact from various parties. He has also been frequently invited as a speaker at several local and foreign conferences, forums and seminars given his experience and practical knowledge in the investigation and enforcement of Competition Law such as speaker at the 2022 ABA Antitrust Law Spring Meeting, 21st International Conference on competition & 2022 ICN Annual Conference and Antitrust in Asia Conference.

MALAYSIA COMPETITION COMMISSION MEETING 2022

Malaysia Competition Commission Meeting (MCCM) 2022 - Management

No.	Member of Commission	MCCM No. 1/2022	MCCM No. 2/2022	MCCM No. 3/2022	MCCM No. 4/2022	MCCM No. 5/2022	MCCM No. 6/2022	MCCM No. 7/2022	MCCM No. 8/2022	Total
	Date	24 Jan	3 Mar	25 Apr	9 Jun	14 Sep	11 Nov	15 Dec	24 Jan	
1.	Dato' Seri Mohd Hishamudin bin Md Yunus	✓	✓	✓	✓	✓	✓	✓	✓	8/8
2.	Dato' Jagjit Singh a/l Bant Singh	✓	✓	✓	✓	✓	✓	✓	✓	8/8
3.	Datuk Tay Lee Ly	✓	✓	✓	✓	✓	X	✓	✓	7/8
4.	Dr. Nasarudin bin Abdul Rahman	✓	✓	✓	✓	✓	✓	✓	✓	8/8
5.	Dato' Ir. Haji Mohd Jamal bin Sulaiman	✓	✓	✓	✓	✓	✓	✓	✓	8/8
6.	Dr. Nor Mazny binti Abdul Majid	✓	✓	✓	X	✓	✓	✓	✓	6/7
7.	Dato' Dr. Madeline Berma	✓	✓	X	✓	✓	Tenure ended on 3 September 2022			4/5
8.	Mr. Anil Abraham	✓	✓	✓	X	✓	✓	✓	X	6/8
9.	Ms. Siti Juriani binti Jalaluddin	✓	✓	X	✓	✓	X	✓	✓	6/8
10.	Mr. Arunan a/l Tan Sri K. Kumaran	✓	✓	✓	✓	✓	✓	✓	✓	8/8
Total		10	10	8	8	10	7	9	9	

Malaysia Competition Commission Meeting (MCCM) 2022 - Cases

No.	Member of Commission	MCCM No. 1/2022	MCCM No. 2/2022	MCCM No. 3/2022	MCCM No. 4/2022	MCCM No. 5/2022	MCCM No. 6/2022	MCCM No. 7/2022	Total
	Date	25 Jan	4 Mar	26 Apr	9 Aug	27 Sep	1 Nov	1 Dec	
1.	Dato' Seri Mohd Hishamudin bin Md Yunus	✓	✓	✓	✓	✓	✓	✓	7/7
2.	Dato' Jagjit Singh a/l Bant Singh	✓	✓	✓	✓	✓	✓	✓	7/7
3.	Datuk Tay Lee Ly	✓	X	✓	✓	X	X	✓	4/7
4.	Dr. Nasarudin bin Abdul Rahman	✓	✓	✓	✓	X	✓	✓	6/7
5.	Dato' Ir. Haji Mohd Jamal bin Sulaiman	✓	✓	✓	✓	✓	✓	✓	7/7
6.	Dr. Nor Mazny binti Abdul Majid	✓	✓	X	✓	✓	✓	X	5/7
7.	Dato' Dr. Madeline Berma	✓	X	X	✓	Tenure ended on 3 September 2022			2/4
8.	Mr. Anil Abraham	✓	✓	✓	✓	✓	✓	X	6/7
9.	Ms. Siti Juriani binti Jalaluddin	✓	✓	✓	✓	X	✓	✓	6/7
10.	Mr. Arunan a/l Tan Sri K. Kumaran	✓	✓	✓	✓	✓	✓	✓	7/7
Total		10	8	8	10	6	8	7	

05 | MILESTONES 2021 - 2022

MILESTONES 2010-2022



2010

- April** • Approval of the new policy and bill
 - June** • Act 712 and Act 713 were gazetted
-



2011

- April** • Formation of MyCC and commencement of operations
-



2012

- January** • Act 712 came into force
 - May** • Issued Guidelines on Complaint Procedures, Market Definition and Prohibitions (Anti-Competitive Agreements)
 - July** • Issued Handbook for General Public and Guidelines on Prohibitions (Abuse of Dominant Position)
 - December** • Issued Final Decision against Cameron Highlands Floriculturist Association for price fixing
 - December** • Launched MyCC Research Grant Program (RGP)
-



2013

- January** • Official opening of MyCC headquarter at Menara SSM@Sentral
 - July** • Issued Market Review on Fixing of Prices by Professional Bodies in Malaysia
 - July** • Conducted a baseline study on awareness of the Competition Act 2010
 - September** • Issued 'Competition Act 2010: A Guide for Business' and 'Compliance Guidelines'
 - September** • Organized the first Competition Law Conference in Malaysia
-



2014

- March** • Issued Market Review on Domestic Broiler
- March** • Issued Final Decision against Malaysia Airlines, AirAsia and AirAsia X for engaging in an anti-competitive agreement
- June** • Issued 'Guidelines for Fighting Bid Rigging in Public Procurement' and 'Help Us to Detect Bid Rigging'
- October** • Issued Guidelines on Financial Penalty and Leniency Regime



2015

- January** • Issued Final Decision against 24 Ice Manufacturers for price fixing
- February** • Issued Final Decision against Sibü Confectionery and Bakery Association for price fixing



2016

- June** • Issued Final Decision against five Container Depot Operators for engaging in an anti-competitive agreement
- June** • Issued Final Decision against My E.G. Services Berhad for abuse of dominant position



2017

- March** • Organized Malaysia Competition Conference 2017 "Competition Law: Breaking Norms, Managing Change"
- December** • Issued Market Review on Pharmaceutical Sector and Building Materials in Construction Industry



2018

- October** • Issued Final Decision against seven Tuition and Day Care Centers for price fixing



2019

- March** • Issued Proposed Decision against eight enterprises involving Procurement of IT Services for bid rigging
- August** • Issued Market Review on Food Sector
- October** • Issued Proposed Decision against Grab Inc., GrabCar Sdn. Bhd. and MyTeksi Sdn. Bhd. for abuse of dominant position



2020

- August** • Issued Market Review on Service Sector (Wholesale and Retail for Selected Product)
- September** • Issued Final Decision against the General Insurance Association of Malaysia (PIAM) and its 22 members for engaging in an anti-competitive agreement

MILESTONES 2010-2022



2021

- February** • Issued Final Decision against Dagang Net Technologies Sdn. Bhd. for abuse of dominant position
- April** • Launched of MyCC's rebranding and redesigned logo
- August** • Issued Final Decision against seven warehouse operators in Port Klang for price fixing
- October** • Issued Market Review for Selected Transportation Sectors in Malaysia (Port Logistics Ecosystem and Motor Vehicles Warranty)
- December** • Published MyCC's Strategic Plan for 2021-2025
- December** • Issued Final Decision against Langkawi Ro-Ro Operators for price fixing



2022

- June** • Organized the 3rd MyCC Competition Law Conference 2022
- July** • Issued Final Decision against eight Enterprises Involving Procurement of IT Services for bid rigging
- August** • Issued Proposed Decision against the following five Chicken Feed Millers

06 | 2022 IN REVIEW

ENFORCEMENT ACTIVITIES

In the year 2022, MyCC has conducted several investigations and enforcement actions against several enterprises for the infringement of Act 712.



PROPOSED DECISION (SECTION 36)

i. Chicken Feed Millers

On 5 July 2022, the MyCC has issued a Proposed Decision against the following five enterprises for infringing section 4 of the Competition Act 2010 (Act 712):

- i. Dindings Poultry Development Centre Sdn. Bhd.;
- ii. FFM Berhad;
- iii. Gold Coin Feedmills (Malaysia) Sdn. Bhd.;
- iv. Leong Hup Feedmill Malaysia Sdn. Bhd.; and
- v. PK Agro-Industrial Products (M) Sdn. Bhd.

The MyCC's provisionally found that the said enterprises have infringed section 4 of the Competition Act 2010 by entering into anti-competitive agreements and/or concerted practices in increasing the price quantum of poultry feed that contains soybean meal and maize as its main ingredients, between early 2020 and mid-2022. However, the five enterprises have the opportunity to submit their representation in relation to the provisional finding by the MyCC. Upon hearing and considering the representations together with the evidence gathered during the investigation, MyCC will only then issue its final decision on whether there is a finding of infringement or non-infringement of the Competition Act 2010.



FINDING OF INFRINGEMENT (SECTION 40)

i. Eight Enterprises Involving Procurement of IT Services

In early 2017, upon receiving information on an alleged bid rigging arrangement involving an ASWARA project, MyCC commenced an investigation against eight IT Vendors under section 15 of the Competition Act 2010 to ascertain whether there is an infringement of section 4(2)(d) of the same Act.

Upon thorough review of evidence and careful deliberation of the written and/or oral representations by the eight enterprises, MyCC concludes that, based on strong and compelling evidences, the conduct of the enterprises constitutes an infringement under section 4(1) read together with section 4(2)(d) of the Competition Act 2010 which is anti-competitive bid rigging agreements and/or concerted practice involving ASWARA procurement projects.

The MyCC imposed a financial penalty amounting to RM1,548,192.35 against eight enterprises (Tuah Packet Sdn. Bhd., Caliber Interconnects Sdn. Bhd., Aliran Digital Sdn. Bhd., ViaMED Sdn. Bhd., Novatis Resources Sdn. Bhd., Silver Tech Synergy Sdn. Bhd., Silver Tech Synergy Sdn. Bhd., Venture Nucleus (M) Sdn. Bhd. and Basenet Technology Sdn. Bhd.) for engaging in bid rigging conducts involving four different IT related projects worth RM1,925,365.90 that were procured by the National Academy of Arts, Culture and Heritage of Malaysia ("ASWARA").



STATISTICAL SUMMARY 2022

154

Investigation

1258

Assessment

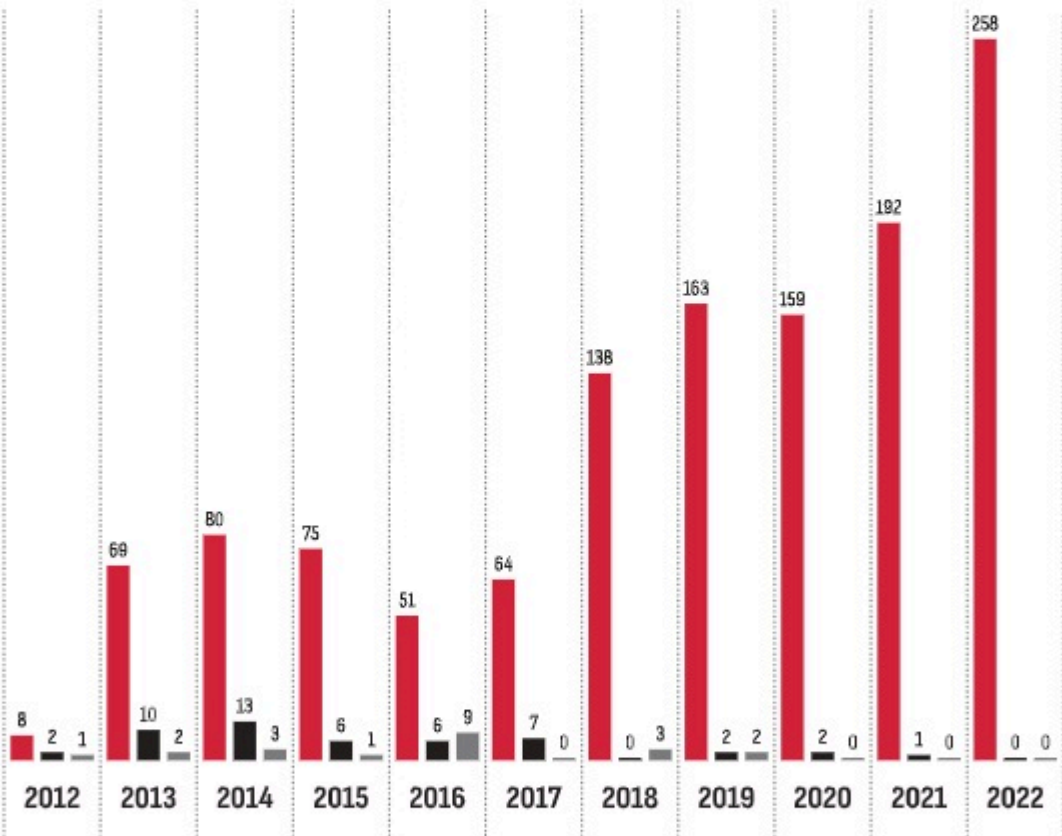
Active	Closed
276	982
Complaint	

Active	Closed
3	49
Ex-Officio	

Active	Closed
3	12
Ministerial Direction	



TOTAL STATISTICS OF 2012-2022



Total Received	Total Closed
1258	982
COMPLAINT	

Total Received	Total Closed
52	49
EX-OFFICIO	

Total Received	Total Closed
15	12
MINISTERIAL DIRECTION	

POLICY ADVICE

The advisory works undertaken by MyCC are in the forms of policy advice, legal opinions and advice, as well as economic advice.

In 2022, MyCC provided a total of 11 policy advices in relation to competition issues to Ministries and Government agencies in Malaysia.

MyCC has provided policy recommendations and advices to the following Ministries/Government Agencies:

- 1 January 2022**
Economic Planning Unit (EPU), Prime Minister's Office & Ministry of Domestic Trade and Cost of Living (KPDN)
- 2 February 2022**
Ministry of Defence (MINDEF), Ministry of Home Affairs (MOHA) & Ministry of Domestic Trade and Cost of Living (KPDN)
- 3 February 2022**
Ministry of Domestic Trade and Cost of Living (KPDN)
- 4 February 2022**
Ministry of Finance (MOF)
- 5 February 2022**
Ministry of Education (MOE)
- 6 March 2022**
Ministry of Education (MOE)
- 7 March 2022**
Ministry of Local Government Development (KPKT) & PR1MA Corporation Malaysia
- 8 June 2022**
Ministry of Energy and Natural Resources (KeTSA)
- 9 June 2022**
Akademi Seni Budaya dan Warisan Kebangsaan (ASWARA)
- 10 July 2022**
Ministry of Transport (MOT)
- 11 November 2022**
Public Works Department (JKR)

CONFERENCE

3RD MyCC COMPETITION LAW CONFERENCE 2022: DIGITAL ECONOMY, MERGER AND BID RIGGING



Overview

The 3rd MyCC Competition Law Conference 2022 was successfully held via hybrid mode from 23 to 24 June 2022 at Sunway Resort, Selangor. The two-day conference with the theme "Digital Economy, Merger and Bid Rigging" was officiated by the Prime Minister of Malaysia, YAB Dato' Sri Ismail Sabri bin Yaakob who was represented by the Minister of Domestic Trade and Consumer Affairs (MDTCA), YB Dato Sri Alexander Nanta Linggi.

The conference was conducted as a part of the initiative to promote competition and strengthen the institutional capacity to ensure a robust and sound competition law enforcement in Malaysia. It was a great spotlight on MyCC's investigations into the allegations of cartel activities and bid rigging activities involving public procurement.

The speakers for this program are from various fields such as ministries, industry players, lawyers, regulators and academicians. The conference covers a wide range of topics in competition as follows:

- 1 The Economic Impact of The Disruption by Digital Economy
- 2 The Intersection Between Bid Rigging and Corruption
- 3 Promoting an Effective Leniency Regime
- 4 Formulating Effective Mergers and Acquisitions Policies for Economic Development
- 5 The Perspective from Industry Players and Regulators on Mergers and Acquisitions Activities
- 6 Digital Economy Cases: Comparison of Intervention in Asia, The United States and The European Union
- 7 Competition Law and Economic Development: Market Review and its Relevance in Addressing Business Behavior
- 8 Charting the Way Forward for Competition Law Enforcement

CONFERENCE

Objectives

This program was conducted to achieve the following objectives:

- i To bring together industry experts, policymakers and stakeholders to discuss and address key issues related to competition law.
- ii To provide valuable insights, exchange knowledge and experiences and foster discussions that contribute to the advancement of competition law enforcement and its role in promoting economic development.

Achievements

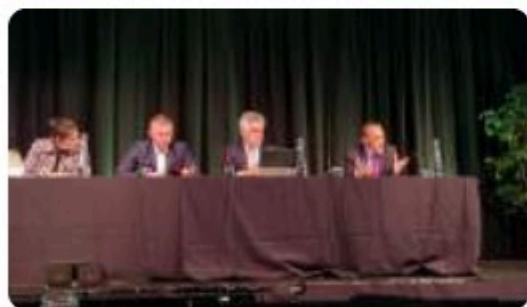
The program was attended by more than 300 international and local participants from more than ten jurisdictions, comprising of government officers, legal practitioners, economists, members of professional bodies, members of financial institutions, academicians, students and others.



INTERNATIONAL PROGRAM

Internationally, MyCC is also actively involved in conferences, workshops, meetings and capacity building overseas. As the member of the ASEAN Experts Group on Competition (AEGC), International Competition Network (ICN), Organization for Economic Co-operation and Development (OECD), United Nations Conference on Trade and Development (UNCTAD) and others, MyCC often accepts invitations to overseas programs as speakers, participants, meeting members and even moderators.

For the year 2022, MyCC has successfully held 1 international collaboration program and attended a total of 53 programs and 17 meetings at the international level which include forums, workshops, secondment programs and other capacity-building programs.



INTERNATIONAL PROGRAM

Capacity Building

No.	Program	Date	Venue	Remarks
1.	Concurrences 3 rd Cartels Workshop	19 - 20 January	Virtual	Coordinated by Concurrences
2.	Competition & Antitrust in Southeast Asia - Serious Enforcement with a Focus on Singapore	19 January	Virtual	Coordinated by Rajah and Tann Asia
3.	ASEAN-US DOJ Investigation Cooperation on Cross-border Mergers and Cartels Workshop	24 - 25 January	Virtual	Coordinated by US DOJ
4.	ICN CWG Webinar on "Implementing Effective Leniency Programs: Lessons Learnt and Challenges Ahead"	26 January	Virtual	Coordinated by ICN CWG
5.	CLIP Scholars Program 2022	14 February - 18 April	Virtual	Funded by CLIP
6.	CLIP 'Train-the-trainer' Program 3	10 February - May	Virtual	Funded by CLIP
7.	JICA/JFTC Online Group Training	1 - 2, 15 - 19 February, 1 - 5 March	Virtual	Funded by JICA & JFTC
8.	PCC 2022 Forum on Competition in Developing Countries	3 - 4 February	Virtual	Coordinated by PCC
9.	ICN Advocacy Workshop 2022	9 - 10 February	Virtual	Coordinated by ICN
10.	UK-ASEAN Business Forum: A Future Redefined	24 February	Virtual	UK-ASEAN Business Council
11.	Merger Control: Recent Developments in Digital markets	28 February - 8 April	Virtual	Coordinated by UNCTAD
12.	Webinar of the ICN CWG on 'Trustbuster Toolbox for Managing Complex Cartel Cases'	2 March	Virtual	Coordinated by ICN
13.	OECD/KPC Workshop on Market Studies	8 - 11 March	Virtual	Coordinated by OECD
14.	OECD KPC Competition Programme Capacity Building Online Event on Market Studies	11 March	Virtual	Coordinated by OECD
15.	Webinar on "Shaping Agency Digital Transformation: The Role of Digital Experts"	11 March	Virtual	Coordinated by Swedish Competition Authority

Capacity Building

No.	Program	Date	Venue	Remarks
16.	3 rd Digital Antitrust Conference	17 March	Virtual	Coordinated by Concurrences
17.	APEC Data Science Toolkit Workshop	23 March	Virtual	Coordinated by APEC
18.	2022 Antitrust Writing Awards - Gala Dinner Ceremony	5 April	National Press Club, Washington DC	Coordinated by Concurrences
19.	2022 ABA Antitrust Law Spring Meeting	5 - 8 April	Washington, DC	Coordinated by ABA
20.	ICN CWG Asia Pacific Webinar on "Implementing Effective Leniency Programs: Lessons Learnt and Challenges Ahead"	6 April	Virtual	Coordinated by ICN
21.	CLIP Secondment Alumni Event	11 April	Virtual	Coordinated by CLIP
22.	Validation Workshop for the ASEAN Investigation Manual on CPL for the Digital Economy	19 April	Virtual	Coordinated by CLIP
23.	6 th Innovation Economics for Antitrust Lawyers Conference	21 April	Virtual	Coordinated by Concurrences
24.	21 st International Conference on competition & 2022 ICN Annual Conference	4 - 6 May	Berlin, Germany	Coordinated by ICN
25.	OECD Workshop on SOEs in Global Value Chains	31 May	Virtual	Coordinated by OECD
26.	2022 Competition Summer School (CSS)	20 June - 1 July	Virtual	Coordinated by EU Competition Law
27.	UNCTAD ESCAP TCCT Event	27 & 28 June	Bangkok	Coordinated by UNCTAD, ESCAP and TCCT
28.	ICN CWG Asia Pacific Webinar on "Criminalization of Cartel and Bid-rigging Conducts: How to Ensure Effective Enforcement"	30 June	Virtual	Coordinated by JFTC
29.	CRESSE Competition Agency Leaders Executive Programme (CALEP)	2 - 6 July	Crete, Greece	Coordinated by OECD and CRESSE
30.	Brainstorming Workshop of the Guidelines for Sharing Merger Cases.	27 July	Virtual	Coordinated by ASEAN

INTERNATIONAL PROGRAM

Capacity Building

No.	Program	Date	Venue	Remarks
31.	ASEAN-UK Workshop on Competition in the Digital Markets	15 - 16 August	Virtual	Coordinated by ASEAN
32.	ASEAN-US DOJ Workshop on Economic Analysis	15 - 16 August	Virtual	Coordinated by US-DOJ & ASEC
33.	Global Competition Review (GCR) Live Law Leaders Asia-Pacific 2022 Conference	25 - 26 August	Singapore	Coordinated by Global Competition Review (GCR)
34.	Competition Clinic: Mergers and the Case for Clear Economic Evidence	5 September	Virtual	Coordinated by ASEAN
35.	Train-the-trainer' Program	12 September - 17 November	Virtual	Coordinated by CLIP
36.	14 th East Asia Conference (EAC)	29 September	Manila, Philippines	Coordinated by PCC, JFTC, ADBI
37.	ASEAN Interface Workshop between competition and consumer protection regulators	6 October	Virtual	Coordinated by AEGC
38.	APEC Project CPLG 01 2021A "Workshop: Competition Policy: A Driver for Economic Recovery"	12 - 13 October	Virtual	Coordinated by APEC-CPLG
39.	Antitrust in Asia Conference - Merger Control in Asia	17 - 20 October	Virtual	Coordinated by Concurrences
40.	KFTC Virtual International Competition Workshop	20 October - 20 November	Virtual	Coordinated by KFTC
41.	2022 Virtual Regional Antitrust Seminar on "Competition Enforcement in the Digital Economy"	25 October	Virtual	Coordinated by TFTC
42.	OECD/KPC Competition Law Workshop on Advocacy Strategies for Competition Authorities in Asia-Pacific	25-27 October	Bangkok, Thailand	Coordinated by OECD/KPC
43.	International Conference "Digital transformation: Between Regulation and Competitiveness"	9 - 10 November	Marrakech, Morocco	Coordinated by the Competition Council of the Kingdom of Morocco
44.	OECD/KPC Workshop on Merger Control - Theories of Harm	22 - 24 November	Virtual	Coordinated by OECD/KPC

Capacity Building

No.	Program	Date	Venue	Remarks
45.	Training in Japan by ICA Malaysia office on Competition Law & Policy 2022	27 November until 10 December	JICA Kansai Centre, Japan	Coordinated by JICA
46.	AANZFTA Competition Law Implementation Program (CLIP) - Abuse of Dominance in Digital Markets	28 November	Virtual	Coordinated by CLIP
47.	Digital markets workshop #3 ACCC's experiences in developing the Digital Platforms Services Inquiry Report	29 November	Virtual	Coordinated by CLIP
48.	Validation Workshop for ACBPI Guidance Document and Questionnaire	29 November	Virtual	Coordinated by AEGC
49.	OECD Global Forum on Competition	1 - 2 December	Paris, France	Coordinated by OECD
50.	JFTC symposium "Ecosystems by Digital Platforms"	2 December	Virtual	Coordinated by JFTC
51.	ICN Cartels Workshop & 2nd Competition Clinic	5 - 8 December	Auckland, New Zealand	Coordinated by ICN
52.	Antitrust in Asia Conference	8 - 9 December	Singapore	Coordinated by ABA
53.	KFTC, The Virtual International Competition Workshop	14 December	Virtual	Coordinated by KFTC

International Meeting

No.	Program	Date	Venue	Remarks
1.	Brainstorming Meeting on the drafting of the Guiding Principles for Negotiating the ASEAN Framework Agreement on Competition (Structure and Key Elements)	27 January	Virtual	Coordinated by ASEAN
2.	2 nd ASEAN Heads of Competition Agencies Meeting	15 March	Virtual	Coordinated by ASEAN
3.	28 th AEGC and Other Related Meetings	28 - 31 March	Virtual	Coordinated by ASEAN
4.	AEGC Meeting	27 April	Virtual	Coordinated by ASEAN

INTERNATIONAL PROGRAM

International Meeting

No.	Program	Date	Venue	Remarks
5.	AEGC Meeting	11 & 23 May	Virtual	Coordinated by ASEAN
6.	AEGC Meeting	2 June	Virtual	Coordinated by ASEAN
7.	AEGC/ AHCA Meeting to Finalise the Guiding Principles	14 - 15 June	Virtual	Coordinated by ASEAN
8.	9 th Brainstorming Meeting of the GP for AFAC	29 June	Virtual	Coordinated by ASEAN
9.	10 th Brainstorming Meeting for the Development of the Guiding Principles for AFAC	7 July	Virtual	Coordinated by ASEAN
10.	Working Visit to CCPC, Ireland	8 July	Ireland	Coordinated by MyCC, CCPC
11.	Working Visit to CMA, UK	11 July	London, United Kingdom	Coordinated by MyCC, CMA
12.	UNCTAD Intergovernmental Group of Experts (IGE) on Competition Law and Policy, Twentieth Session	20 - 22 July	Geneva, Switzerland	Coordinated by UNCTAD
13.	AHCA Meeting for the Development of the Guiding Principles	27 July	Virtual	Coordinated by ASEAN
14.	17 th East Asia Top Level Officials' Meeting (EATOP)	28 September	Manila, Philippines	Coordinated by PCC, JFTC, ADBI
15.	3 rd AHCA Meeting	17 October	Virtual	Coordinated by ASEAN
16.	29 th AEGC Meeting and Related Meetings	17 - 20 October	Virtual	Coordinated by ASEAN
17.	Peer Review Plenary Meeting	21 October	Virtual	Coordinated by ASEAN

ADVOCACY PROGRAM

In general, apart from enforcement activities, advocacy programs are an effective method to raise awareness of all parties, especially among consumers and enterprises on the existence and role of the Commission and the Competition Act 2010. In 2022, a total of 14 advocacy programs were conducted involving various sectors in the public and private sectors, stakeholders, professionals and the media.

Among advocacy programs organized by MyCC are:

Advocacy Program for Grab Malaysia

On 14 March 2022, MyCC was invited by Grab Malaysia to speak on the Competition Act 2010 at the Grab Malaysia Office, Petaling Jaya. This program was an effective platform to provide greater exposure to competition policies and law where knowledge and experience were delivered directly by speakers who are experts in competition matters.



Briefing Session to MyIPO on Competition Act 2010

On 7 June 2022, MyIPO organized a briefing session with its sister agency, MyCC to share on the Competition Act 2010 at the MyIPO Office, Kuala Lumpur. This briefing session is another initiative by MyCC to advocate and promote competition policies and laws to the ministries and government agencies.



ADVOCACY PROGRAM

Talk on Bid Rigging organized by MOF for Procurement Officers of all Ministries

Ministry of Finance (MOF) has organized a talk on "Briefing on Guidelines Against Bid-Rigging in Public Procurement Activities". This program was held on 29 and 30 June 2022 at Auditorium MOF, focusing on government officers of all ministries who are directly involved in procurement processes. In addition, this briefing aimed to increase the understanding of the officers on procurement methods and procedures to avoid bid rigging. The program was attended by 30 participants where a range of topics such as the links between bid rigging and corruption, the effectiveness of procurement procedures, bid rigging risks, direct negotiations and bid rigging investigations carried out by MyCC were discussed.

This advocacy program is one of the ongoing initiatives undertaken by MyCC to create awareness among procurement and government officers in the public sector on the role of MyCC and the implementation of the Competition Act 2010, particularly in addressing bid rigging issues in public procurement.



Competition Law Classroom Program with Universiti Teknologi Mara (UiTM)

In its effort to raise awareness of the Competition Act 2010, MyCC forged ahead by hosting various events and programs to foster a conducive economic environment for law and business students. On 30 November 2022, MyCC organized a Competition Law Classroom Program with UiTM. The session was attended by law students to introduce the role and functions of the MyCC in general and issues relating to the Competition Act 2010 to the participants.



List of Advocacy Program

No.	Program	Date	Venue
1.	"MyCC Classroom Programme" with Universiti Putra Malaysia	27 January 2022	Online
2.	Advocacy Program for Grab Malaysia	14 March 2022	Grab Malaysia Office, Petaling Jaya
3.	Competition Law Talk with Faculty of Law, Universiti Malaya	28 April 2022	Online
4.	Briefing Session to MyIPO	7 June 2022	MyIPO Office, Kuala Lumpur
5.	3 rd MyCC Competition Law Conference 2022 - Digital Economy, Merger and Bid Rigging	23 - 24 June 2022	Sunway Resort, Selangor
6.	Talk on Bid Rigging organized by MOF for procurement officers of all Ministries	29 - 30 June 2022	Dewan Auditorium, Aras 1, Blok Tengah, Kementerian Kewangan Malaysia
7.	Lawatan Peserta Modul Strategic Partnership Programme (SPP) Diploma Pascasiswazah Pengurusan Awam Intan (Kadet PTD) di KPDNHEP Tahun 2022	4 July 2022	MyCC Main Meeting Room
8.	Knowledge Sharing Session Bersama Pegawai Lembaga Hasil Dalam Negeri (LHDN)	27 July 2022	Hotel Hatten, Melaka
9.	Briefing Session to INEOS PCG Acetyls Sdn. Bhd.	4 August 2022	The Qamar Hotel, Paka, Terengganu
10.	CA2010@University "Persaingan dan Anda, Membangunkan Ekonomi dan Kerjaya" di Universiti Sains Islam Malaysia (USIM)	20 October 2022	Universiti Sains Islam Malaysia, Nilai, Negeri Sembilan
11.	CA2010@University di Universiti Sultan Zainal Abidin (UNISZA)	26 October 2022	Universiti Sultan Zainal Abidin (UNISZA), Kampung Gong Badak, Terengganu
12.	Kursus Perolehan Kerajaan untuk Pegawai Pengurusan dan Profesional (P&P), KPDNHEP	29 October 2022	Grand Continental Hotel, Kuala Terengganu
13.	Competition Law Classroom Program with Universiti Teknologi Mara (UITM)	30 November 2022	Law Faculty, UITM Shah Alam, Selangor
14.	Competition Law Classroom Programme with UUM	8 December 2022	Online

COMMUNICATIONS AND PUBLIC RELATIONS

In 2022, the initiatives undertaken include exhibitions and mass media interviews (radio, television and newspaper).

MyCC has also issued many press releases via print and electronic media on cases and issues related to competition. Apart from that, MyCC carried out online publicity via its social media and portals.

Participation in Programs by the Ministry and its Agencies

MyCC was also involved in programs organized by the Ministry and its agencies throughout 2022, which include, among others:

**Program Jelajah Aspirasi Keluarga Malaysia
Negeri Perlis**
Kompleks Sukan Negeri Perlis,
Kangar, Perlis
25 - 27 March 2022



**Program Jelajah Aspirasi Keluarga Malaysia
Negeri Sabah**
Pusat Konvensyen Antarabangsa Sabah (SICC),
Kota Kinabalu, Sabah
20 - 22 May 2022



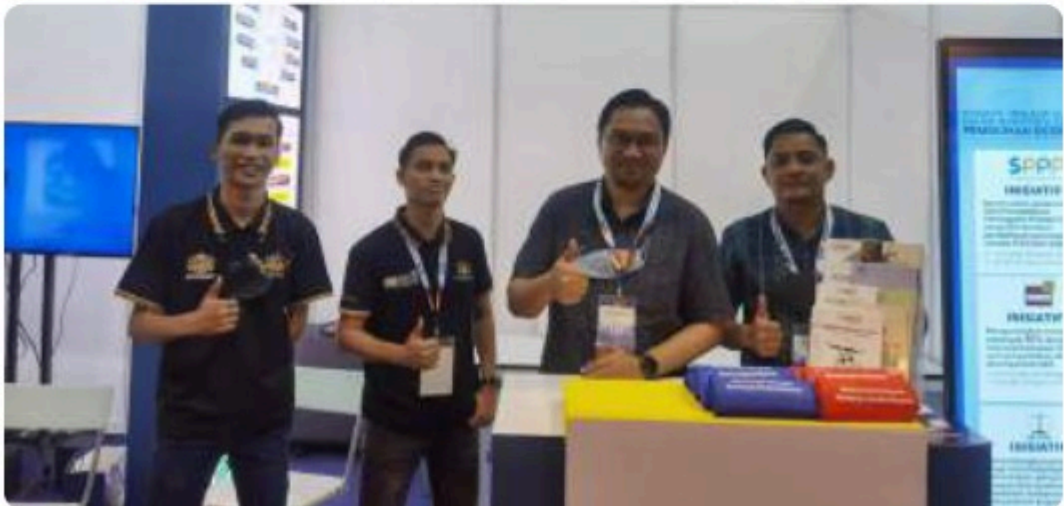
**Program Jelajah Aspirasi Keluarga Malaysia
Negeri Terengganu**
Pekarangan Kompleks Sukan Negeri Terengganu,
Kuala Nerus, Terengganu
2 - 4 June 2022



**Program Jelajah Aspirasi Keluarga Malaysia
Negeri Kelantan**
Pekarangan Stadium Sultan Muhammed IV,
Kota Bharu, Kelantan
22 - 24 July 2022



Program Jelajah Aspirasi Keluarga Malaysia Negeri Melaka
Pusat Dagangan Antarabangsa Melaka (MITC),
Ayer Keroh, Melaka
14 - 16 October 2022



COMMUNICATIONS AND PUBLIC RELATIONS

Karnival Barangan Malaysia (KBM) 2022
Pekarangan Plaza Angsana,
Johor Bahru
14 - 16 October 2022



Program Jelajah Aspirasi Keluarga Malaysia
Negeri Pahang
Pusat Konvensyen Antarabangsa Sultan Ahmad Shah
(SASICC)
28 - 30 October 2022



Corporate Social Responsibility Programs by MyCC

MyCC has also conducted several Corporate Social Responsibility (CSR) Programs to further strengthen MyCC initiatives for the community through charitable events. These programs are held to contribute to the well-being of society, identify solutions for the improvement of the livelihood of the less fortunate and promote social change. Amongst the programs that were held in 2022 are:

- 1 Program Ziarah Kasih Ramadhan KPDNHEP 1443H Tahun 2022 - [23 April 2022]
- 2 Tajaan Set Kit Pengurusan Jenazah bagi Edaran Masjid dan Surau
- 3 Sumbangan bagi Program Transformasi Minda Siri 1/2022 – Pusat Penjagaan Autisme CSEAT - [25 August 2022]
- 4 Sumbangan kepada Pelajar-Pelajar B40 Universiti Sains Islam Malaysia (USIM) - [20 October 2022]
- 5 Sumbangan kepada Pelajar-Pelajar B40 Universiti Sultan Zainal Abidin (UniSZA) - [26 October 2022]
- 6 Sumbangan Bekalan Makanan Untuk Misi Menyelamat Di Batang Kali - [17 December 2022]
- 7 Tajaan Bantuan Kecemasan Bagi Mangsa Banjir Negeri Kelantan - [23 December 2022]
- 8 Tajaan Bantuan Kecemasan Bagi Mangsa Banjir Negeri Terengganu - [28 December 2022]



COMMUNICATIONS AND PUBLIC RELATIONS

Talks and Interviews

MyCC held a series of talks and interviews that were featured on RTM, TV3, Astro Awani, Berita Harian, Bernama, The Edge, Nanyang Siang Pau and BFM regarding MyCC's functions and roles, as well as the latest issues and developments on MyCC and competition law in Malaysia.



Interview with Print Media

No.	Article	Media	Date
1.	Interview with Berita Harian	Berita Harian	22 April 2022
2.	Confessed before Investigation, Leniency, Conspired to Bid & Exempted of Huge Fines	Nanyang Siang Pau	28 May 2022

Interview With Electronic Media

No.	Titles	Program	Media	Date
1.	Bual Bicara "ContyChat" - Millenials Workforce: Bless or Mess?	ContyChat	RTM	5 March 2022
2.	Interview with GCR	-	Global Competition Review	15 March 2022
3.	MyCC Probes Reports of Fowl Play	Morning Brief	BFM	29 April 2022
4.	Siasatan Industri Ayam: Fokusnya ke Mana?	Selamat Pagi Malaysia	RTM	29 April 2022
5.	Siasatan Industri Ayam	Buletin Awani	Astro Awani	29 April 2022
6.	Investigation into the Chicken Industry: Where is the Focus?	The Brief	BERNAMA	29 April 2022
7.	Kartel Ayam	Buletin TV3	TV3	24 May 2022
8.	Persaingan dan Perubahan Global	Biz Malaysia	RTM	14 June 2022
9.	Persidangan MyCC	Selamat Pagi Malaysia	RTM	17 June 2022
10.	Persaingan Sengit Ekonomi Bangkit	Bicara Naratif	RTM	20 June 2022

Media Statements

In 2022, a total of 19 press releases were issued by MyCC related to;

No.	Press Releases & Joint Press Releases	Date
1.	Langkawi Ro-Ro Cartel Fined with RM2.2 Million	4 January 2022
2.	MyCC Monitors Plus and Touch 'N Go on the Implementation of RFID	20 January 2022
3.	MyCC Special Task Force Investigates the Chicken and Egg Industry	1 February 2022
4.	Groups Urged Not to Cross the Line	9 February 2022
5.	Updates by MyCC on the Investigation into the Chicken and Eggs Industry	9 March 2022
6.	Chicken and Chicken Eggs Industry: Investigations Are Ongoing	8 April 2022
7.	MyCC Launches Online Public Consultation on the Amendments to the Competition Act 2010	26 April 2022
8.	The Focus of MyCC's Investigation into the Chicken Industry	29 April 2022
9.	Invitation To Participate in MyCC's Public Consultation on The Amendments to the Competition Act 2010	26 May 2022

COMMUNICATIONS AND PUBLIC RELATIONS

Media Statements

No.	Press Releases & Joint Press Releases	Date
10.	The Government Supports MyCC in Combating Bid Rigging	22 June 2022
11.	The 3rd Malaysia Competition Law Conference 2022: "Digital Economy, Merger and Bid Rigging"	23 June 2022
12.	MyCC Evaluates Investigation Report on Chicken Industry	28 June 2022
13.	Telco Merger Outside MyCC's Purview	2 July 2022
14.	Eight Enterprises Fined RM1.5 Million for Bid Rigging Cartel	5 July 2022
15.	MyCC Issues Proposed Decision Against Five Feedmillers	5 August 2022
16.	MyCC Launches Public Consultation on the Proposed Renewal of Block Exemption for Vessel Sharing Agreements in Respect of Liner Shipping Services	23 August 2022
17.	PIAM and Insurers Case: MyCC is Weighing Its Options on The Decision Issued by The Competition Appeal Tribunal	13 September 2022
18.	First Special Committee Meeting on Competition Post Pandemic	22 September 2022
19.	Shopee to Respond to MyCC's Enquiries	21 October 2022

Website and Social Media Platforms

MyCC publicizes its activities and updates on its website and social media platforms to disseminate information to the public.

MyCC Official Website:

www.mycc.gov.my

MyCC Social Media:

    @themycc

The MyCC in the News

Arwaan dapanan awal dua carabain di kuatri beladangan ager

Lima perusahaan didapati ganggu persaingan – MyCC

BERITA LUMPUR – Lima perusahaan didapati melanggar undang-undang persaingan bebas kerana mereka telah bersetuju untuk menetapkan harga dan syarat-syarat lain untuk pembelian ayam dalam pasaran domestik. Keputusan MyCC ini dibuat selepas menerima aduan daripada beberapa pihak mengenai harga ayam yang dinaikkan secara mendadak dan tidak wajar.

MyCC telah memanggil lima syarikat tersebut untuk memberikan keterangan mengenai tindakan mereka. Syarikat-syarikat tersebut adalah: PT. Garuda Indonesia, PT. Lion Air, PT. Garuda Indonesia, PT. Garuda Indonesia, dan PT. Garuda Indonesia.

MyCC mendapati bahawa syarikat-syarikat tersebut telah bersetuju untuk menetapkan harga dan syarat-syarat lain untuk pembelian ayam dalam pasaran domestik. Ini adalah satu pelanggaran terhadap undang-undang persaingan bebas.

MyCC telah mengeluarkan perintah untuk menghentikan tindakan tersebut dan membayar denda. MyCC juga telah mengeluarkan perintah untuk menghentikan tindakan tersebut dan membayar denda.

Shopee must respond to queries on delivery service complaints, says MyCC

BERITA LUMPUR – Shopee Malaysia Sdn Bhd has been asked by a regulator to explain its merchant and provider relations, to complaints from customers and vendors concerning its fast and last-mile delivery services.

The Malaysia Competition Commission (MyCC) said it contacted the online shopping platform operator in Q3 2023 to the complaints and told the company that it must explain how it would address these issues internally without further jeopardising year's revenue by the end of the month.

"Therefore, in light of the increasing complaints by consumers and merchants against Shopee with regard to the dissatisfaction with its fast and last-mile delivery services, MyCC has taken active steps to engage with Shopee to inquire into the matter," it said.

The commission said its engagement with the online shopping platform was also to give a better understanding of the nature of the online marketplace platform industry and the logistic industry that provides the fast and last-mile delivery services to these platforms.

MyCC said while it welcomed and acknowledged the intervention by the industry players, which has drastically improved the online shopping experience for all Malaysians, it believed industry players must be careful of their conduct that might raise any competition concerns and cause harm to their users, including the end consumers and merchants.

"MyCC would continue our efforts to closely monitor their future actions to address the issues areas and other competitive concerns related to their platforms."

"Most importantly, we will not hesitate to launch our enforcement and enforcement powers against any corporate misconduct of violating the law," said MyCC chief executive officer Iskandar Ismail. — Bernama

MyCC has no authority over merger of telcos, says CEO

BERITA LUMPUR – The Malaysia Competition Commission (MyCC) has no authority over the merger of telecommunications companies, says the CEO of the commission.

The CEO, Datuk Seri Dr. Ismail, said that the commission's mandate is to ensure fair competition in the marketplace. He added that the merger of telecommunications companies is a matter for the relevant regulatory bodies to handle.

Ismail said that the commission has received several queries regarding the merger of telecommunications companies. He said that the commission has no authority to intervene in such matters.

He added that the commission's role is to ensure that the merger does not result in anti-competitive behavior. He said that the commission will continue to monitor the market for any anti-competitive behavior.

A RACE TO THE BOTTOM?

Automatic registration of voters – not the youth – in the wild card

AmBank's Raga 'aim set to be CEO of Aeon Credit's digital bank

BERITA LUMPUR – The latest round of political parties has been a race to the bottom, says the CEO of the Malaysia Competition Commission (MyCC).

MyCC CEO Iskandar Ismail said that the political parties have engaged in a race to the bottom in terms of price fixing and anti-competitive behavior. He said that this is a concern for the commission.

Ismail said that the political parties have engaged in a race to the bottom in terms of price fixing and anti-competitive behavior. He said that this is a concern for the commission.

DIGI和Celcom合併 競爭委會：沒權管

吉隆坡11日訊：大馬路中華公會（MCA）主席、天地地產主席（Goh Kah Kuan）與聯邦地產（FED）聯合、多項競爭2023年選舉、將企業銀行與銀行合併、以及于11月11日宣佈、除了...

在競爭中，我們彼此一樣，我們彼此合作，我們彼此合作，我們彼此合作。這是一句口號，也是我們的心聲。

競爭中，我們彼此一樣，我們彼此合作，我們彼此合作，我們彼此合作。這是一句口號，也是我們的心聲。

MYCC issues notice of alleged anti-competitive price fixing

BERITA LUMPUR – TEM Sdn Bhd, as a 100 per cent subsidiary of PNB Group Bhd, has received a notice of the proposed decision issued by the Malaysia Competition Commission (MyCC) pursuant to Section 46 of the Competition Act 2001.

In a filing with Bursa Malaysia Trading (BMT) on the proposed decision is presented primarily on the allegation that TEM had engaged its government and connected parties to fix the quantity of jewelry sold in the market.

TEM has clarified that in this instance, the proposed decision is not final. MyCC has in its order of removal today highlighted that its findings are provisional and it should be understood that any enterprise has broken the law at this stage.

It is of the view that the alleged anti-competitive behavior without proof. It will review the matter with its internal legal counsel and respond to the MyCC within the stipulated time to defend its position on the matter. — Bernama

Builders voice grave concern

BERITA LUMPUR – Builders' Association of Malaysia (BAM) has expressed grave concern over the proposed merger of two major construction companies in the country.

BAM said that the merger would result in a significant loss of competition in the construction industry. It said that this would lead to higher prices for consumers and a decline in the quality of construction services.

BAM has called on the government to intervene and prevent the merger. It said that the government has a duty to protect the interests of consumers and the construction industry.

MyCC 批准或否決申請 綜合國際PPB 務抗解

公司名稱	批准/否決	理由
PT. Garuda Indonesia	批准	符合競爭法
PT. Lion Air	批准	符合競爭法
PT. Garuda Indonesia	批准	符合競爭法
PT. Garuda Indonesia	批准	符合競爭法
PT. Garuda Indonesia	批准	符合競爭法

The MyCC in the News

Shopee must respond to queries on complaints

KUALA LUMPUR: Shopee Mobile Malaysia Sdn Bhd has been asked by a regulator to explain its conduct and provide solutions to complaints from customers and vendors concerning its first and last-mile delivery services.

The Malaysia Competition Commission (MyCC) said it contacted the online shopping platform operator on Oct 19 on the complaints and told the company that it must explain how it would address these issues internally without further jeopardising users' interest by the end of this month.

—BERNAMA



競爭委員會初步判定 5大馬企業違反競爭法

【本報訊】競爭委員會初步判定，五家大型馬企業違反競爭法。這五家企業分別是：馬六甲海峽海運有限公司、怡和洋行、太古洋行、招商局輪船有限公司及中遠海運有限公司。委員會指出，這五家企業在馬六甲海峽海運有限公司案中，涉嫌串謀固定運費及限制產量。委員會表示，這項決定是初步的，將在下月公佈最終裁決。此外，委員會還對其他幾家企業進行了調查，包括在保險業和零售業的企業。委員會強調，競爭法是為了保護消費者利益和促進市場競爭而設立的，任何違反競爭法的行为都將受到嚴懲。

Enforcing competition law on trade associations

The Competition Appeal Tribunal's recent decision in the PIAM-General Insurance Association of Malaysia case was a double-edged sword for the Malaysia Competition Commission (MyCC).

The elephant in the room was effectively a dispute over jurisdiction between Bank Negara Malaysia and the MyCC, over the latter's investigation of PIAM and its members. PIAM and the Federation of Automobile Workshop Owners' Association had come to an agreement on applicable parts trade discount and labour rates between insurers and car repair workshops. This agreement resulted in a 2011 circular issued by PIAM to its members (Circular 132) on such agreed rates. The meeting between PIAM and the Workshop Association were said to be facilitated by Bank Negara.

After investigation, MyCC issued a proposed decision on Feb 22, 2017, on the basis that the Competition Act had been infringed. Bank Negara in response issued a statement on March 1, 2017, describing MyCC's proposed decision as "most unfortunate" as the arrangement was put in place by virtue of a "clear directive" by Bank Negara.

The salient points raised by PIAM and its members before MyCC were that PIAM was merely acting on Bank Negara's directive to resolve ongoing disputes between insurers and workshops (and, therefore, in exercise of governmental authority to which the Competition Act did not apply), and that Circular 132 was not an agreement but merely a notice from PIAM to its members, which was not binding.

These arguments were rejected by MyCC, which found that, regardless of whether it was a directive or recommendation, Circular 132 reflected PIAM members' joint intention to conduct themselves in the market in a specific way.

As for the Bank Negara directive argument, MyCC determined that Bank Negara merely urged PIAM to "resolve" the issues with the Workshop Association — there was no directive to fix rates. Crucially, MyCC interpreted the Insurance Act to conclude that Bank Negara had no power to give such direction in any event, as its powers were limited to merely matters of an association's constitution and its membership.

On Sept 14, 2010, MyCC issued its final decision. PIAM and its 22 members were found to have infringed Section 4 of the Competition Act by engaging in an agreement to fix applicable trade discount and labour rates, and the fine was an aggregate of RM275 million against the 22 members. There was no fine against PIAM itself, a crucial distinction to be appreciated later.

MyCC's decision did not sit well with Bank Negara, which two weeks later issued a statement that it "regretted" the decision, retorted that PIAM's arrangement was a result of Bank Negara's regulatory intervention, and described its sister regulator's decision as potentially unwavering the benefits achieved.

Bank Negara, as a regulator whose interests were affected, was allowed to join in the appeal by PIAM and its members before the CAT (Competition Appeal Tribunal), an appeal procedure provided for under the Act against MyCC decisions.

Before CAT, Bank Negara took the stance that a directive was given, and argued that MyCC as a regulator of equal standing had no jurisdiction to decide what Bank Negara possessed.

In its decision, CAT held that MyCC by its nature and function was empowered to

interpret any provision of law notwithstanding other regulatory bodies' powers, although it disagreed with MyCC's interpretation of the Insurance Act. Nevertheless, contrary to Bank Negara's earlier assertions, CAT found that Bank Negara had not issued a directive leading to the 2011 agreement. CAT found that Bank Negara's "directive" position was only taken a mere month before MyCC's proposed decision in 2017, and that Bank Negara had informed MyCC in 2017 that "a fixing of an agreement is made by MyCC and consented by PIAM and the insurers, the book will be compelled to affirm that the insurers acted in compliance with a directive", hence CAT's rejection of Bank Negara's position.

CAT's decision regarding Bank Negara will not doubt boost MyCC's confidence when enforcing competition law in instances where other regulators may assert exclusive powers.

But MyCC's triumph over Bank Negara was a Pyrrhic victory. As for whether PIAM and its members had breached the Competition Act, CAT found (among other reasons) that the Competition Act did not apply to PIAM, as Section 4 of the Act prohibited agreements between "enterprises", which are further defined as entities engaged in commercial activity. CAT found that PIAM, as an association, was not a "profit-oriented" entity engaged in commercial activity.

CAT found that there was no "agreement" between the members of PIAM to fix rates, where Circular 132 was an announcement of an agreement between PIAM and the Workshop Association and the result of a survey of members.

CAT's decision that the Competition Act did not apply to PIAM has severe ramifications curtailing MyCC's powers against trade associations and their members. Trade associations are a coming together of competitors in the same industry and, by their very nature, they endeavor first a competition law perspective. Whatever their constitutionally stated purpose, trade associations inevitably invite members into circumstances encouraging "shop-talk", market prospects, supply rates and prices. These members often trade a fine line between association activities and cartel-like conduct.

Mature competition regimes are well aware of this. Trade associations in the European Union are kept under a watchful eye. In a speech given in 2011, the Commissioner for Competition, Margrethe Vestager, cautioned against focusing on cartels in their familiar form, where the Commission had dealt with cartels manipulating industry practice discussions.

The US Federal Trade Commission's guidance similarly warns that trade associations may be used by members to control or suggest prices for members.

An "agreement" under competition law is not a contract. Unlike the latter contract, established competition principles around the world debate that an "agreement" may be reached by a mere understanding or through "signalling" to coordinate market conduct. Circulars issued by trade associations similarly facilitate such signalling across the industry.

Competition law is necessarily flexible



MY Say
BY MERVYN LAI

in finding "agreements" because sophisticated cartels will always seek a variety of indirect means to act in concert. University students are taught from the onset to imagine a circle filed back-to-front of a pub, where deals are usually made between industry stars.

Notably, our Competition Act reflects this flexibility. The Act defines an agreement as any form of contract, arrangement or understanding, and includes a decision by an association. A decision by an association could therefore be an agreement between competitors. CAT, it would seem, did not appreciate this flexibility.

MyCC's new stance towards associations, decisions and fines have been imposed previously, where members of the silica Confectionery Bakery Association agreed at an annual general meeting to increase prices to meet increased costs, or when the president of the Cameron Highlands Floriculturist Association issued a statement that prices would be increased.

Neither of these associations would have as their functions the setting of prices in the market. They are not industry regulators, and would only be able to enforce membership rules. They are therefore not engaged in "commercial activity" per se. Nevertheless, the "shop-talk" within such associations becomes irresistible and, when acted upon, can become anti-competitive conduct.

The publicly available decisions of MyCC and CAT reveal that the "agreement" between PIAM and the Workshop Association was made through PIAM's Claims Management sub-committee, which would have comprised personnel from PIAM's member companies. All PIAM members were thus surveyed, who showed overwhelming support for the agreed rates. This resulted in PIAM issuing Circular 132.

CAT's reasoning thus potentially opens a loophole for competitors to coordinate their activity through trade associations, a loophole that would have been immediately rejected in mature competition regimes.

It is unlikely that this case would be brought before the courts for further judicial guidance. The current statutory regime, as interpreted by the Court of Appeal in the MAS Asia case, disallows MyCC from challenging a decision of CAT. Earlier this year, the Federal Court dismissed MyCC's application for leave to appeal against that decision, putting an end to the matter. I have discussed this in my previous article in the edge titled "A missed opportunity of a judicial review for Malaysia Competition Commission".

The current statutory regime as judicially interpreted thus prevents development of this area of law before the courts every time CAT rules against MyCC.

It is therefore critical that the currently proposed amendment of Section 98A to the Competition Act, which allows for a right of appeal to the High Court from CAT's decisions either by MyCC or an aggrieved party, be passed by parliament, allowing competition law to develop before any superior courts. ■

Mervyn Lai (LLM) (Dip) Competition Law, University of Glasgow, is a partner at law firm Tomy's Thoresen Advocates & Solicitors

The MyCC in the News

Sabah coffeeshop operators urged to display prices

KOTA KINABALU: Coffeeshop operators have been urged to display prices of their food and beverage following increasing complaints from the public about a sudden price hike.

Deputy Chief Minister Datuk Seri Jaisah Yusoff said many coffeeshop owners are displaying prices which should come under consumer price control laws.

He said consumers had complained that their coffee businesses do not need to pay more than the coffee beans. "Coffeeshop operators should come to us and give us their details and food and beverage prices and we will assist them in controlling their prices. They should not take advantage of the current price hike of coffee beans," he said.

Consumers are urged to report the operators who do not display prices to the relevant agencies.



Datuk Seri Jaisah Yusoff

He said consumers had complained that their coffee businesses do not need to pay more than the coffee beans.

Consumers are urged to report the operators who do not display prices to the relevant agencies.

"Although they already suffer loss from the rising cost of living, the government will have to impose a financial penalty of RM1.54 million on eight companies for their involvement in bid rigging involving government procurement."

MyCC chief executive officer Iskandar Ismail said the companies had formed two cartels to manipulate four information technology projects involving Akademi Seroi Baidya dan Warisan Kebangsaan (Aswara) worth RM1.54 million.

He said investigations were conducted since 2017 after a complaint by Aswara, before a thorough review by the MyCC revealed breaches by the eight companies that violated Section 411, which is read together with Section 416 of the Competition Act 2001.

Eight companies involved in bid rigging penalised RM1.54 million

KUALA LUMPUR: The Malaysia Competition Commission (MyCC) has imposed financial penalties totalling RM1.54 million on eight companies for their involvement in bid rigging involving government procurement.



Iskandar Ismail

MyCC chief executive officer Iskandar Ismail said the companies had formed two cartels to manipulate four information technology projects involving Akademi Seroi Baidya dan Warisan Kebangsaan (Aswara) worth RM1.54 million.

He said investigations were conducted since 2017 after a complaint by Aswara, before a thorough review by the MyCC revealed breaches by the eight companies that violated Section 411, which is read together with Section 416 of the Competition Act 2001.

This is because of their involvement with a series of anti-competition agreements or bid rigging involving Aswara procurement projects.

"All the companies were colluding to defraud the government and manipulate tenders to win tenders and government procurement projects," he said in a media conference at the MyCC office here yesterday.

Iskandar said the public procurement procedure was set to ensure competitive bids from bidders and companies were required to act responsibly.

He said interested bidders had to prepare and hand in their offer independently of each other and tenders or invoices produced based on secret arrangements or cooperation between bidders for

the same tender would hinder competition and cause a false perception that the procurement process was fair.

"The behaviour of the companies would jeopardise the competitive process and cause losses to the government and leakages in public funds," he added.

Iskandar said in addition to fines, the eight companies could be subjected to action under the Integrity in Public Procurement Circular (PK 143) read together with Non-compliance in Public Procurement Circular (PK 8) of the Finance Ministry effective since 2017.

Under that action, individuals or entities found involved in bid rigging in public procurement could have their registration suspended for a maximum of five years, blacklisted and barred from joining or receiving procurement offers issued by government agencies for the duration of the suspension.

"This decision shows MyCC's commitment to continue tackling the issue of companies conspiring to manage public funds through bid rigging," he added. — Bernama

PM: Big boost for aspiring home food businesses

KUALA LUMPUR: Prime Minister Anwar Ibrahim said the government will provide a big boost for aspiring home food businesses.



Prime Minister Anwar Ibrahim inspecting rice in a field.

He said the government will provide a big boost for aspiring home food businesses.

He said the government will provide a big boost for aspiring home food businesses.

MyCC proposes RM46.36 mln financial penalty on PPB's FFM

KUALA LUMPUR: Malaysia Competition Commission (MyCC) has proposed to impose a financial penalty of RM46.36 million on FFB Group Bhd, following the findings on the alleged infringement of Section 4 of the Competition Act 2001 (CA 2001).

In a filing with Bursa Malaysia

yesterday, FFB said MyCC's findings against FFM was in relation to purported cartels and agreements or concerted practices by certain poultry feed makers in fixing the price of poultry feed.

Subject to the findings in relation to the alleged infringement, MyCC had proposed to impose a financial penalty of

RM46.36 million on FFM.

"There is no operational or material financial impact to the group, it said.

It said FFM may submit a written representation to MyCC by Sept 29 and the company is working with its advisors on its representation to MyCC.

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It said FFM may submit a written representation to MyCC by Sept 29 and the company is working with its advisors on its representation to MyCC.

penalty of RM46.36 million on FFM.

The other four feed makers which received the same proposed decision notice by MyCC are Danling Poultry Development Centre Sdn Bhd, Gold Cuz Feedmills (Malaysia) Sdn Bhd, Long Top Feedmills Malaysia Sdn Bhd and FX Agro-Industrial Products (M) Sdn Bhd. — Bernama

The other four feed makers which received the same proposed decision notice by MyCC are Danling Poultry Development Centre Sdn Bhd, Gold Cuz Feedmills (Malaysia) Sdn Bhd, Long Top Feedmills Malaysia Sdn Bhd and FX Agro-Industrial Products (M) Sdn Bhd. — Bernama

07 | FINANCIAL STATEMENTS



**SJIL KETUA AUDIT NEGARA
MENGENAI PENYATA KEWANGAN
SURUHANJAYA PERSAINGAN MALAYSIA
BAGI TAHUN BERAKHIR 31 DISEMBER 2022**

Sijil Mengenai Pengauditan Penyata Kewangan

Pendapat

Saya telah mengaudit Penyata Kewangan Suruhanjaya Persaingan Malaysia, Penyata kewangan tersebut merangkumi Penyata Kedudukan Kewangan pada 31 Disember 2022, Suruhanjaya Persaingan Malaysia dan Penyata Prestasi Kewangan, Penyata Perubahan Aset Bersih, Penyata Airan Tunai serta Penyata Perbandingan Balanjawan dan Sebenar bagi tahun berakhir pada tarikh tersebut dan nota kepada penyata kewangan termasuklah ringkasan polisi perakaunan yang signifikan seperti yang dinyatakan pada muka surat 1 hingga 24.

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan saksama mengenai kedudukan kewangan Suruhanjaya Persaingan Malaysia pada 31 Disember 2022 dan prestasi kewangan serta aliran tunai bagi tahun berakhir pada tarikh tersebut selaras dengan Piawaian Perakaunan Sektor Awam Malaysia (MPSAS) dan keperluan Akta Suruhanjaya Persaingan 2010 [AKA 713].

Asas Kepada Pendapat

Pengauditan telah dilaksanakan berdasarkan Akta Audit 1957 dan International Standards of Supreme Audit Institutions. Tanggungjawab saya diurekan selanjutnya di perenggan Tanggungjawab Juraudit Terhadap Pengauditan Penyata Kewangan dalam sijil ini. Saya percaya bahawa bukti audit yang diperolehi adalah mencukupi dan bersesuaian untuk dijadikan asas kepada pendapat saya.

Kebebasan dan Tanggungjawab Etika Lain

Saya adalah bebas daripada Suruhanjaya Persaingan Malaysia dan telah mematuhi tanggungjawab etika lain berdasarkan International Standards of Supreme Audit Institutions.

Maklumat Lain Selain Daripada Penyata Kewangan dan Sijil Juruaudit Mengenainya

Anggota Suruhanjaya, Suruhanjaya Persaingan Malaysia bertanggungjawab terhadap maklumat lain dalam Laporan Tahunan. Pendapat saya tertedap Penyata Kewangan Suruhanjaya Persaingan Malaysia tidak meliputi maklumat lain selain daripada penyata kewangan dan Sijil Juruaudit mengenainya dan saya tidak menyatakan sebarang bentuk kesimpulan jaminan mengenainya.

Tanggungjawab Anggota Suruhanjaya Terhadap Penyata Kewangan

Anggota Suruhanjaya bertanggungjawab terhadap penyediaan Penyata Kewangan Suruhanjaya Persaingan Malaysia yang memberi gambaran benar dan saksama-selaras dengan Piawai Perakaunan Sektor Awam Malaysia (MPSAS) dan keperluan Akta Suruhanjaya Persaingan 2010 [Akta 713]. Anggota Suruhanjaya juga bertanggungjawab terhadap penetapan kawalan dalaman yang perlu bagi membekalkan penyediaan Penyata Kewangan Suruhanjaya Persaingan Malaysia yang bebas daripada salah nyata yang ketara, sama ada disebabkan fraud atau kesilapan.

Semasa penyediaan Penyata Kewangan Suruhanjaya Persaingan Malaysia, Anggota Suruhanjaya bertanggungjawab untuk menilai keupayaan Suruhanjaya Persaingan Malaysia untuk beroperasi setegai satu usaha berterusan, mendedahkannya jika berkaitan serta menggunakannya sebagai asas perakaunan.

Tanggungjawab Juruaudit Terhadap Pengauditan Penyata Kewangan

Objektif saya adalah untuk memperoleh keyakinan yang munasabah sama ada Penyata Kewangan Suruhanjaya Persaingan Malaysia secara keseluruhannya adalah bebas daripada salah nyata yang ketara, sama ada disebabkan fraud atau kesilapan, dan mengemukakan Sijil Juruaudit yang merangkumi pendapat saya. Jaminan yang munasabah adalah satu tahap jaminan yang tinggi, tetapi bukan satu jaminan bahawa audit yang dijalankan mengikut International Standards of Supreme Audit Institutions akan sentiasa mengesan salah nyata yang ketara apabila ia wujud. Salah nyata boleh wujud daripada fraud atau kesilapan dan dianggap ketara sama ada secara individu atau agregat sekiranya boleh dijangkakan dengan munasabah untuk mempengaruhi keputusan ekonomi yang dibuat oleh pengguna berdasarkan penyata kewangan ini.

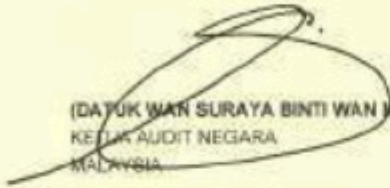
Sebagai sebahagian daripada pengauditan mengikut International Standards of Supreme Audit Institutions, saya menggunakan pertimbangan profesional dan mengetatkan keraguan profesional sepanjang pengauditan. Saya juga:

- a. mengenal pasti dan menilai risiko salah nyata ketara dalam Penyata Kewangan Suruhanjaya Persaingan Malaysia, sama ada disebabkan fraud atau kelesapan, merangka dan melaksanakan prosedur audit yang responsif terhadap risiko berkenaan serta mendapatkan bukti audit yang mencukupi dan bersesuaian untuk membenarkan asas kepada pendapat saya. Risiko untuk tidak mengesan salah nyata ketara akibat daripada fraud adalah lebih tinggi daripada kelesapan kerana fraud mungkin melibatkan pakatan, pemalsuan, ketinggalan yang disengajakan, representasi yang salah, atau mengatasi kawalan dalaman;
- b. memahami kawalan dalaman yang relevan untuk merangka prosedur audit yang bersesuaian tetapi bukan untuk menyatakan pendapat mengenai keberkesanan kawalan dalaman Suruhanjaya Persaingan Malaysia;
- c. menilai kesesuaian dasar perakaunan yang diguna pakai, kemunasabahan anggaran perakaunan dan pendedahan yang berkaitan oleh Anggota Suruhanjaya;
- d. membuat kesimpulan terhadap kesesuaian penggunaan asas perakaunan untuk usaha berterusan oleh Anggota Suruhanjaya dan berdasarkan bukti audit yang diperoleh, sama ada wujudnya ketidakpastian ketara yang berkaitan dengan peristiwa atau keadaan yang mungkin menimbulkan keraguan yang signifikan terhadap kemampuan Suruhanjaya Persaingan Malaysia sebagai satu usaha berterusan. Jika saya membuat kesimpulan bahawa ketidakpastian ketara wujud, saya perlu melaporkan dalam Siji Juraudit terhadap pendedahan yang berkaitan dalam Penyata Kewangan Suruhanjaya Persaingan Malaysia atau, jika pendedahan tersebut tidak mencukupi, pendapat saya akan diubah. Kesimpulan saya dibuat berdasarkan bukti audit yang diperoleh sehingga tarikh Siji Juraudit. Bagaimanapun, peristiwa atau keadaan pada masa hadapan berkemungkinan menyebabkan Suruhanjaya Persaingan Malaysia tidak lagi berupaya meneruskan operasi usaha berterusan; dan
- e. menilai persembahan secara keseluruhan, struktur dan kandungan Penyata Kewangan Suruhanjaya Persaingan Malaysia, termasuk pendedahannya, dan sama ada penyata kewangan tersebut telah melaporkan asas-asas urus niaga dan peristiwa-peristiwa yang memberikan gambaran eksak.

Anggota Suruhanjaya telah dimaklumkan, antaranya mengenai skop dan tempoh pengauditan yang dirancang serta penemuan audit yang signifikan termasuk kelemahan kawalan dalaman yang dikenal pasti semasa pengauditan.

Hal-hal Lain

Siji ini dibuat untuk Anggota Suruhanjaya Suruhanjaya Persaingan Malaysia berdasarkan keperluan Akta Suruhanjaya Persaingan 2010 [Akta 713] dan bukan untuk tujuan lain. Saya tidak bertanggungjawab terhadap pihak lain bagi kandungan siji ini.



(DATUK WAN SURAYA BINTI WAN MOHD RADZI)
KETUAK AUDIT NEGARA
MALAYSIA

PUTRAJAYA
21 DISEMBER 2023





**PENYATA Pengerusi dan Seorang Anggota Suruhanjaya
Suruhanjaya Persaingan Malaysia**

Kami **DATO' SERI MOHD HISHAMUDIN BIN MD YUNUS** dan **EN. IR RUSMAN BIN ABU SAMAH** yang merupakan Pengerusi dan salah seorang Anggota Suruhanjaya **Suruhanjaya Persaingan Malaysia** dengan ini menyatakan bahawa, pada pendapat Anggota Suruhanjaya, Penyata Kewangan yang mengandungi Penyata Kedudukan Kewangan, Penyata Prestasi Kewangan, Penyata Perubahan Aset Bersih, Penyata Aliran Tunai dan Penyata Perbandingan Belanjawan dan Sebenar yang berikut ini berserta dengan nota-nota kepada Penyata Kewangan di dalamnya, adalah disediakan untuk menunjukkan pandangan yang benar dan saksama berkenaan kedudukan **Suruhanjaya Persaingan Malaysia** pada **31 DISEMBER 2022** dan hasil kendalannya serta perubahan kedudukan kewangannya bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Anggota Suruhanjaya,

Bagi pihak Anggota Suruhanjaya,

**DATO' SERI MOHD HISHAMUDIN BIN
MD YUNUS**
Pengerusi
Suruhanjaya Persaingan Malaysia

TARIKH: 11 DISEMBER 2022
TEMPAT: KUALA LUMPUR

**EN. IR RUSMAN BIN ABU
SAMAH**
ANGGOTA
Suruhanjaya Persaingan
Malaysia

TARIKH: 11 DISEMBER 2022
TEMPAT: KUALA LUMPUR

Malaysia Competition Commission
Level 15, Menara SSK @Sentral, 7 Jalan Sison Sentral 5,
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**PENGAKUAN OLEH KETUA PEGAWAI EKSEKUTIF
YANG BERTANGGUNGJAWAB KE ATAS PENGURUSAN KEWANGAN
SURUHANJAYA PERSAINGAN MALAYSIA**

Saya, **ISKANDAR BIN ISMAIL**, pegawai utama yang bertanggungjawab ke atas pengurusan kewangan dan rekod-rekod perakaunan **SURUHANJAYA PERSAINGAN MALAYSIA** dengan ikhlasnya mengakui bahawa Penyata Kedudukan Kewangan, Penyata Prestasi Kewangan, Penyata Perubahan Aset Bersih, Penyata Aliran Tunai dan Penyata Perbandingan Belanjawan dan Sebenarnya yang berikut ini berserta dengan nota-nota kepada Penyata Kewangan di dalamnya mengikut sebaik-baik pengetahuan dan kepercayaan saya, adalah betul dan saya membuat ikrar ini dengan sebenarnya mempercayai bahawa ia adalah benar dan atas kehendak-kehendak Akta Akaun Berkanun, 1960.

Sebenarnya dan sesungguhnya)
diaku oleh penama di atas)
di KUALA LUMPUR WALAH PERSEKUTUAN)
pada 14.05.2023)

ISKANDAR BIN ISMAIL
KETUA PEGAWAI EKSEKUTIF,
SURUHANJAYA PERSAINGAN MALAYSIA



Malaysia Competition Commission
Level 15, Menara SSM @Sentral, 7 Jalan Stesen Sentral 5,
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STATEMENT OF FINANCIAL POSITION

AS AT 31 DECEMBER 2022

	NOTE	2022 RM	2021 RM
			<i>As restated</i>
CURRENT ASSETS			
Various Accounts Receivable, Deposits and Prepayments	3	259,147	250,910
Fixed Deposit	4	9,597,656	21,854,859
Cash In Hand, Cash At Bank	5	29,277,173	8,199,712
		39,133,976	30,305,481
NON-CURRENT ASSETS			
Property, Plant, and Equipment	6	768,042	497,336
TOTAL ASSETS		39,902,018	30,802,817
CURRENT LIABILITIES			
Various Accounts Payable and Accrued Expenditure	7	945,026	270,320
Deferred Income	8	22,138,757	9,644,700
Unpaid Taxes		-	174,481
		23,083,783	10,089,501
NON-CURRENT LIABILITIES			
Deferred Government Grants	9	-	104,414
Long-Term Employee Benefits	10	88,926	61,226
		88,926	165,640
TOTAL LIABILITIES		23,172,709	10,255,141
TOTAL NET ASSETS		16,729,309	20,547,676

The accompanying notes form an integral part of the financial statement

STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 31 DECEMBER 2022

	NOTE	2022 RM	2021 RM
			<i>As restated</i>
INCOME			
Receipt from Government Grants	11	10,104,414	11,808,388
Bank Interest and Fixed Deposit Interest	12	579,372	570,620
Fines and Penalties		352,573	111,211
Seminar Fees		169,440	15,000
Block Exemption Fee		250,000	-
Other Receipts		19,085	10,173
Creditor Write-Off Adjustment		-	35,000
Total Income		11,474,884	12,550,392
EXPENDITURE			
Emoluments		5,465,732	5,177,576
Travel and Accommodation		155,636	73,503
Utilities and Communications		249,403	235,844
Rental		1,596,500	1,440,136
Depreciation	6	281,540	249,502
Administrative Expenditure	13	294,194	123,723
Services Expenditure		1,966,650	175,429
Salaries and Allowances for Members of the Commission		630,934	605,864
Loss on Disposal of Fixed Asset		-	9,400
Entertainment, Honorarium and Contributions		152,258	86,314
Unit/Division Expenditure	14	4,395,990	2,797,227
Development Expenditure - Market Review	15	104,414	752,141
Total Expenditure		15,293,251	11,726,659
(Deficit)/Surplus of Income Before Taxes		(3,818,367)	823,733
Income Tax	16	-	(174,481)
(Deficit)/Surplus of Income After Tax		(3,818,367)	649,252

The accompanying notes form an integral part of the financial statement

STATEMENT OF CHANGES IN NET ASSETS

FOR THE YEAR ENDED 31 DECEMBER 2022

	Total RM
On January 1, 2022	20,547,676
Deficit Income for the Current Year	(3,818,367)
Balance as of 31 December 2022	<u>16,729,309</u>
On January 1, 2021	
- As stated before	19,825,111
- Reconciliation of previous year	73,313
- As restated	<u>19,898,424</u>
Surplus of Current Year Income	
- As stated before	586,683
- Reconciliation of previous year	62,569
- As restated	<u>649,252</u>
On December 31, 2021	
- As stated before	20,411,794
- Reconciliation of previous year	135,882
- As restated	<u>20,547,676</u>

The accompanying notes form an integral part of the financial statement

STATEMENT OF CASH FLOW

FOR THE YEAR ENDED 31 DECEMBER 2022

	2022 RM	2021 RM
		<i>As restated</i>
CASH FLOW FROM OPERATING ACTIVITIES		
(Deficit) / Surplus Income	(3,818,367)	823,733
Adjustment:		
Depreciation	281,540	249,502
Bank Interest and Fixed Deposit Interest	(579,372)	(570,620)
Loss on Disposal of Fixed Asset	-	9,400
(DEFICIT)/SURPLUS INCOME BEFORE CHANGES IN WORKING CAPITAL	(4,116,199)	512,015
(Increase)/Decrease Various Accounts Receivable, Deposits, and Prepayments	(7,645)	29,209
Increase/(Decrease) in Various Accounts Payable and Accrued Expenditure	13,168,763	(10,445,151)
Increase in Long-Term Employee Benefits	27,700	27,605
(Decrease) in Deferred Government Grants	(104,414)	(752,141)
CASH USED FOR OPERATIONAL ACTIVITIES	8,968,205	(10,628,463)
Tax Paid	(174,481)	-
NET CASH FLOW FROM OPERATING ACTIVITIES	8,793,724	(10,628,463)
CASH FLOW FROM INVESTMENT ACTIVITIES		
Purchase of Property, Plant and Equipment	(552,246)	(137,295)
Bank Interest and Fixed Deposit Interest	578,780	570,450
NET CASH FLOW GENERATED FROM INVESTMENT ACTIVITIES	26,534	433,155
INCREASE/(DECREASE) IN NET CASH AND CASH EQUIVALENTS	8,820,258	(10,195,308)
CASH AND CASH EQUIVALENTS AT THE BEGINNING OF THE FINANCIAL YEAR	30,054,571	40,249,879
CASH AND CASH EQUIVALENTS AT THE END OF THE FINANCIAL YEAR	38,874,829	30,054,571
CASH AND CASH EQUIVALENTS REPRESENTED BY:		
Cash and Bank Balances	29,277,173	8,199,712
Fixed Deposits	9,597,656	21,854,859
	38,874,829	30,054,571

The accompanying notes form an integral part of the financial statement

STATEMENT OF BUDGET AND ACTUAL EXPENDITURE

FOR THE YEAR ENDED 31 DECEMBER 2022

	TOTAL BUDGET		ACTUAL	VARIANCE
	EARLY RM	FINAL RM	RM	RM
Expenditure				
Emoluments	5,960,431	5,544,527	5,465,732	(78,795)
Travel and Accommodation	149,500	159,064	155,636	(3,428)
Utilities and Communications	281,100	255,100	249,403	(5,697)
Rental	1,641,069	1,596,529	1,596,500	(29)
Depreciation	-	-	281,540	281,540
Administrative Expenditure	584,500	615,440	294,194	(321,246)
Services Expenditure	2,914,000	3,465,340	1,966,650	(1,498,690)
Salaries and Allowances for Members of the Commission	736,000	635,100	630,934	(4,166)
Entertainment, Honorium & Contributions	268,400	263,900	152,258	(111,642)
Unit/Division Expenditure	7,421,060	7,421,060	4,395,990	(3,025,070)
Development Expenditure - Market Review	104,414	104,414	104,414	-
Total Expenditure	20,060,474	20,060,474	15,293,251	4,767,223

Note:

The total budget amounts to RM20,060,474, which includes an allocation of RM10,000,000 for operating grants, an allocation of RM7,421,060 from the Commission Fund, a remaining balance of RM2,535,000 from the previous financial year's budget carried over to the current financial year and an allocation of RM104,414 for development expenditure for market review carried over from the year 2021.

The records show that 100% of the expenditure were spent using operating grants, while 59.2% of the expenditure were incurred using the Commission Fund. The surplus allocation from the Commission Fund was due to factors beyond the Commission's control, such as payments for the service like legal fees which are based on supplier commissions. Additionally, there were programs or activities conducted by the Commission that incurred lower costs than estimated budget.

This indicates that the Commission practices a cost-effective spending, whereby the programs and activities implemented in the financial year align with the allocated budget. The surplus allocation from the Commission Fund can be reinvested back into the Commission Fund account.

NOTES TO THE FINANCIAL STATEMENTS

1 GENERAL INFORMATION

- 1.1 The Malaysia Competition Commission (MyCC) was established on 1 April 2011 under the Competition Commission Act 2010 (Act 713). The Commission is an agency under the supervision of the Ministry of Domestic Trade and Costs of Living and is an independent body established to enforce the Competition Act 2010. The Commission's primary role is to protect the competitive processes for the benefit of the business, consumer and Malaysian Economy. As of 31 December 2022, the Commission has a total of 76 officers.
- 1.2 The Malaysia Competition Commission operates at level 15, Menara SSM @ Sentral No.7, Jalan Stesen Sentral 5, 50623 Kuala Lumpur Federal Territory.
- 1.3 The Commission's Financial Statements are for the period from 1 January 2022 until 31 December 2022.
- 1.4 The Commission's functional currency is Ringgit Malaysia (RM), where every operation and transaction is in RM. The financial statements are recorded in RM, which is the functional currency of MyCC.
- 1.5 The Commission's Financial Statements for the year ended 31 December 2022 were approved by the Members of the Commission on 11 November 2023.
- 1.6 The Competition Commission Act 2010 empowers the Malaysia Competition Commission (MyCC) to carry out various functions, including implementing and enforcing the provisions of the Competition Act 2010, issuing guidelines related to the implementation and enforcement of competition laws, acting as an advocate for competition matters, conducting general studies on competition issues in the Malaysian economy or specific sectors, and informing and educating the public on how competition can benefit consumers and the Malaysian economy.

2 ACCOUNTING POLICIES

2.1 Basis for Preparation of Financial Statements

- 2.1.1 The Commission's financial statements have been prepared based on historical cost conventions other than those separately stated and in compliance with the Malaysian Public Sector Accounting Standards (MPSAS).
- 2.1.2 These financial statements are the fourth financial statements prepared using MPSAS.
- 2.1.3 Preparation of financial statements requires consideration, estimates and assumptions affecting the use of policies and amounts of reported assets, liabilities, revenues and expenditure. If these considerations significantly affect the amount recognized in the financial statements, they should be disclosed in note 2.13 to the financial statements.

NOTES TO THE FINANCIAL STATEMENTS

2 ACCOUNTING POLICIES (CONTINUED)

2.2 Revenue and Expenditure Recognition

2.2.1 Revenue Recognition

(i) Government Grants

Government grants that are not subject to certain conditions of future performance are taken into account as income in the statement of the financial performance. Government Grants imposed by certain future performance conditions such as development grants are recognized as deferred grants and amortized as a result equivalent to the carrying amount of the eligible liabilities.

(ii) Fines and Penalties

Penalties and fines include financial penalties imposed against enterprises or companies for violations of the requirements set forth in the Competition Act 2010 (Act 712). The number of financial penalties imposed shall not exceed 10% of the total income of the enterprise or company during the period of violation.

(iii) Bank Interest and Fixed Deposit Interest

Gains on investments are recognized on a time proportion basis that takes into account the effective yield on the asset. Interest income is recognized based on time and effective rates over the maturity period. Whereas, bank interest income is recognized on an accrual basis.

(iv) Seminar Fees

The seminar fees received are the result of conducting seminars related to the Competition Act 2010 throughout the Commission's financial year.

(v) Other Revenues

Other revenues are revenues other than note 2.2.1 (i) to (iv) above. It is recognised as income after services are rendered.

2.3 Property, Plant and Equipment

2.3.1 Property, plant and equipment are stated at cost less accumulated depreciation. Cost includes all direct costs involved in bringing the asset to its location and circumstances which enable it to operate in the manner required by management. Daily service costs are recognized as an expense in the statement of financial performance. Property, plant and equipment are recognized at costs exceeding RM2,000 per unit.

2 ACCOUNTING POLICIES (CONTINUED)

2.3 Property, Plant and Equipment (Continued)

2.3.2 The value of items of property, plant and equipment must be de-recognized at the time of disposal or when no future economic benefits or potential services are expected from their use or disposal. Gains or losses on deregulation of property, plant and equipment are determined by comparing the net disposal value of the assets whose differences are accounted for as gains or loss in the statement of financial performance.

2.4 Depreciation of Property, Plant and Equipment

2.4.1 Depreciation is calculated using the straight-line method to write off the cost of the asset over the estimated useful life of the assets concerned.

2.4.2 The depreciation rates of property, plant and equipment are as follows:

Motor vehicles	20%
Office equipment and furniture	10%
Books	10%
Computers	20%

2.4.3 If there is a significant change in the changes in the residual value, estimated useful lives or useful patterns of assets since the date of the last annual report, the residual values, depreciation methods and useful lives of depreciable assets will be reviewed and adjusted prospectively in the current year.

2.5 Financial Assets

2.5.1 Financial assets are recognized in the statement of financial position when the Commission is a party to the provision of instrument contracts.

2.5.2 At the beginning of recognition, financial assets that are measured at fair value, including transaction costs for financial assets that are not measured at fair value by surplus or deficit, are directly involved in generating financial assets.

2.5.3 Upon initial recognition, financial assets are classified into one of the four categories of financial assets, namely financial assets measured at fair value by surplus or deficit, receivable, investment held to maturity and ready-to-sell financial assets.

2.5.4 The purchase or sale of a financial asset that requires the delivery of an asset within the timeframe stipulated by the regulations or conventions in the market will be recognized on the transaction made, the date on which the Commission makes a commitment to purchase or sell the asset.

2 ACCOUNTING POLICIES (CONTINUED)

2.5 Financial Assets (Continued)

2.5.5 The Commission has the following categories of financial assets:

(i) Loans and receivables

Loans and receivables are non-derivative financial assets with fixed or determinable payments that are not quoted in the active market. After the initial measurement, the financial asset is then measured at amortized cost using the effective method or less impairment. Amortized costs are calculated by taking into account any discount or premium on the purchase of the asset as well as costs that are part of the effective interest rate. An impairment loss is recognized in surplus or deficit amount.

(ii) Investments held to maturity

Non-derivative financial assets with a maturity of fixed or practicable period are classified as assets held for maturity when the Commission has positive intentions and the ability to hold such investments until maturity. After initial measurement, held-to-maturity of investments is measured at amortized cost using the effective interest method, less any impairment. Amortization costs are calculated taking into account any discount or premium on acquisitions and costs that form part of the effective method of interest. Losses arising on impairment are recognized in the statement of financial performance.

(iii) De-recognition of financial assets

A financial asset is derecognized when the contractual right to the cash flows from the financial asset has expired or has been completed and the Commission has transferred the risks and rewards of ownership of the financial assets to another party. At the time of derecognition of financial assets as a whole, the difference between the carrying amount and the amount of consideration received was recognized in surplus or deficit during the period of de-recognition.

(iv) Impairment of financial assets

At each balance sheet date, the Commission reviews the carrying amounts of financial assets to determine whether there is any indication of impairment. If any indication exists, impairment is obtained by comparing the carrying amount with the recoverable amount. Recoverable amount is the higher of net selling price and applicable value which is interpreted using discounted forward cashflow estimates. The recoverable amount will be determined by each asset, in case it cannot be determined by the cash generating units owned by the asset.

An impairment loss is recognized reported in the financial performance statement as expenditure during the period it occurred.

2 ACCOUNTING POLICIES (CONTINUED)

2.5 Financial Assets (Continued)

2.5.5 The Commission has the following categories of financial assets: (Continued)

(iv) Impairment of financial assets (Continued)

The reversal of impairment of assets recognized in the past year will be recorded if there is an indication that the impairment recognized in the previous year ceases to exist or has decreased. The reversal is to be reversible up to the actual amount of the asset which will be determined (net of depreciation and amortization) if there is no loss of depreciation been recorded. Reversals are recorded directly in the statement of financial performance.

2.6 Provisions and Liabilities

2.6.1 Provisions are recognized when the Commission has a present obligation as a result of past events, it is possible that the outflow of resources containing economic benefits should be carried out in order to settle obligations and the number of obligations can be reliably estimated. When the Commission expects some or all provisions to be reimbursed, expenditure relating to provisions are presented in the statement of financial performance from any repayments.

2.7 Financial Liabilities

2.7.1 Financial liabilities are recognized in the statement of financial position when the Commission is a party to the provision of instrument contracts.

2.7.2 At initial recognition, financial liabilities are measured at fair value including transaction costs for financial liabilities that are not measured at fair value through surplus or deficit, directly involved in recognizing financial liabilities.

2.7.3 Upon initial recognition, financial liabilities are classified into one of two categories of financial liabilities, namely financial liabilities measured at fair value by surplus or decrease and outstanding loans.

2.7.4 The Commission has the following categories of financial liabilities:

(i) Loans and payables

Upon initial recognition, loans and outstanding payments are measured at amortized cost using the effective interest method. Profit or loss is reversed in excess or in a lesser amount when financial liabilities are deteriorated or impaired.

The effective method of interest is a method for calculating the amortized cost of a financial liability and to allocate interest expense over the relevant period. An effective interest rate is the discounted rate of an accurate estimated future cash payment through the shelf life of a financial liability or, as appropriate, a shorter period, with the carrying amount of the monetary liability.

2 ACCOUNTING POLICIES (CONTINUED)

2.7 Financial Liabilities (Continued)

2.7.4 The Commission has the following categories of financial liabilities: (Continued)

(ii) De-recognition of Financial Liabilities

Financial liabilities are derecognized when the obligations specified in the contract are discharged, cancelled or expired.

The difference between the carrying amount of a derecognized financial liability and the consideration paid will be recognized in excess or in a lesser period during the period of de-recognition.

2.8 Contingency Possibilities

2.8.1 There is the possibility of transferring economic benefits to third parties in the event of an appeal made against the decision of the Commission. Therefore, the contingency potential information required under 'Section 21 Contingency Possibilities' was not disclosed on the grounds that it could affect the outcome of the legal proceedings

2.9 Cash and Cash Equivalents

2.9.1 Cash and cash equivalents comprise cash on hand, bank balances and fixed deposits at financial institutions with maturities of twelve months or less which are readily converted to cash and subject to the risk of intangible value changes.

2.10 Employee Benefit

2.10.1 Short Term Employee Benefits

Short term employee benefits include basic salary, fixed allowances, other allowances and various leave including annual leave.

2.10.2 Employee Benefits After Service

The Commission contributes to the Employees Provident Fund (EPF) at a rate that is mandatory to be contributed according to the laws in Malaysia. The contributions are charged to the statement of financial performance in the financial period in which they are incurred.

The Commission contributes to the Retirement Fund Incorporated for employees who are granted pensionable status at the rates that are granted. The contributions are charged to the statement of financial performance in the financial period in which they are incurred.

Permanent employees of the Commission will be rewarded with *Gantian Cuti Rehat (GCR)* based on the Service Circular issued by the Public Service Department and adopted by the Commission.

2 ACCOUNTING POLICIES (CONTINUED)

2.11 Income Tax

- 2.11.1 The income tax expenditure for the current tax period include current and deferred taxes. Income tax is recognized in the financial performance statement unless it relates to items recognized in other comprehensive income or directly in equity. In this case, the income tax is also recognized in other comprehensive income or directly in equity.
- 2.11.2 Current tax is the tax payable or receivable on taxable income or tax loss for the current year, using the tax rates that have been enacted or substantively enacted at the end of the reporting period and any adjustments to tax payable for prior financial years.
- 2.11.3 Deferred tax is recognized using the liability method, on temporary differences arising between the tax base of assets, liabilities and their carrying amounts in the financial statements. However, deferred tax is not recognized if it arises from the initial recognition of an asset or liability in a transaction other than a business combination and at the same time, the transaction does not affect the accounting profit or taxable profit or loss. Deferred tax is determined using the tax rates that have been enacted or substantively enacted at the end of the reporting period and is expected to be utilized when the related deferred tax asset is realized or the deferred tax liability is settled.
- 2.11.4 A deferred tax asset is recognized to the extent that it is probable that taxable profits will be available against which temporary differences can be utilized, unused tax losses can be utilized or tax credits can be utilized.
- 2.11.5 Deferred taxes, income tax assets and liabilities are offset when there is a legally enforceable right to offset the current income tax assets against the current income tax liabilities and when the deferred income tax assets and liabilities relate to taxes levied by the same tax authority either between two taxable entities or within a single taxable entity, where there is an intention to settle the balances on a net basis

2.12 Budget Information

- 2.12.1 The annual budget is prepared on a cash basis. Since financial statements are prepared on an accrual basis, a budget and actual comparative statement is disclosed separately. This statement is prepared on the basis of annual budget preparation.

2 ACCOUNTING POLICIES (CONTINUED)

2.13 Considerations and Key Sources of Estimated Uncertainty

2.13.1 The measurement of assets and liabilities requires management to make estimation based on monitoring and other assumptions it deemed appropriate. Among the items that are subject to budget uncertainty is the measure of the following:

(i) Life Expectancy Changes of Property, Plant and Equipment

Property, plant and equipment are depreciated on a straight-line basis over the useful lives of the assets concerned. Changes in estimated patterns of asset utilization and technological development can impact the shelf life and residual value of the asset. This causes future depreciation of assets to be revised.

(ii) Calculation of Income Tax

Consideration is important in determining the current and deferred taxation of the Commission as the final tax for the Commission as a whole is uncertain. When the final decision on the tax payable is determined by the authorities, the amount has a different probability from the initial estimate of tax payable. These differences can affect current and deferred tax at the period of calculation. The Commission will consider the difference whether it is over or understated to current or deferred tax in the period in which the difference is identified.

(iii) Allocation Measurement

The Commission always uses the best estimate as the basis for measuring a budget. These estimates are made based on past experience, other relevant indicators or assumptions and reasonable future events in determining the budget.

2.14 Financial Risk Management Policy

2.14.1 The Commission's financial risk management policy is to ensure that financial and non financial resources are sufficient to carry out its operations smoothly. The Commission will consider and evaluate financial management risks raised from time to time.

(i) Interest Rate Risk

The Commission finances its operations with internal funds and, therefore, is not exposed to interest rate risk from bank loans.

(ii) Credit Risk

The Commission does not transact on material credit and is therefore not exposed to credit risk.

(iii) Foreign Currency Exchange Risk

The Commission has no foreign exchange transactions and is therefore not exposed to foreign exchange risks.

2 ACCOUNTING POLICIES (CONTINUED)

2.14 Financial Risk Management Policy (Continued)

2.14.1 The Commission's financial risk management policy is to ensure that financial and non financial resources are sufficient to carry out its operations smoothly. The Commission will consider and evaluate financial management risks raised from time to time. (Continued)

(iv) Liquidity Risk

The Commission practices prudent liquidity risk management to minimize financial mismatch of assets and liabilities as well as to create sufficient levels of cash and cash equivalents to meet working capital requirements.

(v) Legal Risks

Subsection 3(3) of the Competition Commission Act 2010 [Act 713] states that the Commission may be sued in its name while Subsection 3(4) empowers the Commission to make contracts. The Commission may be subject to legal action by a third party if the Commission breaches the contract or any procedure under Act 712 and Act 713.

NOTES TO THE FINANCIAL STATEMENTS

3 Various Account Receivable, Deposits, And Prepayment

	2022 RM	2021 RM
Various accounts receivable	17,345	9,700
Deposits and prepayments	241,802	241,210
Total of accounts receivable, deposits, and prepayments	259,147	250,910

4 Fixed Deposits

	2022 RM	2021 RM
Bank Kerjasama Rakyat Malaysia	8,305,322	15,194,247
Malaysia Building Society Berhad	1,292,334	6,660,612
Total of Fixed Deposits	9,597,656	21,854,859

The interest rate for fixed deposits ranges from 1.70% to 3.40% (2021: 1.25% to 2.20%), and the deposit period ranges from 6 days to 184 days.

5 Cash in Hand, Cash at Bank

	2022 RM	2021 RM
Cash in hand	2,839	2,291
Cash at bank		
CIMB Current Account (Operating)	3,628,912	7,718,725
CIMB Current Account (Development)	376,585	478,696
Maybank Account	25,268,837	-
Total of Cash at bank	29,274,334	8,197,421
Cash in Hand, Cash at Bank	29,277,173	8,199,712

6 Property, Plant and Equipment

	Motor Vehicles RM	Office Furniture and Fittings RM	Books RM	Computers RM	Total RM
Cost					
Balance as at 1 January 2022	907,102	280,207	214,734	1,333,564	2,735,607
Addition in the Current Year	287,306	228,043	-	36,897	552,246
Balance as at 31 December 2022	1,194,408	508,250	214,734	1,370,461	3,287,853
Accumulated Depreciation					
Balance as at 1 January 2022	776,246	221,967	179,970	1,060,088	2,238,271
Depreciation in the Current Year	121,284	40,904	19,740	99,612	281,540
Balance as at 31 December 2022	897,530	262,871	199,710	1,159,700	2,519,811
Net Book Value	296,878	245,379	15,024	210,761	768,042
2021					
Balance as of 1 January 2021	907,102	273,307	276,313	1,224,434	2,681,156
Addition in the Current Year	-	6,900	-	130,395	137,295
Disposal of Current Year	-	-	(61,579)	(21,265)	(82,844)
Balance as of 31 December 2021	907,102	280,207	214,734	1,333,564	2,735,607
Accumulated Depreciation					
Balance as of 1 January 2021	694,355	197,658	207,334	962,867	2,062,214
Depreciation in the Current Year	81,891	24,309	24,818	118,484	249,502
Disposal of Current Year	-	-	(52,182)	(21,263)	(73,445)
Balance as of 31 December 2021	776,246	221,967	179,970	1,060,088	2,238,271
Net Book Value	130,856	58,240	34,764	273,476	497,336

NOTES TO THE FINANCIAL STATEMENTS

7 Various Accounts Payable and Accrued Expenditure

	2022 RM	2021 RM
Various Accounts Payable	647,954	175,549
Accrued Expenditure	297,072	94,771
Total of Accounts Payable and Accrued Expenditure	945,026	270,320

8 Deferred Income

	2022 RM	2021 RM
As at 1 January	9,644,700	9,644,700
Addition to deferred income	12,494,057	-
Total Deferred Income	22,138,757	9,644,700

The deferred income amounted to RM22,138,757 (2021: RM9,644,700) represents the accumulated penalty payments from cases involving MyEG, Dagang Net and Langkawi Ro-Ro.

As of 31 December 2022, the case of MyEG Services Berhad (MyEG) is at the stage of applying permission for leave to appeal in the Federal Court and the appellant is MyEG. This follows the rejection of the appeal filed by MyEG at the Court of Appeal stage.

On the other hand, the case of Dagang Net is still at the stage of applying for appeal at the Competition Appeal Tribunal. The appeal has been filed by Dagang Net.

The case of Langkawi Ro-Ro is also at the stage of applying for appeal at the Competition Appeal Tribunal. The appeal has been filed by five Langkawi Ro-Ro Operators.

9 Deferred Government Grants

	2022 RM	2021 RM
As at 1 January	104,414	856,555
Repayment of development grant	(104,414)	(752,141)
Balance as of 31 December	-	104,414

The commission was granted development grant allocations for the development of the Eleventh Malaysia Plan (RMK11) from the Ministry of Domestic Trade and Consumer Affairs in the financial years 2016, 2017, 2019 and 2020. The remaining Development Grant balance carried forward from 2021 for conducting a Market Review in the Transportation Sector amounts to RM104,414. The commission has fully utilized the carried forward balance from previous years for the purpose of publishing a summary book on the project to review the market in Malaysia's priority sectors.

10 Long-Term Employee Benefits

	2022 RM	2021 RM
As at 1 January	61,226	33,620
<i>Gantian Cuti Rehat (GCR)</i>	27,700	27,606
Balance as of 31 December	88,926	61,226

Long-term employee benefits are in the form of *Gantian Cuti Rehat* for the employees of the Commission. The Commission has allocated budget for *Gantian Cuti Rehat* for permanent employees starting from the 2019 financial year. The total of *Gantian Cuti Rehat* amount for the 2022 financial year is RM27,700 (2021: RM27,606).

11 Receipts from Government Grants

	2022 RM	2021 RM
Operation Grants	10,000,000	11,056,247
Development Grants	104,414	752,141
	10,104,414	11,808,388

The commission has received a operation grant allocation amounting to RM10,000,000 (2021: RM11,056,247) to support the financial obligations of the commission in the year 2022.

NOTES TO THE FINANCIAL STATEMENTS

12 Bank Interest and Fixed Deposit

	2022 RM	2021 RM
Bank Interest	128,747	80,585
Bank Kerjasama Rakyat Malaysia	311,716	295,466
Malaysia Building Society Berhad	138,909	194,569
	579,372	570,620

The interest rate for fixed deposits ranges from 1.70% to 3.40% (2021: 1.25% to 2.20%) and the deposit tenure ranges from 6 days to 184 days (2021: 1 day to 12 months).

13 Administrative Expenditure

	2022 RM	2021 RM
Petrol Expenditure	22,802	15,794
Office Expenditure	271,392	107,929
	294,194	123,723

14 Unit/Division Expenditure

	2022 RM	2021 RM
Capacity Building Training	-	556,390
Investigation and Enforcement	471,108	244,798
Media and Communication Planning	973,626	536,117
Legal	1,722,633	1,048,000
Research (Guidelines/Market Review)	98,119	1,000
Management Services including ICT Development and Website	207,622	410,922
Strategic Planning and International Relations	922,882	-
	4,395,990	2,797,227

15 Development Expenditure – Market Review

	2022 RM	2021 RM
Market Review of Transportation Sector	104,414	752,141
	104,414	752,141

16 Income Tax

In the 2021 financial year, the Commission estimated that no income tax would be imposed on the Commission. However, based on the income tax calculation carried out on the audited Financial Statements, the total income tax for the 2021 financial year has been restated in this financial statement and recognized as a liability in accordance with the applicable accounting principles.

The adjustment of income tax expenditure from the statutory income tax rate to the effective income tax rate of the Commission for the year ended 31 December 2022 and the difference from the previous year is as follows:

	2022 RM	2021 RM
(Deficit)/Surplus before tax	(3,818,367)	<i>As restated</i> 823,733
Taxes at Statutory Income Tax Rate (24%)	(916,408)	197,696
Non-Deductible Expenditure	581,212	83,647
Deferred Tax Assets Not Recognized	335,196	(16,884)
Capital Allowance	-	(89,978)
Income Tax	NIL	174,481

Deferred tax assets are not recognized based on the following factors:

Property, Plant, and Equipment	(267,783)	(198,955)
Unabsorbed tax losses	6,256,802	5,036,152
Unused capital allowance	244,826	-
	6,233,845	4,837,197
Deferred tax assets are not recognized at 24% (2021:24%)	1,496,123	1,160,927

NOTES TO THE FINANCIAL STATEMENTS

17 Main Management Authority

The main management is those who have the power and responsibility to plan, command and control the activities of the Commission directly and indirectly

Total emoluments and allowances for the main management for the year ended 31 December 2022 and differences for the previous year are as follows:

	2022 RM	2021 RM
Total Emoluments and Allowances	797,260	759,501

