



**SURUHANJAYA PERSAINGAN MALAYSIA**  
**MALAYSIA COMPETITION COMMISSION**

**Menggalakkan Persaingan, Melindungi Anda**  
*Promoting Competition, Protecting You*



Laporan Tahun **2016** *Annual Report*

# Cover Rationale



The transparent glass bowl signifies a fair and transparent market; meanwhile the green growing plant symbolises the consumers and businesses that are flourishing within a fair market. The pair of hands protectively holding the transparent glass bowl indicates MyCC's role as the protector and champion that is committed to driving innovation, promoting competition, and protecting consumers and businesses.

The Malaysia Competition Commission (MyCC) was established in 2011 to promote competition as well as protect the competitive process for the benefit of consumers and businesses. Its ultimate goal is to grow the nation's economy through the enforcement of competition law to ensure a healthy market that will benefit everyone. After six challenging years, MyCC is now able to create a conducive competition culture in Malaysia as clearly depicted in the cover image.



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## Minister's FOREWORD



*"Malaysia is ranked as the 25th most competitive country amongst 138 economies worldwide, based on the 'World Economic Forum's Global Competitiveness Report 2016-2017'."*

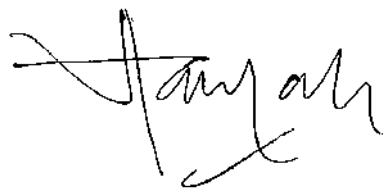
History was created by the Malaysian government when the Competition Act 2010 (CA 2010) was passed in the Malaysian Parliament in April 2010 with the aim of developing and maintaining a healthy domestic business environment. Five years on, it is rewarding to witness that the efforts of the Malaysia Competition Commission (MyCC) in enforcing the CA 2010 have made a strong impact on all business communities, especially in Malaysia. Enterprises, both big and small are now more aware of their obligations to comply with the CA 2010.

The Ministry of Domestic Trade, Co-Operatives and Consumerism (MDTCC) has been entrusted with the task of ensuring that consumers are protected, and at the same time, making it easier for businesses to operate in Malaysia. The competition law in the country plays a major role towards this end by ensuring a conducive business environment for all.

Malaysia continues to be one of the business leaders in the region, as evidenced by several worldwide recognitions accorded to Malaysia. Malaysia is ranked as the 25th most competitive country amongst 138 economies worldwide, based on the 'World Economic Forum's Global Competitiveness Report 2016-2017'. Malaysia is also ranked in the 22nd position ahead of other Asian countries like Japan, Thailand, China, Vietnam and Indonesia in the 'Ease of Doing Business 2016 Report' which was published by the World Bank.

Competition will promote a healthier market and provide further impetus for economic growth. It is envisioned that with a more open and competitive market, Malaysian companies will improve their efficiency and embrace innovation to meet the needs of consumers. It is imperative that businesses understand there is no longer room for anti-competitive practices in this country, and that the adoption of more innovative and efficient business activities can only result in a freer market for all Malaysians.

As such, I truly hope that with the knowledge and awareness of competition law that has been enforced in Malaysia, the local market will become more competitive and healthy to benefit the consumers and businesses, creating a win-win position in making Malaysia a truly desirable market both at the local and global level. This will result in a robust, healthy and sustainable economy that will benefit the entire nation equally for current and future generations.



**YB DATO' SERI HAMZAH ZAINUDIN**

Minister of Domestic Trade, Co-Operatives  
and Consumerism

## Chairman's MESSAGE



*"Since 1st January 2012, the MyCC has successfully resolved 259 out of 282 complaints received from the general public."*



The Malaysia Competition Commission (MyCC) has come a long way since its inception in 2011, facing and overcoming many challenges. It is heartening to see that the various efforts and initiatives implemented over the years have made a significant impact on the country's economy. This becomes more and more evident as both consumers and the business community have grown to recognise the role of the MyCC under the Competition Act 2010 (CA 2010) in ensuring a fair and healthy market. 2016 marks the fifth year of enforcement of the CA 2010 in Malaysia with various milestones achieved in enforcement, advocacy, market review, capacity-building and knowledge-sharing.

The MyCC has been tirelessly focusing its energy on implementing and promoting the CA 2010 through its activities, decisions and engagements with stakeholders. Five years on, with a bigger team and even bigger responsibilities, the MyCC's emphasis is on the effective enforcement of the CA 2010 in order to cultivate a competitive environment in the local business landscape. The MyCC recognises that a healthy and competitive economy promotes performance and innovation, and makes the economy operate more efficiently through competitive pricing, greater choice and better quality. Thus, the implementation of competition law is crucial in protecting the welfare of consumers as it fosters a competitive business environment.

The MyCC is highly committed in facilitating and protecting competition for everyone. The highly significant impacts and various outcomes within the last five years, as well as its current progress, demonstrate that strong commitment. In addition to hundreds of advocacy programmes organised, the MyCC continues to emphasise on its investigations, making enforcement a priority.

Since 1st January 2012, the MyCC has successfully resolved 259 out of 282 complaints received from the general public. The high rate of achievement in settling complaints that encompass a wide spectrum of industries is a testimony of the MyCC's strength and effectiveness.

The MyCC has imposed financial penalties of more than RM2.8 million on six enterprises for infringing the CA 2010. In 2016, decisions were issued by the MyCC against an information technology service provider to the shipping and logistics industry in Penang, and four Container Depot Operators for engaging in price-cartel activities. Besides that, a decision was also issued against My E.G. Services Berhad for abusing its dominant position in the provision and management of online Foreign Workers Permit renewals. On top of the financial penalties, the MyCC had also imposed remedial actions that include orders to immediately cease and desist.

In 2016, the MyCC has been engaging with the general public, government agencies and trade associations countless times to ensure awareness and perception towards both the role of the MyCC and the CA 2010. Working with the public and private universities too, has allowed the MyCC to introduce new modules on competition law that may benefit the university graduates to understand the concept and acquire the skills on competition as a whole. This move will ensure that the new generation of graduates and professionals will be educated and trained

effectively in the area of competition law and policy. The programmes and initiatives conducted by the MyCC have been rewarded with excellent responses and enthusiastic participation from the students when the first Moot Court Competition on Competition Law was held on 17-18 October 2016 within the selected Institutes of Higher Learning. The MyCC will continue with these initiatives to encourage more students' involvement. Given this overwhelmingly positive response, the MyCC is making plans to host these Moot Court Competitions on an annual basis moving forward.

As an enforcement body, the MyCC is serious in promoting and facilitating a strong culture of competition in Malaysia. Through its investigations, enforcement, advocacy and outreach activities, the MyCC plays a crucial role in changing the culture of the Malaysian business community by promoting increased awareness in competition law and policy. Businesses are becoming more innovative, efficient and capable of competing on the global stage as they discover the benefits of a healthy and competitive market.

Moving forward, the MyCC will organise an International Conference on Competition Law as well as co-host the 7th ASEAN Competition Conference in March 2017, whereby a line-up of local and international experts will share their insights, best practices, and ideas that will help to elevate an awareness of competition law and policy. In addition, many joint events with other ASEAN member states are in the pipeline as part of MyCC's goals to continuously grow and disseminate expertise in competition law through international networking efforts.

The MyCC continues to spearhead the Special Committee on Competition which meets twice a year to discuss various competition issues cutting across the various sector regulators. Among the issues discussed are those relating to competition matters in the telecommunication, land public transport, financial, water, energy and aviation sectors.

The MyCC has indeed come a long way since 2011, but a long and challenging journey is expected ahead. Although the stakeholders have had high expectations for what the MyCC can accomplish in just a short time, several challenges remained to be overcome. Enforcement of competition law remains a complicated issue even in some of the biggest and most well-established jurisdictions, due to the complex and technical nature of the subject.

In view of the MyCC's hard work and diligence over the years, I strongly believe that the MyCC will remain focused in its efforts to be successful in the coming years by executing its mandate efficiently and effectively, with a commitment to ensuring a conducive competition culture to make markets work well for consumers, businesses and the overall economy. And most importantly, to make Malaysia a more globally competitive nation.



**TAN SRI DATO' SERI SITI NORMA YAAKOB**  
Chairman of MyCC

## Chief Executive Officer's MESSAGE



*"The MyCC has organised over 200 advocacy programmes for the private and public sectors throughout Malaysia since 2011."*

The main aim of competition policy and law is to create and maintain a level playing field for businesses, in order to ensure that competitive forces can operate effectively and deliver optimal economic outcomes. Throughout the world, competition policy and law is put in place with the ultimate goal of enhancing consumer welfare, economic efficiency and growth, while creating a stable and investor-friendly business environment.

The competition process is important as it drives efficiency and productivity, fosters innovation, provides the consumer with a wider choice of higher-quality goods and services at competitive prices, and creates a strong regulatory framework, which includes competition law, to grow investor confidence.

In order to ensure that consumers continue to benefit from competition on the health front, the MyCC, together with the Ministry of Health (MOH), has begun administrative interventions to improve the pharmaceutical industry. The pharmaceutical industry plays an important role in improving the global healthcare system, while competition is crucial in providing quality goods and services at competitive prices. There is a need for coherence between competition and regulatory policies to enhance consumer welfare and economic efficiency.

The MyCC is currently conducting a market review on the pharmaceutical sector in accordance to Section 11 of the CA 2010 to assess the market structure and supply chain, identify any anti-competitive practice among the industry players and promote competition in the sector. This review will be finalised next year. Additionally, the MyCC is planning to conduct another market review on the construction sector in 2017.

In ensuring the effective implementation of the CA 2010, the MyCC will continue its efforts in increasing the awareness of competition law amongst the public and private sectors nationwide, targeting specifically Small and Medium-Sized Enterprises (SMEs). The MyCC, in collaboration with SME Corporation Malaysia had organised a 'Seminar on Helping SMEs Understand the Competition Law' to support the government's agenda in helping local SMEs to understand competition law and its implication to their businesses. The MyCC is also in the middle of developing an e-Learning system on Competition Compliance Programme (CCP) for all SMEs in Malaysia to be ready by 2017, with the objective of developing dynamic and competitive SMEs, and creating a knowledge and compliance culture amongst them.

On the whole, the MyCC has organised over 200 advocacy programmes for the private and public sectors throughout Malaysia since its establishment in 2011. This number is expected to rise as it steps up its efforts in increasing awareness of competition law in the country to ensure a competitive business environment for all.

In its effort to strengthen the organisation, the MyCC has been granted additional permanent MyCC staff positions in 2016. Furthermore, the MyCC had held more initiatives and engagement sessions with MDTCC on expanding its permanent workforce to allow for a more efficient operation. To date, the MyCC has sent two of its officers to King's College, London for the Postgraduate Diploma for Economics for Competition Law and European Union Competition Law. Next year, the MyCC is planning to send its officers to New Zealand and Australia under the secondment programmes with the New Zealand Commerce Commission (NZCC) and the Australian Competition and Consumer Commission (ACCC). The MyCC is also planning to exchange knowledge, ideas, and best practices with the Commission for the Supervision of Business Competition (KPPU) via the overseas attachment programme next year.

I would like to express my gratitude to the Minister of MDTCC, the Chairman, and Members of the Commission, for their invaluable support. As our Chairman and some Members of the Commission will be leaving us next year, a special thanks to them for their service, leadership and guidance whilst in the MyCC. My appreciation also goes to the Executive Management team and all the staff for their efforts, contributions and commitments in ensuring the MyCC delivers its best in achieving its vision and mission. With the co-operation and support from the general public, relevant stakeholders, and government, I am confident that the MyCC will continue to grow in its capabilities and expertise, which in turn will have a significant impact in promoting a more conducive, competitive, and attractive Malaysian market at both local and international levels.



**DATO' ABU SAMAH SHABUDIN**

Chief Executive Officer of MyCC

# INTRODUCTION

The Malaysia Competition Commission (MyCC) is an independent statutory body established under the Competition Commission Act 2010 with the purpose of enforcing the Competition Act 2010 (CA 2010). The MyCC's primary role is safeguarding the competition process for the benefit of businesses, consumers and the economy as a whole.



## VISION

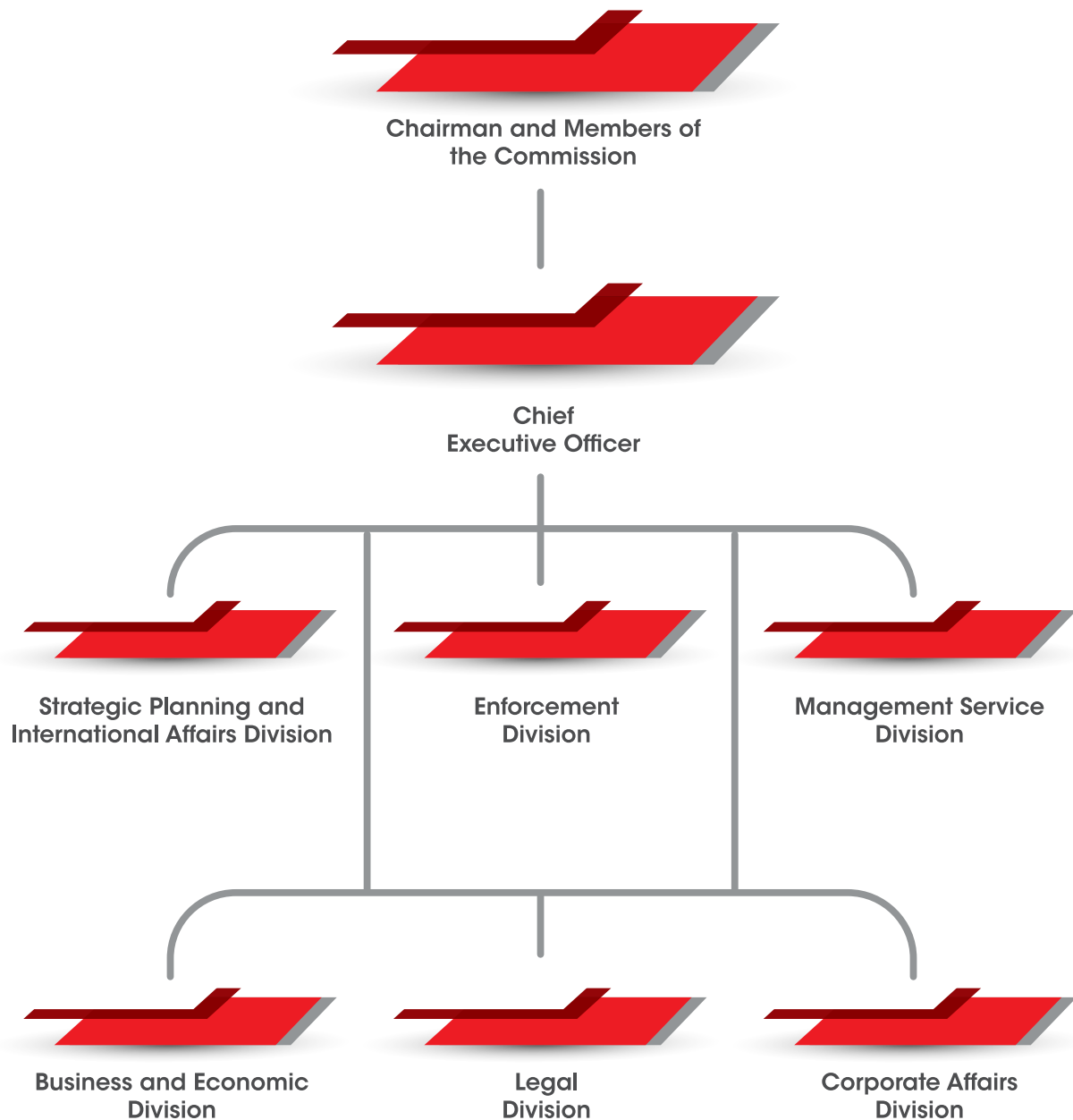
To be the leading competition authority in Malaysia.

## MISSION

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



## EXECUTIVE MANAGEMENT AND ORGANISATIONAL STRUCTURE



## MEMBERS OF THE COMMISSION

The Commission consists of a Chairman, four members representing the Government and five members representing the private sector. All of these members, including the Chairman, are appointed by the Prime Minister based on the recommendation of the Minister of Domestic Trade, Co-Operatives and Consumerism. MyCC members are appointed for a period of one term (three years) and may be reappointed as long as no appointment exceeds two consecutive terms.

Overall, Members of the Commission represent multiple fields, including that of law, economy, the corporate sector, industry, trade, public administration, and consumer competition and protection.



Tan Sri Dato' Seri  
Siti Norma Yaakob

Dato' Dr.  
Gan Khuan Poh

Prof. Dato' Dr. Sothi  
Rachagan

Tan Sri Datuk Dr.  
Rebecca Fatima  
Sta Maria

Tuan Ragunath  
Kesavan



**Datuk Seri Dr.  
Rahamat Bivi Yusoff**

**Prof. Emeritus Dr.  
Zakariah Abdul Rashid**

**Dato' Ahmad Hisham  
Kamaruddin**

**Dato' Basaruddin  
Sadali**

Puan Normazli  
Abdul Rahim

## COMMISSION MEMBERS' BIODATA







### Tan Sri Dato' Seri Siti Norma Yaakob

Chairman of MyCC

Tan Sri Dato' Seri Siti Norma Yaakob was appointed the Chairman of The Malaysia Competition Commission (MyCC) on 1st April 2011. With a legal background, she was called to the English Bar in 1962. Her career achievement marked many firsts for women in the Judicial and Legal Service of Malaysia. She rose to become the first woman to be appointed to an executive position in the Judicial and Legal Service in 1963 and was elevated to the High Court Bench in 1983. In 1994, she was appointed as a Court of Appeal Judge and as a Federal Court Judge in 2001. Sworn in as Chief Judge of Malaya in 2005, Tan Sri Dato' Seri Siti Norma subsequently retired in January 2007.

On January, 2008, the Dubai International Financial Centre (DIFC) Courts appointed Tan Sri Dato' Seri Siti Norma as one of their six pioneer judges, becoming the first female judge to join the DIFC Courts.

Tan Sri Dato' Seri Siti Norma is now a board member of several companies and agencies. She is the Chairman of RAM Holdings Berhad, Chairman of RAM Rating Service Berhad, Director of Tenaga Nasional Berhad, a Member of Bank Negara Malaysia's Board of Directors, and a Member of RAM Solutions Sdn Bhd's Board of Directors.

She is also the Pro-Chancellor of the University of Malaya since 2007 and a Honorary Benchler of the Honourable Society of Gray's Inn, London, her alma mater.



### Tan Sri Datuk Dr. Rebecca Fatima Sta Maria

Tan Sri Datuk Dr. Rebecca Fatima Sta Maria was the Secretary-General of the Ministry of International Trade and Industry (MITI) before her retirement on 2 July 2016. Prior to this appointment, she had served as the Deputy Secretary-General (Trade) of MITI. She began her career in the Administrative and Diplomatic Service in 1981, and served in various capacities in the then Ministry of Trade and Industry. In 1988, she was seconded to the ASEAN Plant Quarantine and Training Centre as its Chief Administration and Procurement Officer. In 2006, she chaired the ASEAN Senior Economic Officials Meeting (SEOM). Currently, she is the Chairman of the ASEAN High Level Task Force for Economic Integration. She is also the Vice Chairman of the World Economic Forum, Global Agenda Council, South East Asia. Tan Sri Datuk Dr. Rebecca is a graduate of the University of Malaya with a B.A. (Hons) in English Literature. She received the Diploma in Public Administration by the National Institute of Public Administration (INTAN), Malaysia in 1981. She also has an M.S. (Counselling) from Universiti Pertanian Malaysia (now known as Universiti Putra Malaysia). Having received her Ph.D from the University of Georgia in Athens, U.S.A., Tan Sri Datuk Dr. Rebecca was awarded the Malcolm Knowles Award for the best Ph.D dissertation in the field of Human Resource Development by the American Academy of Human Resource Development in 2000.

She is a trustee for the MyKasih Foundation; and a Member of the Board of Directors of the Emmaus Counselling Centre, RHB Bank Berhad, Sunway Construction Group Berhad and Hartalega Holdings Berhad.



### Datuk Seri Dr. Rahamat Bivi Yusoff

Datuk Seri Dr. Rahamat Bivi Yusoff is currently the Director-General of the Economic Planning Unit (EPU) in the Prime Minister's Department. She has served the Government for almost 30 years in various capacities. She also served in various senior positions in the Ministry of Finance and was the Deputy Secretary General (System and Control Division) before being appointed as Director General of EPU on 19 October 2011.

She is a Member of the Board of Directors for Ekuiti Nasional Berhad (EKUINAS), Unit Peneraju Agenda Bumiputera (TERAJU), Malaysia-Thailand Joint Authority (MTJA), Federal Land Development Authority (FELDA), Perbadanan Insurans Deposit Malaysia (PIDM), Perbadanan Putrajaya and MRT Corporation Sdn Bhd.

Datuk Seri Dr. Rahamat Bivi graduated with a Bachelor's degree in Social Sciences (Economics) (Honours) from Universiti Sains Malaysia. She also obtained a Diploma in Public Administration from the National Institute of Public Administration (INTAN), a Master's degree in Economics from the University of Western Michigan, USA and a doctorate from the Australian National University, Australia.



### Professor Dato' Dr. Sothi Rachagan

Professor Dato' Dr. Sothi Rachagan is the Vice Chancellor of Nilai University. Prior to this he has served as Dean of the Faculty of Law, University of Malaya and as Vice Chancellor of Perdana University. Professor Dato' Dr. Sothi holds a B.A. (Malaya), Post-Grad Dip Arts (Otago), M.A (Otago), LL.M (Bristol) and Ph.D (London). He is a Barrister-at-Law (Lincoln's Inn) and an Advocate and Solicitor of the High Court of Malaya.

He serves on the UNCTAD International Expert Panel on Consumer Protection and the Advisory Panels of Consumer and Competition Law Centres of several foreign universities. He was a past-President of the International Association of Consumer Law and served as the Chairman of the Working Committee on Financial Services of UNCTAD for the revision of the UN Guidelines on Consumer Protection.

He has published widely and presented papers and keynote addresses on environmental, human rights, competition, consumer and election laws.



### Dato' Ahmad Hisham Kamaruddin

Dato' Ahmad Hisham Kamaruddin is the founding partner of Hisham & Associates and he is also a Corporate Legal Consultant with over 30 years of legal experience. His extensive legal knowledge spanning areas such as petrochemical, oil and gas, intellectual property, airlines, corporate banking, and labour practices, is highly beneficial to the MyCC. Being a registered Trademark and Industrial Design Agent, he is well versed with the relevant laws, the practical and procedural aspects relating to intellectual property matters including copyrights, counterfeiting, and injunctions. Dato' Ahmad Hisham is a Tribunal President of the Consumer Court in Malaysia appointed by the Minister of Domestic Trade, Co-Operatives and Consumerism (MDTCC). He presides over hearings from consumers at various places throughout the country against traders and business persons. He is also actively involved in the conservation and preservation of heritage in Malaysia.



### Dato' Dr. Gan Khuan Poh

Dato' Dr. Gan Khuan Poh is an economist and Corporate Consultant with more than three decades of experience in both the public and private sectors. He served in the EPU in the Prime Minister's Department and in the academia at Universiti Kebangsaan Malaysia as Professor of Economics. Dato' Dr. Gan Khuan Poh's extensive knowledge in the areas of economics, finance and regulation of the ICT sector, is highly beneficial to the MyCC's role in competition regulation. In particular, his research into the Economics of Regulation and Competition, Distribution Economics and Economic Development in Emerging Economies has especially contributed to the MyCC.

### Tuan Ragunath Kesavan

Tuan Ragunath Kesavan is a legal practitioner for more than 25 years and has previously served as the President of the Malaysian Bar Council from 2009 to 2011. He was enrolled as an advocate and solicitor of the High Court of Malaya in 1991. He qualified as a Barrister-at-Law at Gray's Inn, London and was called to the Bar of England & Wales in 1990. He graduated with a Bachelor's Degree (Genetics) from the University of Malaya in 1985, LLB from the University of Wales Aberystwyth in 1989 and LLM from the University of Malaya in 1995.

Tuan Ragunath Kesavan is on the panel of Arbitrators and Adjudicators of the Kuala Lumpur Regional Centre of Arbitration.





### Professor Emeritus Dr. Zakariah Abdul Rashid

Professor Emeritus Dr. Zakariah Abdul Rashid is the Executive Director, Malaysian Institute of Economic Research (MIER). He was also a former Deputy Dean and Head of Economics Department at Universiti Putra Malaysia's (UPM) School of Postgraduate Studies. Professor Emeritus Dr. Zakariah Abdul Rashid has published many articles and edited academic journals as well as lectured at seminars and conferences on development, international, Islamic, and regional economics, among others.

In addition, he has been a consultant to many research institutes and has played a key role in many economics-based projects.

### Dato' Basaruddin Sadali

Dato' Basaruddin Sadali is the Deputy Secretary General (Domestic Trade), Ministry of Domestic Trade, Co-Operatives and Consumerism (MDTCC).

He holds a Bachelor of Arts degree from the University of Malaya and a Masters of Public Administration from the University of Syracuse, New York, USA.

He has extensive experience in organisational administration and management. Among the key positions he has held is the Director of the Remuneration Division (2009) and Director of the Organisational Development Division (2010) at the Public Service Department. In 2013, he was the Deputy Secretary General (Franchise and Consumerism) in the same Ministry.

### Puan Normazli Abdul Rahim

Puan Normazli Abdul Rahim is currently the Treasury Solicitor, Ministry of Finance. She obtained her education in Selangor and pursued her studies further in Bachelor of Laws at Leeds Polytechnic, United Kingdom in 1991. She was admitted as a Barrister-at-Law at Lincoln's Inn, London, United Kingdom in 1992.

She began her career in the legal service as an Assistant Treasury Solicitor at the Ministry of Finance in 1993. Puan Normazli has previously served in the Attorney General's Chambers in several capacities and as a Legal Advisor in the Ministry of Education and the Ministry of International Trade and Industry. She currently holds a directorship in the Sepang International Circuit Sdn Bhd (SIC).

# The COMPETITION Act 2010

The Competition Act 2010 (CA 2010) and the Competition Commission Act 2010 were gazetted on 10 June 2010 and came into effect on 1 January 2012. The Acts are intended to enhance the nation's economic growth by protecting the competition process in the market and consequently safeguarding consumer interests. The Malaysia Competition Commission (MyCC) was established under the Competition Commission Act 2010 on 1 April 2011 to enforce the provisions of the CA 2010.

## SCOPE

The CA 2010 covers all commercial activities - both within and out of Malaysia - that adversely affect competition in the Malaysian market. The anti-competitive agreements prohibited by the CA 2010 include price-fixing, sharing of markets or sources of supply, limiting or controlling production and bid rigging. In addition, the CA 2010 also covers the practice of forcing competitors out of the market by dominant companies. In the case of an enterprise that has gained the largest market share or is a monopoly, the CA 2010 prohibits conduct by that enterprise that amounts to an abuse of its dominant position, such as price discrimination, predatory behaviour, refusal to supply, tied selling and buying up scarce goods or resources.

## MAIN PROHIBITIONS UNDER THE CA 2010

The CA 2010 prohibits enterprises from engaging in two forms of behaviour:

- Anti-competitive Agreements (Section 4)
- Abuse of Dominant Position (Section 10)

## ANTI-COMPETITIVE AGREEMENTS

As provided under Section 4 of the Competition Act 2010, anti-competitive agreements refer to agreements between horizontal (meaning enterprises within the same network of business operations) or vertical (meaning enterprises within different business operating networks) enterprises, where such agreements are entered into with the aim or effect of significantly preventing, restricting or distorting competition in any market for goods or services.

## ABUSE OF DOMINANT POSITION

Under Section 10 of the Competition Act 2010, an enterprise, either alone or collectively, which has a significant market power of more than 60 percent in a market of goods or services, would be deemed to have a dominant position in the market.

An enterprise with dominant position in a market is not a violation of the law under Section 10 (4) of the same Act, unless the enterprise with dominant position misuses its dominant position so as to stifle the competition of other enterprises in the same market, harming users.

The CA 2010 excludes certain activities, including:

- Activities involving the actions of government authorities.
- Activities carried out in line with the principle of unity.
- Purchase of goods or services not intended for resale or re-supply.
- Agreements or rules that comply with the law.
- Collective bargaining or mutual agreements between employers and trade unions on behalf of employees.
- Services involving general economic interests, including public facilities, or those with monopoly characteristics that generate returns.

The CA 2010 does not cover commercial activities regulated by the Communications and Multimedia Act 1998, the Energy Commission Act 2001, the Petroleum Development Act 1974, the Petroleum Regulations 1974, and the Malaysian Aviation Commission Act 2015.

## INVESTIGATION

The CA 2010 empowers the MyCC to investigate and take action against enterprises involved in anti-competitive practices. The MyCC may investigate enterprises, competitors, suppliers, customers, individuals or any other business, or traders suspected of engaging in anti-competitive or abuse of dominant position activities. Investigations may be conducted by the MyCC when directed by the Minister, on suspicion of a CA 2010 breach by an enterprise or as a result of a public complaint.

## INFRINGEMENTS AND PENALTIES

If the MyCC finds that a particular enterprise has infringed on the CA 2010, it may ask the enterprise to terminate the immediate infringement and take any other action specified by the MyCC. The enterprise concerned may be fined up to a maximum of 10% of its worldwide revenue in the period during which the violation occurred.

## COMPLAINTS

Law enforcement by the MyCC relies heavily on complaints received from the public. Anyone who has any reason to suspect any enterprise, competitor, supplier, customer, individual or others, may complain to the MyCC.

Complaints must be submitted to the MyCC using the official complaints form that can be downloaded from the MyCC website ([www.mycc.gov.my](http://www.mycc.gov.my)) and can be sent via e-mail to [complaints@mycc.gov.my](mailto:complaints@mycc.gov.my). Complaints form can also be sent via fax, post or submitted at the MyCC office. All information received by the MyCC is considered to be confidential.

# The Malaysia **COMPETITION** Commission (MyCC)

## FORMATION

The Malaysia Competition Commission (MyCC) was set up in April 2011, and was commissioned to enforce the CA 2010. The MyCC is governed by the Competition Commission Act 2010. Its main function is to protect the process of competition in the commercial market, for the benefit of both business and consumers, as well as the economy as a whole.

## MyCC'S FUNCTIONS

1  
Advising the  
Minister and  
Government

2  
Notify the Minister  
of anti-competitive  
effects from current or  
proposed legislation

3  
Advising the Minister  
on international  
agreements that  
affect competition

4  
Implement and  
enforce the  
Competition Act 2010

5  
Issue  
Guidelines

6  
Act as a  
supporter of  
competition

7  
Conduct  
market reviews

8  
Collect  
information to  
carry out the  
Commission's  
functions

9  
Increase public  
awareness on  
Competition Law  
and the Commission's  
functions

10  
Educate the public  
about the benefits  
of competition to  
consumers

11  
Make  
recommendations  
to the Minister on  
improvements to  
competition laws

12  
Carry out any  
proper activities  
of the Commission

## POWERS GRANTED TO MyCC

The MyCC is empowered by the Competition Commission Act 2010 to ensure compliance with the CA 2010, investigate complaints regarding anti-competitive behaviours, conduct market reviews and impose penalties on enterprises that are found to be in breach of competition law. It also has the power to impose fees or charges for services provided; provide loans, scholarships and advances to its employees; cooperate with any corporate body or government agency and request information from enterprises to assist in the performance of its functions; or perform any task incidental to its functions and powers.

## WORKING COMMITTEES

The MyCC has been in operation since 1 June, 2011. Since then, the MyCC has established 10 working committees to assist and implement its core functions. The MyCC members lead each working committee together with representatives from the relevant public and private sectors. The committees are as follows:

- a) Finance and Procurement Committee;
- b) Human Resources and Competency Training Committee;
- c) Human Resource Development Panel Committee;
- d) Advocacy and Communication Committee;
- e) Guidelines Committee;
- f) Audit Committee;
- g) Economic Committee;
- h) Enforcement Committee;
- i) Disciplinary Committee; and
- j) Disciplinary Appeal Committee

The Special Committee on Competition meeting chaired by MyCC was held twice this year to discuss various competition issues with other sector regulators, including the Malaysian Communications and Multimedia Commission (MCMC), the Land Public Transport Commission (SPAD), Bank Negara Malaysia (BNM), the Energy Commission (EC), the National Water Services Commission (SPAN), the Securities Commission (SC) and the Malaysian Aviation Commission (MAVCOM). The issues discussed during the year included issues related to competition in the telecommunications sector, land public transport, finance and aviation.



# MILESTONES

## Since the Formation of MyCC

### 2010

- 02 Apr** : Cabinet approved new policy and bill.
- 02 June** : The Competition Act 2010 (CA 2010) received Royal Assent.
- 10 June** : The CA 2010 was gazetted.
- Sept** : The Ministry established an interim competition unit to prepare for the set-up of the MyCC.

### 2011

- Feb-Apr** : A Competition Lab was formed to assess issues that could expedite the implementation of the CA 2010.
- 01 Apr** : Tan Sri Dato' Seri Siti Norma Yaakob was appointed Chairman of the MyCC.
- 01 May** : Nine other Commission Members were appointed to the MyCC.
- June** : The first Chief Executive Officer of the MyCC was appointed. Other MyCC officers were also appointed.

### 2012

- Jan** : The CA 2010 came into force.
- 02 May** : Released four guidelines on Complaints Procedures, Market Definition and Chapter 1 Prohibition (Anti-Competitive Agreements).
- May** : Spearheaded the establishment of the Special Committee on Competition.
- 16 July** : Launched the MyCC's handbook for the general public. The MyCC conducted a Market Review of the domestic broiler market.
- 26 July** : Released guidelines on Chapter 2 Prohibition (Abuse of Dominant Position).
- 24 Oct** : Issued proposed decision against CHFA for contravening Section 4(2) of the CA 2010.
- 06 Dec** : Issued final decision against CHFA.
- 12 Dec** : The MyCC Research Grant Programme (RGP) was introduced.

### 2013

- 17 Jan** : Official opening of the MyCC headquarters in KL Sentral.
- July** : The MyCC completed a Market Review on the fixing of prices by professional bodies in Malaysia. The MyCC also conducted a Baseline Study on the awareness level of the CA 2010.
- 02 Sept** : Launched "Competition Act 2010: A Guide for Business".
- 06 Sept** : Proposed decision against Malaysia Airlines Berhad and AirAsia for market sharing.
- 20 Sept** : Issued interim measures against the Pan Malaysia Lorry Owners Association (PMLOA) for price-fixing.
- 25 Sept** : Launched "Competition Act 2010: Compliance Guidelines".
- 25-26 Sept** : First MyCC Competition Law Conference.
- 01 Nov** : Proposed decision against Megasteel Sdn Bhd for abuse of dominant position.

## 2014

- 20 Feb** : The MyCC issued proposed decision against ice manufacturers.
- 21 Mar** : The MyCC hosted Special Committee Meeting on Competition.
- 19 May** : Public consultation on fixing of scale of fees for professional bodies.
- 21 May** : The MyCC accepted Pan Malaysia Lorry Owners Associations (PMLOA) undertaking.
- 05 June** : Memorandum of Understanding between Bank Negara Malaysia and the MyCC.
- 17 June** : AEGC Workshop on Investigation and Case Handling.
- 23 June** : Launched two handbooks on bid rigging "*Garis Panduan Menentang Tipuan Bida Dalam Perolehan Awam*" and "Help Us Detect Bid Rigging" in Putrajaya.
- 07 July** : Conditional Block Exemption for Liner Shipping Agreements by the MyCC was published in the Gazette.
- 30 Sept** : The MyCC issued proposed decision against Sibu Confectionery and Bakery Association.
- 07 Oct** : The MyCC accepted undertaking from logistics service providers.
- 16 Oct** : The MyCC published Guidelines on Financial Penalty and Leniency Regime.
- 04 Nov** : Launched two handbooks on bid rigging "*Garis Panduan Menentang Tipuan Bida Dalam Perolehan Awam*" and "Help Us Detect Bid Rigging" in Kuching, Sarawak.
- 25 Nov** : Competition Compliance Programme collaboration between MyCC and Federation of Malaysia Manufacturers (FMM).

## 2015

- 26 Jan** : A new CEO for the MyCC was appointed.
- 30 Jan** : The MyCC issued final decision against 24 ice manufacturers.
- 12 Feb** : The MyCC issued final decision against 15 members of the Sibu Confectionery and Bakery Association for price fixing.
- 05 Mar** : Logistics service providers to comply with undertakings.
- 14 Apr** : Kota Kinabalu High Court dismissed the application for Judicial Review on Block Exemption Order.
- 26 May** : Four professional bodies have dismantled their scale of fees.
- 19 June** : Proposed decision against five Container Depot Operators for price fixing.
- 14 July** : The MyCC chaired a roundtable on Competition Law at UNCTAD.
- 04 Aug** : The MyCC warned Nursery and Nanny Association including their members in relations to fixing of scale fees.
- 06 Oct** : Proposed decision against MyEG for price fixing.
- 12 Oct** : The MyCC accepted undertaking from Malaysia Heavy Construction Equipment Owners Association (MHCEOA).
- 16 Nov** : The MyCC held a Special Committee Meeting on Competition with other sector regulators which included MCMC, SPAD, BNM, EC, SPAN, SC.
- 27 Nov** : The MyCC signed six Memoranda of Understanding (MoUs) between Co-operative College of Malaysia (MKM) and five Institutions of Higher Learning (IHL).

## 2016

- 14 Apr** : Public consultation session on the Amendment of the CA 2010.
- 02 June** : Issued final decision against five enterprises for price fixing.
- 16 June** : The MyCC organised Special Committee Meeting on Competition No. 1/2017.
- 24 June** : Issued final decision against MyEG.
- 26 Sept** : The MyCC organised a Seminar on Fighting Bid Rigging and Abuse of Dominant Position on Public Procurement under the CA 2010.
- 10 Oct** : The MyCC organised a Forum on Competition Law in the Pharmaceutical Sector.
- 17&18 Oct** : 1st Moot Court Competition on Competition Law 2016 participated by selected institutes of higher learning.
- 21 Oct** : The MyCC chaired two roundtables at the UNCTAD Intergovernmental Group of Experts Meetings on Consumer Protection and Competition Law and Policy.
- 14 Nov** : SME Seminar "Helping SMEs Understand the Competition Law".
- 29 Nov** : The MyCC organised Special Committee Meeting on Competition No. 2/2017.

# ACHIEVEMENTS

## in 2016

### ENFORCEMENT ACTIVITIES

In 2016, the Commission has conducted several investigations. Here are the results:

#### A. FINDINGS OF INFRINGEMENT (SECTION 40)

The Commission has issued two (2) findings of infringement under Section 40 of the CA 2010 and the total amount of penalties imposed is RM2,917,974.00. The companies involved are:

- **Container Depot Operators (CDO Penang)**

On 1 June, 2016, findings of infringement of prohibition under Section 4 (1) and 4 (2) of the CA 2010 were issued by the Commission to five (5) companies, where the companies had been found to issue notices and leaflets to inform about the increase of the Depot Gate Charge from RM5 to RM25. The five companies are Containerchain (Malaysia) Sdn. Bhd. ("Containerchain"); Ayza Industries Sdn. Bhd./Ayza Logistics Sdn. Bhd.; ICS Depot Services Sdn. Bhd.; E.A.E. Depot & Freight Forwarding Sdn. Bhd.; and Prompt Dynamics Sdn. Bhd. for which they have been penalised RM645,774.00 and additional penalties of RM7,000 per day if they fail to comply with the following remedial actions within thirty (30) days from the date of the decision:

- a. The Container Depot Operators are to cease and desist from implementing the agreed rate for the Depot Gate Charge and rebate which arose from their anti-competitive conduct;
- b. In line with the above direction, clause 7 of the Carrier Access Arrangement that stipulated the Depot Gate Charge and the rebate or any similar clauses shall be removed as this clause is anti-competitive in nature;

- c. The Carrier Access Arrangement published on the Containerchain system shall not contain any clause which may allow the sharing of confidential information relating to any Container Depot Operator who has subscribed to the Containerchain system;
- d. Containerchain to provide an undertaking in the form and manner acceptable to the Commission to reconfigure the Containerchain system in order to ensure that it is not being used for any anti-competitive conduct including those mentioned in (a) above; and
- e. All future prices and other trading conditions should be determined independently by all Container Depot Operators who have subscribed to the Containerchain system.

- **My E.G. Services Berhad (MyEG)**

The Commission has issued a proposed decision against MyEG because it was found to have infringed Section 10 of the Competition Act 2010 by abusing its dominant position in the provision and management of online Pas Lawatan Kerja Sementara (PLKS) or Foreign Workers Permit Renewal applications. The decision was made on 24 June 2016 where MyEG has been charged a penalty of RM2,272,200.00 as well as other instructions such as MyEG needs to to cease and desist from infringement immediately. MyEG also needs to provide an efficient gateway for all its competitors in the market of sale of the mandatory insurances and allow other competitors to compete at the same level within 60 days from the date of the decision. MyEG is also required to give an undertaking to adhere to all the rules set by the Malaysian General Insurance Association (PIAM).

## B. FINDINGS OF NON-INFRINGEMENT (SECTION 39)

The Commission had issued a Notice of Finding of Non-Infringement in the following case:

- **Megasteel Sdn. Bhd.**

The Commission had issued a proposed decision against Megasteel on 30 October 2013 because Megasteel was found to have infringed Section 10 of the CA 2010 by abusing its dominant position in the steel market. However, after deliberating on the representations submitted by Megasteel, the Commission came to the conclusion that there was no infringement, as the earlier data received by the Commission did not support the allegation that Megasteel practiced margin squeeze on other industry players.

## C. UNDERTAKINGS (SECTION 43)

Following the Penang CDO case, the Commission has accepted an undertaking under Section 43 of the CA 2010 from Containerchain (Malaysia) Sdn. Bhd. (Containerchain) on 30 June 2016 stating that Containerchain will comply with the Commission's directive in accordance with the requirements of CA 2010. This undertaking is in connection with the vertical agreement through integrated practices that caused Container Depot Operators to increase the Depot Gate Charge imposed on their customers from RM5 to RM25 and set a rebate of RM5 for transport companies in the matter of the Depot Gate Charge. The Commission finds that Containerchain and Container Depot Operators are likely to have violated Section 4 (1) of the CA 2010 i.e. by setting the rate of Depot Gate Charge between Containerchain and Container Depot Operators, this is feared to have prevented, restricted or interfered with competition.

## D. WARNING LETTER

A warning letter had been issued by the Commission to one association, the Malaysian Tourist Guides Council (MTGC), which has been suspected of committing a violation under Section 4 (2) (a) of the CA 2010 due to the issue of the tourist guide fee scale.

## E. APPEALS

Two appeal cases have been brought before the Competition Appeal Tribunal by the appellants, namely My E.G. Services Berhad (together with My E.G. Commerce Sdn Bhd) and Prompt Dynamics Sdn. Bhd. Both appeals are still ongoing at the Competition Appeal Tribunal.

*"A warning letter had been issued by the Commission to one association, the Malaysian Tourist Guides Council (MTGC), which has been suspected of committing a violation under Section 4(2) (a) of the CA 2010 due to the issue of the tourist guide fee scale."*

## ADVOCACY PROGRAMMES

Overall, advocacy programmes is one of the initiatives, apart from enforcement activities to raise awareness of the CA 2010 as well as to promote its compliance. In 2016, the MyCC conducted 28 advocacy programmes involving both public and private sectors nationwide.

**Jan 22**

Engagement with  
PETRONAS on Competition  
Compliance,  
Kuala Lumpur

**Feb 18**

Engagement with  
MTEM on CA 2010,  
Kuala Lumpur

**Feb 26**

Briefing on CA 2010  
for Politeknik Ungku  
Omar Perak,  
Kuala Lumpur

**Mar 21**

Engagement with  
SHELL on Competition  
Compliance, Kuala Lumpur

**Mar 23**

Seminar on Malaysia's  
Competition Act 2010,  
Putrajaya

**Apr 13**

Competition & Antitrust: A Practical  
View of ASEAN's Competition Laws  
together with law firms in Malaysia

**Apr 19**

Briefing Relating to Competition Act 2010  
Enforcement in conjunction with MDTCC  
Enforcement Day 2016, KPDNKK Putrajaya

Professional Seminar on Malaysia  
Competition Act for Royal Institution  
of Surveyors Malaysia, Kuching,  
Sarawak



**Apr 20**

Briefing Relating to Competition Act 2010 Enforcement in conjunction with MDTCC Enforcement Day 2016, Kota Kinabalu, Sabah

**May 06**

Briefing Relating to Competition Act 2010 Enforcement for MDTCC Perak, Perlis, Kedah and Penang, Penang

**May 16**

Briefing on Competition Act 2010 to MDTCC Selangor Officers, Selangor

**May 18**

Briefing on CA 2010 for Universiti Kebangsaan Malaysia, Kuala Lumpur

**May 31**

Briefing on Competition Act 2010 to MDTCC Johor Bahru Officers, Johor

**July 19**

Engagement with Motorcycle and Scooter Assemblers and Distributors Association of Malaysia (1997) (MASAAM), Kuala Lumpur

**Aug 10**

Briefing on Competition Act 2010 in conjunction with the 4th Sabah International Surveyors Congress, Kota Kinabalu, Sabah



## Aug 19

American Malaysian Chamber of Commerce (AMCHAM) Program - Economics & Competition Law, Kuala Lumpur

## Aug 23

Briefing on Competition Act 2010 to MDTCC Seremban Officers, Negeri Sembilan

## Aug 29

Briefing on Competition Act 2010 to MDTCC Kuantan Officers, Pahang

"Corporate Governance, Directors Duties, Regulatory Updates Seminar 2016", Kuala Lumpur



## Sept 26

Opposing Bid Fraud and Abuse of Dominant Position in Public Procurement under the Competition Act 2010 Seminar, Menara SSM, Kuala Lumpur



## Sept 28

Competition Act Briefing Session to MDTCC Officers at ILKAP, Selangor

## Oct 10

Forum on Competition Law in the Pharmaceutical Sector, Kuala Lumpur



## Oct 17

Competition Act Briefing Session  
to National Lawyers at ILKAP, Selangor

## Oct 17-18

1st Moot Court Competition  
on Competition Law 2016,  
Menara SSM, Kuala Lumpur



## Oct 27

Competition Act Briefing Session:  
"Kepentingan Dalam Proses  
Perolehan Awam" to SPRM Officers,  
Putrajaya



## Nov 03

Competition Law  
Engagement - Procurement  
Activities with Petronas,  
Kuala Lumpur

## Nov 14

SME Seminar "Helping SMEs  
Understand the Competition Law",  
SME Corp. Malaysia, Kuala Lumpur

## Nov 16

International Conference on Public  
Procurement Regulation & Smart Cities  
Procurement, Kuala Lumpur



## INTERNATIONAL CAPACITY-BUILDING PROGRAMMES

**Mar** 03-04

GCR Live 5th Annual Law Leaders  
Asia-Pacific, Singapore

**Mar** 30-01 **Apr**

Competition Law Workshop on  
Building Cartel Enforcement,  
Hanoi, Vietnam

**Apr** 25

Conference on "Antitrust in Asia:  
Achievements, Concerns and  
Challenges" (ESSEC), Singapore

**Apr** 26-29

International Competition  
Network (ICN), Singapore

**May** 11-13

Abuse of Dominance and  
Unilateral Conduct:  
Fundamentals, Bali Indonesia

**May** 25-26

"Brainstorming Session on Monitoring  
the Effectiveness of Competition  
Regimes", Bangkok, Thailand

**May** 30-01 **June**

APEC Workshop on Investigative  
Process & Procedural Fairness by  
Competition Law Enforcement  
Authorities, Mexico City, Mexico



**May** 25-27

AANZFTA Competition Law  
Implementation Program (CLIP):  
'Training for Successful  
Investigations' Workshop,  
Kuala Lumpur



**June** 01-03

AEGC Workshop on Economic Analysis  
for Competition Law Enforcement,  
Putrajaya, Malaysia

**June** 01-03

APEC Structural Reform Capacity  
Building Workshop: Developing RAASR  
Individual Action Plans, Singapore

**June** 22-24

Competition Law Workshop on  
Competition Rules and the  
Financial Sector, Korea



**July 17-22**

14th Session of the United Nations Conference on Trade and Development, Nairobi, Kenya

**July 27-28**

6th ASEAN Competition Conference (ACC), Bangkok, Thailand

**Aug 20-21**

Seminar on International Experience Regarding the Role of Leniency Programs in the Repression of Anti-competitive Conducts – Highlighting its Effectiveness in the Fight Against Cartels, Lima, Peru

**Aug 02-04**

AANZFTA Competition Law Implementation Program (CLIP) Cartel Investigations Module One Workshop, Hoi An, Vietnam

**Oct 03-05**

ICN 2016 Cartel Workshop, Madrid Spain



**Sept 28-29**

The Competition Analysis of Vertical Restraints, Jakarta, Indonesia



**Oct 17-21**

15th Session of the Intergovernmental Group of Experts (IGE) on Consumer Protection Law and Policy & 15th Session of the Intergovernmental Group of Experts on Competition Law and Policy, Geneva, Switzerland

**Oct 25-26**

Second Brainstorming Meeting to Monitor the Effectiveness of CPL, Jakarta, Indonesia

**Oct 25-27**

Investigation Module One Workshop, Kuala Lumpur

**Dec 01-02**

The 15th OECD Global Forum on Competition, Paris, France

**Dec 06-08**

Competition Law Workshop on Information Exchange, Seoul, Korea





## INTERNATIONAL MEETINGS

**Jan** 25-27

3rd Sub-WG on Website Meeting &  
5th AEGC Sub-WG on Regional  
Advocacy Meeting, Jakarta, Indonesia

**Mar** 22-23

The 17th Meeting of the ASEAN Experts  
Group on Competition and Related  
Meetings (AEGC), Vientiane, Laos

**Mar** 22-24

8th Project Steering Committee  
(PSC) Meeting, Vientiane, Laos

**Apr** 06-08

American Bar Association Section  
of Antitrust Law: 64th Annual Spring  
Meeting, Washington D.C., USA

**Sept** 07-09

12th East Asia Top Level Official's  
Meeting on Competition Policy  
(EATOP) & 9th Seoul International  
Competition Forum, Seoul, Korea

**Nov** 22-25

18th AEGC & Related Meetings,  
Luang Prabang, Laos



## WORKING VISITS TO MyCC



Throughout 2016, the MyCC had received three courtesy visits from a few international organisations, including overseas counterparts and academicians. On 28 October 2016, the Australian Competition and Consumer Commission (ACCC), the Vietnam Competition Authority (VCA) and the Vietnam Competition Council (VCC) paid a courtesy visit to the MyCC. On 10 November 2016, the MyCC received representatives from the Organisation for Economic Co-operation and Development (OECD). On 9 December 2016, ACCC paid another courtesy visit, headed by Prof. Deborah Healey of the University of New South Wales.



In the past five years, MyCC has completed two market reviews; one on the Fixing of Prices/Fees by Professional Bodies under the Competition Act 2010 and also on the Domestic Broiler Market. These market reviews have delivered strong impacts and have become a guidance for the MyCC.

In 2016, the MyCC has increased its efforts by conducting a market review on the pharmaceutical sector from a competition law perspective.



The MyCC initiated a market review on the pharmaceutical sector, the first out of five priority sectors which the MyCC had planned to review under the Eleventh Malaysia Plan (RMK11). This market review will provide the MyCC a better understanding on the market structure, value chain and anti-competitive practices in the sector. The findings from the market review will be able to strengthen the enforcement of the Competition Act 2010 to promote healthy competition in the pharmaceutical sector in Malaysia.



Meeting with Pharmacy Service Division, Ministry of Health Malaysia, 19-22 September 2016



MyCC Technical Committee for Market Review Meeting, 23 September 2016



## PROMOTION AND PUBLIC RELATIONS

The MyCC plays an important and active role in ensuring that the private and public sectors, especially businesses, and the general public, are kept apprised of the latest developments in competition policy and law, as well as advocating a more open and competitive market. In 2016, this has included involvement in several publicity programmes such as the running of competition-related exhibitions, and promotion via interviews on electronic mass media (television and radio), producing press releases as part of publicity through the print press, and online publicity via social media, as well as creating awareness on the MyCC official website. In addition, the MyCC publishes educational and advocacy materials in conjunction with the CA 2010 and competition law, as well as prepares promotional content for use in exhibitions, mass media and so on.



CEO's interview with Utusan and Mingguan Malaysia, 22 September



Media Training Course on the Competition Act 2010, 14 December

### MyCC Official Website and Social Media Platforms

The MyCC's official website, <http://www.mycc.gov.my/>, links the MyCC with other parties interested in disseminating and sharing information related to the MyCC's activities, especially in the aspects of competition law and enforcement.

Launched in September 2011, the official website continues to be a source of information and a reference point regarding national competition matters. Furthermore, the MyCC has taken steps to engage the public via social media platforms such as the MyCC's Facebook, Twitter and YouTube pages, as well as via Instagram. These platforms are supporting channels of communication, advocacy and brand exposure, in addition to the MyCC's official website.

The MyCC's social media resources including its Facebook, Instagram, Twitter and YouTube pages are available at the following URLs:



<https://www.facebook.com/theMyCC/>



<https://www.twitter.com/theMyCC>



<https://www.instagram.com/themycc/>



<https://www.youtube.com/user/MyCompetitionNews>



# MyCC NEWS

## Promoting Competition, Protecting You

## MyCC investigating general insurers for price-fixing

BY AHMAD NAQIB IDRIS

**KUALA LUMPUR:** A number of general insurance companies, including their association, are being investigated by the Malaysian Competition Commission (MyCC) for alleged anti-competitive agreements in connection with the automobile repair industry in the country.

"The investigation involves commercial activities between workshops and general insurers in Malaysia, particularly on trade discounts on parts prices for certain vehicle makes, as well as labour rates paid to workshops," said M. Samah Shalhudin in a statement.

the market in which companies compete, said MyCC.

"MyCC's 'Guidelines on Competitive Agreements' further prohibit price-fixing, such as the price itself or fixing a discount, setting a permitted range of price increase or setting a commission," it added.

The committee will continue to monitor all trade association professional bodies that these entities competition and provisions of the infringement

An infringement would attract a fine of more than 10% of the turnover of the company in the infringement period.



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## 7 syarikat farmaseutikal disiasat

● **WILLIAMSON** IS OUT

Source: *Journal of the American Statistical Association*, 1997, 92, 1031-1042.

[illegible]

Apa saja produk-produk kreatif yang lahir dari industri kreatif ini walaupun telah melalui proses kreatifitas dan inovasi, tetapi yang penting adalah ia memiliki nilai-nilai yang dapat meningkatkan kesejahteraan masyarakat melalui produk-produk kreatifnya.

[illegible]

melalui dua alternatif berikut. MOC bisa menggunakan peralatan industri untuk memproduksi polimer dengan cara yang sedang berjalan atau menggunakan peralatan sendiri. Kedua pilihan ini akan tetap akan tetap ada untuk beberapa waktu sebelum industri kimia akhirnya dapat memproduksi polimer.

Berikut beberapa alasan bahwa industri kimia lebih baik di posisi untuk memproduksi polimer karena mereka telah memiliki pengalaman dengan bahan kimia seperti polimerisasi, yang telah dilakukan di laboratorium mereka.

"Kami telah melakukan penelitian yang signifikan dalam hal ini," kata Dr. Joseph J. ...

# Agencies to follow procurement process

# Ministry says bid rigging must be curbed

**KUALA LUMPUR:** The domestic trade, cooperatives and consumer ministry wants government agencies to ensure that all matters related to procurement as tender bids, compliance principles.

...hall said they should be based on good governance practices, namely public accountability, transparency, best value for money, open competition and fair dealing.

"Once procurement uses public funds, accountability, transparency and integrity must be emphasised during the tender for government contracts," he said when opening the Seminar Against Bid Rigging

His speech was read out by the deputy secretary-general of Rasmiyyah, Abdullahi Yusuf, who said bid rigging is a serious offence and must be curbed. It depletes public funds, he says, and is among the various crimes under the domestic law. The speech was made under Section 10 of the Corruption Act 2010 and the speaker is liable to a fine of up to 100,000 ringgit.

Norma Yaakob said up to Sept 21, a total of 271 complaints were received and 250 were resolved. "The Competition Act 2010 empowers MyCt to investigate and against companies involved in anticompetitive practices via its means including public hearings." MyCt has strategies to ensure that

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# MAB, AirAsia ketepi penalti RM10j MyCC

**Tribunal Rayuan Persaingan arah wang dikembalikan**

oleh Ahmad Johari Mohd Ali  
ajaharibh@rmn.my

• Kuala Lumpur

**T**ribunal Rayuan Persaingan (CAR), menangguhkan penalti masing-masing RM10 juta terhadap Malaysia Airlines Bhd (MAB) dan AirAsia Bhd (AirAsia), yang didapati melanggar larangan perbandingan pasaran.

Melalui keputusan sebalik suara semalam, tribunal mengesahkan keputusan Suruhanjaya Persaingan Malaysia (MyCC) pada 31 Mac 2014, yang mengenakan penalti itu selepas mendapati syarikat tersebut telah.

**Putusan wang penalti**  
Presiden CAT yang juga Hakim Mahkamah Tinggi,

tan Sri Hassan Bhehmed Hashim, yang memberikan penghukuman ringkasnya turut membenarkan wang penalti itu dipulangkan kepada MAB dan AirAsia.

Bekas hakim mahkamah ini dak resituit bahawa pengarah perkhidmatan pelanggan kedua-dua syarikat tersebut telah melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010 dengan memuatkan perbandingan, memuatkan kedua-dua syarikat bertongkat sektor perkhidmatan perbandingan dalam pasaran negara.

**Larangan perbandingan**  
Berdasarkan fakta setiap satu oleh MyCC, ia berdasarkan jumlah perkhidmatan yang ditawarkan MAB dan AirAsia bagi empat tahun dalam negara dalam tempoh empat bulan iaitu dari 1 Januari dan 30 April, 2012.

Tempoh laluan tersebut ialah Kuala Lumpur-Kuala Lumpur, Kuala Lumpur-Kuching, Kuala Lumpur-Sandakan dan Kuala Lumpur-Sibu.

## INFO

### Akta Persaingan 2010

• Menurut mengikut Seksyen 42(3) Akta Persaingan 2010, setiap syarikat yang melakukan perbandingan dalam pasaran perkhidmatan perbandingan dalam pasaran negara.

### Lumpur-Sibu

Walaupun perjanjian ini dibatalkan, MyCC tetap mematuhi peraturan anti-perbandingan apabila ia berkuat kuasa pada 1 Januari 2012.

MAB dan AirAsia yang tidak bersetuju hasil dengan keputusan itu, mengemukakan rayuan masing-masing.

MAB diwakili peguam Logan Sahapathy, manakala AirAsia diwakili peguam Chong dan Leowani Tati berhadapan bagi pihak AirAsia dan peguam N Hashim untuk MyCC.

## ► Lion Corp's Megasteel cleared by MyCC

LION Corp Bhd's 79%-owned subsidiary, Megasteel Sdn Bhd, was cleared by Malaysia Competition Commission (MyCC) of anti-competitive action after the latter determined Megasteel had not abused its dominant position nor practise margin squeeze in the relevant domestic markets for the hot-rolled coil product. The steel maker, in its exchange filing last Friday, noted the final decision was made after careful reassessment of the case with more detailed information obtained through written and oral representations submitted by Megasteel as well as further analysis made by MyCC.

## 競爭委會：法令生效至今

# 接272投訴250已結案

【吉隆坡18日訊】馬來西亞競爭委員會（MyCC）於2013年11月1日開始運作，至今已接獲272宗投訴，其中250宗已結案。

MyCC主席李國華（Lee Kuan Yew）在週五（18日）的記者會上表示，委員會在過去幾個月來，一直致力於提高公眾對競爭法的認識，並鼓勵公眾向委員會投訴任何涉嫌違反競爭法的行为。

李國華指出，委員會在過去幾個月來，共接獲了272宗投訴，其中250宗已結案。他指出，委員會在處理投訴時，會根據具體情況進行調查，並根據競爭法的規定作出裁決。

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▲李國華主席（左二）與「2013年第一屆競爭法論壇」嘉賓合影。圖為李國華主席與嘉賓合影。

# MyCC denda 5 syarikat logistik RM646,000

• KUALA LUMPUR 18 JUN

**S**URUHANJAYA Persaingan Malaysia (MyCC) mengenakan penalti sebanyak RM646,000 kepada lima syarikat logistik kerana melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010.

MyCC mengumumkan keputusan ini selepas mendapati lima syarikat tersebut telah melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010.

MyCC mengumumkan keputusan ini selepas mendapati lima syarikat tersebut telah melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010.

**Info**  
LIMA SYARIKAT YANG DIDENDA MYCC DE BAWAH SEKSYEN 42 AKTA PERSAINGAN 2010

- Consignee (M) Sdn. Bhd.
- Apex Logistics Sdn. Bhd.
- KCS Depot Service Sdn. Bhd.
- East Depot & Freight Forwarding Sdn. Bhd.
- Phoenix Dynamics Sdn. Bhd.

Penalti dikenakan kerana lima syarikat tersebut telah melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010.

**Info**  
LIMA SYARIKAT YANG DIDENDA MYCC DE BAWAH SEKSYEN 42 AKTA PERSAINGAN 2010

- Consignee (M) Sdn. Bhd.
- Apex Logistics Sdn. Bhd.
- KCS Depot Service Sdn. Bhd.
- East Depot & Freight Forwarding Sdn. Bhd.
- Phoenix Dynamics Sdn. Bhd.

Penalti dikenakan kerana lima syarikat tersebut telah melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010.

## MyCC dibenar cabar tribunal rayuan

KUALA LUMPUR 18 Jun - Mahkamah Tinggi Kuala Lumpur semalam, membenarkan permohonan Suruhanjaya Persaingan Malaysia (MyCC) untuk membatalkan keputusan Tribunal Rayuan Persaingan (CAR) bagi mengenakan penalti masing-masing RM10 juta terhadap Malaysia Airlines Bhd (MAB) dan AirAsia Bhd (AirAsia).

Presiden Mahkamah ini, tan Sri Hassan Bhehmed Hashim, yang memberikan penghukuman ringkasnya turut membenarkan wang penalti itu dipulangkan kepada MAB dan AirAsia.

MyCC pada 31 Mac 2014, mendapati MAB dan AirAsia melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010 dengan memuatkan perbandingan, memuatkan kedua-dua syarikat bertongkat sektor perkhidmatan perbandingan dalam pasaran negara.

Denda RM10 juta setiap satu oleh MyCC itu berdasarkan jumlah perkhidmatan yang ditawarkan MAB dan AirAsia bagi empat tahun dalam negara dalam tempoh empat bulan iaitu dari 1 Januari dan 30 April, 2012.

MyCC pada 31 Mac 2014, mendapati MAB dan AirAsia melanggar larangan perbandingan pasaran mengikut Seksyen 42(3) Akta Persaingan 2010 dengan memuatkan perbandingan, memuatkan kedua-dua syarikat bertongkat sektor perkhidmatan perbandingan dalam pasaran negara.

Denda RM10 juta setiap satu oleh MyCC itu berdasarkan jumlah perkhidmatan yang ditawarkan MAB dan AirAsia bagi empat tahun dalam negara dalam tempoh empat bulan iaitu dari 1 Januari dan 30 April, 2012.

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# MyCC collects RM25mil in penalties

## Amount is from businesses with anti-competition practices

**KUALA LUMPUR:** The Malaysia Competition Commission (MyCC) has collected RM25mil in penalties the last three years from businesses having anti-competition practices.

Next year, the price-fixing cartels, bid riggers and others engaged in such unethical business practices would be hit harder, warned its director (enforcement) Iskandar Ismail.

Iskandar said the quasi-judicial

body was now investigating seven pharmaceutical companies suspected of committing differential pricing and refusal to supply offences.

"It means that these businesses charge different prices to hospitals, clinics and pharmacies."

"Since 2013, we've been clamping down on mostly smaller companies but we are now focusing on big businesses," he said at a training session for the media by MyCC at a

hotel here yesterday.

The body is also cracking down on several insurance companies for differential pricing offences in their car insurance schemes.

Iskandar added that two major local airlines were also fined RM10mil each last year for anti-competition offences.

In a bid to ensure that businesses continue to compete openly and fairly, MyCC was rolled out in 2011

to implement the Competition Act.

Under the Act, offences include businesses entering into collective agreements to fix prices, allocating consumer markets among each other, and overpricing goods.

"Price-fixing cartels are businesses that agree to set a certain price for their goods so consumers have little choice but to pay the same price for products that may even be low in quality."



# Megasteel didn't infringe Competition Act

**PETALING JAYA:** The Malaysia Competition Commission (MyCC) has reiterated that Lion Corp Bhd's 78.89%-owned indirect subsidiary Megasteel Sdn Bhd did not infringe the Competition Act 2010 by abusing its dominant position as had been decided earlier on April 15.

This is following complainant Melewar Industrial Group Bhd filing a notice of appeal

to the competition appeal tribunal against the finding of non-infringement on May 13.

"Megasteel has been advised that the finding of the non-infringement is correct and that the appeal by Melewar Industrial Group is baseless and without merit," Lion Corp said in a filing with Bursa Malaysia.

Lion Corp had announced to Bursa Malaysia in November 2013 that MyCC had

issued the "proposed decision" that Megasteel, which makes hot and cold-rolled coils, had abused its dominant position "by charging or imposing a price for its hot-rolled coils that amounts to a margin squeeze that produces anti-competitive effects in the cold-rolled coil market".

MyCC had then imposed a financial penalty of RM4.5mil on Megasteel.

## MyCC siasat beberapa syarikat insurans am

**KUALA LUMPUR 20 OKT.** - Suruhanjaya Persaingan Malaysia (MyCC) sedang menyiasat beberapa syarikat insurans am termasuk perantara mengikut Akta Persaingan 2010 kerana didakwa terlibat dalam perjanjian anti-persaingan di dalam industri perkhidmatan kenderaan di negara ini.

Ketua Pegawai Eksekutif MyCC, Datuk Abu Sarah Shahrin berkata, siasatan dijalankan ke atas aktiviti komertial yang berlaku antara beberapa perkhidmatan kenderaan dan syarikat insurans am termasuk berkaitan dengan terdapat harga atau ganti rugi bagi kenderaan tertentu serta kadar bayaran bencu yang perlu dibayar kepada benekas kenderaan.

"Mengikut Akta Persaingan 2010, perjanjian-perjanjian yang ditetapkan sebagai anti-persaingan termasuk perjanjian penetapan harga dalam pasaran di mana persaingan-persewaan bersaing."

"Bab 1 dalam Garis Panduan MyCC berkenaan dengan persaingan



tidak termasuk perjanjian anti-persaingan termasuk penetapan harga termasuk penetapan harga dan penetapan harga seperti perjanjian dikawal, perjanjian penetapan kenderaan harga atau penetapan harga minimum dan maksimum antara pesaing," katanya dalam kenyataan di sini, hari ini.

Selain itu, Abu Sarah berkata, MyCC akan terus memantau aktiviti perniagaan termasuk badan profesional untuk memastikan kesetiaan perniagaan berkaitan tidak terlibat dengan aktiviti yang boleh menghalang, menyekat atau mengganggu persaingan dalam pasaran dan selenggara masa-masa perniagaan di bawah akta itu.

## 大马竞争法4年解决250宗投诉

**吉隆坡20日讯：**大马竞争委员会 (MyCC) 主席丹斯里阿南斯达尼表示，自《2010年竞争法令》实施至今，大马竞争委员会共解决和结束了250宗投诉。

阿南斯达尼是在日前接受媒体访问时作上述表示的。

他表示，自竞争委员会于2012年1月1日成立以来，共收到约1,100宗投诉。

阿南斯达尼表示，自竞争委员会成立以来，共收到约1,100宗投诉。

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西蒂诺玛 为 大马竞争委员会主席



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## Understand the Competition Law better, SMEs urged

**KUALA LUMPUR:** Small and medium enterprises (SMEs) should understand the Competition Law better, as this would enable them to reap the tremendous opportunities available and gain higher profits, while taking businesses to a higher level.

SME Corporation Malaysia CEO Datuk Dr Hafsa Hashim said by doing so, it would indirectly help SMEs understand "the rules of game" for competing in the current competitive international market, and especially for those involved in e-commerce.

"(As) they open up to the world, there is a need to understand how to benefit from this law in competing not just with other SMEs, but also bigger businesses," she told Bernama.

She was met on the sidelines of the "Helping Malaysian SMEs Understand The Competition Law" seminar, jointly organised by SME Corp and the Malaysia Competition Commission (MyCC), here yesterday.

The Competition Law, under the Competition Act 2010, deters large or small firms from colluding among themselves in fixing their selling price above the actual market price, thereby inflating the price of goods and services.

The Act also deters those intending to fix their selling price too low with the intention of killing off their competitors, which are mainly the small-sized SMEs and microenterprises that usually have a higher cost structure.

Besides that, the Act also deters trade associations from agreeing among themselves to raise prices arbitrarily.

Hafsa said with better understanding of the Competition Law, SMEs could enjoy a stronger corporate culture and employee commitment to business integrity, which would enhance a company's reputation.

## 串通競標 捉不完

### 5年接271宗投訴

西蒂诺玛：竞争委员会希望透过研讨会让官民了解竞标程序个案，同时提醒竞标者必须遵守法律。

《吉隆坡25日讯》大马竞争委员会 (MyCC) 主席丹斯里阿南斯达尼表示，自竞争法令在2012年1月1日生效以来，截至今年9月31日，该委员会共接获271宗竞标程序的投诉，其中250宗已获解决。

他指出，该委员会目前还在调查另外19宗案件。同时还有10宗投诉正在评估中。

“所谓竞标程序主要是指串通竞标，政府要求竞标者之间互相竞争，对是编造者增加与投标者通过竞标程序获得产品或服务之投标者串通，以压低产品的价格或服务的质量。”

西蒂诺玛表示，2014年竞争法令下打击公共采购竞标程序及滥用公共采购程序，针对社会上数间企业、私人

或政府机构对竞标程序造成妨碍或阻碍的成效，以期国家在减地竞争，才能取得更其竞争力的优势与更佳的营商环境。

### 调查药剂业领域

他也说，竞争委员会日前曾调查竞争法令对国内的药剂业领域展开调查，估计可至今年完成。

“竞争法令授权竞争委员会更大力去执行调查与采取行动对违法例者。”

一般地说，串通竞标有三。即通过竞标者，通过竞标者本身或针对公共采购程序，对涉及竞争行为的竞争进行调查并采取行动。

他指出，竞标者

作问题不断被提出，甚至官员也参与其中而串通。

另一方面，调查部副部长兼首席调查员提提那那涉及政府采购竞标的商家，如试图阻碍同行串通竞标来影响政府机构，一旦罪成，可在2014年竞争法令下被罚款，罚款金额为总收益的10%。

他指出，调查部也将与大马竞争委员会针对竞争法令条文进行小修改，以利明年2月才提呈国会。



"They have consistently encouraged students to take part in extra-curricular activities such as moots," she said.



(From left)  
Hanan Khaleeda,  
Vinodhan,  
Sharon, Nadiyah  
Aiman and Lisa  
Natasha won  
RM3,000 in the  
competition.

A moot court competition imitates proceedings followed in real courts, simulating a real court environment where participants will have to adhere to court decorum and procedure. It is a legal debate between two

teams who will be evaluated by legal practitioners.

It was organised by the Malaysian Competition Commission (MyCC) and held from Oct 17 to 18.

MyCC fines  
MyEG RM2.27mil

The Commission also imposes several remedial actions on MyEG, for which non-compliance may lead to a higher daily penalty for the subsequent period of non-compliance.

Ahli perniagaan perlu ada etika

**AKTA Persalingan 2010** (AP 2010) dan Akta Sanjaya Persalingan Malaysia 2010 menjadi maknanya penting dalam mengawal selia sebarang bentuk persaingan atau perkhidmatan oleh-pelbagai agar mereka dapat bersaing di pasaran secara betul-betul, dan seterusnya dapat memberikan manfaat kepada golongan pengguna.

Menyeronokkan peluang untuk perkhidmatan, satu-satunya kedudukan dominan dan peluang manipulasi

## MUKADIMAH

Isi berpotensi diluluskan jika oleh penguasa, pemborong maupun penerima dengan mengaitkan keuntungan malangnya. Kewujudan Sarbanjaya Persekutuan Malaysia (MyCO) selaku badan kawal selia dan pengawal insura akan dilihat tepat mutanya bagi memastikan perantara perniagaan di Malaysia bukan sahaja berintegriti, malah mematuhi undang-

element regas dengan  
keaktifan relatif kecil  
terhadap

Ketua Pegawai Eksekutifnya, DATUK ADU SAMAD (48x33x2009) berikong dengan Warta Mingsun Malaysia, 17/3, 2009 mengawal peran fengdi dari skop suruhan belus yang ditubuhkan pada 1 April 2008 bagi menggalas tanggungjawab memulakan pertandingan ekonomi yang mampu melindungi kesihatan orang-orang.



**M**INGGAJIN: Apakah peranan dan fungsi MyCC dalam mengumpul dana AKA Persekitaran 2000?

**ABU SAMAN.** Untuk memastikan, pada tahun ini, ada MyCC telah menetapkan lima tahun sejak penemuannya pada 1 April 2011. MyCC adalah satu badan bebas yang bertanggungjawab bagi mewujudkan penapisan penapisan yang akan dalam kalangan orang yang mempunyai produktiviti dan inovasi dalam menyediakan pelbagai pilihan produk atau perkhidmatan yang berkesan pada harga yang kompetitif kepada pengguna.

Mengapakah pernyaa undang-undang perundangan dan apa objektif utama pelaksanaan Akta Perundangan 2010 dalam konteks di Malaysia?

**ASU SAMAN** Malaysia bukan sahaja satu-satunya negara yang mengamalkan Akta Perundangan, malah lebih 142 negara telah mengamalkan Akta Perundangan dan

Negara Asia merupakan salah satu kawasan yang berkembang pesat. Negara Asia merupakan salah satu kawasan yang berkembang pesat.

akumulasi kapital dan investasi akan mendorong campuran. Dalam sistem ini, banyak faktor yang berpengaruh terhadap pertumbuhan dan pengalokasian perantara dan proutlet. Apa yang dimaksud dengan pengalokasian modal ialah, bagaimana pembagian

sewa perumahan menjadi lebih murah, inovatif dan responsif terhadap permasalahan pengguna.

Sekarang ini, menurut peneliti di sini, bagaimana jika Indonesia otomatisasi layanan seperti Prorata dan Proseka yang banyak beredar dalam pemerintahan dan pemerintahan untuk memastikan mereka dapat bekerja dengan lebih efisien.

Menurut peneliti yang telah melakukan pengujian model yang sudah dari sisi keabsahan dan jenis output pada harga yang terjangkau.

Hasinya dapat kita lihat pada masa ini dengan pengelompokan model budaya pada tahun ini. Jalan lurus negatif bertambah dan memutar kembali ke kanan.

Alta Perselogan 2000 digugat lagi mengenai pelanggaran antipemalsangan intelektual beberapa kriteria sebagai pemalsaan atas pemalsahan perendungan. Boleh berangkas ciri-ciri pelanggarnya antipemalsangan seperti termasuk di bawah perendungan alta ini!

**ALYU SAMAN** Sozwa umumpe  
tindapat empat ciri utama  
sari perungai tulu penutupan.  
harga, berlinggi pasiran ara  
pura bakan, menambahkan ara  
mengalir pengaliran dan tulan

Pernyataan selanjutnya, penutupan laju adalah paksaan yang dibuat sebagai pondasi untuk menanggapi harga bahan atau faktor yang lebih diabaikan secara langsung atau tidak langsung. Demikian

harga tertentu dianggap adalah seperti  
perogram atau mengizinkan harga  
pada tingkat tertentu.

Selain itu, penetapan harga juga akan menilai pemertakan pemertakan atau tidak pemertakan pemertakan harga kepada pembeli, ini tidak akan untuk pengguna apabila harga ditetapkan atau ditetapkan pada harga yang tinggi untuk semua produk atau perusahaan lain.

Selain itu, penetapan harga juga akan menilai pemertakan pemertakan atau tidak pemertakan pemertakan harga kepada pembeli, ini tidak akan untuk pengguna apabila harga ditetapkan atau ditetapkan pada harga yang tinggi untuk semua produk atau perusahaan lain.

Orti kerya atau apotik pentaga membatalkan atau mengowal penghapusan dalam bentuk barangan atau perkhidmatan sebagai contoh dalam industri pengalihan bahan makanan. Bagi menjamin kepastian mereka secara berterusan, akan memastikan bahawa kawalan terhadap penghapusan tersebut tidak dihapus bagi pastikan jika berlaku barangan yang akan berlaku.

Contohnya dalam bentuk  
sistem, pengguna akan mengupload  
kecepatan trafik menggunakan  
beberapa hari kemudian juga

yang tersebut diharapkan pada masing-masing aplikasi penelitian oleh program penelitian.

[illegible]

**Ingatlah** guru adalah ilmu  
manajemen yang telah dipura untuk  
keuntungan ilmu dengan MyC?  
**ABU SAMAH:** Laporan secara  
rural dan kota lokal, serta  
penting bagi masyarakat  
tersebut diambil oleh MyC  
kepada masa-masa perwujudan  
yang menggunakan penelitian  
analisis. MyC  
menjadi salah satu bagian yang  
bagi masyarakat adalah untuk  
keuntungan yang baru. Semua  
adalah hasil dari ilmu.

**E-mail:** [amalia@mycponomy.com](mailto:amalia@mycponomy.com)  
**Pos:** (Mamukan Kapada)  
 Tingkat 11, Menara Sinar Gemilang,  
 No. 1, Jalan Sinar Gemilang,  
 Kuala Lumpur Sentral, 50450 Kuala  
 Lumpur  
**Faks:** 03-27271293 (Mamukan  
 Kapada atau Pegawai Teknikal)





伊斯干达

## 竞委会查大企业商品定价

(吉隆坡 14 日讯) 马来西亚竞争委员会 (MyCC) 明年将把执法焦点对准大企业。

这项行动是要加强企业界的认知, 有助促进经济发展和维护消费人利益。

马来西亚竞争委员会调查及执法主任伊斯干达说, 从 2013 年至今, 总共对付 6 家违反 2010 年竞争法令的企业。

总罚款近 2500 万令吉。

他说, 当中 70% 违例案件跟“定价”有关。

他说, 单是今年, 就已接获 48 宗疑是违反 2010 年竞争法令的投诉。

伊斯干达今日在马来西亚新闻学院 (MPI) 和马来西亚竞争委员会联办 2010 年竞争委员会法令媒体课程上授课后, 接受记者访问发表谈话。

伊斯干达指出, 竞争委员会目前专注于普通保险、运输、药剂业对竞争法令的遵从。

“有关马航和亚航受到对付的案件, 亚航在竞争上诉仲裁庭上获得成功。”

“我们已向吉隆坡高庭提出司法检讨。”

## 競爭委會：2012 年至今 接 31 涉及藥劑業投訴

(吉隆坡 10 日讯) 马来西亚竞争委员会 (MyCC) 总执行长拿督阿布沙马说, 自推出 2010 年竞争法令, 该会从 2012 年至今, 共接获 31 宗与药剂业有关的投诉, 目前 11 宗案件仍在调查中, 20 宗投诉案件已解决。

他指出, 有关 11 宗还在调查的案件中, 有 7 间本地公司涉及; 至于, 涉及多少家国外公司, 则不便透露。

“大部分投诉者指, 以私人企业或医院所售卖的药物价格过高, 而竞争委员会在接获投诉后, 将进行市场调查, 包括标价等情况。”

阿布沙马今日出席马来西亚竞争委员会主办药剂领域竞争法令论坛后, 在记者会上, 这

么指出: 出席者包括国内贸易、合作社及消费部秘书长拿督嘉米尔沙烈、马来西亚竞争委员会主席丹斯里西蒂诺玛雅古等。

国内贸易、合作社及消费部长拿督韩沙再努丁说, 药剂业对于我国而言相当重要, 因关系著人民卫生与健康, 为此, 该行业从 2005 年至 2014 年, 占国内生产总值 (GDP) 3%。

他指出, 在政府推行的经济转型执行方案 (ETP) 改革下, 估计直到 2018 年, 该行业将贡献国内生产总值达 8.2%。

## 马航亚航违竞争法案 竞争委会准挑战仲裁庭

(吉隆坡 25 日讯) 高庭今天批准大马竞争委员会, 挑战仲裁庭撤销该委员会对两间国内航空公司施予各 1000 万令吉罚款的裁决。

大马竞争委员会指马航和亚航违反 2010 年竞争法令的共享市场禁令, 而向两家航空公司施予上述罚款, 竞争上诉仲裁庭于 2 月 4 日撤销该委员会的罚款。

亚航代表律师陈纳德·杨 (译音) 对记者说, 法庭认为大马竞争委员会的申请涉及公共利益, 因此批准该委员会的司法检讨申请。

他指出, 法官拿督基哈斯末在内庭会见他和大马竞争委员会代表律师张志英 (译音) 后, 择订 8 月 15 日进行案件管理。

大马竞争委员会发现两家航空公司签署共享大马国内航空载运服务领域市场的协议, 指已违反 2010 年竞争法令的第 4 (2) (b) 条文, 即共享航空运输服务领域市场的禁令。

竞争委员会本来有权对抵触该法令的航空公司施以占其全球总收入 10% 的罚款, 惟该委员会考虑到这两家航空公司在调查期间充分给予配合, 因而降低罚款金额。

1000 万令吉的罚款是按照马航和亚航在 2012 年 1 月 1 日至 4 月 30 日 4 个月期间, 在四个国内航线即吉隆坡-亚庇、吉隆坡-古晋、吉隆坡-山打根和吉隆坡-诗巫航班所赚取的营业额计算。







Financial

# STATEMENTS



The background of the lower half of the page features a low-angle, black and white photograph of several modern skyscrapers. The buildings are viewed from below, creating a sense of height and scale. In the bottom left corner, the dark silhouette of a person's head and shoulders is visible, looking up towards the buildings. The overall composition is clean and professional, with a focus on architectural elements.

## CERTIFICATE OF THE AUDITOR-GENERAL



**LAPORAN KETUA AUDIT NEGARA  
MENGENAI PENYATA KEWANGAN  
SURUHANJAYA PERSAINGAN MALAYSIA  
BAGI TAHUN BERAKHIR 31 DISEMBER 2016**

**Laporan Mengenai Penyata Kewangan**

**Pendapat**

Penyata Kewangan Suruhanjaya Persaingan Malaysia telah diaudit oleh wakil saya yang merangkumi Penyata Kedudukan Kewangan pada 31 Disember 2016 dan Penyata Pendapatan, Penyata Perubahan Ekuiti serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut, ringkasan polisi perakaunan yang signifikan dan nota kepada penyata kewangan seperti dinyatakan pada muka surat 5 hingga 19.

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan seksama mengenai kedudukan kewangan Suruhanjaya Persaingan Malaysia pada 31 Disember 2016 dan prestasi kewangan serta aliran tunai bagi tahun berakhir pada tarikh tersebut selaras dengan piawaian pelaporan kewangan yang dikeluarkan di Malaysia dan Akta Suruhanjaya Persaingan 2010 (Akta 713).

**Asas Kepada Pendapat**

Saya telah melaksanakan pengauditan berdasarkan Akta Audit 1957 dan *The International Standards of Supreme Audit Institutions*. Tanggungjawab saya diuraikan selanjutnya di perenggan Tanggungjawab Junjuaudit Terhadap Pengauditan Penyata Kewangan dalam laporan ini. Saya percaya bahawa bukti audit yang diperoleh adalah mencukupi dan berseesuaian 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 *The International Standards of Supreme Audit Institutions*.



## CERTIFICATE OF THE AUDITOR-GENERAL

### **Maklumat Lain Selain Daripada Penyata Kewangan dan Laporan Juruaudit Mengenainya**

Anggota Suruhanjaya Suruhanjaya Persaingan Malaysia bertanggungjawab terhadap maklumat lain dalam Laporan Tahunan. Pendapat saya terhadap penyata kewangan Suruhanjaya Persaingan Malaysia tidak meliputi maklumat lain selain daripada Penyata Kewangan dan Laporan 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 pelaporan kewangan yang diluluskan di Malaysia dan Akta Suruhanjaya Persaingan 2010 (Akta 713). Anggota Suruhanjaya juga bertanggungjawab terhadap penetapan kawalan dalaman yang perlu bagi membolehkan penyediaan penyata kewangan Suruhanjaya Persaingan Malaysia adalah 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 sebagai 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 mengeluarkan Laporan Juruaudit yang merangkumi pendapat saya. Jaminan yang munasabah adalah satu tahap jaminan yang tinggi, tetapi bukan satu jaminan bahawa audit yang dijalankan mengikut *The 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.

## CERTIFICATE OF THE AUDITOR-GENERAL

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

- a. Menilai 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 beresuaian untuk memberikan 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 beresuaian 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 keupayaan Suruhanjaya Persaingan Malaysia sebagai satu usaha berterusan. Jika saya membuat kesimpulan bahawa ketidakpastian ketara wujud, saya perlu melaporkan dalam Laporan Juruaudit 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 Laporan Juruaudit.
- e. Menilai sama ada keseluruhan persembahan termasuk pendedahan penyata kewangan Suruhanjaya Persaingan Malaysia memberi gambaran yang saksama.

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



## CERTIFICATE OF THE AUDITOR-GENERAL

### Laporan Mengenai Keperluan Perundangan dan Peraturan Lain

Berdasarkan keperluan Akta Suruhanjaya Persaingan 2010 (Akta 713), saya juga melaporkan bahawa pada pendapat saya, rekod perakaunan dan rekod lain yang dikehendaki Akta Suruhanjaya Persaingan 2010 (Akta 713) untuk disimpan oleh Suruhanjaya Persaingan Malaysia telah disimpan dengan sempurna menurut peruntukan Akta Suruhanjaya Persaingan 2010 (Akta 713).

### Hal-hal Lain

- a. Seperti yang dinyatakan pada Nota 4 kepada penyata kewangan, Suruhanjaya Persaingan Malaysia telah menerima pakai piawaian perakaunan *Piawaian Laporan Entiti Persendirian (Malaysia) (MPERS)* mulai 1 Januari 2016 dengan tarikh persilihan pada 1 Januari 2015. Piawaian ini diterima pakai secara retrospektif oleh Anggota Suruhanjaya terhadap angka perbandingan dalam penyata kewangan ini, termasuk Penyata Kedudukan Kewangan Suruhanjaya Persaingan Malaysia pada 31 Disember 2015 dan 1 Januari 2015, dan Penyata Pendapatan, Penyata Perubahan Ekuiti, Penyata Aliran Tunai bagi tahun berakhir pada 31 Disember 2015 dan pendedahan berkaitan. Tanggungjawab saya sebagai sebahagian daripada pengauditan penyata kewangan Suruhanjaya Persaingan Malaysia bagi tahun berakhir 31 Disember 2016, dalam keadaan ini, termasuk mendapatkan bukti audit yang mencukupi dan berkesesuaian yang baki awal pada 1 Januari 2016 tidak mengandungi salah nyata yang boleh memberi kesan ketara terhadap kedudukan kewangan pada 31 Disember 2016 dan prestasi kewangan dan aliran tunai bagi tahun berakhir pada tarikh tersebut.
- b. Laporan ini dibuat untuk Anggota Suruhanjaya dan bukan untuk tujuan lain. Saya tidak bertanggungjawab terhadap pihak lain bagi kandungan laporan ini.



(MOHD NASRI BIN MOHD NASIR)  
b.p. KETUA AUDIT NEGARA  
MALAYSIA

PJTRAJAYA  
10 OGOS 2017



## STATEMENTS BY THE MEMBERS



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

Kami YB CHE MOHAMAD ZULKIFLY BIN JUSOH dan DATO' JAGJIT SINGH A/L BANT SINGH 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 Pendapatan, Penyata Perubahan Ekuiti dan Penyata Aliran Tunai 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 2016 dan hasil kendaliannya serta perubahan kedudukan kewangannya bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Lembaga,

Bagi pihak Lembaga,

**YB CHE MOHAMAD ZULKIFLY BIN JUSOH**  
Pengerusi  
Suruhanjaya Persaingan Malaysia

TARIKH: 20 JULAI 2017  
TEMPAT: KUALA LUMPUR

**DATO' JAGJIT SINGH A/L BANT SINGH**  
Anggota  
Suruhanjaya Persaingan  
Malaysia

TARIKH: 20 JULAI 2017  
TEMPAT: KUALA LUMPUR

# STATUTORY DECLARATION



## PENGAKUAN OLEH KETUA PEGAWAI EKSEKUTIF YANG BERTANGGUNGJAWAB KE ATAS PENGURUSAN KEWANGAN SURUHANJAYA PERSAINGAN MALAYSIA

Saya, DATO' ABU SAMAH BIN SHABUDIN, pegawai utama yang bertanggungjawab ke atas pengurusan kewangan dan rekod-rekod perakaunan SURUHANJAYA PERSAINGAN MALAYSIA dengan ikhlasnya mengakui bahawa Penyata Kedudukan Kewangan, Penyata Pendapatan, Penyata Perubahan Ekuiti dan Penyata Aliran Tunai dalam kedudukan kewangan 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 Akuan Berkanun, 1962.

Sebenarnya dan sesungguhnya )  
diakui oleh penama di atas )  
KUALA LUMPUR )  
di: ..... )  
pada 20 JUL 2017 )

DATO' ABU SAMAH BIN SHABUDIN  
KETUA PEGAWAI EKSEKUTIF  
SURUHANJAYA PERSAINGAN MALAYSIA



Suruhanjaya Persaingan (Malaysia)  
Malaysia Competition Commission (MyCC)  
Level 11, Menara Sinaran Bina,  
No. 11, Jalan Sinaran Bina,  
Kuala Lumpur Sentral,  
50450 Kuala Lumpur  
Tel: +603 2273 2277  
Fax: +603 2273 1993  
www.mycc.gov.my

# BALANCE SHEET

AS AT 31 DECEMBER 2016

	Note	2016 RM	2015 RM (Restated )
<b>NON-CURRENT ASSETS</b>			
Property, Plant and Equipment	7	1,066,940	1,085,180
<b>Total Non-current Assets</b>		<u>1,066,940</u>	<u>1,085,180</u>
<b>CURRENT ASSETS</b>			
Deposits and Prepayments	8	207,450	213,829
Accrued Interest		496,056	109,493
Other Receivables		23,663	26,495
Cash and Bank Balances	9	23,031,854	24,273,486
<b>Total Current Assets</b>		<u>23,759,023</u>	<u>24,623,303</u>
<b>TOTAL ASSETS</b>		<u>24,825,963</u>	<u>25,708,483</u>
<b>EQUITY</b>			
Retained Earnings		24,082,504	25,573,671
<b>TOTAL EQUITY</b>		<u>24,082,504</u>	<u>25,573,671</u>
<b>NON-CURRENT LIABILITIES</b>			
Deferred Government Grant	10	593,205	-
<b>Total Non-current Liabilities</b>		<u>593,205</u>	<u>-</u>
<b>CURRENT LIABILITIES</b>			
Borrowings	11	150,254	134,812
<b>Total Current Liabilities</b>		<u>150,254</u>	<u>134,812</u>
<b>TOTAL LIABILITIES</b>		<u>743,459</u>	<u>134,812</u>
<b>TOTAL EQUITY AND LIABILITIES</b>		<u>24,825,963</u>	<u>25,708,483</u>

# STATEMENT OF INCOME

FOR THE YEAR ENDED 31 DECEMBER 2016

	Note	2016 RM	2015 RM (Restated)
<b>INCOME</b>			
Allocation from the Government of Malaysia		4,518,955	4,600,000
Fixed Deposit Interest	12	811,881	856,954
Exemption Application Fees		-	20,000
Bank Interest		12,508	12,506
Seminar Fees		57,226	6,312
Fines and Penalties		674,882	141,580
<b>Total Income</b>		<b>6,075,452</b>	<b>5,637,352</b>
<b>EXPENSES</b>			
Emoluments		3,223,398	2,811,289
Travel and Accommodation		109,547	144,700
Utilities and Communication		86,747	238,827
Rental		1,005,561	930,118
Depreciation	7	249,825	234,203
Administrative Expenses	13	214,862	194,478
Service Expenses		719,355	343,823
Salaries and Allowances for Members of Commission		594,284	662,301
Entertainment, Honoraria and Contributions		46,790	76,279
Development Expenditure	14	1,209,455	1,423,958
Development Expenditure - Pharmaceutical Review	15	106,795	-
<b>Total Expenses</b>		<b>7,566,619</b>	<b>7,059,976</b>
<b>Loss Before Tax</b>		<b>(1,491,167)</b>	<b>(1,422,624)</b>
<b>Income Tax</b>	16	<b>-</b>	<b>-</b>
<b>NETT LOSS</b>		<b>(1,491,167)</b>	<b>(1,422,624)</b>



# STATEMENT OF CHANGES IN EQUITY

FOR THE YEAR ENDED 31 DECEMBER 2016

	Retained Earnings
	RM
	(Restated)
As at 1 January 2015	26,996,295
Nett Loss	(1,422,624)
<b>Balance as at 31 December 2015</b>	<b>25,573,671</b>
Nett Loss	(1,491,167)
<b>Balance as at 31 December 2016</b>	<b>24,082,504</b>

# STATEMENTS OF CASH FLOWS

FOR THE YEAR ENDED 31 DECEMBER 2016

	2016 RM	2015 RM (Restated)
<b>CASH FLOW FROM OPERATING ACTIVITIES</b>		
Nett Loss	(1,491,167)	(1,422,624)
Adjustment:		
Depreciation	249,825	234,203
Fixed Deposit Interest and Bank Interest	(811,881)	(856,954)
NETT LOSS BEFORE WORKING CAPITAL CHANGES	(2,053,223)	(2,045,375)
Decrease/(Increase) Deposits and Prepaid	6,379	(280)
Decrease in Other Receivables	2,832	607
Decrease/(Increase) in Other Payables	608,647	(301,531)
NETT CASH USED IN OPERATING ACTIVITY	(1,435,365)	(2,346,579)
<b>CASH FLOW FROM INVESTING ACTIVITIES</b>		
Purchase of Property, Plant and Equipment	(231,585)	(48,369)
Interest Received from Fixed Deposits and Bank	425,318	942,238
NETT CASH FLOW FROM INVESTING ACTIVITIES	193,733	893,869
DEPLETION IN CASH AND CASH EQUIVALENTS	(1,241,632)	(1,452,710)
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	24,273,486	25,726,196
<b>CASH AND CASH EQUIVALENTS AT END OF YEAR</b>	<b>23,031,854</b>	<b>24,273,486</b>
<b>CASH AND CASH EQUIVALENTS REPRESENTED BY:</b>		
Cash and Bank Balances	4,034,466	461,208
Fixed Deposits	18,997,388	23,812,278
	<b>23,031,854</b>	<b>24,273,486</b>

# 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 Malaysia Competition Commission is an agency governed by Ministry of Domestic Trade, Co-Operatives and Consumerism (MDTCC) and is an independent body established under the Competition Commission Act 2010 to enforce the Competition Act 2010. As of 31 December 2016, the Commission has 61 officers in its employ.
- 1.2 MyCC operates out of Level 15, Menara SSM @ Sentral No.7, Jalan Stesen Sentral 5, 50623 Kuala Lumpur Wilayah Persekutuan.
- 1.3 MyCC's Financial Statements are for the period beginning 1 January 2016 to 31 December 2016.
- 1.4 All accounting policies used are in accordance with basic accounting principles.
- 1.5 The Commission's functional currency is the Ringgit Malaysia ("RM"), where all operations and transactions are performed in RM. For the purposes of these financial statements, they are recorded in RM, which is the Commission's functional currency.

## 2 Primary Objective

MyCC's main functions are to implement and enforce the provisions of the Competition Act 2010, issue guidelines in relation to the implementation and enforcement of competition law, support all competition-related matters, carry out public research with regards to competition-related issues in the Malaysian economy or specific economic sectors in Malaysia, as well as to educate the public regarding the ways in which competition may bring benefit to consumers and the economy of Malaysia.

## 3 Disclosure Of The Financial Statements

MyCC's Financial Statements For The Year Ended 31 December 2016 have been approved by the Commission's Members on 20 July 2017.

## 4 Basis Of Preparation

### 4.1 Transition to Malaysian Private Entity Reporting Standards (MPERS)

The Commission has applied the Malaysian Private Entity Reporting Standards (MPERS) published by the Malaysian Accounting Standards Board (MASB) for the 2016 financial statement reporting framework. The transition date to MPERS was on 1 January 2015. This is the first financial statement prepared under MPERS. For previous financial years, the Commission applied the Private Entities Reporting Standards (PERS) as the accounting standards for its financial statement reporting framework.

# NOTES TO THE FINANCIAL STATEMENTS

## 4 Basis Of Preparation (continued)

### 4.1 Transition to Malaysian Private Entity Reporting Standards (MPERS) (continued)

There are some changes resulting from the transition to the use of MPERS in 2016:

#### (a) Assets and Liabilities

Under the application of MPERS for financial assets and liabilities 2016 financial statement reporting, the Commission identifies financial assets and liabilities until they are consumed or settled. However, for financial statement reporting under PERS, the Commission did not identify such financial assets and liabilities as outlined in MPERS.

### 4.2 Changes in accounting policies

The usage of MPERS requires the Commission to change its accounting policies to recognise and measure several line items. The Commission's financial position is not affected by the use of MPERS.

## 5 Significant Accounting Policies

### 5.1 Basis of Accounting

The financial statements of the Malaysia Competition Commission have been prepared under the historical cost convention and in accordance with the Malaysian Private Entity Reporting Standards (MPERS) accounting standard approved by the Malaysian Accounting Standards Board (MASB).

### 5.2 Property, Plant and Equipment

Property, Plant and Equipment are stated at cost less accumulated depreciation. Depreciation of property, plant and equipment is computed using a straight line method over the estimated useful life as follows;

Motor Vehicles	20%
Office Equipment and Furniture	10%
Books	10%
Computers	10%

### 5.3 Depreciation of Assets

At each balance sheet date, all assets will be assessed for indication if an asset is impaired. If such an indication exists, an estimation of the recoverable amount of the assets will be carried out. An impairment loss is recognised only when the carrying amount of an asset exceeds the recoverable amount of the asset.

# NOTES TO THE FINANCIAL STATEMENTS

## 5 Significant Accounting Policies (continued)

### 5.3 Depreciation of Assets (continued)

The recoverable amount of an asset is the higher of an asset's fair value or its nett selling price, measured by reference to the discounted present value of future cash flows.

An impairment loss will be charged to the income statement, unless there is a reversal of depreciation in value. The impairment loss of a revalued asset is recognised only when the carrying amount of the asset does not exceed the amount as it may be determined if there had been no impairment loss.

### 5.4 Cash and Cash Equivalents

Cash and cash equivalents includes cash in hand and at banks, as well as fixed deposits in financial institutions.

### 5.5 Financial Assets

Financial assets are recognised in the statement of financial position when the Commission becomes party to contractual provisions of the instrument.

At point of recognition, financial assets are measured by transaction price, including transaction costs for financial assets that are not measured at fair value through profit or loss, unless the agreement constitutes, in effect, a financing transaction on behalf of the counterparty to the arrangement.

After initial recognition, financial assets are classified into one of three categories: financial assets are measured at fair value through profit or loss, financial assets are debt instruments measured at amortised cost, and financial assets are equity instruments measured at cost less impairment.

### 5.6 Financial Liabilities

Financial assets are recognised in the statement of financial position when the Commission becomes party to contractual provisions of the instrument.

At point of recognition, financial liabilities are measured by transaction price, including transaction costs for financial liabilities that are not measured at fair value through profit or loss, unless the agreement constitutes, in effect, a financing transaction on behalf of the counterparty to the arrangement.

After initial recognition, financial liabilities are classified into one of three categories : financial liabilities are measured at fair value through profit or loss, financial liabilities are measured at amortised cost, or a loan commitment is measured at cost less impairment.



# NOTES TO THE FINANCIAL STATEMENTS

## 5 Significant Accounting Policies (continued)

### 5.7 Impairment of Financial Assets

At each balance sheet date, the Commission reviews the carrying amount of the financial assets to determine whether any indication of impairment is present. If any indication exists, the impairment value is obtained by comparing the carrying values with their recoverable values. The recoverable amount is the higher of the net realisable value of the sale and its value determined using discounted forward cash flows. The recoverable amount will be determined for each asset, or if it can not be determined, by the cash-generating unit owned by the asset.

Impairment losses are recognised in the statement of income as an expense in the period in which they are incurred.

Reversal of asset impairment recognised in the previous year will be recorded if there is an indication that the previously recognised impairment no longer exists or has decreased. The reversal of the value will be recorded up to the actual amount of the asset as determined (nett of depreciation and amortisation of the value) if no depreciation loss has been recorded. Reversals are recorded directly in the statement of income.

### 5.8 Government Grant

Government grants that are not subject to fixed future performance requirements are measured at the fair value of the assets received or receivable and recognised in earnings when the grant is received.

Government grants subject to fixed future performance requirements are recognised at fair value of income only when performance requirements have been met.

Government grants that are received before performance criteria are fulfilled are recognised as liabilities.

### 5.9 Income Recognition

The Malaysia Competition Commission has received a budget of RM4,412,160 (2015: RM4,600,000) to cover its financial liabilities and receives a development expenditure allocation for the development of the Eleventh Malaysia Plan (RMK11) from the Ministry of Domestic Trade, Co-Operatives and Consumerism RM700,000 (2015-No development expenditure was provided).

Government allocations received for the purpose of management and developing expenditures are made and accounted for as income when the grant conditions have been met.

Interest income is recognised based on time apportionment and effective rate over the maturity period.

# NOTES TO THE FINANCIAL STATEMENTS

## 5 Significant Accounting Policies (continued)

### 5.9 Income Recognition (continued)

Exemption Application Fees are received from business entities applying for exemption from the Competition Act 2010.

Bank interest income is recognised on an accrual basis.

Seminar fees received are from the implementation of the seminar programmes related to the Competition Act 2010.

Income of Penalties and Penalties includes financial penalties imposed on enterprises or companies for breach of the conditions set out in the Competition Act 2010 (Act 712). The amount of financial penalties imposed do not exceed 10% of the total income of the enterprise or company during the period of the breach.

### 5.10 Employee Benefits

#### i. Short-Term Benefits

Salaries, allowances, remuneration, incentives and social security contributions are recognised as expenses in the year such contributions are given to the employees.

### 5.11 Employee Benefits

#### ii. Fixed Contribution Plan

Employees Provident Fund ("EPF") contributions are required by law in Malaysia. Contributions are recognised as an expense in the Statement of Income.

### 5.12 Financial Risk Management Policy

MyCC's financial risk management policy seeks to ensure adequate financial and non-financial resources to carry out its operations smoothly. The Commission will consider and assess financial management risks that may present themselves from time to time.

#### i. Interest Rate Risk

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

#### ii. Credit Risk

The Commission does not materially deal with transactions on credit and is therefore not exposed to credit risk.

#### iii. Foreign Exchange Risk

The Commission does not handle foreign exchange transactions and is therefore not exposed to foreign exchange risk.

# NOTES TO THE FINANCIAL STATEMENTS

## 5 Significant Accounting Policies (continued)

### 5.12 Financial Risk Management Policy (continued)

#### iv. Liquidity risk

The Commission practises prudent liquidity risk management to minimise any imbalance of financial assets and liabilities, and to establish sufficient cash and cash equivalent levels to meet its working capital requirements.

#### v. Risk of Law Suits

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

### 5.13 Income tax

After the period of income tax exemption received by the Malaysia Competition Commission for five years from the assessment year 2011 to 2015, the Malaysia Competition Commission is subject to income tax from 2016.

### 5.14 Contingent Liability

There is a possibility of transferring economic benefits to third parties if an appeal is made against the decisions of the Commission. Accordingly, contingency information as required under 'Section 21 Contingent Liabilities' is not disclosed on the grounds that it may affect the outcomes of the legal proceedings.

### 5.15 Provisions

Provisions for liabilities are recognised when the Commission has current liabilities as a result of past events and this allows for an outflow of resources comprising economic benefits to be required to settle the liabilities and an estimation can be made. Provisions are reviewed at the date of the financial statements and modified to reflect the current best estimates. When the effect of time value of monetary value is materialised, provisions are deducted using the current pre-tax rate shown, if applicable, specific risks to liabilities. When a deduction is used, an increase to the provision due to time is recognised as a financial cost. Provisions for restructuring costs are recognised in the period in which the Commission is authorised or committed to paying them.

### 5.16 Goods and Services Tax (GST)

All revenue, expenses and assets are recognised nett of GST. GST amounts are unclaimed and recognised as an expense or part of the cost of acquisition of an asset.

# NOTES TO THE FINANCIAL STATEMENTS

## 6 Accounting Estimates and Valuation

### 6.1 Accounting Estimates

Measurement of assets and liabilities requires management to make estimates based on its monitoring and other assumptions that it deems fit. Among the things that are subject to estimation uncertainty are in measuring:

#### i. Depreciation of Property, Plant and Equipment

Depreciated Property, Plant and Equipment costs using the straight-line or other methods affect the economic benefits acquired over the period of use of property, plant and equipment. Estimates are used in choosing the depreciation method, the useful life and residual value of the property, plant and equipment. The material economic benefits used from property, plant and equipment may differ from those expected and this may affect profit or loss if the property, plant and equipment are disposed of.

#### ii. Income Tax Computation

Consideration is important in determining the current tax and deferred tax of the Commission since the final tax for the Commission as a whole is uncertain. When the final tax result payable has been determined by the tax authorities, there is the probability that the determined amount is different from the estimated initial tax payable. These differences can affect current tax and deferred taxes during the computation period. The Commission will take into account the difference in whether it has overpaid or underpaid the current tax or deferred tax in the period the difference is identified.



## NOTES TO THE FINANCIAL STATEMENTS

### 7 Property, Plant and Equipment

	Motor Vehicles	Office Equipment and Furniture	Books	Computers	Total
	RM	RM	RM	RM	RM
<b>Cost</b>					
Balance at 1 January 2016	519,366	240,836	279,383	796,422	1,836,007
Addition/(Reduction) in the current year	150,000	13,598	(3,070)	71,057	231,585
Balance at 31 December 2016	669,366	254,434	276,313	867,479	2,067,592
<b>Accumulated Depreciation</b>					
Balance at 1 January 2016	402,040	65,546	70,019	213,222	750,827
Depreciation in the current year	110,843	25,443	26,791	86,748	249,825
Balance at 31 December 2016	512,883	90,989	96,810	299,970	1,000,652
<b>Nett Book Value</b>	156,483	163,445	179,503	567,509	1,066,940

## NOTES TO THE FINANCIAL STATEMENTS

### 7 Property, Plant and Equipment (continued)

	Motor Vehicles	Office Equipment and Furniture	Books	Computers	Total
	RM	RM	RM	RM	RM
<b>Cost</b>					
Balance at 1 January 2015	519,366	211,113	279,383	777,776	1,787,638
Addition in the current year	-	29,723	-	18,646	48,369
Balance at 31 December 2015	519,366	240,836	279,383	796,422	1,836,007
<b>Accumulated Depreciation</b>					
Balance at 1 January 2015	298,167	42,796	42,081	133,580	516,624
Depreciation in the current year	103,873	22,750	27,938	79,642	234,203
Balance at 31 December 2015	402,040	65,546	70,019	213,222	750,827
<b>Nett Book Value</b>	117,326	175,290	209,364	583,200	1,085,180

## NOTES TO THE FINANCIAL STATEMENTS

<b>8 Deposits and Prepayments</b>	<b>2016</b> RM	<b>2015</b> RM (Restated)
Electricity deposit	71,850	71,850
Office rental deposit	-	13,200
Other deposits and collaterals	131,380	124,302
Prepayment	4,220	4,477
	<u>207,450</u>	<u>213,829</u>

<b>9 Cash and Cash Equivalents</b>	<b>2016</b> RM	<b>2015</b> RM
<b>a) Cash and Bank Balance</b>		
Cash in hand and at banks	3,210	1,971
CIMB Current Account (Operating)	3,172,347	198,219
CIMB Current Account (Development)	858,909	261,018
	<u>4,034,466</u>	<u>461,208</u>
<b>b) Fixed Deposit</b>		
Bank Kerjasama Rakyat Malaysia	14,472,047	4,470,566
Malaysia Building Society Berhad	4,525,341	15,037,923
HwangDBS Investment Bank Berhad	-	4,303,789
	<u>18,997,388</u>	<u>23,812,278</u>
Cash and Cash Equivalents	<u>23,031,854</u>	<u>24,273,486</u>

<b>10 Deferred Government Grant</b>	<b>2016</b> RM	<b>2015</b> RM
Deferred Government Grant	593,205	-
Total Deferred Government Grant	<u>593,205</u>	<u>-</u>

## NOTES TO THE FINANCIAL STATEMENTS

<b>11 Receivables</b>	<b>2016</b> RM	<b>2015</b> RM (Restated)
Other Receivables	150,254	134,812
Total Receivables	150,254	134,812

<b>12 Fixed Deposit Interest</b>	<b>2016</b> RM	<b>2015</b> RM (Restated)
Bank Kerjasama Rakyat Malaysia	524,977	159,846
Malaysia Building Society Berhad	230,636	541,700
HwangDBS Investment Bank Berhad	56,267	155,408
	811,881	856,954

The interest rates for fixed deposits is between 3.15% to 4.30% and the tenure is between 1 day to 12 months.

<b>13 Administrative Expenditure</b>	<b>2016</b> RM	<b>2015</b> RM
Petrol/Fuel	27,550	19,190
Office Expenses	187,312	172,114
Other Taxes	-	3,174
	214,862	194,478

<b>14 Development Expenditure</b>	<b>2016</b> RM	<b>2015</b> RM (Restated)
Capacity Development Training	642,092	326,757
Advocacy Programmes	193,096	104,199
Enforcement and Investigation	3,250	22,233
Media and Communication Planning	278,539	566,648
Legislation	92,478	404,121
	1,209,455	1,423,958



## NOTES TO THE FINANCIAL STATEMENTS

	2016 RM	2015 RM (Restated)
<b>15 Development Expenditure - Pharmaceutical Review</b>		
Pharmaceutical Review	106,795	-
	<u>106,795</u>	<u>-</u>

### 16 Income Tax

Adjustment of income tax expense on pre-tax loss at statutory income tax rate to income tax expense at the Commission's effective income tax rate is as follows :

	2016 RM
Pre-tax loss	(1,491,167)
Income tax expense at statutory income tax rate	(357,880)
Non-deductible expenses	59,958
Deductible business expenses	<u>297,922</u>
	<u>-</u>

The Commission has obtained income tax exemption for five years commencing from the assessment year 2011 to 2015.

### 17 Key Management Personnel

Key management personnel are those who have the authority and responsibility to plan, direct and control the activities of the Commission directly and indirectly.

The amount of emoluments and allowances on key management for the year ended 31 December 2016 and the difference for the previous year is as follows :

	2016 RM	2015 RM
Total Emoluments and Allowances	734,833	689,219
	<u>734,833</u>	<u>689,219</u>

## NOTES TO THE FINANCIAL STATEMENTS

### 18 Legal Costs

The Commission has filed an application for judicial review against the decision of the Competition Appeal Tribunal on 3 May 2016 for the case of Malaysia Airlines System Berhad and AirAsia Berhad. Hearing date has been fixed on June 15, 2017.

The MyEG has filed an appeal application against the Commission's decision on July 22, 2016 and the hearing date for this case has been fixed on 17 and 18 July 2017.

### 19 Comparative Figures

Comparative figures have been reclassified as follows :

	RM	2015
	As Restated	As Previously Reported
Deposits and Prepayments	213,829	213,830
Accrued Interest	109,493	57,835
Receivables	134,812	158,911
Retained Earnings	25,573,671	25,497,915
Development Expenditure	1,423,958	1,448,056
Fixed Deposit Interest	856,954	805,296
Nett Loss	(1,422,624)	(1,498,380)