



STRATEGIC PLAN 2021-2025

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FOREWORD BY **MINISTER**



FOREWORD BY MINISTER

For more than a decade, the Malaysia Competition Commission (MyCC) has proven to be the quasi-judicial body, with the goal to promote a vigorous, sustainable and efficient economic environment in Malaysia through the empowerment of Competition Act 2010.

This is in line with the agency's aim to achieve a robust, efficient, and sustainable economy for Malaysia and Malaysians through the implementation and enforcement of competition policy and law.

To carry out its functions, MyCC has the responsibility to uphold high standards of integrity, independence and impartiality to ensure the power vested on the agency can be performed efficiently. I believe, the team which consist of young, professional, resourceful and enthusiastic workforce will be able to deliver the task, without fear and without favour.

Over the years, MyCC has accomplished various achievements, which have further proven the agency's ability as a competent and capable national competition law authority. The agency's steadfast allegiance to spur greater competition in markets is the guiding light to over many achievements by MyCC over the past 10 years.

The milestones achieved over the past few years reflect MyCC's commitment to public service. With a bigger mandate given by the Government in supporting the implementation of national-level economic plans, MyCC is increasingly expected to demonstrate its credibility to enforce the law effectively and impartially.

I must say, despite various achievements scored by MyCC throughout the years in progressing competition policy and law in Malaysia, much remains to be done following the amendments of competition law, and particularly the proposal to incorporate a merger control mandate which will be one of the biggest changes and challenge for MyCC.

As the Minister charged with the responsibility for domestic trade and consumer affairs, consumer protection and benefits are the very foundation of the Ministry, and similarly, measures to enhance competition in markets can bring about benefits for consumers but in different ways. The Ministry will continue to give undivided support to MyCC's effort and commitment in achieving its vision and mission.

Despite various challenges faced by MyCC, I believe the agency is committed to fulfil its duty to the fullest. I am confident that the Malaysian economy is in safe and steady hands with MyCC's presence to keep our markets well-functioned and effectively protected by championing competition.

DATO SRI ALEXANDER NANTA LINGGI

Minister of Domestic Trade and
Consumer Affairs

FOREWORD BY **SECRETARY GENERAL**



FOREWORD BY SECRETARY GENERAL

When the Competition Bill was introduced back in 2010, it was seen as a suitable step to handle anti-competitive practices, prepare the companies in facing challenges from globalisation and liberalisation and subsequently provide protection and benefits to the consumers in Malaysia.

This still holds true today, where competition law becomes even more pertinent with the rise of the digital economy, with the current COVID-19 pandemic and the various emerging competition issues that come along with it in which its implications are being felt today.

Whilst restrictions in the economic activities during this pandemic have resulted in many companies ceasing operations or undertake mergers and acquisition activities, it has also reshaped competition in traditional markets and led to the creation of many new markets due to the growth of the digital economy. Consideration and discussion of environmental, social and governance issues are also increasingly important as we navigate the pandemic.

Thus, it creates challenges for the current competition policy framework. Taking all of this context into consideration has enabled MyCC to think about the longer-term impact which may affect how it undertakes its work activities in the next five years.

It is my hope that the MyCC Strategic Plan 2021 – 2025 will deliver tangible and impactful strategic outcomes and ensure the spirit of the organisation remains

dynamic, relevant and legitimate both domestically and internationally. I can see that the Plan is formulated to set the direction, outline the strategies and action plans to ensure that the markets and consumers are ready to embrace the digital economy, post COVID-19 pandemic landscape and other related economic considerations.

Malaysia as a relatively small market and economy is comparatively more vulnerable to any form of anti-competitive practices. It is therefore important for MyCC to stride forward with full and unrelenting commitment to ensure the market is always at a level playing field for all.

I am very optimistic that now with greater public awareness of the importance of competition policy and law, MyCC is committed to ensuring a robust, efficient, and sustainable economy for Malaysia and continue to make markets work well for consumers, businesses and the overall economy.

DATUK SERI HAJI HASNOL ZAM ZAM BIN HAJI AHMAD

Secretary General, Ministry of Domestic Trade and
Consumer Affairs

PREFACE BY **CHAIRMAN**



PREFACE BY CHAIRMAN

I am delighted to share this MyCC Strategic Plan 2021-2025 and thank all who have contributed and helped make this an important blueprint for MyCC's next phase of development. The Plan is critical for MyCC since it offers a reference point, based upon which action plans can be undertaken thoroughly and pro-actively. The prior two five-year plans achieved a number of remarkable milestones aimed at commencing operation and strengthening MyCC's work processes and procedures.

MyCC has come a long way since it was established on 1 April 2011. Various efforts and initiatives have been implemented during the prior cycle to raise awareness of the various parties on the roles of MyCC under the Competition Commission Act 2010 and the Competition Act 2010. MyCC has shifted its vision and mission to sharpen the focus on what matters to consumers and businesses.

The current Plan outlines three strategic goals that will guide our effort over the coming five years considering the uncertainty and the effects of COVID-19 which has dramatically changed the economic landscape in Malaysia and substantially impacted businesses, consumers and the way we carry out our functions. These also reflect the need for changes to the current competition law framework to ensure effective enforcement and thereby preserving the competitiveness of the markets.

This document contains ten action plans which include carrying out effective enforcement activities, amending the competition laws to strengthen the powers of MyCC which include the power to regulate mergers and acquisitions,

and expanding its organizational capacity, capabilities, and resources to ensure that it will be able to perform its functions efficiently. We will take further steps to strengthen our roles and to continue to highlight the importance of competition policy to Malaysian policymakers, and to raise our advocacy activities to a new level. MyCC intends to equip itself with new and emerging areas such as environmental, social and governance (ESG) and provide competition-related policy recommendations on the digital markets.

In undertaking these initiatives, we will continue to collaborate and cooperate with various stakeholders to achieve our purpose, including other Malaysian regulatory agencies and international counterparts, business, industry, and public. Our engagements with them will optimistically reflect the need to understand and respond to emerging issues in the competition spectrum swiftly.

Finally, I would like to acknowledge and thank the staff of MyCC, who have continued to demonstrate an unwavering commitment to their work and delivering outcomes in the best interests of consumers and businesses. I am confident that in the same manner that the team had multitudes of success stories in the implementation of the past two five-year plans, likewise we shall successfully implement the Plan as we work towards our vision and fulfil our mission.

DATO' SERI MOHD HISHAMUDIN YUNUS

Chairman, MyCC

Table of Abbreviations

Abbreviations	
4IR	Fourth Industrial Revolution
ACAP	ASEAN Competition Action Plan
AEC	ASEAN Economic Community
AEGC	ASEAN Expert Group on Competition
AMS	ASEAN Member States
ASEAN	Association of Southeast Asian Nations
CCM	Companies Commission of Malaysia
CEO	Chief Executive Officer
CPTPP	Comprehensive and Progressive Agreement for Trans-Pacific Partnership
ESG	Environmental, Social, and Corporate Governance
FTA	Free Trade Agreement

Abbreviations	
IP	Intellectual Property
IT	Information Technology
MDTCA	Ministry of Domestic Trade and Consumer Affairs
MyCC	Malaysia Competition Commission
MyIPO	Intellectual Property Corporation of Malaysia
NCA	National Competition Authority
RCEP	Regional Comprehensive Economic Partnership
RIA	Regulatory Impact Analysis
SOP	Standard Operating Procedure
UN	United Nations

OVERVIEW

Introduction to the Strategic Plan 2021-2025

The MyCC's Five-Year Strategic Plan (2021 – 2025) outlines the strategies and action plans to achieve the Commission's objectives for the period between 2021 and 2025, taking into account the lessons learnt from its past performance, as well as current and future landscape. This Plan also details the expansion of the MyCC consistent with its bigger mandate in supporting the implementation of national-level economic plans and the enforcement of the larger scope in the MyCC's functions and powers.

Introduction to the Malaysia Competition Commission (MyCC)

The MyCC is an independent statutory body and is Malaysia's NCA. The Commission derive its powers, functions, and responsibilities from the Competition Commission Act 2010 [Act 713] to enforce the Competition Act 2010 [Act 712]. The Commission's role is to promote economic development by promoting and protecting the process of competition. Subsequently, it aims to maximise the consumer welfare as competition encourages efficiency, innovation, and entrepreneurship, which promotes competitive prices, improves quality of products and services, and provides wider choices for consumers.

The MyCC senior leadership comprises the Chairman, four members representing the government, and not fewer than three but not more than five members with relevant experience and knowledge in areas, including but not limited to, business, industry, commerce, law, economics, public administration, competition, and consumer protection. The Prime Minister, upon the recommendation of the Minister of Domestic Trade and Consumer Affairs (MDTCA), appointed the Chairman and the members of the Commission. A member of the Commission shall hold office not more than three years but is eligible for reappointment. No member shall hold office for more than two consecutive terms. Meanwhile, the MyCC's overall administration and management work and activities are led by the CEO and supported by the senior management team. The Minister appoints the CEO.

Being the national competition authority, MyCC has the following functions:

To advise the Minister or any other public or regulatory authority on all matters concerning competition

To alert the Minister to the actual or likely anti-competitive effects of current or proposed legislation and to make recommendations to the Minister, if appropriate, for the avoidance of these effects

To implement and enforce Act 712 and Act 713

To issue guidelines in relation to the implementation and enforcement of the two laws

To inform and educate the public on ways in which competition may benefit consumers and the Malaysian economy

To advocate competition matters

To undertake general studies on competition matters in the Malaysian economy, generally, and/or particular sectors, specifically

To collect information on the performance of the Commission's functions

To publish information and raise awareness among commercial or trade entities and among the public concerning the two laws and how the Commission will carry out its functions under the two laws

To consider and recommend reform of the two laws

About the Competition Act 2010 [Act 712]

Act 712 applies to any commercial activity, both within and outside Malaysia, so long as it has an effect on competition in any market in Malaysia. However, Act 712 does not apply to any commercial activity regulated by the following legislation specified in the First Schedule to the Act 712:



Chapter 1: Anti-competitive agreement and Chapter 2: Abuse of dominant position in Part II: Anti-competitive practices of Act 712 do not apply to:

- Agreement or conduct that complies with a legislative requirement
- Collective bargaining or collective agreement between employers and trade unions on behalf of employees
- An enterprise entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly in so far as the prohibitions under Chapters 1 and 2 of Part II would obstruct the performance, in law or in fact, of the tasks assigned to the enterprise

Act 712 expressly defined commercial activity as not including:

- Any activity, directly or indirectly in the exercise of governmental authority
- Any activity conducted based on the principle of solidarity
- Any purchase of goods or services not intended for resale or resupplying

VISION, MISSION, & VALUE STATEMENTS



Implementation of the MyCC Strategic Plan 2021 – 2025 will be consistent with the MyCC’s vision, mission, and values.



Values

The MyCC’s staff and its work culture adhere to the following values in achieving its vision and mission:

Vision, Mission, and Value Statements



Independence



Integrity and professionalism



Accountability



Impartiality



Teamwork

A RECAP OF PAST PERFORMANCE



The previous two MyCC Strategic Plans were developed, introduced, and implemented during two periods of an organizational lifecycle:

2010 - 2015 ➤

This was the **foundation-setting phase** for the MyCC during which the Commission was established and commenced operation. In this initial phase, the MyCC had developed the first set of guidelines; established new processes and workflows for its statutory functions; commenced the enforcement of the Act 712 and Act 713 provisions; recruited talent; developed networks and relations with other national and international authorities; as well as undertook education and advocacy programmes to create awareness on MyCC and competition law.

2016 - 2020 ➤

This was the **growth phase** for the MyCC during which the Commission focused on strengthening its work processes and procedures; being more proactive in providing policy advisory; continuing to promote MyCC and competition law via education and advocacy programmes; building and developing capacity and talent; and deepening its international and regional networks and relations.

- The MyCC has had a very busy second cycle of its 5-year strategic planning period, especially from 2018 onwards. There is now greater awareness amongst the MyCC's stakeholders on its roles and functions. The MyCC Strategic Plan for 2016 – 2020 was implemented during challenging times as the country experienced political uncertainty caused by changes in the government and underwent a public health and an economic crisis caused by the Covid-19 pandemic.

FUTURE LANDSCAPE FOR THE MyCC



The MyCC Strategic Plan 2021 – 2025 has been developed as the Commission enters a period of significant change and uncertainty, which may affect how the Commission undertake its work activities in the next five years:

Amendments to the Competition Act 2010 (Act 712) and the Competition Commission Act 2010 (Act 713)

Since the enforcement of the law in January 2012, there were many instances where MyCC found it necessary to amend some provisions in the Acts. The amendments proposed are mainly to address the loopholes of the law and to have better and clear provisions whereby these problems are currently hindering MyCC from disposing its functions effectively. The amendments will include among others the introduction of the merger control regime that prohibits mergers that substantially lessen competition. The amendments are important as the M&A transactions are expected to increase post Covid-19 pandemic and the MyCC must ensure that they will not result in anti-competitive outcomes.

The Impact of Covid-19 pandemic

The Covid-19 pandemic has restricted economic activities, resulting in market consolidation via companies ceasing operations or merging to survive. Market consolidation will test the Commission's enforcement resources and activities. Financially distressed companies have also sought assistance or bailouts from the government. The Commission may need to consider the effects of financial assistance/subsidies on competition in the markets. Public health practices such as social-distancing have also changed the way consumers behave and workers work. The Commission will have to increase its use of technology in its work activities and be flexible in its procedures and processes.

The ESG Agenda by Businesses Towards a More Sustainable Economy

Businesses and consumers are increasingly incorporating the ESG agenda into their investment, operational and purchasing decisions. Underpinning the ESG agenda is the global commitment, via the UN, to achieve 17 Sustainable Development Goals by 2030. Investment in green technology can be cost-prohibitive and businesses may want to cooperate with their competitors to achieve the ESG agenda. The MyCC may need to study on how Act 712 works to encourage the ESG agenda amongst the businesses in Malaysia.

The Development in ASEAN – the ACAP (2016 – 2025), RCEP, and CPTPP

At the ASEAN-level, the MyCC Strategic Plan 2016 – 2020 commenced its implementation at the same time as the AMS inaugurated the AEC on 1 January 2016. The Strategic Plan also coincided with the first five years of the ten-year ACAP 2025, which runs between 2016 and 2025. The AEGC, of which the MyCC is a member, has to undertake various initiatives either at the ASEAN- or national-level. These initiatives have targeted outcomes to achieve the five strategic measures contained in the ACAP 2025. The MyCC had volunteered to be the first AMS' NCA to undergo a peer review exercise for its advocacy programmes. This is one of the two initiatives under Strategic Measure #1, which has the outcome of conducting at least five peer reviews of competition regimes in ASEAN by 2025.

Apart from committing to complete the ACAP 2025, the AMS have also been busy negotiating various regional FTAs with ASEAN's like-minded trading partners. Malaysia is a signatory Party to two key regional FTAs – the RCEP and the CPTPP. Once these FTAs are ratified, the MyCC as the NCA, is obligated to implement and enforce the competition-related commitments incorporated into these FTAs.

The Implementation of National-Level Economic Plans

The implementation period for the MyCC Strategic Plan (2021 – 2025) coincides with the implementation of several important national-level economic documents including the Shared Prosperity Vision 2030, the 12th Malaysia Plan (12MP), and the MDTCA Strategic Plan (2021 – 2025). It is crucial for the MyCC Strategic Plan (2021 – 2025) to be consistent – in terms of its strategic measures, initiatives, and outcomes – with the overarching goals and objectives incorporated in these national-level economic documents.

The Implementation of National-Level Economic Plans (cont'd)

The Shared Prosperity Vision 2030

The Shared Prosperity Vision 2030 is a long-term vision plan for Malaysia to achieve sustainable growth; fair and equitable distribution across income groups, ethnicities, regions, and supply chains by 2030. The plan contains fifteen guiding principles and identifies eight enablers to achieve the 2030 vision. The plan identifies concerns over potential anti-competitive conduct in some economic sectors including the building materials and food sectors. In the Guiding Principle 3: Equitable Growth, the plan aims to encourage fair participation of businesses in the supply chains and reduce monopoly power, among others. The Guiding Principle 7: Future Economy identifies future trends including digital economy, automation, platform preparation, fintech, AI and blockchain.

The 12MP

The main thrust for the 12MP is shared prosperity, which is based on three dimensions – economic empowerment, environmental sustainability, and social reengineering. We can expect the case for rigorous and robust enforcement of competition policy and law to be applied on a cross-cutting basis, horizontally across the various economic activities addressed in the first dimension on economic empowerment. These will include sectors and subject areas such as the 4IR, agricultural sector, digital economy, distributive trade, transport, construction, and the energy markets, among others.

The MDTCA Strategic Plan (2021 – 2025)

Even though the MDTCA Strategic Plan (2021 – 2025) is a five-year plan, it has incorporated longer term vision and scenarios aimed at having empowered consumers, vibrant domestic trade, and thriving business practice and market environment by 2030. These vision and scenarios assume everybody embraces changes and is digitally literate as the digital market matures. Most ambitious is the expectation that competition in the markets is based on continuous innovation, with cartels and monopolies eliminated. These are achieved by intensifying enforcement of the Act 712. The MDTCA has also targeted for strengthening the innovation ecosystem through IP protection and commercialization by establishing centralized database linking the MDTCA with its agencies – MyCC, CCM, and MyIPO.

The Malaysia Digital Economy Blueprint

The Covid-19 pandemic has accelerated the digitalisation of markets in Malaysia. The recently launched Malaysia Digital Economy Blueprint has acknowledged the role of competition policy and law in regulating the digital markets, including, the digital platform activities. Of particular concern is protecting the local and mainly smaller players from any potential anti-competitive conduct of the larger players in the markets. The Blueprint has identified and tasked the MyCC to advise and provide competition-related policy recommendations to the Policy Advisory Board of the National Digital Economy and 4IR Council.

STRATEGIC PLAN

FOR 2021 - 2025



The MyCC Strategic Plan 2021 – 2025 will be implemented as the Commission **reaches the end of the growth phase** in the organizational lifecycle. Indeed, this third five-year cycle of the strategic plan commences with the Commission entering its tenth year in operation in 2021, a significant milestone for any organization including an NCA such as the MyCC.

The MyCC Strategic Plan 2021 – 2025 aims to:

- Support the recovery measures aimed at supporting Malaysia as it comes out of the crisis caused by the Covid-19 pandemic to ensure that they do not have the unintended consequence of being anti-competitive.
- Support growth of new economic sectors—markets for e-commerce and innovation, among others—and promote the ESG agenda by and for businesses.

Three Strategic Goals for 2021 to 2025

In the next five years, the MyCC aims to undertake the following strategies:

STRATEGIC GOAL 1

Deliver Effective Outcomes for the Commission's Core Activities.



STRATEGIC GOAL 2

Align the Application of Competition Policy and Law with Current Market Environment.



STRATEGIC GOAL 3

Strengthen and Expand the Commission's Capacity, Capabilities, and Resources—Its People; Management System; and Internal Policies, Processes, and Procedures—To Best Serve All Its Relevant Stakeholders.



STRATEGIC GOAL 1

Deliver Effective Outcomes for the Commission's Core Activities

Competition policy and law can be important enablers to support the national economic recovery by championing competition in the markets. It is crucial to ensure that businesses will not undertake conduct that exploit the crisis to enhance their commercial position or harm consumers post-crisis. The MyCC aims to deliver effective outcomes for its core activities to ensure businesses will not undertake anti-competitive conduct and to promote the ESG agenda for long-term economic sustainability.

“With all the significant changes and uncertainties in time to come, MyCC has taken a step forward to equip itself with new and emerging area such as environmental, social and governance (ESG). This will enable MyCC to understand and respond to emerging issues in the competition spectrum swiftly in the future. Nevertheless, championing competition through enforcement and advocacy, *inter alia*, will always be our main priority.”

Iskandar Ismail, CEO of MyCC

Action Plan 1.1

- Increase and communicate the Commission's enforcement outcomes effectively.
- Establish a dedicated merger unit to assess and review M&As to ensure any changes in market structures will not substantially lessen competition in the markets.
- Commence work to study how Act 712 can encourage and promote the ESG agenda.

Action Plan 1.2

- Provide relevant policy advice for Ministries and government agencies to ensure that their policies are aligned with championing competition in the economy.
- Advise the Government to consider phasing off the enforcement of traditional economic regulation instruments such as price control regulations, which have the unintended consequence of distorting price in the Malaysian markets and opening potential avenue for regulatory capture.

Action Plan 1.3

- Educate, advocate, and promote to all the relevant stakeholders on the importance and benefits of competition the markets.

STRATEGIC GOAL 2

Align the Application of Competition Policy and Law with Current Market Environment

The Commission must ensure and align the application of competition policy and law with the current market environment to ensure their effective enforcement and consistency with international best practices, as well as current economic and legal concepts and thoughts.

“ As the national competition authority, MyCC is responsible in ensuring consistent application of competition policy and law in Malaysia by addressing competition-related issues at the sectoral level. This strategic plan also deliberated the global markets environment which may involve newly emerged cross-border issues by implementing ASEAN-level plans to create harmonization of laws. Apart from that, MyCC are deepening knowledge on digital economy. The impact caused by COVID-19 have accelerated the need for businesses to digitalise, which subsequently require MyCC to step up. ”

Iskandar Ismail, CEO of MyCC

Action Plan 2.1

- Amend Act 712 and Act 713 to strengthen the powers for and procedures of the investigation process; formalize the roles and functions of the Commission; and incorporate merger control provisions.
- Implement competition policy and enforce the amended legislation accordingly.

Action Plan 2.2

- Work closely with other sector regulators, Ministries, and government agencies to ensure consistency in the application of competition policy and law in the Malaysian markets.
- Advise and provide competition-related policy recommendations on the digital markets to the Policy Advisory Board of the National Digital Economy and 4IR Council.
- Rollout the RIA programme across all Ministries and government agencies. This is to ensure that the RIA will include competition analyses wherever appropriate.

Action Plan 2.3

- Undertake a market study to develop understanding and identify potential competition issues in the e-commerce sector and digital markets.
- Identify other sectors or industries that are priority for market studies.

Action Plan 2.4

- Broaden and deepen the Commission's cooperation and collaborative work at international and regional levels to keep updated with the current economic and legal concepts and thoughts.

STRATEGIC GOAL 3

Strengthen and Expand the Commission's Capacity, Capabilities, and Resources

The Commission must strengthen and expand its organizational capacity, capabilities, and resources to ensure that it will be able to perform its functions and responsibilities efficiently and effectively. This goal considers the risks and changes in market and work environment brought about by the Covid-19 pandemic, as well as the anticipation of increased workload post-amendment of Act 712 and Act 713. Finally, this goal also aims to support the implementation of the various national-level economic plans such as but not limited to the Shared Prosperity Vision 2030, the 12MP, the MDTCA Strategic Plan (2021 – 2025), and the Malaysia Digital Economy Blueprint.

“ With the inclusion of MyCC's roles in implementing the national-level economic plans, we are expecting expansion of capacity in terms of financial and human resources to strengthen MyCC for greater duties. ”

Iskandar Ismail, CEO of MyCC

Action Plan 3.1

- Update the Commission's human resource policy to attract, develop, and retain talent to ensure that it can perform its functions and responsibilities efficiently and effectively.
- Develop and establish a risk management function within the organisation.

Action Plan 3.2

- Review and update any outdated SOPs, as well as introduce new SOPs as necessary to ensure consistency in the application of law.
- Undertake periodic review of the Commission's SOPs to ensure that they stay current with the market environment.

Action Plan 3.3

- Develop an integrated IT system on operational and knowledge management to ensure seamless work activities for all the divisions taking into consideration remote working.



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**PROMOTING
COMPETITION,
PROTECTING YOU**

