



SURUHANJAYA PERSAINGAN MALAYSIA
MALAYSIA COMPETITION COMMISSION

MENGALAKKAN PERSAINGAN,
MELINDUNGI ANDA



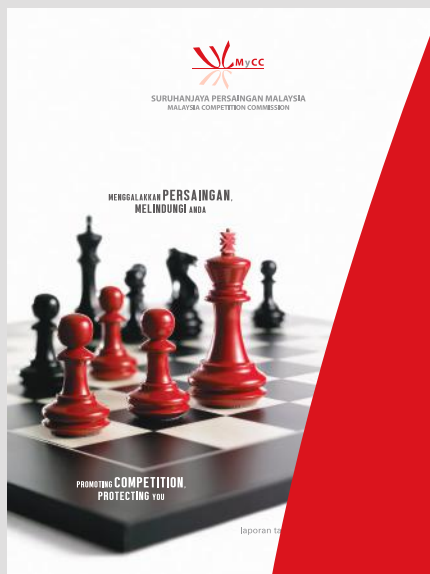
PROMOTING COMPETITION,
PROTECTING YOU

laporan tahunan **2015** annual report

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english version

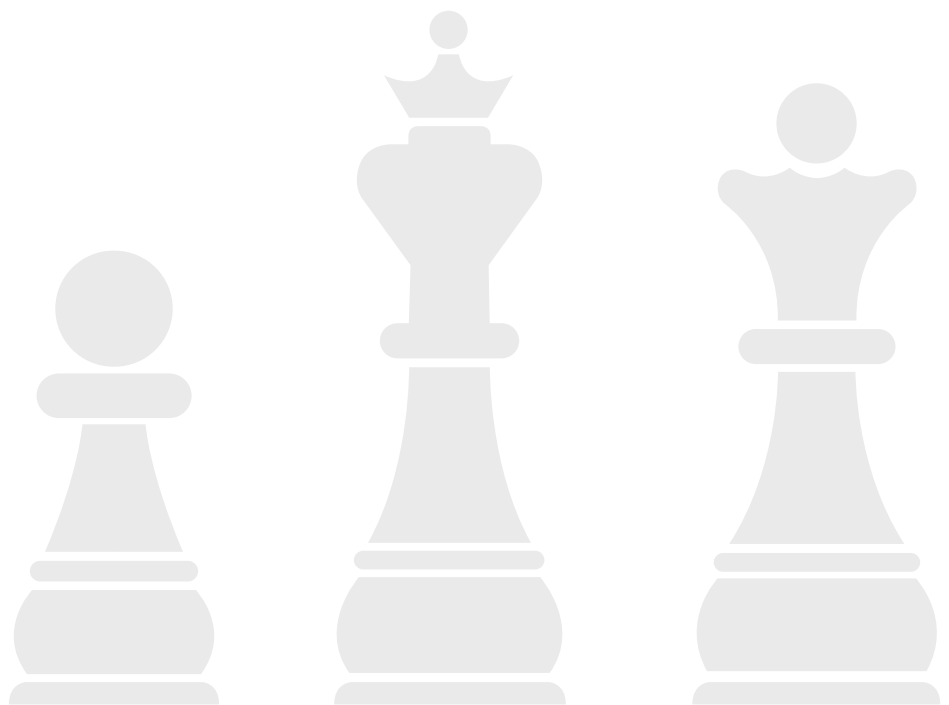


cover rationale

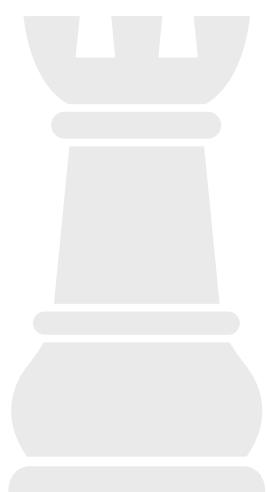


The Malaysia Competition Commission (MyCC) considers the game of chess as symbolizing the Commission's role in the implementation of competition law in Malaysia. Traditionally, a chess game is played by two opponents utilizing clever tactics and strategies to control the game. A smart player will have to play strategically to win the game. MyCC adapts this approach in its enforcement efforts to create a fair and healthy competitive environment in the nation's economic sector.

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minister's foreword



The implementation of the Competition Act 2010 (CA 2010) was introduced as one of the Strategic Reform Initiatives launched under the Economic Transformation Programme (ETP) to foster healthy competition amongst the business community in an effort to enhance Malaysian's economy.

The Malaysia Competition Commission (MyCC) was established on 1st April 2011 through the enactment of the Competition Commission Act 2010 and comes under the purview of the Ministry of Domestic Trade, Cooperatives and Consumerism. The MyCC, through its enforcement of the CA 2010 aims to create fair and healthy business environment that encourages efficiency, innovation and entrepreneurship by strengthening competitiveness in the domestic trade market.

Enforced in 2012, the CA 2010 stimulates economic growth by supporting and protecting the competition process. By pushing for efficiency, innovation and entrepreneurship, the business landscape prospers. Local businesses wishing to thrive in a competitive market must always strive to improve their products and services by offering more options to consumers at reasonable pricing.

Competition law provides balance and fairness to all businesses. Small and medium enterprises (SMEs) have as much to gain from the enforcement of the competition law as large corporations. An effective programme that is in compliance with competition law is an important component in corporate governance, which can elevate and showcase enterprises that adhere to the said program.

According to the World Economic Forum's Global Competitiveness Report 2015-2016, Malaysia is positioned as the 18th most competitive country in a bracket of 140 economies worldwide. This reaffirms Malaysia's position in the top 20 of the most competitive economies in the world, a high ranking position that has been achieved and maintained since 2005.

In addition, according to the Ease of Doing Business 2015 Report that was published by the World Bank, Malaysia's ranking has risen from 20th place in the year 2014 to 18th place in the year 2015, placing us above other countries such as Taiwan, Thailand, the Netherlands, Switzerland and Japan. In Asia, Malaysia is ranked in 4th place after Singapore, Hong Kong and South Korea.

I am proud of MyCC's continuous efforts to raise awareness and encourage compliance of competition law among local businesses. Ignorance of the law cannot be used as an excuse by enterprises who infringe the prohibitions of the CA 2010 as the MyCC has established a robust and stringent enforcement regime to shape a more competitive business environment.

I believe that, ultimately, it will be the Malaysian consumer who stands to benefit the most from a competitive and thriving national economy.



YB DATO' SERI HAMZAH ZAINUDIN
Minister of Domestic Trade,
Co-operatives and Consumerism
(KPDNKK)

chairman's message



Since the establishment of the Malaysia Competition Commission (MyCC) in 2011, the enforcement efforts of the MyCC have continuously strengthened the regulatory policies of the MyCC to encourage competition in the market.

As an independent statutory body mandated to promote the competition process in the local business landscape, MyCC continues to be committed in reinforcing the regulations and investigating any violations of the Competition Act 2010 (CA 2010). The MyCC continuously involves itself with members from the private and public sectors to increase awareness of CA 2010. Various efforts and initiatives have been implemented by the MyCC such as enforcement and advocacy activities, the publication of guidelines and dissemination of information on CA 2010, and conducting market surveys to identify anti-competition elements in specific industries.

In the year under review, the MyCC engaged with the trading sectors and the general public to stress on the importance of CA 2010 and in this respect the MyCC had facilitated 48 advocacy programmes. The increasing number of complaints received by MyCC proved the rising awareness of CA 2010 among consumers and the business communities, signifying a positive achievement in the efforts carried out by MyCC so far.

In 2015, the MyCC issued two Decisions under section 40 of CA 2010 and two Proposed Decisions under section 36 of CA 2010. Under section 43 of CA 2010, MyCC accepted one undertaking from the Malaysia Heavy Construction Equipment Owners Association (MHCEOA) and also issued Directions to four professional bodies as well as warning letters to several trade associations.

With regards to the MyCC's direction in 2016, the Commission will remain focused on promoting initiatives on raising awareness on bid rigging and its threat to the economy amongst officers involved in public procurement.

We will continue our collaboration with the Ministry of Finance, the Malaysian Anti-Corruption Commission and the National Audit Department in fighting bid rigging issues on a national level.

Additionally, the Commission will work towards forging a strategic alliance with the Ministry of Health on pharmaceutical issues. At the same time, the Commission will conduct a sector study of the pharmaceutical sector in Malaysia next year.

The MyCC shall collaborate with public and private universities to educate university graduates to acquire skills and knowledge on competition law by introducing new courses on competition concepts in existing university courses.

I firmly believe that such an initiative at the universities shall increase the awareness among graduates and this will ensure a continued supply of professionals who are educated and trained in competition law.

Looking ahead, I am confident that there are even greater achievements in store for 2016. We hope to strengthen our workforce to continue enforcing the law in a much more aggressive manner as we gain more experience and expertise.



TAN SRI DATO' SERI SITI NORMA YAAKOB
Chairman, MyCC

chief executive officer's message



Since the enforcement of the Competition Act 2010 (CA 2010) on 1 January 2012 and until 2015, the Malaysia Competition Commission (MyCC) had received a total of 231 complaints from the general public and the MyCC has successfully settled 220 of such complaints. The issues investigated by the MyCC encompass various sectors, such as architecture, transportation, food, services, pharmaceutical, banking/insurance, shipping and agriculture.

The increasing number of complaints is a true testament to the understanding and increasing awareness of the CA 2010 amongst business establishments and the general public. Many enterprises are keen to see a fair and more open business landscape that offers various quality products at competitive pricing to consumers. Competition also ensures that consumers benefit from innovations in products and services by enterprises looking to stand out in the market.

Apart from the cases that have been resolved, and 48 advocacy programs conducted involving private and public sectors in a bid to increase awareness and encourage compliance towards CA 2010, there are also various initiatives that have been undertaken. The MyCC coordinated several events with the Companies Commission of Malaysia (SSM), SME Corp and the Ministry of Domestic Trade, Cooperatives and Consumerism in 2015 as part of its strategic cooperation with government agencies.

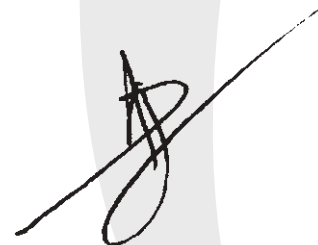
In 2015, under the Research Grant Programme (RGP), the researchers selected under the programme concluded two research studies titled Competitive Strategies of Real Estate Agents in Malaysia: A Case Study in Klang Valley, and Anti-Competitive Behaviour in the Financial Sector - A Tool Kit for Internal Auditors.

The MyCC was also involved in the Development Module of Competition Laws, which resulted in two Institutions of Higher Learning, namely the International Islamic University Malaysia (IIUM) and Perdana University introducing competition law related subjects at their respective institution in 2015. In addition, MyCC published its Strategy Plan for Competition: Advocacy & Communication 2015-2017.

The MyCC has also provided policy advice to two government agencies, namely the Ministry of Health Malaysia and the Malaysia Rubber Board on competition issues. For the first time, MyCC hosted the Signing of Corporate Integrity Pledge and Excellent Service Awards ceremonies.

On November 2015, MyCC signed six Memoranda of Understanding (MoU's) between Co-operative College of Malaysia (MKM) and five Institutions of Higher Learning, including the National University of Malaysia (UKM), the University of Malaya (UM), the Universiti Teknologi Mara (UiTM), the International Islamic University Malaysia (IIUM) and Taylor's University. The signing of the MoU formalizes the intentions of MyCC, Co-operative College of Malaysia (MKM) and the five Institutions of Higher Learning on encouraging and developing the education, research and other activities related to competition law.

Lastly, I would like to thank the Honourable Minister, Chairman and Members of the Commission on their advice and guidance, as well as the executive management team on their continuous efforts and support. I would also like to commend the MyCC officers on their commitment towards achieving MyCC's vision and mission. With the integrity and dedicated support from the officers, I am convinced MyCC will continue to reach greater heights for years to come.



DATO' ABU SAMAH SHABUDIN
Chief Executive Officer, MyCC

MyCC members

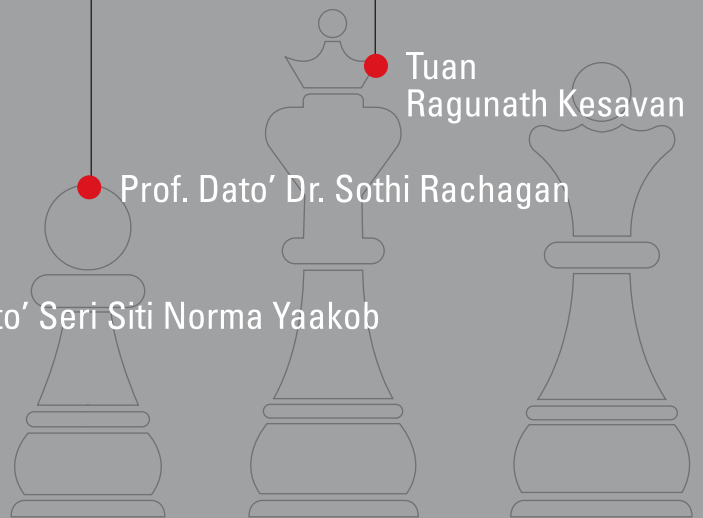


● Dato' Dr. Gan Khuan Poh

● Tan Sri Dato' Seri Siti Norma Yaakob
Chairman

● Prof. Dato' Dr. Sothi Rachagan

● Tuan
Ragunath Kesavan





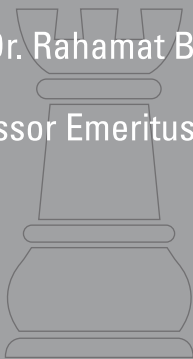
Tan Sri Dr. Rebecca
Fatima Sta Maria

Datuk Seri Dr. Rahamat Bivi Yusoff

Professor Emeritus Dr. Zakariah Abdul Rashid

Dato' Ahmad Hisham Kamaruddin

Puan Normazli Abdul Rahim



members' biodata

Tan Sri Dato' Seri Siti Norma Yaakob

Tan Sri Dato' Seri Siti Norma Yaakob was appointed the Chairman of The Malaysia Competition Commission, 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 on 8 February 2005, Tan Sri Siti Norma subsequently retired in January 2007.

On January, 2008, the Dubai International Financial Centre (DIFC) Courts appointed Tan Sri 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 currently sits on the Boards of the following companies

- 1) RAM Holdings Berhad as Chairman
- 2) RAM Rating Services Berhad as Chairman
- 3) Financial Mediation Bureau as Chairman
- 4) The National Electricity Board of Malaysia as a Director
- 5) The Central Bank of Malaysia as a Director

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

Tan Sri Dr. Rebecca Fatima Sta Maria

Tan Sri Dr. Rebecca Fatima Sta Maria is the Secretary-General of the Ministry of International Trade and Industry (MITI). 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 Chair of the ASEAN High Level Task Force for Economic Integration. She is also the Vice Chair of the World Economic Forum, Global Agenda Council, South East Asia. Tan Sri 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 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.

Datuk Seri Dr. Rahamat Bivi Yusoff

Datuk Seri Dr. Rahamat Bivi Yusoff is currently the Director-General of 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 sits on the boards of various companies, including Ekuiti Nasional Berhad (EKUINAS), Malaysia Thailand Joint Authority (MTJA), Federal Land Development Authority (FELDA), Perbadanan Insurans Deposit Malaysia (PIDM), Perbadanan Putrajaya, MRT Corporation Sdn Bhd and Malaysia Competition Commission (MyCC).

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

Prof. 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. Prof. Dato' Sothi holds a B.A. (Malaya), Post-Grad Dip Arts (Otago), M.A (Otago), LL M (Bristol) and PhD (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 Chair 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 thirty years of legal experience. His extensive legal knowledge spanning areas such as petrochemical, oil and gas, and intellectual property, airlines, corporate banking, and labour practices, is highly beneficial to the MyCC. Being a registered Trademark and Industrial Design Agent, Dato' Hisham 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. 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 Economic Planning Unit 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 contributed to the Competition Commission.

Tuan Rangunath Kesavan

Tuan Rangunath 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. Rangunath 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.

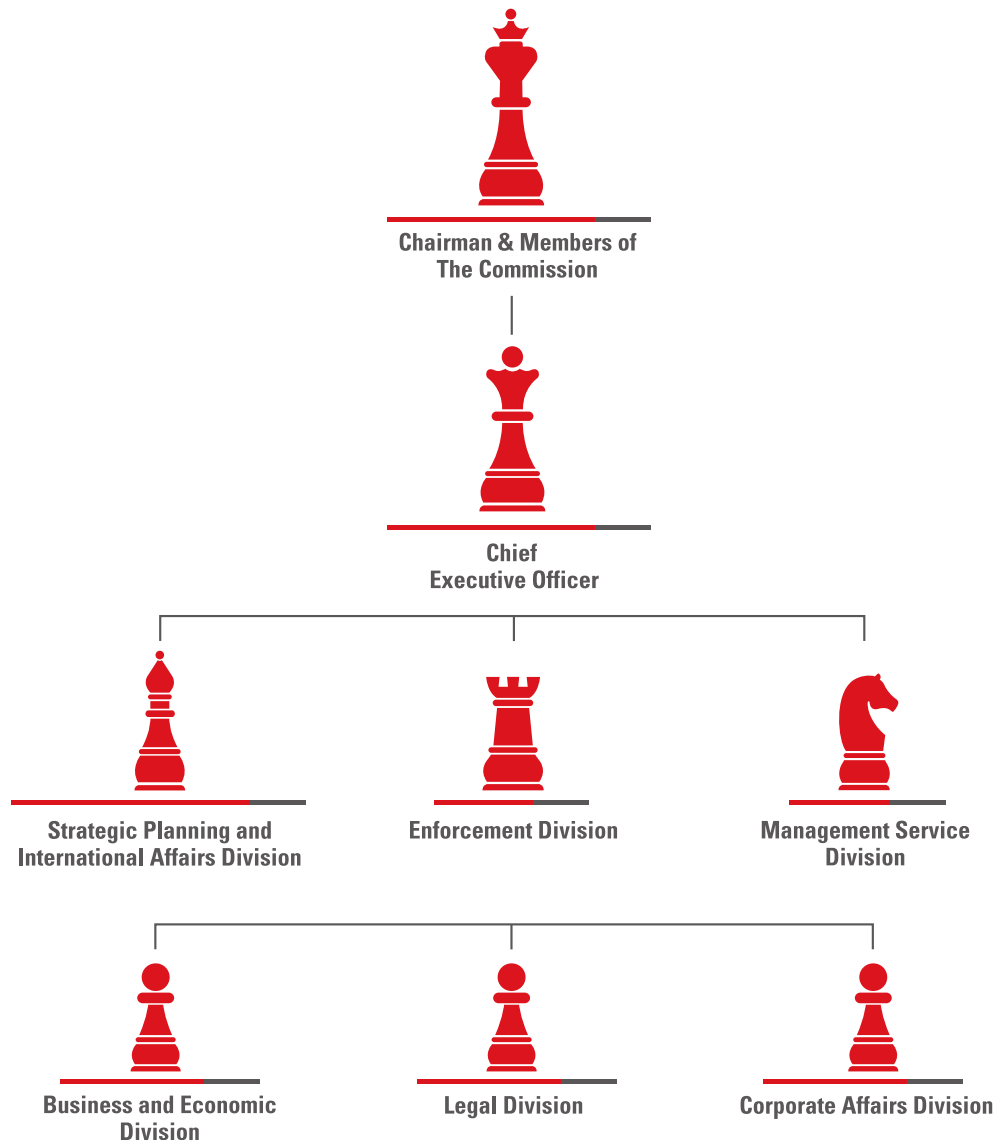
Puan Normazli Abdul Rahim

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).

organisational structure



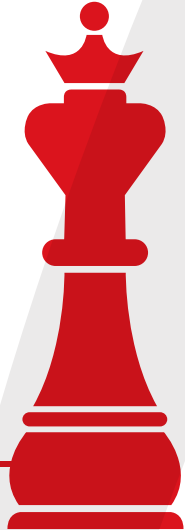
About Malaysia Competition Commission

The Malaysia Competition Commission (MyCC) is an independent statutory body established under the Competition Commission Act 2010 mandated to enforce the Competition Act 2010. The main role of MyCC is to protect the competitive process for the benefit of businesses, consumers and the economy.

vision and mission

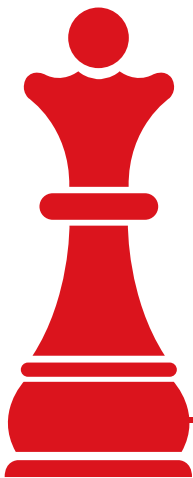
vision

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



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 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. The CA 2010 exempts certain activities, including:

- Activities involving the exercise of governmental authority.
- Activities carried out in accordance to the principle of solidarity.
- Purchase of goods or services not intended for resale or supply.
- Agreements or conduct in compliance with the law.

- Collective bargaining or collective agreements between employers and trade unions.
- Services involving general economic interest, which cover public utilities, or having the character of a revenue producing monopoly. The CA 2010 does not cover commercial activities regulated by the Communications and Multimedia Act 1998, Energy Commission Act 2001, Petroleum Development Act 1974, and Petroleum Regulations 1974.

DRIVING COMPETITION CULTURE IN 2015

CA 2010 and the Competition Commission Act 2010, are intended to encourage the nation's economic development by encouraging and protecting the competition process in the market, as well as safeguarding consumer interests. To enforce the provisions under the CA 2010, the MyCC was established under the Competition Commission Act 2010 on 1 April 2011.

The Ministry of Domestic Trade, Co-operatives and Consumerism announced the elected Malaysia Competition Commission Members on 1 April 2011. The Commission's Chairman is joined by four government representatives from the Ministry of Domestic Trade, Co-operatives and Consumerism, the Economic Planning Unit, the Attorney-General Chambers, and the Ministry of International Trade and Industry, as well as five representatives from the private sector. MyCC members are experts in various industries such as law, economy, business, industry, trade, public administration, competition, and consumer rights. All efforts to include representatives from various sectors were made to ensure that the MyCC successfully achieve its aspirations.

The official opening of the MyCC's headquarters at Menara SSM@Sentral, KL Sentral on 17 January 2013 marked the start of a new era in the commission's operations and was the first of many milestones in a remarkable year. In addition to starting operations at its new headquarters, the MyCC continued to expand its team in 2013 to fulfill the requirements of its expansion plans. The MyCC remains committed to provide a safe, supportive, and conducive working environment for its employees.

The MyCC's office has been fully operational since 1 June 2011. Since then, the MyCC has established ten working committees to aid in implementing its major functions. Each MyCC Member heads a working committee with representatives from relevant public and private sectors. The working committees are as follows:

- Working Committee on Finance and Procurement;
- Working Committee on Human Resources Training and Competency;
- Working Committee on Human Resources Development Panel;
- Working Committee on Advocacy and Communication;
- Working Committee on Guidelines;
- Working Committee on Audit;
- Working Committee on Economic;
- Working Committee on Enforcement;
- Working Committee on Disciplinary; and
- Working Committee on Disciplinary Appeal;

the year in review

ENFORCEMENT ACTIVITIES

The Competition Act 2010 (CA 2010) was gazetted on 10 June 2010 and came into effect on 1 January 2012. CA 2010 is enforced by the Malaysia Competition Commission (MyCC), an independent statutory body established on 1 April 2011.

CA 2010 gives full authority to the Commission in implementing its main functions such as enforcing the provisions of CA 2010, providing guidelines relevant to the enforcement of CA 2010, representing a driving force in competition-related matters in the Malaysians economy or the relevant Malaysian economic sectors, and educating the general public on how competition factors benefit consumers as well as the local economy.

ENFORCEMENT ACTIVITIES IMPLEMENTED BY THE MyCC

In 2015, the MyCC has conducted several investigations which yielded the following results:-

A. PROPOSED DECISION (SECTION 36)

The MyCC issued two Proposed Decisions under section 36 of CA 2010 with proposed penalties amounting to RM952,974.00.

i. Container Depot Operators Case

On 19 June 2015, a Proposed Decision was issued by the MyCC against Containerchain (Malaysia) Sdn. Bhd.; 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 the infringement of section 4(2) of CA 2010. The infringing parties fixed the prices of depot gate charges as well on the administration of a common rebate system. The total proposed penalties was RM645,774.00; and

ii. My E.G. Services Berhad (MyEG) Case

On 6 October 2015, the MyCC issued a Proposed Decision against MyEG for infringement of section 10 of CA 2010 by applying different conditions to equivalent transactions with its competitors. It has harmed competition in the market for the sale of Mandatory Insurances for online Pas Lawatan Kerja Sementara (PLKS) renewal applications. A proposed penalty of RM307,200.00 as well as a daily penalty of RM7,500.00 from 7 October 2015 to the date of Proposed Decision was imposed. A total penalty of RM2,272,200.00 was imposed on MyEG.

// The MyCC issued two (2) Decisions regarding financial penalties on 39 companies for violating the CA 2010. The financial penalties imposed totalled RM499,980.00. //

B. FINDINGS OF INFRINGEMENT (SECTION 40)

The MyCC served two (2) Decisions on 39 enterprises for infringing the prohibitions of CA 2010. The total financial penalties amounting to RM499,980.00 were imposed on the following enterprises:

i. Ice Manufacturers Case

24 Ice Manufacturers collectively raised the price of edible tube ice by RM0.50 per bag and the price of block ice by RM2.50 per big block respectively with effect from 1 January 2014. The MyCC decided that the enterprises have infringed section 4(2)(a) of CA 2010. The total financial penalties imposed was RM252,250.00.

ii. Sibü Confectionery and Bakers Association (SCBA) Case

The MyCC found fifteen (15) members of SCBA have infringed section 4(2)(a) of CA 2010. The enterprises had entered into an agreement that has as its object to fix, directly or indirectly, the selling price of confectionery and bakery products in the Sibü, Sarawak. The enterprises were fined a total penalties of RM247,730.00 on 12 February 2015. The case is now closed.

C. FINDINGS OF NON-INFRINGEMENT (SECTION 39)

Throughout 2015, the MyCC had issued Notices of Finding of Non-Infringement to the following enterprises:-



Briefing on "Garis Panduan Menentang Tipuan Bida Dalam Perolehan Awam" & Help Us Detect Bid Rigging di bawah Akta Persaingan 2010 - Kementerian Kerja Raya Malaysia, 13 April 2015

- i. **Ice Manufacturers Case (United Sundry Goods (Taiping) Sdn. Bhd.)** on 30 January 2015.
- ii. **Pangsapuri Perdana Case** on 12 February 2015.
- iii. **Sibu Confectionery and Bakers Association Case** on 9 enterprises on 12 February 2015.
- iv. **Sarawak Restaurants Association Case** on 16 April 2015.
- v. **My Egg Consortium Sdn. Bhd. Case** on 4 June 2015.
- vi. **Federation of Stationers and Booksellers Association of Malaysia Case** on 26 October 2015.

D. POWER TO ACCEPT UNDERTAKING (SECTION 43)

The Malaysia Heavy Construction Equipment Owners Association (MHCEOA) made an announcement, which was reported in Sin Chew Daily, that the costs for leasing of machinery will be increased. The MyCC found that the announcement by the MHCEOA of its decision to increase the machinery rental charges may infringe Anti-competitive agreement in Chapter 1 of the Act.

The MyCC did not impose any financial penalty, but instead accepted undertakings from MHCEOA that include refraining from making similar press announcements and removing an impugned clause from its constitution.

E. DIRECTIONS BY THE MyCC

The MyCC issued directions to four (4) professional bodies, namely the

Malaysian Dental Association (MDA), the Malaysian Institute of Arbitrators (MiArb), the Institute of Landscape Architects of Malaysia (ILAM) and Malaysia Institute of Architects (PAM) to dismantle their scale fees. It was found that these bodies (except for MiArb; only on the scale of fees for arbitrators) fixed their scale fees without any legal mandate. The four (4) bodies accordingly dismantled their scale of fees in accordance to the directions given by the MyCC.

F. WARNING LETTERS

The Commission issued warning letters to several associations suspected of being involved with price fixing. These associations include those involved in the industry of childcare, food, manufacturing, commodities and livestock.

“The MyCC issued warning letters to several associations suspected to be involved with price fixing, in addition to preventing, blocking, or disturbing competitors.”

ADVOCACY

The MyCC published the “Strategy Plan for Competition, Advocacy & Communication 2015-2017” in 2015 that sets out the rationale and framework for the work programmes in the second phase of implementation of the Competition Act 2010 (CA 2010). Generally, the advocacy programme is one of the important mechanisms implemented by the MyCC to promote awareness and encouraging compliance to the CA 2010.

In 2015, the MyCC held a total of 48 advocacy programmes involving private and public sectors nationwide. The programmes are listed as follows:

22_{jan}

*Taklimat mengenai Tipuan Bida
Dalam Perolehan Awam* with
Perbadanan Putrajaya

27_{jan}

Briefing on Competition Act 2010
with MIMOS Bhd

6_{mar}

Engagement Session on
Competition Act 2010
with Chartered Secretaries
Malaysia (MAICSA)

09_{mar}

*Sesi Sembang-sembang
mengenai Akta Persaingan 2010*
with NGO Kepenggunaan

18_{mar}

*Sesi Sembang-sembang
mengenai Akta Persaingan 2010*
with Industry

19_{mar}

Tough but Fair Competition for
the sake of the Consumer, with
Malaysia Automotive Institute
(MAI)

26 & 30_{mar}

Engagement Session on Competition Act 2010 with Universiti Teknologi Mara (UiTM) & Taylor's University

07_{apr}

Engagement Session on Competition Act 2010 with Malaysian Institute of Accountants (MIA)

09_{apr}

Engagement Session on Competition Act 2010 with Small Medium Enterprise Corporation (SME Corp)

13_{apr}

Taklimat Mengenai Tipuan Bida with Jabatan Kerja Raya (JKR) dan Kementerian Kerja Raya (KKR)

16_{apr}

Engagement Session with Universiti Kebangsaan Malaysia (UKM)

29_{apr}

Briefing on Competition Act 2010 with Universiti Teknologi Mara (UiTM)

19_{may}

Engagement Session - Ministry of Finance (MOF), Malaysian Anti-Corruption Commission (MACC) and National Audit Department (NAD)

26_{may}

Workshop on Malaysian Competition Law held by Judicial and Legal Training Institute (ILKAP) & Attorney General's Chambers (AGC)

08 & 17_{june}

Briefing on the Competition Act 2010 in 19 states and branches under the Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK)

10_{june}

APEC Workshop on Sharing Best Practices on Public Consultations held by Malaysian Productivity Corporation (MPC)

11_{june}

Briefing on Competition Compliance under the Competition Act 2010 to the industries

15_{june}

Briefing on the Competition Act 2010 with Association of Private Hospitals of Malaysia (APHM) International Conference & Exhibition 2015

11_{july}

Briefing on the Competition Act 2010 to the Nursery and Nanny Association of Kedah

28_{july}

Briefing on Anti-competition to the Selangor State Health Department

12_{aug}

Course on the Competition Act 2010 with the Media - Malaysian Press Institute (MPI)

08_{sept}

ADB-Asian Think Tank Development Forum 2015 held by Malaysian Institute of Economic Research (MIER)

29_{sept}

Competition Act: How Can SMEs Benefit? Co-organised with SME Corp

08_{oct}

Taklimat mengenai Bicara Profesional Persaingan Kompetitif: Bersediakah Koperasi?

13_{oct}

Conference *Ke Arah Negara Maju: Meningkatkan Perlindungan dan Ketahanan Pengguna*

26_{oct}

Competition Act: How Can SMEs Benefit? Co-organised with SME Corp

29_{oct}

Training on Leniency and Financial Penalty under the Competition Act 2010 Co-organised with Companies Commission of Malaysia (SSM)

05_{nov}

Competition Act: How Can SMEs Benefit? Co-organised with SME Corp

17_{nov}

Federation of Malaysian Manufactures (FMM) Logistics Conference 2015

03_{dec}

Training on Leniency and Financial Penalty under the Competition Act 2010 Co-organised with Companies Commission of Malaysia (SSM)

Memoranda of Understanding (MoU's)

On 27 November 2015, the MyCC signed six Memoranda of Understanding (MoU's) between Co-operative College of Malaysia (MKM) and five Institutions of Higher Learning (IHL), including the Universiti Malaya (UM), the National University of Malaysia (UKM), the Universiti Teknologi Mara (UiTM), the International Islamic University Malaysia (IIUM) and Taylor's University.

The MoU's clarify the areas of collaboration and co-operation between the MyCC, MKM and IHL to participate in advocacy programmes and other activities related to the Competition Act 2010. The main objective of having these MoU's is to have collaboration between all parties in introducing and improving subjects or modules on competition law as well as to develop a pool of research experts in competition law in Malaysia.

Research Grant Programme (RGP)

In an effort to promote academic inquiry in the research on policies and laws of competition, the MyCC encourages the participation of researchers from universities, research institutes, thinking groups and the general public to join its Research Grant Programme (RGP). In 2015, MyCC received four (4) RGP grant applications, and two (2) of the applicants have successfully received grants worth RM25,000.00 each to conduct studies on areas significant to the MyCC.

Special Committee on Competition

The Special Committee on Competition Meeting No.1/2015 chaired by the MyCC was held on 16 November 2015 to discuss on various competition issues and updates cutting across other sector regulators, namely the Malaysian Communications and Multimedia Commission (MCMC), the Land Public Transport Commission (SPAD), the Central Bank of Malaysia (BNM), the Energy Commission (EC), the National Water Services Commission (SPAN), and the Securities Commission (SC). Some of the competition related matters highlighted this year include issues in telecommunication, land public transportation, finance and energy.

Courtesy visits to the MyCC

In 2015, MyCC had the honour of welcoming several distinguished guests on working visits from local agencies and foreign counterparts'. On 5 October 2015, the MyCC received a courtesy visit from the Taiwan Fair Trade Commission (TFTC) which was spearheaded by TFTC Commissioner Dr. Hung-Hao Chang. Then, on 8 October 2015, the MyCC also welcomed a working visit from Mr. Ruben L. Maximiano, an expert from the Organisation for Economic Co-operation and Development (OECD). In addition, on 19 October 2015, the MyCC received a working visit from Mr. Rasul Butt, the Executive Director, Corporate Services and Public Affairs Division, of Hong Kong Competition Commission (HKCC).



Seminar on “Effective Tools for Combatting Cartels and Abuse of Dominance” organised by Taiwan Fair Trade Commission (TFTC) at JW Marriot Hotel Kuala Lumpur, 6 & 7 October 2015

Working Visits

On 15 September 2015, the MyCC paid a working visit to the Competition & Markets Authority (CMA) in London as an effort to strengthen the ties between these two agencies, as well as increase knowledge on issues related to development, enforcement and execution of the policies and laws of competition for the benefit of the consumers in Malaysia. The working visit was led by newly appointed Minister of Domestic Trades, Co-operatives and Consumerism (KPDNKK), YB Dato’ Seri Hamzah bin Zainudin, who was accompanied by the MyCC’s Chief Executive Officer, Dr. Mohd Khalid Abd. Samad, and the MyCC’s Director from the Strategic Planning & International Affairs Division, Ayuda Sari binti Ismail.

International Capacity Building Programme organised by MyCC and other agencies

On 6 and 7 October 2015, MyCC collaborated with the Taiwan Fair Trade Commission (TFTC) to host a seminar titled “Effective Tools for Combating Cartels and Abuse of Dominance” held in Kuala Lumpur. This seminar was attended by competition experts from the Asia region, as well as officers from other international authorities.

International Capacity Building Programmes Attended by the MyCC

In 2015, the MyCC attended 19 programmes including workshops, seminars, and conferences encompassing competition policy and law. By attending these programmes, MyCC increased its knowledge in implementing competition law in Malaysia, as well as representing Malaysia's competition law and experience during the sharing sessions with members from other countries. The programmes attended by MyCC in 2015 were as follows:

02-04_{mar}

Surabaya, Indonesia - Workshop on Developing Institutional Core Competencies for Competition Regulation - Regulator Perspectives

20-22_{apr}

Manila, Philippines - Workshop on Fighting Bid Rigging

23_{apr}

Singapore - Conference on The Future of Competition Law and Policy in the ASEAN Countries

02-07_{may}

Sydney, Australia - Economics Institute for Competition Enforcement Officials

04-06_{may}

Sydney, Australia - Study Visit of ASEAN Members States to Australian Competition and Consumer Commission (ACCC) supported under the ASEAN-Australia-New Zealand FTA (AANZFTA) Competition Law Implementation Program (CLIP)

04-05_{june}

Ho Chi Minh City, Vietnam - 5th ASEAN Competition Conference: Advancing Competition Policy and Law Post-2015: Progress, Opportunities and Challenges

09-10_{june}

Jakarta, Indonesia - Jakarta International Competition Forum

24-26_{june}

Singapore - Organisation for Economic Co-operation and Development (OECD) - Korea Policy Centre (KPC) Leaders Seminar on Advocacy

25-26_{june}

Hong Kong - 2nd Asia Pacific Anti-Competition Session

06-10_{july}

Geneva - 7th United Nations (UN) Conference to Review the UN Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices on Competition Policy



*The 7th Project Steering Committee For
The Asean-German Cooperation Project
on Competition Policy & Law In Asean
(7TH PSC ASEAN-GERMANY)
Meeting in Cambodia, 3 December 2015*

05_{july}

Bangkok, Thailand - Forbidden Business Practices under Competition Laws in Indonesia, Singapore, Vietnam and Malaysia for Thailand enterprises and business owners

05_{aug}

Bangkok, Thailand
- Enforcement of Competition Law in Indonesia, Vietnam, Singapore and Malaysia

15-17_{sept}

Seoul, South Korea - OECD - KPC Sectoral Workshop on Competition Issues in Telecommunications and ICT Sectors

15-22_{sept}

London - Training in Financial Conduct Authority (FCA)

29_{sept} - **01**_{oct}

Yogyakarta, Indonesia - Basic Investigation Skills Workshop: Putting Theory into Practice - Gathering Evidence Effectively and Ethically

13-15_{oct}

Kazan, Russia - Asia-Pacific Economic Cooperation (APEC) Training Course on Competition Policy

29-31_{oct}

Paris, France - OECD 14th Global Forum on Competition

03-05_{nov}

Manila, Philippines
- Workshop on Best Practices on a Regional Co-operation Framework among ASEAN Competition Authorities

15-20_{nov}

Virginia, United States - Seminar on Economics Institute for Competition Enforcement Officials

*Courtesy Visit by
Taiwan Fair Trade
Commission (TFTC)
to MyCC, 5 October 2015*



*Memoranda
of Understanding (MoU's)
signing ceremony with
Co-operative College of Malaysia (MKM)
and 5 Institutions of Higher Learning (IHL),
held at the Ministry of Domestic Trade,
Co-operative and Consumerism (KPDNKK)
Putrajaya, 27 November 2015*



*The 4th Asean-Australia-New Zealand
FTA Committee On Competition
(4th AANZFTA CC) Meeting in Cambodia,
2 December 2015*



The MyCC International Placement Programmes

In 2015, the MyCC continued with placements in international agencies abroad to increase the knowledge of executing competition law in Malaysia, mainly to address competition issues and cases. A Member of Commission Dato' Ahmad Hisham Kamaruddin, was attached to the Financial Conduct Authority (FCA) in London from 16-22 September 2015, to better understand FCA's functions in executing and enforcing competition laws and policies in the finance sector in United Kingdom.

International Meetings

In 2015, MyCC attended six international meetings, listed as follows:

16-21 _{mar}

Phnom Penh, Cambodia - 15th ASEAN Experts Group on Competition (AEGC) Meeting

28 _{apr} - **01** _{may}

Sydney, Australia
- International Competition Network Annual Meeting

07-08 _{may}

Sydney, Australia - ASEAN Australia-New Zealand Free Trade Area (AANZFTA) 3rd Committee Meeting on Competition

24-27 _{aug}

Ho Chi Minh City, Vietnam
- 11th East Asia Top Level Officials' Meeting on Competition Policy and the 9th East Asia Conference on Competition Law and Policy

14-15 _{sept}

Jakarta, Indonesia - 2nd ASEAN Experts Group on Competition (AEGC) Website Meeting and 4th AEGC Meeting on Regional Competition Advocacy

30 _{nov} - **03** _{dec}

Siem Reap, Cambodia
- ASEAN-Australia-New Zealand Free Trade Area (AANZFTA) 16th Meeting with Competition Experts, 4th Committee Meeting on Competition and 7th Project Committee Meeting



The 16th Asean Expert Group On Competition (AEGC) Meeting in Siem Reap Cambodia, 30 November - 2 December 2015

PROMOTION AND PUBLIC RELATION


Throughout 2015, the MyCC had participated in many publicity programmes, ran exhibitions and promotions via interviews on electronic media (television and radio), print press and online publicity, as well as creating awareness on the MyCC official web-site.

The Corporate Affairs Division also coordinated and assisted in the management of all MyCC programmes to ensure the smooth running of all events, including going through the event details, drafting speeches, preparing visitor and media kits, door gifts and token gifts, as well as other related activities. These included coordinating official exhibitions attended by ministers and agencies.

MyCC Web-site and Social Media Platforms

The MyCC's website, <http://www.myccl.gov.my/>, is a source of information, which links the MyCC with other parties interested in disseminating and sharing information related to the MyCC's activities, especially in the aspects of the law, enforcement and support. Launched in September 2011, the website continues to be a source of reference on national competition matters. The MyCC has taken steps to leverage on engaging the public via social media platforms such as the MyCC's Facebook page and the MyCC's YouTube channel. These platforms are

supporting channels of communication, advocacy and brand exposure, in addition to the MyCC's website. The MyCC official Facebook page and YouTube channel are available at the following URLs:

 [facebook.com/The Malaysia Competition Commission](https://facebook.com/TheMalaysiaCompetitionCommission)

 twitter.com/theMyCC

 youtube.com/MyCCNews



"Program Ala-Carte Pagi" with Iskandar Ismail, Director of Enforcement Division at BERNAMA Radio24, 19 November 2015

newspaper clippings

MyCC perlu siasat persatuan peniaga

Oleh MOHD. AZRAIE MD. YUSOF
dan MOHD FAUZI MOHAMMAD
SUNAHMI
pengarang@utusan.com.my

■ KUALA LUMPUR 2 JAN.

SURUHJAJA Persaingan Malaysia (MyCC) digesa menyiasat persatuan peniaga yang tidak berpaksi menaikkan harga barang dengan sewenang-wenangnya atas alasan harga minyak naik.

Ketua Aktivis Persatuan Pengguna Islam Malaysia (PPIM), Datuk Nadzim Johan (gambar) berkata, langkah itu perlu bagi mengekang sikap tidak bertanggungjawab pemborong, peruncit dan peniaga terabit yang tidak pula menurunkan harga barang apabila harga bahan bakar diturunkan.

"Saya mengesyorkan pihak berkaitan khususnya MyCC untuk menggariskan operasi dan menyiasat setiap persatuan peniaga yang begitu mudah menaikkan harga pada kadar yang tidak masuk akal dengan alasan harga minyak naik."

Sepatutnya, mereka mengamalkan persaingan yang jujur dan ikhlas dengan menurunkan harga barang apabila harga bahan bakar diturunkan," katanya kepada Utusan Malaysia di sini hari ini.

Mulai semalam, harga petrol RON95 dan RON97 turun sebanyak 35 sen seliter manakala harga diesel



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NADZIM JOHAN
Ketua Aktivis Persatuan Pengguna Islam Malaysia

turun sebanyak 30 sen setiap liter. Sementara itu, Presiden Persatuan Pengguna Sebang dan Shah Alam (CASSA), Datuk Dr. Jacob George berkata, sudah sampai masanya untuk peniaga menurunkan harga barang yang sebelum ini dinaikkan dengan alasan harga minyak naik.

"Tanggungjawab ini perlu dimaikan oleh semua pihak bagi memastikan keadilan yang sama diperoleh masyarakat."

"Jangan pula kita lupa atau buat-buat lupa tentang perkara ini. Jadi, kita perlu bertimbang rasa sesama kita," ujarnya.

Presiden Lembaga Pelindungan dan Kebajikan Pengguna Malaysia (LPKPM), Datuk Seri Sabaruddin Awang Yahya turut mendesak para peniaga menurunkan harga barang



selari dengan harga baharu bahan bakar bagi membantu mengurangkan bebanan kos sara hidup yang dialami pengguna.

Menurut beliau, langkah itu wajar dipertimbangkan menjelang pembukaan pengalihan baharu persekolahan selain sebahagian besar rakyat di negara ini terjerbas akibat bencana banjir.

"Inilah masanya untuk peniaga bersama-sama dengan kerajaan menurunkan harga barang yang sebelum ini dinaikkan dengan alasan harga minyak naik, maka selarasan ini apabila harga minyak turun, mereka pun sepatutnya menurunkan harga barang," katanya ketika dihubungi di sini hari ini.

Our hands tied by MyCC Act - Jong

BY HARUN JAU

KUCHING: Sarawak Lorries' Transport Association (SLTA) has no plans at the moment to reduce the rate of transportation charges despite the latest drop in the retail prices of RON95, RON97 and diesel.

SLTA President Jong Foh Jit when contacted yesterday said the current transport charges will remain unchanged for the time being as the association is restricted by the Malaysia Competition Commission (MyCC) Act 2010 regarding an increase or decrease in the rate of transportation charges.

"The association cannot make any decision because it is against the MyCC Act to decrease or increase the transportation charges as we like," Jong told *New Sarawak Tribune* when contacted yesterday.

According to Jong, there are different rates for different categories of transportation charges, for example long distance rates are different from short

distance rates.

Again, he explained, it is up to individual operators to deal with their customers.

Jong who is also PAN-Malaysia Lorry Owners' Association Vice President was asked to comment on the effect of the recent drop in fuel price on transportation charges.

Domestic Trade, Cooperatives and Consumerism Minister Datuk Seri Hasan Malek announced that retail price of RON95 petrol fell 21 sen to RM1.70 per litre while that of RON97 fell 11 sen to RM2 a litre effective yesterday. Diesel fell 23 sen to RM1.7 per litre.

From 1 December last year, the retail price of petrol and diesel in the country is being adjusted monthly according to the controlled flotation method.

The new price for February has been fixed based on the average cost price of the product during the month of January as well as currency

exchange rates.

"The government keeps track of the market price of the product and currency exchange rates each time before fixing the retail price of petrol and diesel for the following month," said Hasan.

Meanwhile, Jong hoped the government could reduce taxes on items like spare parts, tyres and batteries.

"The devaluation of the ringgit, workers minimum wage and high cost of insurance for lorries are not helping lorry transport operators to ease their burden," he stressed.

On another note, Jong opined that the government should regulate the insurance companies and strike a fair price for lorry operators, adding that some insurance companies refused to accept insurance coverage for old lorries even though their roadworthiness were passed by Puspakom.

MyCC probes 51 cases

KUALA LUMPUR: Since its inception on Jan 1, 2012, the Malaysia Competition Commission (MyCC) has investigated 51 cases involving various sectors and companies under the Competition Commission Act 2010.

MyCC chief executive officer Dr Mohd Khalid Abdul Samad said 18 of the 51 cases have been solved or closed.

"A majority of the cases investigated involved cartel price fixing by a company or an association in the services, pharmaceutical, food, shipping, retail and wholesale, technology and manufacturing sectors."

"Actions taken on cases that have been closed included imposing fines, signing letters of undertaking, and advice from the police," he said at the MyCC Corporate Integrity Pledge and Excellent Service Awards 2014 here yesterday.

Meanwhile, Mohd Khalid said MyCC would carry out enforcement operations on bid rigging activities under Section 4 of the Competition Commission Act 2010.

"Our aim to eradicate such practices in government departments and in private companies, and MyCC will work together with the Malaysian Anti-Corruption Commission (MACC)."

"Although MyCC has the authority to investigate bid rigging activities, there is an element of corruption in such cases and thus we need MACC's collaboration," he added. — Bernama

MyCC kuatkuasakan AP2010



KUALA LUMPUR: Sejak ditubuhkan pada 1 Januari 2012, Persatuan Pengguna Islam Malaysia (PPIM) telah melaporkan 51 kes pelanggaran Akta Persaingan 2010 (AP2010) kepada MyCC. AP2010 adalah peraturan untuk mengawal persaingan yang adil dan mencegah amalan anti-persaingan dalam pasaran.

Selain itu, bagi membantu semua pihak yang terlibat dalam proses penyelesaian, MyCC telah mengadakan beberapa sesi seminar dan bengkel untuk meningkatkan kesedaran mengenai AP2010.

Salah satu daripada aktiviti adalah dengan mengadakan program edukasi seperti Survei Sebang-Berbang Bersama MyCC. Dalam kegiatan program, peserta, perantara pengangkutan dan peruncit serta badan berkaitan bagi memastikan pemahaman dan komitmen mereka terhadap AP2010.

Menurut Ketua Pegawai Eksekutif MyCC, Dr. Mohd Khalid Abdul Samad, program tersebut merupakan platform terbaik untuk meningkatkan peredaran MyCC yang berlandaskan prinsip-prinsip persaingan yang adil dan mencegah amalan anti-persaingan.

MyCC telah menjalankan operasi penyiasatan terhadap 51 kes pelanggaran AP2010. Hasil daripada operasi ini, MyCC telah mengeluarkan 18 keputusan yang mengikat dan 33 kes masih dalam proses penyiasatan.

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Keputusan rayuan AirAsia, MAS ditangguh

Kuala Lumpur: Tribunal Rayuan Persaingan (CAT) akan menetapkan tarikh lain bagi keputusan rayuan Penerbangan Malaysia (MAS) dan AirAsia Bhd yang dikenakan hukuman denda oleh Suruhanjaya Persaingan Malaysia (MyCC) kerana melanggar larangan perkongsian pasaran.

Pasal yang dipengerusikan Hakim Mahkamah Tinggi yang juga Presiden CAT, Datuk Hasnain Mohamed Hashim, membuat keputusan itu selepas mendengar hujah peguam Leonard Yeoh yang mewakili Air Asia dan Logan Sabapathy bagi pihak MAS.

Pasal turut dianggotai veteran industri, Tan Sri Dr Lin See Yan; bekas Hakim Besar Malaysia, Tan Sri Haidar Mohamed Noor; Tan Sri Dr Sulaiman Mahbob dan Dr Wan Liza Md Amin.

Langgar larangan kongsi pasaran
MAS dan AirAsia merayu keputusan MyCC yang mengenakan denda RM10 juta setiap satu kerana melanggar larangan perkongsian pasaran mengikut Akta Persaingan 2010.

MyCC pada 11 April tahun lalu mendapati kedua-dua pihak bersalah dalam amalan anti-persaingan mengikut Seksyen 4(2)(b) akta itu kerana memeterai perjanjian yang menyeksalkan kedua-dua pihak berkongsi pasaran dalam sektor perkhidmatan pengangkutan udara di Malaysia.

Walaupun perjanjian itu dibatalkan, MyCC tetap meneruskan siasatan anti-persaingan apabila ia berkuat kuasa pada 1 Januari 2012.

29 pengamal media sertai kursus Akta Persaingan 2010

KUALA LUMPUR – Suruhanjaya Persaingan Malaysia (MyCC) dengan kerjasama Institut Akhbar Malaysia (MPI) mengadakan Kursus Media mengenai Akta Persaingan 2010 di Hotel Ramada Plaza di sini semalam.

Kursus sehari itu dihadiri seramai 29 orang pemberita dari pelbagai organisasi.

Pengarah Bahagian Siasatan dan Penguatkuasaan MyCC, Iskandar Ismail berkata, tujuan kursus itu diadakan adalah untuk memberi penerangan dan pendedahan lebih mendalam kepada pengamal



media mengenai suruhanjaya berkenaan dan Akta Persaingan 2010.

Menurutnya, MyCC merupakan salah satu agensi di bawah Kementerian Perdagangan Dalam Negeri, Kopernsi dan Pengangkutan yang mengawal selia syarikat atau pengusaha bagi menggalakkan persaingan sihat untuk manfaat perniagaan, penggunaan dan ekonomi.



"Masih ramai yang tidak tahu apa itu MyCC, saya berharap dengan kursus yang diadakan dapat membantu memberi pendedahan kepada pihak media mengenai operasi dan akta-akta di bawah suruhanjaya ini," katanya kepada pemberita di sini semalam.

ISKANDAR (kiri) menyampaikan ceramah pada Kursus Media mengenai Akta Persaingan 2010 di Hotel Ramada Plaza, Kuala Lumpur semalam.



BERITA KEMAS 3 15 JAN 2012



DAFTAR: PAKSIAN ARII, BERKAS

MyCC-SPRM jalin kerjasama

SURHANJAYA Persaingan Malaysia (MyCC) dengan kerjasama Suruhanjaya Pendaftaran Perniagaan (SPRM) telah menandatangani perjanjian kerjasama untuk meningkatkan kerjasama dalam menangani kes-kes persaingan tidak sihat.

Perkongsian dua sumber media ini pada 15 Januari 2012 menunjukkan bahawa MyCC dan SPRM telah menandatangani perjanjian kerjasama untuk meningkatkan kerjasama dalam menangani kes-kes persaingan tidak sihat.

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INFO Publikasi Lima Pucuk Ikrar

1. Menandatangani perjanjian kerjasama untuk meningkatkan kerjasama dalam menangani kes-kes persaingan tidak sihat.

2. Menandatangani perjanjian kerjasama untuk meningkatkan kerjasama dalam menangani kes-kes persaingan tidak sihat.

3. Menandatangani perjanjian kerjasama untuk meningkatkan kerjasama dalam menangani kes-kes persaingan tidak sihat.

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Maklumat lanjut MyCC

MyCC adalah suruhanjaya kerajaan yang bertanggungjawab untuk memastikan persaingan yang sihat dan adil dalam pasaran.

MyCC juga bertanggungjawab untuk memastikan persaingan yang sihat dan adil dalam pasaran.

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MyCC issues proposed decision against 5 container-related firms

KUALA LUMPUR: The Malaysia Competition Commission (MyCC) has issued a Proposed Decision against four Container Depot Operators and an Information Technology (IT) service provider, for engaging in price fixing.

The operators are Ayza Industries Sdn Bhd/Ayza Logistics Sdn Bhd; ICS Depot Services Sdn Bhd; E.A.E. Depot & Freight Forwarding Sdn Bhd; Prompt Dynamics Sdn Bhd; and Containerchain (M) Sdn Bhd, an IT service provider to the shipping and logistics industry in Penang.

In a statement Sunday, MyCC said it proposed to impose financial penalty and other remedies on each enterprise.

The MyCC is allowed under the law to impose a financial penalty of up to 10 per cent of the worldwide turnover of each enterprise.

"The Proposed Decision is a written notice setting out the facts on which the MyCC makes its assessment and its reasons for arriving at the Proposed Decision."

"It is issued to the enterprises concerned to assist them to make representations and provide any other information to support their representations to the MyCC," it said.

In this regard, the MyCC said the enterprises concerned have 30 days from the date of receipt of the Proposed Decision to make their representations.

The MyCC will then make its final decision after considering the representations and all the available information and evidence.

According to the MYCC, upon completion of its investigations, it provisionally found that Containerchain engaged in concerted practices with the operators which resulted in the operators increasing the Depot Gate Charges imposed on their customers from RM5 to RM25 and the operators offering a rebate of RM5 to hauliers on the agreed Depot Gate Charges.

The MyCC also provisionally found that the operators entered into a price fixing agreement which is deemed to have the object of significantly preventing, restricting or distorting competition in the market for the provision of empty container storage maintenance and handling services within a 5-15km radius of the Penang Port.

The Competition Act 2010, which came into force on Jan 1, 2012, prohibits businesses from entering into any agreement which has the object or effect of preventing, restricting or distorting competition in any market for goods and services in Malaysia.

Businesses should independently determine their reactions to competition and refrain from participating in any discussion, coordination, or plan with their competitors which is anti-competitive in nature. —Bernama

MYCC issues proposed decision against five firms for price fixing

KUALA LUMPUR: The Malaysia Competition Commission (MyCC) has issued a proposed decision against four container depot operators and an information technology service provider to the shipping and logistics industry for engaging in price fixing.

These container depot operators are Ayza Industries Sdn

Bhd/Ayza Logistics Sdn Bhd, ICS Depot Services Sdn Bhd, EAE Depot & Freight Forwarding Sdn Bhd, and Prompt Dynamics Sdn Bhd and the information technology service provider to the shipping and logistics industry is in the Penang area, namely Containerchain (M) Sdn Bhd (Containerchain).

Upon completion of its investiga-

tion, the MyCC provisionally finds that Containerchain has engaged in concerted practices with the container depot operators which resulted in the container depot operators increasing the Depot Gate Charges imposed on their customers from RM5 to RM25 and the container depot operators offering a rebate of RM5 to hauliers on the agreed depot gate charges.

MyCC lindungi hak perniagaan, kawal persaingan



MIOR KAMARUL SHAHID
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Penerbangan Malaysia (MAS), yang kini dikenali dengan nama baharu Malaysia Airlines Bhd (MAB) dan AirAsia Bhd pada 11 April tahun lalu masing-masing dikenakan denda RM10 juta oleh Suruhanjaya Persaingan Malaysia (MyCC) selepas didapati bersalah kerana melakukan amalan anti-persaingan.

Kedua-dua syarikat itu melakukan kesalahan mengikut Seksyen 4(2)(b) Akta Persaingan 2010 selepas didapati memeterai perjanjian pertukaran saham pada 9 Ogos 2011 yang menyaksikan mereka bersejua berkolaborasi pasaran dalam sektor perkhidmatan perangkutan udara di Malaysia.

Urus niaga pertukaran saham itu bagaimanapun akhirnya dibatalkan selepas lapan bulan berlangsung berikutan bantahan pelbagai pihak atas pelbagai sebab, termasuk dakwaan menjurus kepada unsur monopoli yang akan menghalang pengguna daripada mempunyai pilihan.

Kedua-dua syarikat itu ketika ini masih menunggu keputusan rayuan yang dijangka diputuskan oleh Tribunal Rayuan Persaingan (TRP) pada November nanti.

Tingkat kebajikan pengguna

la antara kes besar yang berjaya diselesaikan MyCC, sebuah badan bebas yang bertanggungjawab untuk menguatkuasakan Akta Persaingan yang menggalakkan persaingan sehat dalam kalangan perusahaan. Matlamat akta ini untuk meningkatkan kebajikan pengguna, amalan perniagaan dan pembangunan ekonomi kerana persaingan memaksa perniagaan menjadi lebih cekap, inovatif dan responsif terhadap permintaan pengguna.

Antara manfaat persaingan ialah harga menjadi lebih rendah, produk lebih bermutu, pilihan lebih luas untuk pengguna serta tahap kecekapan lebih tinggi oleh perusahaan dan ekonomi secara keseluruhan. Akta yang berkuat kuasa pada 1 Januari 2012 itu bukan untuk melindungi pesaing, sebaliknya bagi memastikan perusahaan bersaing secara terbuka dan adil.

Melalui akta ini, perusahaan dilarang terlibat dalam dua bentuk perlakuan iaitu perjanjian antipersaingan dan penyalahgunaan kedudukan dominan. Bagaimanapun, masih banyak pihak di negara ini yang tidak menyedari mengenai kewujudan MyCC dan kepentingan akta berkenaan.

Perjanjian antipersaingan dan penyalahgunaan kedudukan dominan mengurangkan persaingan dan menghalang kuasa pasaran untuk permintaan dan penawaran untuk menentukan harga.

Pengarah Bahagian Penguat

kuasaan MyCC, Iskandar Ismail, berkata tanpa akta berkenaan, perniagaan yang tidak berpihak kepada perjanjian antipersaingan atau terjejas oleh penyalahgunaan kedudukan dominan sebuah perusahaan terpaksa menghentikan operasi kerana tidak dapat bersaing dengan harga atau terkeluar daripada pasaran.

"Pengguna akan rugi kerana kurang pilihan, terpaksa berdepan dengan harga tinggi dan barangan kurang bermutu," katanya sambil menjelaskan MyCC hanya meniasat perusahaan atau syarikat, bukannya individu serta meniasat pelanggaran dan bukannya perlakuan jenayah.

Tanpa akta itu, ekonomi negara juga tidak akan berkembang kerana perusahaan baharu tidak dapat menembusi pasaran dan perusahaan tiada insentif untuk menjadi inovatif dan cekap. Akta Persaingan juga menangani perlakuan perusahaan dominan tetapi tidak menghukum kerana kedudukan dominannya.

la hanya melarang mana-mana perusahaan dengan sendiri atau secara kolektif perusahaan lain terlibat dalam perlakuan yang menyalahkan kedudukan dominan. Antara contoh penyalahgunaan kedudukan dominan adalah melakukan diskriminasi harga atau harga yang tidak adil bukan disebabkan faktor ekonomi, berikutan persaingan pemangsa terhadap pesaing seperti meletakkan harga di bawah kos untuk menghapuskan pesaing.

Lakukan jualan terikat

Selain itu, enggan membekalkan kepada perusahaan lain untuk menjejaskan perniagaan mereka, melakukan jualan terikat iaitu memaksa membeli produk kedua dan membeli barangan yang diperlukan pesaing tetapi sebenarnya tidak diperlukan.

Perlakuan ini untuk memaksa perusahaan yang terikat dalam pasaran supaya perusahaan yang dominan boleh terus menguasai pasaran dengan beberapa peniaga atau pembekal, sekali gus bebas menetapkan harga, terma serta syarat pengedaran dan jualan.

MyCC juga adalah satu-satunya badan yang diberi kuasa untuk meniasat, mendakwa dan mengambil tindakan ke atas perusahaan yang terlibat dalam amalan antipersaingan.

Jika mendapati ada pelanggaran selepas siasatan selesai, MyCC akan mengeluarkan notis bertulis kepada perusahaan itu, memberikan butiran sebab keputusan diambil dan memaklumkan mengenai penalti yang dikenakan dan tindakan pembetulan yang dicadangkan ke atas perusahaan yang melakukan pelanggaran.



SITI NORMA YAKOB (tiga dari kanan) menyerahkan dokumen kepada Abdul Rahman Omar (tiga dari kiri) sambil disaksikan Alias Ahmad (tengah) dalam Majlis Menandatangani MoU antara Suruhanjaya Persaingan Malaysia (MyCC), Maktab Koperasi Malaysia (MKM) dan Institut Pengajian Tinggi di Putrajaya, semalam.

KPDNKK bakal tubuh universiti baharu

PUTRAJAYA 27 Nov. - Kementerian Perdagangan Dalam Negeri, Koperasi dan Kepenggunaan (KPDNKK) merancang penubuhan sebuah universiti swasta dikenali sebagai Universiti Perdagangan dan Koperasi (Utrac) khusus bagi melahirkan pakar dalam bidang pengurusan koperasi dan perdagangan.

Ketua Setiausaha, Datuk Seri Alias Ahmad berkata, universiti yang akan dibangunkan dengan kos sebanyak RM500 juta itu bakal menawarkan subjek berkaitan perdagangan, koperasi dan kepenggunaan.

Beliau berkata, pembentukan universiti tersebut akan dibuat secara kerjasama dengan semua

agensi di bawah kementerian itu antaranya Akademi Perbadanan Nasional Berhad (PNS), Maktab Koperasi Malaysia, Bank Rakyat, Perbadanan Harta Inteltek Malaysia (MyIPO) serta Suruhanjaya Syarikat Malaysia (SSM).

"Universiti ini akan menawarkan program diploma dan ijazah kepada pelajar berminat, buat masa ini kita beroperasi di Kolej iCOOP Malaysia di Petaling Jaya."

"Kita sudah bermula secara berperingkat dan telah menerima lesen untuk menawarkan program diploma, kita cuma menunggu untuk mendapatkan lesen universiti sebelum membuat pengambilan dalam masa terdekat," katanya.

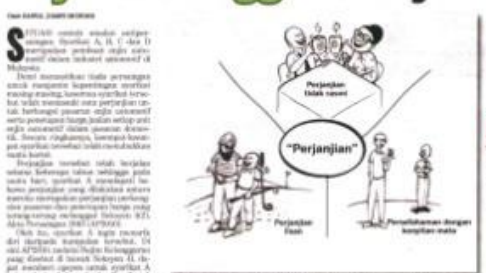
Beliau berkata demikian dalam sidang akhbar selepas menyaksikan majlis menandatangani memorandum persefahaman (MoU) antara Suruhanjaya Persaingan Malaysia (MyCC), Maktab Koperasi Malaysia dan Institut pengajian tinggi (IPT) di sini hari ini.

Yang hadir sama Pengerusi MyCC, Tan Sri Siti Norma Yaakob dan Timbalan Naib Canselor Penyelidikan dan Inovasi UTM, Prof. Dr. Abdul Rahman Omar.

Menurut Alias, lebih istimewa apabila universiti itu akan menawarkan bidang khusus bagi melahirkan penggiat bagi kualiti, berkecekapan dan berpengetahuan tinggi.

Cara untuk perusahaan mendapatkan pengurangan penalti kewangan sehingga 100 peratus

Rejim Kelonggaran MyCC



PERKARA antipersaingan adalah diuruskan secara rahsia oleh MyCC untuk melindungi kepentingan pengguna.

diiktirafkan oleh kerajaan sebagai perantara dalam proses penyelesaian sengketa perniagaan.

Perjanjian ini adalah perjanjian yang dibuat oleh dua atau lebih pihak yang berkaitan dengan perniagaan.

Perjanjian ini boleh dibuat secara rasmi atau tidak rasmi.

Perjanjian ini boleh dibuat secara lisan atau bertulis.

Perjanjian ini boleh dibuat secara langsung atau melalui perantara.

Perjanjian ini boleh dibuat secara sukarela atau terpaksa.

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MyCC hosts competition forum

SHARING IDEAS: Meeting highlights need for regulators to promote better compliance with laws and policies

KUALA LUMPUR

COMPETITION matters in the telecommunications, land public transport, financial and energy sectors were among the issues discussed at a Special Committee on Competition meeting chaired by the Malaysia Competition Commission (MyCC).

The Special Committee on Competition comprises representatives of sector regulators, namely the

Malaysia Communications and Multimedia Commission (MCMC), the Land Public Transport Commission (SPAD), Bank Negara Malaysia, the Energy Commission (EC), the National Water Services Commission and the Securities Commission.

MYCC chairman Tan Sri Siti Norma Yaakob said the meeting also highlighted the need for sector regulators to promote better compliance with competition laws and policy in their respective sectors.

During the meeting, the EC shared

the recent amendments to the Electricity Supply (Amendment) Act 2015 passed by Parliament in July this year as well as the proposed amendments to the Gas Supply Act 1993.

A representative from SPAD spoke of the commission's ongoing transformation plans to enhance the land public transport ecosystem and their option of resolving SPAD-related issues through amendments to the commission's relevant laws.

Bernama

MyCC keluarkan keputusan cadangan terhadap lima syarikat

KUALA LUMPUR 21 Jun - Suruhanjaya Persaingan Malaysia (MyCC) telah mengeluarkan satu keputusan cadangan terhadap empat operator depot kontena iaitu Ayra Industries Sdn. Bhd. (Ayra Logistics Sdn. Bhd.), ICS Depot Services Sdn. Bhd., E.A.E. Depot & Freight Forwarding Sdn. Bhd. dan Prompt Dynamics Sdn. Bhd. kerana terlibat dalam penempatan harga.

Turut terlibat ialah penyedia perkhidmatan teknologi Maklumat kepada pengangkutan dan industri logistik di kawasan Pulau Pinang, Containerchain (M) Sdn. Bhd. (Containerchain).

MyCC berkata, Containerchain didapati telah melibatkan diri dalam amalan-amalan bersepadu dengan empat operator depot kontena berlesen yang mengakibatkan mereka meningkatkan Caj Pagar Depot yang dikenakan ke atas pelanggan mereka daripada RM5 kepada RM25 serta menawarkan rebat sebanyak RM5 ke atas amalan Caj Pagar Depot yang dipersetujui sebelum ini kepada syarikat pengangkutan.

"Pada masa yang sama, MyCC mendapati bahawa empat opera-



SURUHANJAYA PERSAINGAN MALAYSIA

tor depot kontena berkenaan telah terlibat dalam perjanjian penetapan harga yang mana mempunyai objek atau kesan secara signifikan bagi menghalang, menyekat atau mengganggu persaingan dalam pasaran pasaran penyelenggaraan stor kontena kosong dan perkhidmatan pengendalian dalam lingkungan 5 hingga 15 kilometer dari Pelabuhan Pulau Pinang," katanya dalam kenyataan di sini hari ini.

Tambahan MyCC, pihaknya ber-cadangan untuk mengenakan penalti kewangan dan remedi lain ke atas kelima-lima perusahaan di atas.

MyCC dibenarkan di bawah undang-undang untuk mengenakan penalti kewangan sehingga 10 peratus daripada perolehan seluruh dalam tiga-tiga perusahaan.

"Keputusan Cadangan merupa-

kan suatu notis bertulis yang mengandungi fakta-fakta yang menjadi asas kepada MyCC dalam membuat penentuannya serta alasan-alasan keputusan Cadangan.

"Inilah dikeluarkan kepada perusahaan yang terlibat untuk membina semula representasi mereka dan menyediakan apa-apa maklumat lain untuk menyokong representasi mereka kepada MyCC."

"Dalam hal ini, perusahaan-perusahaan berkenaan mempunyai tiga puluh hari dari tarikh penerimaan Keputusan Cadangan untuk membuat representasi mereka. MyCC kemudian akan membuat keputusan muktamadnya selepas ia memperincikan representasi-si-representasi tersebut termasuk semua maklumat dan bukti yang ada," jelasnya.

Akta Persaingan 2010 melarang perjanjian daripada terlibat dalam mana-mana perjanjian yang mempunyai objek atau kesan secara signifikan bagi menghalang, menyekat atau mengganggu persaingan dalam mana-mana pasaran untuk pembelian barangan dan perkhidmatan di Malaysia.

Four professional bodies have dismantled scale of fees: MyCC

KUALA LUMPUR: The Malaysia Competition Commission (MyCC) has confirmed that the four professional bodies that were issued with directives to dismantle their scale of fees have done so.

They are The Malaysian Institute of Arbitrators, the Malaysian Institute of Architects, the Malaysian Dental Association, and the Institute of Landscape Architects Malaysia, MyCC said in a statement.

"These professional bodies have all implemented the requirements set by the MyCC to confirm that they have dismantled their scale of fees.

"They have also announced that their

scale of fees have been dismantled and are no longer applicable in order to comply with the Competition Act 2010," it added.

It is generally accepted by most competition authorities around the world that the setting of fees by professional bodies which are to be followed by their members could contravene competition law.

"Other bodies and/or trade associations which do not have legal basis to set scale of fees ought to follow the good examples of these four bodies in order to comply with the Act," Domestic Trade, Cooperatives and Consumerism Minister Datuk Seri Hasan Malek said. - Bernama

(新加坡27日讯) 国内贸易、合作社及消费者部秘书长拿督斯里阿利亚斯指出，2010年竞争法令于2012年1月执行以来，马来西亚竞争委员会共接到224宗有关违反法令的投诉，包括垄断与支配市场投诉。

他说，其中6宗投诉已经解决，网外另准证更新服务的MYEG服务公司，是其中一家被投诉公司，更被马来西亚竞争委员会建议罚款30万7200令吉。

阿利亚斯：包括垄断支配市场 竞争委员会3年接224投诉

其他被投诉违反竞争法令的业者包括冰粒生产商、饼干及面包业、杭州货柜业者、及森美兰幼儿从业者协会等等。

阿利亚斯今日见证马来西亚竞争委员会主席丹斯里西蒂诺玛，与5所大学及大马合作社学院，签署

合作备忘录后，在记者会这么指出。

"还有很多有关违反竞争法令的投诉受到调查，上这些案例属于竞争委员会极力调查的投诉个案；在众多投诉中，有些是没有根据的。"

竞争委员会在今年10月，就MYEG服务公司滥用其管理线上更新外劳临时工作准证 (PLKS) 的优势地位，对其他交易伙伴实行不同条件，违反2010年竞争法令第10条文，发出"拟议的决定" (Proposed Decision)，罚款逾30万令吉。

阿利亚斯指出，该部希望竞争委员会与大学签署备忘录的行动，可以加强大学的竞争法令教育与宣传，并鼓励商界遵守法令，避免垄断、支配市场的问题发生。

签署备忘录的大学分别是马大、国大、玛拉工艺大学、国际伊斯兰大学及泰莱大学。



■阿利亚斯(中)见证西蒂诺玛(右)与马大法律系主任拉维三苏丁副教授，交换备忘录。

马航亚航违竞争法上诉案 竞争上诉仲裁庭 择日判决

(吉隆坡22日马新社讯) 竞争上诉仲裁庭今天决定择日对马航与亚航涉嫌违反2010年竞争法令上诉案作出判决。

马来西亚竞争委员会(MyCC)指马航与亚航抵触2010年竞争法令有关共享航空运输服务领域市场的禁令，因此分别向这两家航空公司施以1000万令吉的罚款，但两家航空公司过后向上诉仲裁庭申请上诉。

上诉仲裁庭主席兼高庭法官拿督哈斯娜在聆审所有涉案方的陈述后，决定另外择日作出判决。

上诉仲裁庭其他成员是前马来亚大法官丹斯里海达、丹斯里苏莱曼博士、丹斯里拿督林西彦博士，以及旺丽莎博士。

马来西亚竞争委员会发现两家航空公司签署共享大马国内航空载送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



certificate of the auditor-general



LAPORAN KETUA AUDIT NEGARA MENGENAI PENYATA KEWANGAN SURUHANJAYA PERSAINGAN MALAYSIA BAGI TAHUN BERAKHIR 31 DISEMBER 2015

Laporan Mengenai Penyata Kewangan

Penyata Kewangan Suruhanjaya Persaingan Malaysia bagi tahun berakhir 31 Disember 2015 telah diaudit oleh wakil saya yang merangkumi Lembaran Imbangan Pada 31 Disember 2015 dan Penyata Pendapatan, Penyata Perubahan Ekuiti serta Penyata Aliran Tunai bagi tahun berakhir pada tarikh tersebut, ringkasan polisi perakaunan yang signifikan dan nota penjelasan.

Tanggungjawab Lembaga Pengarah Terhadap Penyata Kewangan

Lembaga Pengarah bertanggungjawab terhadap penyediaan dan persembahan penyata kewangan tersebut yang saksama selaras dengan piawaian pelaporan kewangan yang diluluskan di Malaysia dan Akta Suruhanjaya Persaingan 2010 (Akta 713). Lembaga Pengarah juga bertanggungjawab terhadap kawalan dalaman yang ditetapkan perlu oleh pengurusan bagi membolehkan penyediaan penyata kewangan yang bebas daripada salah nyata yang ketara sama ada disebabkan oleh fraud atau kesilapan.

Tanggungjawab Juruaudit

Tanggungjawab saya adalah memberi pendapat terhadap penyata kewangan tersebut berdasarkan pengauditan yang dijalankan. Pengauditan telah dilaksanakan mengikut Akta Audit 1957 dan piawaian pengauditan yang diluluskan di Malaysia. Piawaian tersebut menghendaki saya mematuhi keperluan etika serta merancang dan melaksanakan pengauditan untuk memperoleh jaminan yang munasabah sama ada penyata kewangan tersebut bebas daripada salah nyata yang ketara.

Pengauditan meliputi pelaksanaan prosedur untuk memperoleh bukti audit mengenai amaun dan pendedahan dalam penyata kewangan. Prosedur yang dipilih bergantung kepada pertimbangan juruaudit, termasuk penilaian risiko salah nyata yang ketara pada penyata kewangan sama ada disebabkan oleh fraud atau kesilapan. Dalam membuat penilaian risiko tersebut, juruaudit mempertimbangkan kawalan dalaman yang bersesuaian dengan entiti dalam penyediaan dan persembahan penyata kewangan yang memberi gambaran yang

certificate of the auditor-general

benar dan saksama bagi tujuan merangka prosedur pengauditan yang bersesuaian tetapi bukan untuk menyatakan pendapat mengenai keberkesanan kawalan dalaman entiti tersebut. Pengauditan juga termasuk menilai kesesuaian polisi perakaunan yang diguna pakai dan kemunasabahan anggaran perakaunan yang dibuat oleh pengurusan serta persembahan penyata kewangan secara menyeluruh.

Saya percaya bahawa bukti audit yang saya peroleh adalah mencukupi dan bersesuaian untuk dijadikan asas bagi pendapat audit saya.

Pendapat

Pada pendapat saya, penyata kewangan ini memberikan gambaran yang benar dan saksama mengenai kedudukan kewangan Suruhanjaya Persaingan Malaysia pada 31 Disember 2015 dan prestasi kewangan serta aliran tunainya bagi tahun berakhir pada tarikh tersebut selaras dengan piawaian pelaporan kewangan yang diluluskan di Malaysia.

(SWAIBATUL ASLAMIAH BINTI HAJI HUSAIN)
b.p. KETUA AUDIT NEGARA
MALAYSIA

PUTRAJAYA
17 OGOS 2016



statements by the members



PENYATA Pengerusi dan Seorang Ahli Lembaga Pengarah Suruhanjaya Persaingan

Saya TAN SRI DATO' SERI SITI NORMA YAAKOB dan PROF. DATO' DR. S. SOTHI RACHAGAN yang merupakan Pengerusi dan salah seorang Ahli Lembaga Pengarah Suruhanjaya Persaingan dengan ini menyatakan bahawa, pada pendapat Lembaga Pengarah, Penyata Kewangan yang mengandungi Lembaran Imbangan, Penyata Pendapatan 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 pada 31 Disember 2015 dan hasil kendaliannya serta perubahan kedudukan kewangannya bagi tahun berakhir pada tarikh tersebut.

Bagi pihak Lembaga,

TAN SRI DATO' SERI SITI NORMA YAAKOB
Pengerusi
Suruhanjaya Persaingan

TARIKH: 15 Ogos 2016
TEMPAT: KUALA LUMPUR

Bagi pihak Lembaga,

PROF. DATO' DR. S. SOTHI RACHAGAN
Anggota
Suruhanjaya Persaingan

TARIKH: 15 Ogos 2016
TEMPAT: KUALA LUMPUR

Suruhanjaya Persaingan Malaysia
Malaysia Competition Commission (MyCC)
Level 15, Menara SSM@Sentral
No 7, Jalan Stesen Sentral 5
Kuala Lumpur Sentral
50623 Kuala Lumpur

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statutory declaration

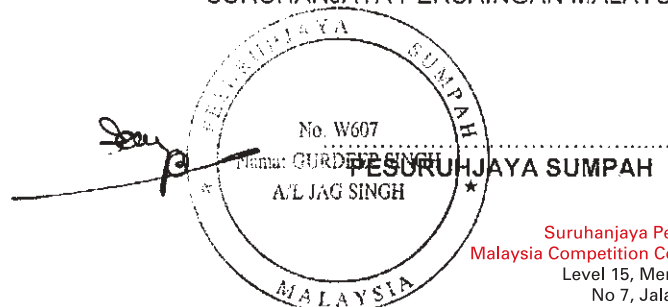


PENGAKUAN OLEH PEGAWAI UTAMA YANG BERTANGGUNGJAWAB KE ATAS PENGURUSAN KEWANGAN SURUHANJAYA PERSAINGAN MALAYSIA

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 Lembaran Imbangan, 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 Aduan Berkanun, 1960.

Sebenarnya dan sesungguhnya)
diakui oleh penama di atas)
di KUALALUMPUR)
pada 15 AUG 2016)


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



5B, JALAN RAKYAT
(JALAN TRAVERS)
BRICKFIELDS
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balance sheet

AS AT 31 DECEMBER 2015

	Note	2015 RM	2014 RM
ASSETS			
Property, Plant and Equipment	4	1,085,180	1,271,014
CURRENT ASSETS			
Deposits and Repayments	5	213,830	213,550
Accrued Interest		57,835	194,778
Other Receivables		26,495	27,102
Cash and Bank Balances	6	24,273,486	25,750,293
		24,571,646	26,185,723
CURRENT LIABILITIES			
Other Payables and Accruals		158,911	460,442
NETT CURRENT ASSETS			
		24,412,735	25,725,281
		25,497,915	26,996,295
FINANCED BY			
Accumulated Launching Grant		25,497,915	26,996,295
		25,497,915	26,996,295

income statements

AS AT 31 DECEMBER 2015

	Note	2015 RM	2014 RM
INCOME			
Allocation from the Government of Malaysia		4,600,000	7,017,500
Fixed Deposit Interest	7	805,296	740,491
Exemption Application Fee		20,000	20,000
Bank Interest		12,506	44,749
Conference Fees		6,312	10,350
Penalties		141,580	175,050
Total Income		5,585,694	8,008,140
EXPENSES			
Emoluments		2,811,289	2,724,298
Travel and Accommodation		144,700	175,689
Utilities and Communication		238,827	145,621
Rental		930,118	775,320
Depreciation	4	234,203	226,463
Administration Expenses	8	194,478	253,379
Service Expenses		343,823	1,491,201
Salaries and Allowances for Members of Commission		662,301	507,590
Entertainment, Honorarium and Contributions		76,279	61,435
Development Expenditure	9	1,448,056	2,184,146
Total Expenses		7,084,074	8,545,142
NETT LOSS		(1,498,380)	(537,002)

statement of changes in equity

FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 2015

	2015 RM	2014 RM
As at 1 January 2014	27,533,297	25,193,482
(Nett Loss)/Nett Income	(537,002)	2,339,815
Balance as at 31 December 2014	26,996,295	27,533,297
(Nett Loss)	(1,498,380)	(537,002)
Balance as at 31 December 2015	25,497,915	26,996,295

cash flow statements

FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 2015

	2015 RM	2014 RM
CASH FLOW FROM OPERATING ACTIVITIES		
(Nett Loss)	(1,498,380)	(537,002)
Adjustment:		
Depreciation	234,203	226,463
Fixed Deposit Interest and Bank Interest	(805,296)	(740,491)
(NETT LOSS) BEFORE WORKING CAPITAL CHANGES	(2,069,473)	(1,051,030)
(Depletion) Deposits and Prepaid	(280)	(13,200)
Increase in Other Receivables	607	144,389
Increase in Other Payables	(301,531)	(71,514)
NETT CASH (USED IN)/ FROM OPERATING ACTIVITY	(2,370,677)	(991,355)
CASH FLOW FROM INVESTING ACTIVITIES		
Purchase of Property, Plant and Equipment	(48,369)	(68,962)
Interest Received from Fixed Deposit and Bank	942,239	681,649
NETT CASH FLOW FROM INVESTING ACTIVITIES	893,870	612,687
(DEPLETION) IN CASH AND CASH EQUIVALENTS	(1,476,807)	(378,668)
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	25,750,293	26,128,961
CASH AND CASH EQUIVALENTS AT END OF YEAR	24,273,486	25,750,293
CASH AND CASH EQUIVALENTS AT THE END OF THE YEAR		
Cash and Bank Balances	461,208	1,269,271
Fixed Deposit	23,812,278	24,481,022
	24,273,486	25,750,293

notes to the financial statements

1 General Information

- 1.1 Malaysia Competition Commission (MyCC) was established on 1 June 2011 under the Competition Commission Act 2010 (Act 713). The Malaysia Competition Commission is an agency govern by Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK).
- 1.2 The financial statements of the Malaysia Competition Commission for the Financial Year Ended 31 December 2015 were approved by the Members of the Commission through a resolution on 15 August 2016.

2 Primary Objective

The primary objective of the Malaysia Competition Commission is to implement and enforce the provisions of the Competition Act 2010 as well as to educate the public regarding the ways in which competition may benefit to consumers and the economy of Malaysia.

3 Significant Accounting Policies

3.1 Basics of Accounting

The financial statements of the Malaysia Competition Commission have been prepared under the historical cost convention and in accordance with and the accounting standards for private entities (Private Entity Reporting Standards - PERS) approved by the Malaysian Accounting Standards Board (MASB). Beginning the financial year 2016, Malaysia Competition Commission proposes to use MPERS accounting standards.

- 3.2 The Malaysia Competition Commission received a grant of operating allocation of RM4,600,000 (2014: RM7,017,500) to accommodate financial obligations and did not received expenditure allocation of commission capital under the Tenth Malaysia Plan (RMK10) from the Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK) (2013: RM7,000,000).

3.3 Property, Plant and Equipment Property

Property, Plant and Equipment Property 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%

3.4 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

3 Significant Accounting Policies (continue)

3.4 Depreciation of Assets (continue)

The recoverable amount of an asset is the higher of an asset's fair value, 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.

3.5 Cash and Cash Equivalents

Cash and cash equivalents includes cash in hand and at the banks, as well as short-term highly liquid investments that can be converted into cash without any short-term risk.

3.6 Income Recognition

All income of the Malaysia Competition Commission is considered in the Income Statement in accordance with the accrued basis except for the allocation from the Government of Malaysia. The Malaysia Competition Commission's income consists of allocation from the Government of Malaysia, Bank and Fixed Deposit Interests, Exemption Application Fee, Conference Fees and fines or penalties incurred.

The allocation received from the Government of Malaysia for the purpose of covering the cost of management expenditure is considered as income.

Interest income is recognised on the basis of time apportionment and the effective rate beyond maturity.

Exemption Application Fee received are from business entities that have applied for exemptions from the Competition Act 2010.

Conference Fees received are from the implementation of the seminar programmes relating to the Competition Act 2010.

Income of Fines and Penalty encompasses financial penalties imposed on enterprises or companies affected by the Competition Commission Act 2010 (Act 712). The total of financial penalty imposed must not exceed 10% of the total income of the enterprise or company throughout the duration of the infringement period.

3.7 Financial Risk Management Policies

The Malaysia Competition Commission's financial risk management policies aims to ensure it has sufficient financial and non-financial resources to run a smooth operation. From time to time, the Commission will consider and assess the financial management risks that may present itself.

notes to the financial statements

3 Significant Accounting Policies (continue)

3.7 Financial Risk Management Policies (continue)

- 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 handle any material transactions on credit, and therefore is not exposed to credit risk.
- iii. Foreign Exchange Risk
The Commission does not handle any foreign exchange transactions, and therefore is not exposed to foreign exchange risk.
- iv. Liquidity Risk
The Commission practices prudent liquidity risk management, therefore minimizing any imbalance of assets and financial liabilities, as well as establishing sufficient cash and cash equivalents to meet its working capital requirements.
- v. Risk of Law Suit
The subsection 3(3) of Competition Commission Act 2010 (Act 713) states that the Commission can be sued, whereas Subsection 3(4) gives authority to the Commission to produce a binding contract. The Commission breaches contracts or any procedures listed under Act 712 and Act 713.

3.8 Employee Benefits

- i. Short Term Benefits
Salaries, allowances, remunerations, incentives and social security contributions are recognized as an expense in the years of service provided to the employees.
- ii. Defined Contribution Plan
Employees Provident Fund ("EPF") is required by Malaysian law. Contributions are recognized as an expensed in the Income Statement.

3.9 Income Tax

The Malaysia Competition Commission has received income tax exemption from the Ministry of Finance for a period of 5 years, i.e. from 2011 until 2015.

3.10 Contingent Liability

If an appeal is lodged towards the Commission's decision, it is possible to transfer eco profit to a third party. Due to this matter, information required by MASB 20 must be kept confidential as it can affect the decision outcome of the case.

notes to the financial statements

4 Plant, Property & Equipment

	Motor Vehicles	Office Equipments and Furniture	Books	Computer	Total
	RM	RM	RM	RM	RM
Cost					
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
Accumulated Depreciation					
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
Nett Book Value	117,326	175,290	209,364	583,200	1,085,180

notes to the financial statements

4 Plant, Property & Equipment (continue)

	Motor Vehicles	Office Equipments and Furniture	Books	Computer	Total
	RM	RM	RM	RM	RM
Cost					
Balance at 1 January 2014	519,366	207,213	253,662	738,435	1,718,676
Addition in the current year	-	3,900	25,721	39,341	68,962
Balance at 31 December 2014	519,366	211,113	279,383	777,776	1,787,638
Accumulated Depreciation					
Balance at 1 January 2014	194,293	22,042	15,985	57,841	290,161
Depreciation in the current year	103,874	20,754	26,096	75,739	226,463
Balance at 31 December 2014	298,167	42,796	42,081	133,580	516,624
Nett Book Value	221,199	168,317	237,302	644,196	1,271,014

notes to the financial statements

	2015 RM	2014 RM
5 Deposits and Prepayments		
Electricity deposit	71,851	71,851
Office rental deposit	13,200	13,200
Other deposits and collaterals	124,302	124,302
Prepayment	4,477	4,197
	<u>213,830</u>	<u>213,550</u>
6 Cash and Cash Equivalents		
a) Cash and Bank Balance		
Cash in hand and at banks	1,971	4,481
CIMB Current Account (Operating)	198,219	982,393
CIMB Current Account (Development)	261,018	282,397
	<u>461,208</u>	<u>1,269,271</u>
b) Fixed Deposit		
Bank Kerjasama Rakyat Malaysia	4,470,566	4,317,579
Malaysia Building Society Berhad	15,037,923	16,038,660
HwangDBS Investment Bank Berhad	4,303,789	4,124,783
	<u>23,812,278</u>	<u>24,481,022</u>
Cash and Cash Equivalents	<u>24,273,486</u>	<u>25,750,293</u>

notes to the financial statements

	2015	2014
	RM	RM
7 Fixed Deposit Interest		
Bank Kerjasama Rakyat Malaysia	136,976	113,348
Malaysia Building Society Berhad	505,955	533,357
HwangDBS Investment Bank Berhad	162,365	93,786
	<u>805,296</u>	<u>740,491</u>

The interest rate for fixed deposits is between 3.15% - 4.00% and the tenure is between 7 days to 12 months.

8 Administrative Expenditure

Petrol/Fuel	19,190	24,105
Office Expenses	172,114	205,180
Other Taxes	3,174	22,368
Replacement Office Equipments	-	1,726
	<u>194,478</u>	<u>253,379</u>

9 Development Expenditure

Capacity Development Training	326,757	36,590
Advocacy Programmes	128,297	-
Enforcement and Investigation	22,233	-
Media and Communication Planning	566,648	1,990,548
Legislation	404,121	-
Research	-	157,008
	<u>1,448,056</u>	<u>2,184,146</u>

SURUHANJAYA PERSAINGAN MALAYSIA (MyCC)

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