



SURUHANJAYA PERSAINGAN MALAYSIA
MALAYSIA COMPETITION COMMISSION

**PENGENALAN PERANAN DAN FUNGSI
SURUHANJAYA PERSAINGAN MALAYSIA
DAN
KAJIAN SEMULA PASARAN DI BAWAH AP2010**

14 JUN 2019

Pengenalan kepada MYCC

PENUBUHAN SURUHANJAYA PERSAINGAN MALAYSIA (MyCC)

Akta Persaingan 2010 (Akta 712) dan Akta Suruhanjaya Persaingan 2010 (Akta 713) diwartakan pada 10 Jun 2010.



Suruhanjaya Persaingan Malaysia (MyCC) ditubuhkan pada 1 April 2011.



Penguatkuasaan Akta Persaingan 2010 pada 1 Januari 2012.



SURUHANJAYA PERSAINGAN MALAYSIA (MyCC)

Badan bebas yang ditubuhkan pada 1 April 2011 (7 tahun) di bawah Akta Suruhanjaya Persaingan 2010 untuk menguatkuasa Undang-undang Persaingan (AP 2010).

Peranan Utama:



Penyiasatan dan Penguatkuasaan



Advokasi



Kajian Semula Pasaran



Pengecualian



Pematuhan



Nasihat Dasar



Regim Kelonggaran

VISI DAN MISI MyCC

VISI

Menjadi Pihak Berkuasa yang Menerajui
Persaingan di Malaysia

MISI

Melaksanakan Mandat Kami Secara Efisien dan
Efektif, dengan Komitmen untuk Memastikan
Budaya Persaingan yang Kondusif bagi
Menyediakan Pasaran yang Baik untuk
Pengguna, Peniaga dan Ekonomi

TERAS STRATEGI MyCC



Menyampaikan rejim persaingan efektif dengan persekitaran mesra perniagaan.



Menggalakkan budaya persaingan.



Menggalakkan 'kesedaran persaingan' untuk mengukuhkan peranan Suruhanjaya.



Memperkukuh dan meluaskan struktur Suruhanjaya dengan proses yang efisien.



Mengekalkan tenaga kerja dan menerapkan nilai-nilai teras.

PUNCA KUASA MyCC: AKTA 712 & AKTA 713



Akta Persaingan 2010 [Akta 712]

Suatu Akta untuk menggalakkan **pembangunan ekonomi** dengan menggalakkan dan melindungi **proses persaingan**, dan dengan demikian itu **melindungi kepentingan pengguna** dan untuk mengadakan peruntukan bagi perkara-perkara yang berkaitan dengannya.



Akta Suruhanjaya Persaingan 2010 [Akta 713]

Suatu Akta untuk mengadakan peruntukan bagi **penubuhan Suruhanjaya Persaingan**, untuk menyatakan **kuasa dan fungsi** Suruhanjaya itu, dan untuk mengadakan peruntukan bagi perkara yang berkaitan dan bersampingan dengannya.

SKOP UNDANG-UNDANG (PENGECUALIAN)

MyCC mempunyai kuasa untuk menguatkuasakan AP 2010 terhadap semua aktiviti komersial yang menawarkan barangan dan perkhidmatan kepada pengguna (kecuali pasaran di bawah MCMC, EC, MAVCOM dan Petronas [huluan sahaja])

- i. Akta Komunikasi dan Multimedia 1998;**
- ii. Akta Suruhanjaya Tenaga 2001;**
- iii. Akta Suruhanjaya Penerbangan Awam 2015; dan**
(Pindaan pada Perintah Jadual Pertama 29 Februari 2016)
- iv. Akta Kemajuan Petroleum 1974 dan Peraturan-Peraturan Petroleum 1974.**
(Pindaan pada Perintah Jadual Pertama 30 Disember 2013)




SURUHANJAYA PERSAINGAN MALAYSIA
MALAYSIA COMPETITION COMMISSION

AMALAN ANTIPERSAINGAN

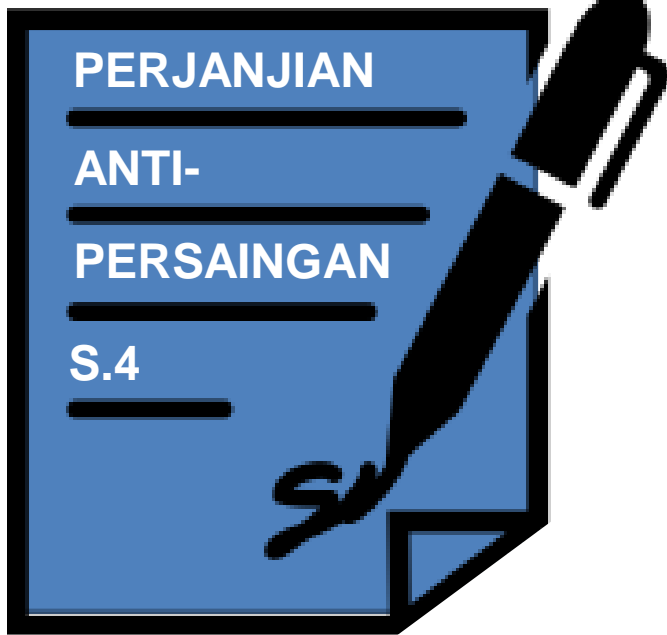
LARANGAN UTAMA DALAM AP2010

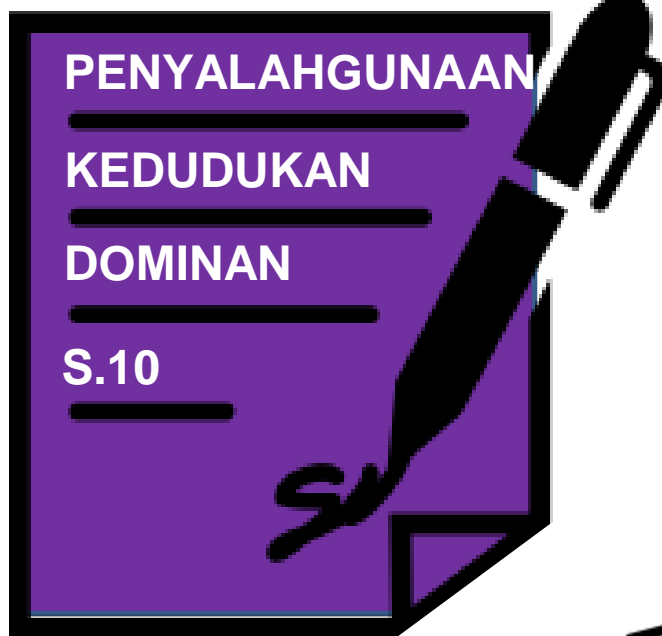


**PERJANJIAN
ANTI
PERSAINGAN**



**PENYALAHGUNAAN
KEDUDUKAN
DOMINAN**





**SYARAT
BERBEZA
DALAM
TRANSAKSI
SAMA**

**PENJUALAN
TERIKAT /
BUNDLE**

**KEENGGANAN
MEMBEKAL**

**BERKELAKUAN
SEAKAN
PEMANGSA**

**MEMBATAS
ATAU
MENGAWAL**



SURUHANJAYA PERSAINGAN MALAYSIA
MALAYSIA COMPETITION COMMISSION

KAJIAN SEMULA PASARAN

Chapter 3

*Market review***Power to conduct market review**

11. (1) The Commission may, on its own initiative or upon the request of the Minister, conduct a review into any market in order to determine whether any feature or combination of features of the market prevents, restricts or distorts competition in the market.

(2) The market review includes a study into—

- (a) the structure of the market concerned;
- (b) the conduct of enterprises in the market;
- (c) the conduct of suppliers and consumers to the enterprises in the market; or
- (d) any other relevant matters.

KAJIAN SEMULA PASARAN





SURUHANJAYA PERSAINGAN MALAYSIA
MALAYSIA COMPETITION COMMISSION

TERMA RUJUKAN
TERMS OF REFERENCE

INTRODUCTION

- ❑ **Section 11(1)** of the Competition Act 2010 lays the foundation for the Malaysia Competition Commission (Commission) to **conduct a review into any market** to determine whether **any feature or combination of features of the market prevents, restricts or distorts competition**.
- ❑ Following to the market review conducted on food sector, the Commission found on the need **to extend and deepen the market review on the service sector** which focusing on the **distributive trade services**.
- ❑ It is crucial to address on the issue of **supply chain optimization** in addressing concerns raised by the consumers on the **impact of rising prices to the cost of living**.

OBJECTIVE

Key objectives

Specifically...

1

To understand the **wholesale and retail sector** and identify any **anti-competitive conduct** in the supply of selected key products

i

To determine the **market structure, supply chain and profile** of industry players that are involved in wholesale and retail trade for essential goods;

ii

To identify the **prices** of key products in the wholesale and retail trade services along the supply chain which will be treated with highly confidential;

iii

To assess **competition** in the wholesale and retail trade for essential goods

iv

To identify **anti-competitive practices** among the industry players along the supply chain at manufacturing / production, wholesale and retail levels;

v

To determine the **extent of market distortion** and whether government intervention is necessary in curbing anti-competitive conduct in the distributive trade services; and

vi

To recommend **improvements** across government agencies and regulators in the identified sector to minimise the actual or potential restrictive effect of regulations on competition in the distributive trade services sub-sector.

2

To assess the prevailing **industry practices and regulations that restrict competition** and cause unnecessary regulatory burden

EXPECTED OUTCOME

- 1 To assess overall **market structure, functioning of wholesale and trade services** in the supply chain, **conduct and performance of enterprises** and **anti-competition practices** in the wholesale and retail trade services sector;
- 2 To **enhance the Commission's knowledge** on any feature or combination of features of the wholesale and retail trade services and strengthen the enforcement activities should the enterprises practice any anti-competitive conducts;
- 3 To identify the possibility of **existing legislations and policies** that may **impede competition**; and
- 4 To **recommend measures** to promote competition in the market of wholesale and retail trade services and the areas where the Commission can provide its advocacy to the key stakeholders particularly to the respective government agencies or ministries on the matter.

SCOPE OF STUDY

The market review will cover on the following aspects for selected area in the wholesale and retail trade services (WRT):

1

Overview of the existing legislation and regulations in relation to establishment, business operations, products sourcing and distribution along the value chain of wholesale and retail sector

2

Overview of the market structure and supply chain

3

Profile of industry players that involve along the supply chain of WRT

4

Competition in the supply chain of WRT on the following aspects:

- i. Market share and market concentration; and
- ii. Market dominance and its economy impact on the sector

5

Competition concerns in the supply chain of WRT:

- i. Possible anti-competitive conducts; and
- ii. Any existing policy or law that impedes competition in the industry

6

Recommendations and conclusion

METHODOLOGY

The methodology in data gathering and analysis combines inputs populated from a various primary and secondary sources

SOURCES OF INFORMATION	OBJECTIVE
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PRIMARY SOURCE OF INFORMATION	
<ul style="list-style-type: none"> • Panel expert group • Industry interviews • Market survey / questionnaires • Stakeholder engagements 	<p>Insights from subject matter experts and industry players to understand key issues, challenges faced and opinion on measure required to promote fair competition in the market.</p>

SECONDARY SOURCE OF INFORMATION	
<ul style="list-style-type: none"> • Price and statistical data from KPDNHEP e.g. MHBN, Enforcement, Service Industry Division, Consumerism Movement and other agencies • MyCC’s preliminary assessment report / cases • Financial information from SSM • List of associations from ROS • Investment data from MIDA • List of license granted by KPDNHEP and local councils • List of cases from other jurisdictions 	<p>Baseline information for further empirical analysis to reflect the market situation, test hypothesis and support findings.</p>

DELIVERABLE

- ❑ The key deliverables that need to be achieved by consultant are as follow:
- ❑ **Target Achievement:** To complete a final report of Market Review under the Competition Act 2010 for Service Sector in Malaysia.
 - i) To conduct research and information gathering on the wholesale and retail services sector;
 - ii) To conduct survey and/or in-depth interview on relevant parties (e.g. key industry players, association, relevant ministry and authority, etc.) for the study;
 - iii) To evaluate and analyze data gathered;
 - iv) To prepare economic analysis on the market share, market power and market concentration of the wholesale and retail trade services across manufacturing, import, wholesale, retail and other distribution levels;
 - v) To prepare analysis on the competition concerns in relation to the wholesale and retail trade services;

DELIVERABLE

- vi) To prepare detailed proposal, inception, interim and draft final report of the service sector market review based on point (i), (ii), (iii), (iv) and (v) above;
- vii) To present all deliverables including the draft final report during the Expert Panel Group meeting and public consultation session(s);
- viii) To prepare final report by incorporating the input and feedback from Expert Panel Group and public consultation session(s);
- ix) To perform any other tasks relevant incidental or relevant to the achievement of the above target; and
- x) To prepare progress update report on every first day of the month during the contract period.

TIMELINE

The proposed timeline for this market review is from 1 July 2019 to 31 March 2020. The overall timeline of nine-months starts from the date of appointment of consultant.

ACTIVITY	2019							2020		
	J	J	A	S	O	N	D	J	F	M
Invitation to quote and request for proposal	█									
Briefing session	█									
Assessment and appointment of Consultant	█	█								
Focus group discussion		█								
Deliverable 1: Inception Report										
Data collection and analysis				█	█	█				
Deliverable 2: Interim Report						█				
Data collection and analysis							█			
Deliverable 3: Draft final report								█		
Public consultation									█	█
Report review										█
Deliverable 4: Final report										█

THANK YOU



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