



**Asia-Pacific  
Economic Cooperation**

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**2013/SOM1/CPLG/025**

Agenda Item: 8

## **Competition Law in Malaysia**

Purpose: Information  
Submitted by: Malaysia



**Competition Policy and Law Group Meeting  
Jakarta, Indonesia  
3-4 February 2013**



Malaysia Competition Commission

## ***“Competition Law in Malaysia”***

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- Overview of Competition Law and Policy in Malaysia
- Updates in Competition Law and Policy in Malaysia
- Overview of the Decision Against the Cameron Highlands Floriculturist Association (CHFA)”



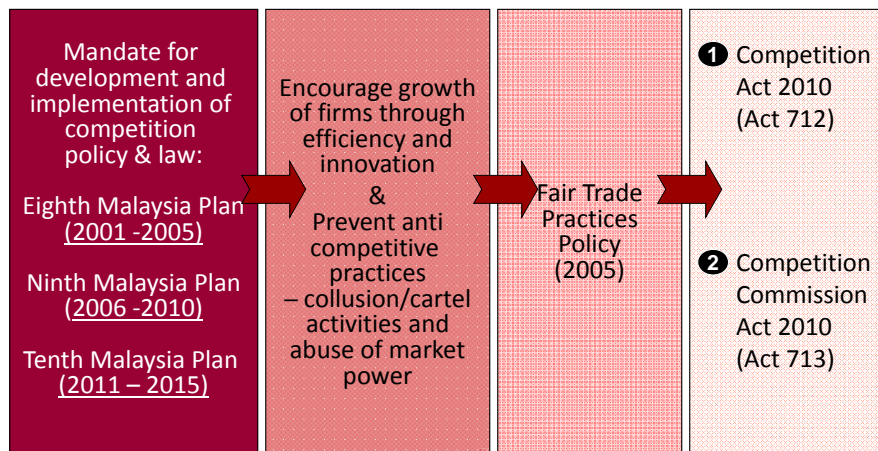
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## Overview of Competition Law and Policy in Malaysia

### Background of Competition Law in Malaysia



**Policy discussions on instituting a Competition regime began in 1995 but the law only came into effect on 1st January 2012!**





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## Updates in Competition Law and Policy in Malaysia

### Introduction of Guidelines



- Guidelines on Market Definition  
(Date Published: 2 May 2012)
- Guidelines on Anti-competitive Agreements  
(Date Published: 2 May 2012)
- Guidelines on Complaints Procedures  
(Date Published: 2 May 2012)
- Guidelines on Abuse of Dominant Position  
(Date Published: 26 July 2012)



## Guidelines on Market Definition



### Indicates how the MyCC:

- identifies enterprises that compete against an enterprise in question
- determines whether an agreement has the effect of significantly preventing, restricting or distorting competition in any market.



- determines whether conduct by a dominant enterprise “amounts to an abuse of a dominant position in any market for goods and services”.
- takes into account the turnover of the firm in the relevant market in assessing the size of the penalty.

## Guidelines on Anti-competitive Agreements



### Explains:

- Price fixing
- The sharing of a market or sources of supply
- Limiting or controlling production, market access, development of technology etc
- Big-rigging
- Horizontal and vertical agreements



## Guidelines on Complaints Procedures



### Covers:

- Types of complaints that will be examined
- The ways in which a complaint can be submitted
- Complaint Procedures
- Confidentiality of Identity



## Guidelines on Abuse of Dominant Position



### Addresses:

- How the MyCC Determine Dominance
- What Constitutes an Abuse of Dominance
- Dominance and Abuse in Separate markets.
- Can Conduct That Would Otherwise Be an Abuse be Justified





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## **“Overview of the Decision Against the Cameron Highlands Floriculturist Association (CHFA)”**



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### **Background of the Case**

- On 4 March 2012, a report was published by the The Star online portal that the members of the Cameron Highlands Floriculturist Association (CHFA) had decided to increase the prices of flowers by 10%.
- The MyCC ‘picked up’ the issue and began a formal investigation under Section 4(2)(a) of the Competition Act 2010 which covers horizontal agreements that “fix, directly or indirectly, a purchase or selling price or any other trading conditions.”





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## Decision



### **The Commission decided on 6 December 2012 that:**

- The CHFA shall cease and desist the infringing act of fixing prices of flowers;
- The CHFA shall provide an undertaking that its members shall refrain from any anti-competitive practices in the relevant market, and
- The CHFA shall issue a statement on the above mentioned remedial actions in the main stream newspapers.

**THANK YOU**



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