

OPENING SPEECH BY

**YB DATUK SERI SAIFUDDIN NASUTION BIN ISMAIL
MINISTER OF DOMESTIC TRADE AND
CONSUMER AFFAIRS**

FOR

**PROF. RICHARD WHISH LECTURE SERIES
ORGANIZED BY
THE MALAYSIA COMPETITION COMMISSION (MyCC)**

ON

14TH JANUARY 2020

AT

ALOFT HOTEL, KUALA LUMPUR

SALUTATIONS

Yang Berhormat Mr. Chong Chieng Jen

Deputy Minister of Domestic Trade and Consumer Affairs

Yang Berusaha Datuk Rostam Affendi Bin Dato' Salleh

Deputy Secretary-General (Consumerism and Management)

Ministry of Domestic Trade and Consumer Affairs

Yang Berusaha Dr. Alauddin Bin Sidal

Deputy Secretary-General (Domestic Trade)

Ministry of Domestic Trade and Consumer Affairs

Yang Berusaha Mr. Iskandar Ismail

CEO of the Malaysia Competition Commission

Members Of The Commission

Our Prominent Speakers;

1. Emeritus Professor Richard Whish

Professor Of Competition Law at King's College, London

2. Mr. Harikumar Pillay

Advocate & Solicitor, Osborne Clarke

Distinguished guests,

Members of the media,

Ladies and gentlemen

Assalammualaikum WBT and Good Afternoon,

1. First of all, I would like to congratulate the Malaysia Competition Commission (MyCC) for successfully organizing today's lecture series.
2. It is a great honor to be able to hear from two world-renowned experts in Competition Law, Professor Richard Whish from King's College, London and Mr. Harikumar Pillay, former Director of the Competition and Consumer Commission of Singapore's Enforcement Division.
3. As the Minister in charge of Domestic Trade and Consumer Affairs, one of my priorities is to ensure that there are no elements of unscrupulous practices in the domestic economy that could harm domestic trade and consumer interests.
4. As such, it is pertinent to ensure that the domestic economy is grounded by fair competition and continuous innovation. The Ministry, through MyCC, is prepared to take all actions necessary to ensure all companies are in compliance with the Competition Act 2010.

Ladies and Gentlemen,

Esteemed guests and members of the media,

5. Since its establishment, MyCC has proactively advocated and investigated competition issues in the country. In order to further strengthen its position as a leading competition authority in the region, MyCC will have 3 main focuses for 2020.

6. **Firstly**, MyCC will amend the Competition Act 2010 and the Malaysia Competition Commission Act in order to equip our officers with the powers they need to effectively and efficiently deal with prevailing competition issues in an ever-changing economic landscape.
7. The amendment to both these Acts will clarify policy requirements and introduce Merger Control powers for the MyCC. Apart from that, these amendments will also ensure that constraints and weaknesses are streamlined, and investigative processes and procedures are improved in order to empower the MyCC in their mission to protect competition processes in Malaysia.
8. The Ministry will provide our full support to MyCC in passing these crucial amendments to our competition laws.
9. **Secondly**, MyCC will aggressively look into anti-competitive behavior in government procurements, such as bid-rigging. This is to stamp out wastage in public spending.
10. Cartels, as we know, operate in secrecy, with parties going to great lengths to hide any evidence of collusion. Therefore, it is very important to raise awareness about unscrupulous conduct such as bid-rigging amongst businesses and procurement agencies.
11. As a crucial first step, all stakeholders must recognize what competition law is, how to identify anti-competitive behavior, how to report offenses, and why it is beneficial to citizens, the economy, and the country to stamp out those harmful practices.

12. MyCC will also formulate and promote a comprehensive leniency regime to encourage enterprises that are involved in cartel activities to come forward to MyCC with evidence of such activities in order to assist enforcement efforts.
13. **Thirdly**, MyCC will continue to monitor arising competition issues in the digital economy closely. This is pertinent as governments all over the world are responding to widespread calls for a curb on big tech's power and unveiling measures to protect citizens from privacy breaches, and novel anti-competitive practices in the digital era.
14. An evolving economy, spurred by the advancement of technology and increasing digitalization of businesses, brings with it great potential for growth but also novel challenges for regulators. Sometimes giant tech companies with a monopoly or dominant position in their respective industries might be tempted to abuse that position to the detriment of consumers and other market players.
15. For example, major tech companies have already faced significant fines for competition infringements in many jurisdictions. In December 2018, Italy's competition authority fined Facebook 10 million euros for failing to tell users that their personal information could be sold. Facebook is also facing other competition investigations across Europe.
16. In France, Google was fined 150 million euros after the France Competition Commission found that the tech giant abused its dominant position.

17. In Malaysia, MyCC has investigated a few dominant tech companies such as MyEG, Dagang Net and the latest being Grab Malaysia on issues ranging from imposing different conditions in the same transaction, refusal to supply and foreclosing the markets.
18. I believe that in these volatile times, where disruption is an everyday buzzword, regulators such as MyCC must be ever vigilant to prevent anti-competitive practices from taking root and become endemic in new and emerging markets. The Ministry will continue to give MyCC its full support in watching and taking action against any tech giants found infringing the Competition Act 2010.

Ladies and Gentlemen,

19. An economy with healthy levels of competition increases a country's attractiveness as a business location and draws domestic and foreign investments. It also greatly benefits consumers as they enjoy lower prices, better services and greater choices.
20. For this reason, the government through MyCC will continue to ensure that concerted efforts are taken to combat anti-competitive practices and to cultivate a healthy and competitive marketplace in sync with the needs of the emerging Malaysian economy.
21. Let me conclude by sincerely thanking the MyCC Secretariat for their excellent work and also all the attendees for sparing the time to participate in this Lecture Series. I hope that today's sessions will be a rewarding, informative, and enriching experience for all of you.

Thank you.