

Malaysia Competition Law

Malaysia's Competition Act 2010 came into effect on 1 January 2012. It is a landmark piece of legislation set out to align Malaysia's business setting with the Prime Minister's New Economic Model which is largely driven by trade liberalisation, deregulation and fair market competition. ALB's **Malaysia Competition Law Masterclass** will offer legal and business executives the opportunity to develop and enhance their working knowledge of various competition law challenges faced by businesses in Malaysia in an increasingly global business environment, complemented by best practices from Singapore. At the end of this full-day workshop, delegates will have practical understanding of the concerns over anti-competitive agreements and the abuses of dominant position and the implications on their business strategies, as well as best practices of competition compliance for businesses.

Accredited CPD Activity
5 CPD points

CPD Event Code:
T2/11112014/CPTR/KL141200/5

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PROGRAM AGENDA

08:15

Registration

09:00

Introduction and welcome remarks

Introduction to Competition Law

The session will introduce the historical developments of global competition laws and policy imperatives underpinning such laws, and examine the basic components of competition regulation. It will provide an overview of the Malaysian Competition Act, including the concepts of 'commercial activity' and 'enterprises'.

09:30

How to define a "market"

The definition of the relevant market is the fundamental step in any competition law issue. Our speakers will examine a practical approach to defining a relevant market and ascertaining market shares from a legal perspective and utilising economic tools and analysis.

10:15

Cartels, Concerted Practice, Information Exchange and Leniency (PART I)

Our speakers will discuss per se illegal horizontal agreements and cartels, the concept of concerted practices and examine recent regional cases involving illegal exchange of commercially sensitive information between competitors and hub-and-spoke collusions. This session also explore the individual exemptions and block

exemptions from liability under the Malaysian Competition Act.

11:00

Refreshment Break

11:15

Cartels, Concerted Practice, Information Exchange and Leniency (PART II)

This session will touch on global trends in cartel enforcement in more mature competition jurisdictions. The availability of leniency treatment for infringements of competition law will be examined, including a discussion on the practical aspects of applying for leniency under the Malaysian Competition Act and drawing upon the Singapore experience.

12:00

Luncheon Break

13:15

Vertical Agreements and Distributions

The speakers will discuss common restrictions in vertical agreements such as price restraints, territorial restraints, customer allocations, exclusivity and exclusive purchasing obligations, and provide an update on regional enforcement trends relating to anti-competitive vertical restraints.

14:00

Abuse of dominant position (PART I)

This session will elaborate on the concept of dominance, dominance and abuse in separate markets as well the different abuses

of dominance such as exclusive dealing, tying and bundling and refusal to supply.

14:45

Refreshment Break

15:00

Abuse of dominant position (PART II)

This session will continue to examine other types of abusive conduct of a dominant entity including predatory pricing, price and non-price discrimination, and margin squeeze. The speakers will also discuss the concept of "reasonable commercial justifications" as a defence to alleged abuse of dominance.

15:45

Effective Compliance Programme

This session will provide the attendees with practical tips for internal compliance, including an understanding of the methods and processes on how to manage risks of anti-competitive practices. It will also look at the adoption of guidelines to deal with dawn raids by competition regulators.

16:15

Q&A and Closing Remarks

16:30

End of Masterclass

SPEAKERS



ANDRE GAN - *Partner, Kuala Lumpur*

Andre is the head of the competition group at Wong & Partners, the Malaysian member firm of Baker & McKenzie International. He is also head of Baker & McKenzie's Asia Pacific Regional Competition Group and a member of the Firm's Global Antitrust and Competition Steering Committee. Andre has advised on numerous matters related to competition law with the enactment of the Malaysian Competition Act in 2010. His practice extends to advising clients on their commercial transactions for compliance with competition law, as well as conducting competition law compliance audits and designing competition law policies for clients. Andre also has a leading corporate and securities practice, particularly in the insurance industry, having undertaken numerous transactions relating to initial public offerings, placements, mergers and acquisitions including divestitures, spin offs, takeovers, joint ventures and other business combinations for both local and cross-border transactions. Andre is recommended by various leading publications such as International Who's Who of Competition Lawyers, IFLR1000, PLC Which Lawyer?, Asialaw and Chambers and has published numerous articles in leading business publications such as the PaRR Special Report – Global Trends Monitor 2014, Trade Practices Law Journal and The Edge, in relation to Competition law.



KEN CHIA - *Principal, Singapore*

Ken heads the IT, Communications and Competition Practice Group in Baker & McKenzie.Wong & Leow, Singapore. His practice covers IT, telecommunications, e-commerce, intellectual property, commercial and competition work. He has advised clients on various merger control filings in Singapore, an appeal on a price-fixing cartel to the Singapore Competition Appeal Board, and regional compliance audits for several banks and MNCs in Singapore and Malaysia. Ken is regularly ranked as a leading IT/C and competition lawyer by top legal directories, including Chambers, Asia Pacific Legal 500, PLC Which Lawyer? and Asialaw.



MICHAEL NIXON - *Transfer Pricing Consultant, Singapore*

Michael Nixon is an economist working in Baker & McKenzie.Wong & Leow in Singapore. His 14 years experience in economic analysis, transfer pricing consulting and academia has included a variety of anti-trust, transfer pricing and business restructuring projects in the UK, Germany, the Netherlands and Singapore. He has advised multinational corporations and government institutions across many industries. His experience in conducting economic analyses for competition purposes focuses on distinguishing between many alternative explanations for market outcomes or firm conduct, the relevant definition of markets and the analysis of whether market power has been exercised, from a quantitative (econometric) and qualitative perspective. Michael is also a published author and collaborates with governmental institutions and universities to deliver empirical research and training.



CINDY SEK - *Senior Associate, Kuala Lumpur*

Cindy is a senior associate in the Corporate & Commercial Practice Group of Wong & Partners. Her main areas of practice include Malaysian competition law, employment law and mergers and acquisitions. Following the introduction of the Malaysian Competition Act 2010, she has also advised and assisted clients on competition law compliance and related advisory matters. She has also advised and represented clients on a wide range of employment issues including employment contracts, compensation, workforce reductions, performance management / misconduct terminations, mutually negotiated exits, industrial relations, regulatory employee stock option compliance, restraint of trade, confidentiality, data privacy and employer reporting requirements. She has also worked with a number of multinational corporations in relation to mergers and acquisitions in Malaysia and has advised clients on a range of issues relating to general corporate and commercial law.



LYDIA KONG - *Associate, Kuala Lumpur*

Lydia is an associate in the Corporate & Commercial Practice Group of Wong & Partners and focuses on issues and areas relating to competition law and mergers & acquisitions. She holds a LL.M in Competition Law from King's College London. She has advised local clients and foreign clients with operations in Malaysia extensively on competition law compliance. She has also undertaken numerous corporate transactions in various industries and has represented a large number of leading multinational corporations, foreign as well as domestic, on both inward and outward bound transactions. Her experience spans all aspects of documentation, negotiation, due diligence and regulatory compliance.



SERENE KAN - *Associate, Kuala Lumpur*

Serene is a mid-level associate in the Corporate and Commercial Practice Group of Wong & Partners. She has worked with a number of multinational corporations in relation to mergers and acquisitions and corporate reorganisations for both local and cross-border transactions. She has also represented clients in reviewing and assessing agreements in relation to competition laws, anti-bribery laws and anti-money laundering laws in Malaysia.



YI LIN SENG - *Senior Associate, Singapore*

Yi Lin's practice covers matters involving IT, telecommunications, trade compliance and competition law. Yi Lin has also worked in our Firm's Hong Kong office. Yi Lin routinely advises multinational corporations on regulatory and compliance matters, including anti-bribery, export controls and data privacy issues. Yi Lin has advised on various competition matters including competition compliance advice, merger controls and representing a cartel party in a price-fixing infringement decision. Yi Lin regularly assists clients with drafting and negotiating various commercial agreements including supply chain, IT and telecommunications, licensing and outsourcing agreements. Yi Lin has also worked on secondment with various clients, including a major UK telecommunications network operator, a global consumer electronics manufacturer and a top tier management consultancy firm.

BOOKING DETAILS

Early bird – SAVE S\$200 Register before 17 October and pay only US\$550

Regular price – US\$750

Group price – SAVE AN ADDITIONAL 20% - Register five participants from your organisation and the 5th person attends for free

To book, visit the event website – (www.regonline.com/competition_law_kl)

For more information, please contact **Sheila** at hui.li.sheila.lum@thomsonreuters.com or **(65) 6870 3252**