

## Competition Law Alert

Dear Clients & Friends

### Malaysian competition law by 2011

The Malaysian competition legislation is expected to be in force by next year 2011. Malaysia's Minister for Domestic Trade, Co-operatives and Consumerism is reported by Malaysia's *Business Times* to have announced this last week. There is some similarity between the Singapore Competition Act (Cap 50B) and Malaysia's Fair Trade Practices Bill. Both regimes will cover anti-competitive agreements and abuses of a dominant position. The Malaysian regime, while not yet covering mergers, is also intended to prohibit unfair trade practices, which in Singapore is covered by legislation such as the Consumer Protection (Fair Trading) Act (Cap 52A).

"The introduction of Malaysian competition law will be another positive step towards the establishment of an ASEAN competition policy by 2015," comments Daren Shiau, Head of the Allen & Gledhill Competition & Antitrust practice, who has worked closely with the Market Integration Directorate of the ASEAN Secretariat and who was nominated to provide capacity-building training to the ASEAN Experts Group on Competition (AEGC) in Nha Trang, Vietnam last year.

Lim Teong Sit, Managing Partner of Rahmat Lim & Partners, an associate firm of Allen & Gledhill LLP, notes that: "From the experience in other jurisdictions, Malaysian companies will need to invest time and effort to align their business practices and agreements to the prospective competition legislation as early as possible. This is to ensure that their operations are fully compliant with Malaysia's competition law when it comes into effect."

With the recent announcement in relation to Malaysian legislation, the status of competition laws in ASEAN is as follows:

Country	Comprehensive Competition Law			Sectoral Regulation	Unfair Competition
	Anti-competitive Agreements	Abuses of Dominance	Merger Control		
Brunei	No	No	No	Yes (e.g. telco)	No
Cambodia	No	No	No	No	No
Indonesia	Yes	Yes	Yes	No	Yes
Laos	No	No	No	No	No

Malaysia	Pending (targeted 2011)	Pending (targeted 2011)	No	Yes (e.g. media, energy, telecoms)	Pending (targeted 2011)
Myanmar	No	No	No	No	No
Philippines	No	No	No	Yes (e.g. telco, electricity, oil)	Yes
Singapore	Yes	Yes	Yes	Yes (e.g. telco, media, electricity, gas, post, airport)	Yes
Thailand	Yes	Yes	Yes	Yes (e.g. telco)	Yes
Vietnam	Yes	Yes	Yes	Yes (e.g. telco, electricity)	Yes

#### **Allen & Gledhill ASEAN Merger Control Chart**

Allen & Gledhill LLP has prepared an ASEAN Merger Control Chart which provides an overview of the merger control regime in Singapore, Thailand, Vietnam and Indonesia, being the four ASEAN countries with an existing merger review framework under their respective competition laws.

#### **Further information**

Should you have any queries as to how this development may affect your business, or if you would like to receive a copy of the Allen & Gledhill ASEAN Merger Control Chart, please do not hesitate to get in touch with the following:

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### **About the Allen & Gledhill Competition & Antitrust practice**

The Allen & Gledhill Competition & Antitrust practice is one of the largest and most experienced competition teams in Singapore. It is a full-time dedicated competition practice and consists of competition lawyers, the country's first in-house competition economics team and former officers of the Competition Commission of Singapore (the "CCS"). The practice is placed in "Tier 1" by *Global Competition Review* and highly recommended by *PLC Which Lawyer?*. The practice, which leads the market in CCS filings, has acted in more than three-quarters (13 out of 17) of all merger control notifications lodged with the CCS in the first 30 months since the merger control regime in Singapore came into force. Further, it was commissioned to establish the merger regimes under both Singapore's Airport Competition Code as well as the country's Media Market Competition Code. The practice has also defended clients in several landmark antitrust hearings.

Yours faithfully

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