

Abstract for

2010 Annual Meeting of Asian Law and Economics Association

Title:

Regulation of Dominants' Conducts under the new Malaysian Competition Act

Abstract

After much anticipation, Malaysian Competition Act and other ancillary legislations have finally been passed recently by the Parliament. It shall come into force early next year. However in view of its "official secret" nature prior to this, not much information concerning the new Act has been revealed. This paper attempts to highlight the regulation of dominants' conduct under the new regime. It briefly outlines the salient features of the Act as well as the notification and compliance process involved. Besides, it also critically looks at the wordings of few crucial sections and compares them with relevant legislations in other regimes. In particular, it discusses the economic aspect of these conducts and the market power definition and critically examines the approaches taken under the new regime. It further examines if the regulator has adopted the right approaches in the regulation of single firm conduct. It then analyses this in light of the small open economic and new innovative market aimed by the Malaysian government. It shall then argue that the ambiguity of the new Act justify more detailed guidelines in achieving these aims. This paper shall be the first of its kind in critically evaluating the regulation of dominants' conduct under this new competition regime and discussing the economic aspect and consideration of such regulation. It shall propose that more actions need to be done in view of the economic condition of Malaysia as a small open economic.

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