

## MALAYSIA COMPETITION COMMISSION

### TERMS AND CONDITIONS OF THE #BEBASKARTEL ESSAY WRITING COMPETITION ON COMPETITION LAW

#### 1. Competition Topics

Each participant or a group of maximum **THREE (3)** participants **must choose** only **ONE (1)** topic from the 10 topics listed in English and *Bahasa Malaysia* below.

##### 1.1 In English

- (1) According to SME Corp., Small and Medium Enterprises (SMEs) currently account for 97% of businesses in Malaysia and up to 36% of Gross Domestic Product (GDP). Given the significance of SMEs to the Malaysian economy, what are the benefits that Competition Law can provide to SMEs and how can these benefits be ultimately passed on to the Malaysian consumer?
- (2) There are currently 68,000 Government Linked Companies (GLCs) in Malaysia which make up about 42% of the local share market. With such a large number of GLCs in the market, what steps should be taken by them to ensure that they contribute to the nation's economy while at the same time adhering to the Competition Act 2010?
- (3) According to the Organization of Economic Co-operation and Development (OECD), public procurement currently accounts for approximately 15% to 20% of any country's GDP and involves the procurement of goods and services with crucial economic significance.

Given the importance of public procurement, please state why it is pertinent for government ministries and agencies to work hand in hand with the Malaysia Competition Commission to eradicate bid rigging?

- (4) In Malaysia, many companies hold a dominant position in their respective markets due to concessions given to them by the Government. These companies are considered to be national economic champions and are entrusted by the Government to not only seek profit but also to advance the interests of the nation.

How does Competition Law help these dominant players in carrying out their roles as entrusted by the Government?

- (5) In line with the relevant regulations, many professional bodies in Malaysia such as the Bar Council, the Board of Engineering Malaysia and the Board of Architects Malaysia, among others, currently employ professional scale fees which their members are bound to follow.

In light of Competition Law, should the professional bodies in Malaysia be allowed to continue to impose professional scale fees in Malaysia or should scale fees for professional services be decided entirely by market forces and not by the professional bodies' respective regulations?

## **1.2 In Bahasa Malaysia**

- (6) Menurut pihak SME Corp., Perusahaan Kecil dan Sederhana (PKS) pada masa kini merangkumi sebanyak 97% perniagaan di Malaysia dan menyumbang sebanyak 36% dari Keluaran Dalam Negara Kasar (KDNK) Malaysia. Dengan kepentingan PKS kepada ekonomi Malaysia, apakah faedah yang boleh diberikan oleh Undang-Undang Persaingan kepada PKS dan bagaimana faedah-faedah tersebut boleh disalurkan kepada pengguna Malaysia?
- (7) Terdapat sebanyak 68,000 Syarikat Berkaitan Kerajaan (GLCs) di Malaysia yang membentuk kira-kira 42% daripada pasaran saham tempatan. Berikutan bilangan GLCs yang besar di pasaran, apakah langkah-langkah yang perlu diambil oleh mereka dalam memberi sumbangan kepada

ekonomi negara dan pada masa yang sama mematuhi Akta Persaingan 2010?

- (8) Menurut pihak *Organization of Economic Co-operation and Development* (OECD), perolehan awam membentuk kira-kira 15% sehingga 20% daripada KDNK mana-mana negara dan melibatkan perolehan barangan dan perkhidmatan yang mempunyai kepentingan ekonomi tinggi.

Dengan mengambilkira kepentingan perolehan awam, sila nyatakan mengapa ia penting bagi pihak Kementerian dan agensi Kerajaan untuk bekerjasama dengan Suruhanjaya Persaingan Malaysia bagi menangani tipuan bida.

- (9) Di Malaysia, banyak syarikat yang mempunyai kedudukan dominan di pasaran masing-masing kerana konsesi yang diberikan kepada mereka oleh pihak Kerajaan. Syarikat-syarikat ini dianggap sebagai *national economic champions* dan diamanahkan oleh pihak Kerajaan untuk bukan sahaja mencari keuntungan malah juga untuk memajukan kepentingan negara.

Bagaimanakah Undang-Undang Persaingan membantu para pemain yang dominan dalam melaksanakan peranan mereka seperti yang diamanahkan oleh pihak Kerajaan?

- (10) Menurut undang-undang yang berkaitan, banyak badan profesional di Malaysia seperti Majlis Peguam, Lembaga Jurutera Malaysia dan Lembaga Arkitek Malaysia menetapkan skala fi profesional mereka yang mana ahli mereka terikat untuk mengikutinya.

Dengan mengambilkira kehendak Undang-Undang Persaingan, patutkah badan-badan profesional di Malaysia dibenarkan untuk terus mengenakan skala fi profesional atau patutkah skala fi bagi perkhidmatan profesional ditentukan secara sepenuhnya oleh kuasa pasaran dan bukannya oleh undang-undang mereka?

## **2. Eligibility**

- 2.1 This Competition is open to all persons who on the deadline for submission is a full-time undergraduate student (excluding post-graduate students), enrolled in either Law, Business or Economics programme in any polytechnics, university colleges, public or private universities in Malaysia; and
- 2.2 For every entry, a student or a group of a maximum of **THREE (3)** students is required to pay a registration fee of **RM20.00** to be enrolled in the Competition.

## **3. Evaluation Criteria**

- 3.1 Competition entries will be judged on the following criteria (in no particular order)
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- (a) originality;
  - (b) critical analysis;
  - (c) clarity and succinctness; and
  - (e) persuasiveness.

## **4. Essay Format**

- 4.1 Every essay shall —
- (a) be based on **ONE** of the 10 topics in either Bahasa Malaysia or English;
  - (b) be submitted in **two (2)** formats (PDF and Microsoft Word);
  - (c) be under 3,000 words in length (excluding appendices, footnotes, references, tables etc.);
  - (d) be typed using a spacing of 1.5; and
  - (e) use Arial font with —
    - (i) a font size of 14 for text; and
    - (ii) a font size of 10 for footnotes.

## **5. Submission of Essays and Identification of Author**

- 5.1 All essays must be submitted in **two (2)** formats (PDF and Microsoft Word) via e-mail to: "**ewc@mycc.gov.my**";
- 5.2 The deadline for submission is **11.59 p.m., 16 March 2018**;

- 5.3 Subject to paragraph 5.4, essays shall not contain any information which may identify the author;
- 5.4 Each essay shall be submitted with an entry form containing the following information:
- (a) author's name and age;
  - (b) author's NRIC number;
  - (c) author's e-mail address;
  - (d) author's mobile telephone number;
  - (e) author's polytechnics/university college/university student identification particulars; and
  - (f) total word count (excluding appendices, footnotes, references, tables etc.).
- 5.5 The essay and entry form must be submitted as separate documents in the same e-mail.

## **6. Original Work Only**

- 6.1 Each essay must be the participant/s authentic and original creation whereby the essay or any part thereof has not been previously published in any form within or outside Malaysia;
- 6.2 By the conduct of submitting any essay for the purposes of this Competition, the participant hereby individually and/or jointly declares and undertakes that the content or any part thereof shall be the participant's authentic and original creation and contains no plagiarized content whatsoever and the participant shall indemnify the organizer in the event of any claim arising from breach of the same; and
- 6.3 Any breach of this rule shall result in automatic disqualification without any right of appeal.

## **7. Ownership of Intellectual Property**

7.1 By participating in this Competition, each participant grants the Malaysia Competition Commission (“Commission”) sole, absolute, unequivocal and irrevocable ownership and/or intellectual property right over the essay and contents thereto; and

7.2 Any entries may be published by the Commission in any of its publications, subject to the usual editorial procedures.

## **8. Personal Data Protection**

8.1 The personal details and/or information of the participant/s disclosed for the purpose of the Competition shall be protected under the relevant laws on confidentiality and personal data protection.

## **9. Judging Panel**

9.1 The Competition judging panel will comprise of members appointed by the Commission; and

9.2 All decisions of the competition judging panel are final and non-appealable.

## **10. Disqualification**

10.1 Any entries may, at any time, be disqualified if it does not satisfy any of the requirements set out herein.

## **11. Prizes\***

11.1 The prizes\* are as follows —

(a) **1<sup>st</sup> Prize: RM1,000.00**

(b) **2<sup>nd</sup> Prize: RM800.00**

(c) **3<sup>rd</sup> Prize: RM600.00**

(d) **4<sup>th</sup> Consolation Prize: RM200.00**

(e) **5<sup>th</sup> Consolation Prize: RM200.00**

*\*subject to the terms and/or conditions which may be imposed by the organizer.*

11.2 Any entries may be published by the Commission in any of its publications, subject to the sole discretion of the aforementioned bodies with the usual editorial procedures.

11.3 The award of all or any of the prizes lies solely within the discretion of the competition judging panel, including the right to refuse to award any prize.

## **12. Interpretation**

12.1 The decision of the competition judging panel on the interpretation of these rules shall be final and non-appealable.

## **13. Queries**

13.1 Any queries can be directed by email to [ewc@mycc.gov.my](mailto:ewc@mycc.gov.my).