
NEWS RELEASE

FORUM ON COMPETITION LAW IN THE PHARMACEUTICAL SECTOR

Kuala Lumpur, 10 October 2016 – The pharmaceutical industry plays an important role in improving global healthcare system. Competition is important to provide quality goods and services at competitive prices. There is a need for coherence between competition policies and regulatory policies to enhance consumer welfare and economic efficiency.

“The government is committed to the successful implementation and the enforcement of this competition law, which is applicable across industries and firms. It is therefore of high importance for the firms to understand the benefits and the challenges in respect of the compliance with this law”, said YB Dato’ Seri Hamzah Zainudin, Minister of Ministry of Domestic Trade, Co-operatives and Consumerism (KPDNKK) in his speech at the Forum on Competition Law in the Pharmaceutical Sector.

The forum was held to enlighten understanding of competition law issues and improvement of skills of regulators and businesses in identifying evidences of anti-competitive agreements and abuse of dominance in the pharmaceutical sector. Another objective is to share best practices and knowledge on investigative powers among competition and pharmaceutical experts.

As an independent regulatory body mandated to promote the competition process in the local business landscape, the Malaysia Competition Commission (MyCC) continues to reinforce the regulations, investigations and violations of the Competition Act 2010 (CA2010). The CA 2010 empowers the MyCC to investigate and take action against enterprises that engage in anti-competitive conduct. If found guilty, enterprises can be fined up to a maximum of 10 percent of their worldwide turnover. An investigation may be initiated by a direction of the Minister of KPDNKK, on the MyCC’s initiative or complaints lodged with the MyCC.

The MyCC is currently conducting a market review on pharmaceutical sector in accordance to section 11 of the CA 2010. The main objectives of this market review are to understand the market structure and supply chain of the pharmaceutical sector, identifying any anti-competitive practice among the industry players and promoting competition in the sector. MyCC is also in the midst of drafting the new Guidelines on Intellectual Property and Competition Law which will be finalised by next year.

As of 7 October 2016, the MyCC undertook a total of 21 advocacy programmes to promote awareness of CA 2010 and has received 272 complaints since its establishment in 2012, the majority of which involved services, pharmaceutical, food, shipping and technology sectors.

Speakers and moderators for the sessions included, Iskandar Ismail, Director, Enforcement Division, MyCC; Dhaniah Ahmad, Principal Assistant Director, MyCC; YBhg. Prof Dato' Dr. S. Sothi Rachagan, Member of the Commission, MyCC; Y.Bhg.Dato' Ahmad Hisham Kamaruddin, Member of the Commission, MyCC; Salbiah Mohd Salleh, Deputy Director, Pharmaceutical Services Division, Ministry of Health Malaysia; Ujjwal Kumar, Policy Analyst CUTS International India; Jorge Nieto Rueda, Advisory Public Aid and Draft Regulation Unit Advocacy Department, Spain's National Authority for Markets and Competition (CNMC); Harald Mische, Administrator, Pharma and Health Services, Directorate General for Competition, European Commission (EC); and Pedro Caro de Sousa, Expert, Competition Division, Organisation for Economic Co-operation and Development (OECD).

For media enquiries, please contact:

Noor Hasnizan Hassan, Tel +603 2273 2277 (ext 111), Email: izan@mycc.gov.my

Wan Nurhafizah, Tel +603 2273 2277 (ext 703), Email: nurhafizah@mycc.gov.my

Corporate Communication Unit

Malaysia Competition Commission

About Malaysia Competition Commission (MyCC)

Established in June 2011, MyCC is an independent body responsible for enforcing the Competition Act 2010, which was implemented to create healthy competition which would in turn stimulate productivity and innovation, thus creating wider choices of products for consumers with better quality at reasonable prices. The Act applies to all commercial activities undertaken within and outside Malaysia that affect competition in the Malaysian market. It provides a regulatory framework including powers to investigate, adjudicate and impose penalties on the perpetrators of anti-competitive practices/ conduct under the competition laws. For more information on the Act and the MyCC's activities, log on to www.mycc.gov.my.