

CASE strongly supports the amended draft of the proposed Competition Bill. It is heartening to note that the Ministry of Trade and Industry has considered and incorporated many of the suggestions put forth by the various industry players in the revised draft.

However, we feel that the proposed Competition Act should be applied uniformly across the entire industry and the exemption provisions should be exercised sparingly. The argument that certain sectors should be excluded from the proposed Act for the reason that much resources need to be expended is untenable. For example, the telecommunications sector is presently regulated by the IDA. IDA should and therefore can incorporate the essence of the Act into the present regulatory framework to ensure that all telecommunications companies are subject to the Act. The Act can serve to complement, rather than substitute, the present regulatory framework which IDA has in place. In this regard we feel that all sectors earmarked to be exempted should be similarly included.

We note that the Competition Commission to be set up by the Ministry monitors mergers and acquisitions closely to ensure that such actions are not intended to stifle competition. We wish to urge the Ministry or the Commission to place consumer interests high on the priority list when deciding whether any merger or acquisition violates the proposed Act. One of the purposes of the proposed Act is to ensure that consumers ultimately benefit through more competition and lower prices. Hence we are of the view that this purpose should have overriding effect over other factors when the Ministry needs to decide on such matter. The proposed Act will not serve its true purposes if consumers' interests are jeopardised in a way or another as a result of mergers or acquisitions.