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Regional Competition Bites Q1 2025

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Overview

Dear Friends,

The first quarter of 2025 has seen much upheaval in the global economic sphere. Perhaps most notably, the US has imposed groundbreaking tariffs on a large number of countries, including China and other nations in the region (albeit subject to a temporary pause for certain tariffs). This has prompted a variety of responses by governments and regulators, and has influenced policy shifts in areas of commerce such as trade, competition, and inter-government agreements. As a region with close economic ties to both US and China, Southeast Asia has certainly felt the impact the ongoing tariff crossfire. Even as these issues relate to trade, how businesses respond to such issues could raise many a competition concern, and hence caution is required.

At the regional level, there has been significant competition and consumer protection activity. Regulators in Southeast Asia have issued various decisions on competition law enforcement, including merger clearances, whilst continuing to improve cross-border competition law cooperation through agreements with one another. It is a reflection of a more mature competition environment where a watchful eye on transactions and commercial behaviour that may violate competition laws is kept, while imposing significant penalties and fines in certain cases to highlight the severity of such violations. There is also increased regional cooperation in the recent months, demonstrating that regional authorities are working closely to address competition and consumer issues, some of which may have cross-border implications. To keep you informed on the latest regional developments, we are pleased to present the Q1 2025 edition of our Regional Competition Bites, which looks at the major events of 2025 thus far.

On investigations, we start with **Thailand**, where the Trade Competition Commission of Thailand is investigating potential competition concerns arising from a building that collapsed during the earthquake that struck Bangkok, an investigation one would be surprised has been triggered but is entirely relevant, and has also issued a decision on unfair practices in digital platforms for transport services. In **Indonesia**, the Indonesia Competition Commission has been busy on a number of active matters, including imposing a record fine on Google for allegedly requiring mandatory implementation of its own billing system by application developers, imposing penalties on a machine manufacturing company for colluding to obtain a competitor's trade secrets, investigating the sale of Liquefied Petroleum Gas in the midstream market for alleged monopolistic practices, and investigating alleged bid-rigging in a prolific infrastructure project for the supply of train units. In **Singapore**, a lifestyle products manufacturer has had to provide an undertaking to improve transparency in its product information following concerns raised over its business practices relating to product endorsement, product standards, and pricing. In **Malaysia**, the Malaysia Competition Commission has imposed a fine on a bid-rigging cartel in relation to tenders for public works, while the Malaysian Court of Appeal has issued a decision upholding the quashing of a proposed fine against an e-hailing operator for alleged abuse of dominant market position.

On mergers and other forms of cooperation, starting with **Singapore**, the Competition and Consumer Commission of Singapore has granted conditional approvals for a joint venture and a cooperation respectively in the airline industry, cleared a proposed acquisition in the semiconductor industry, and completed public consultations on proposed mergers in the medical oncology industry and in the advertising and marketing industry. In **Indonesia**, the Indonesia Competition Commission has conditionally approved a commercial cooperation between two airlines following commitments from the parties, and has imposed a fine for late submission of a mandatory merger notification in the automotive industry. In the **Philippines**, the Philippines Competition Commission has approved a proposed merger between electronic payment service system providers following voluntary commitments to alleviate abuse of dominance concerns arising from the merged entity.

On the policy and regulation front, competition agencies have shown a keen interest in improving cross-border cooperation capabilities through international cooperation agreements. They have also engaged in market studies in key industries to assess pertinent competition issues. **Cambodia** and **Philippines** have entered into an agreement to enhance competition law enforcement, while **Philippines** and **Thailand** have entered into an agreement to strengthen collaboration in competition law enforcement. On the same track, **Vietnam** has entered into a memorandum of understanding with the United Kingdom of Great Britain and Northern Ireland on consumer protection. **Vietnam** has also effected amendments strengthening administrative penalties on commerce, production and trade in counterfeit and prohibited goods, and the protection of consumer rights. In **Thailand**, a public hearing has been launched on key competition regulations to determine their effectiveness and continued relevance. In **Malaysia**, an interim report has been published following a market review exercise on the Malaysian digital economy ecosystem. In **Singapore**, a pilot project has been launched for major supermarkets to display unit prices for selected grocery items so as to allow greater pricing transparency for consumers.

From the above, we can only remind businesses to keep abreast of competition law and consumer protection developments and ensure compliance with competition laws at all levels of their operations.

The Rajah & Tann Asia Competition & Antitrust Team remains committed to staying abreast of the dynamic landscape of competition law in the region and stands ready to assist. Please reach out to us if you wish to further discuss these developments.

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Cambodia

In the past quarter, Cambodia has focused on regional cooperation. The Competition Commission of Cambodia ("**CCC**") has entered into a memorandum of understanding with the Philippine Competition Commission, while the Cambodia Ministry of Commerce hosted a meeting for the ASEAN Digital Economy Framework Agreement ("**DEFA**") Negotiating Committee to discuss, amongst others, competition policy within the digital economy.

As Cambodia's competition law regime continues to grow, regional cooperation is especially helpful in enhancing CCC's detection and enforcement capabilities. This paves the way for CCC to tackle the increasingly complex and cross-border implications of competition law violations.

1. Cambodia Enters into Competition Collaboration Agreement with Philippines

Policy – regional

CCC and its counterpart in the Philippines have entered into a collaboration agreement in the area of competition law.

On 11 February 2025, representatives from CCC and the Philippine Competition Commission signed a Memorandum of Understanding ("**MoU**") to enhance collaboration in competition law enforcement to foster fair and competitive markets in both countries. The MoU establishes a framework for strengthened partnership between the respective competition authorities, including: (i) notification of potential anti-competitive conduct; (ii) coordination of enforcement activities; and (iii) technical collaboration through personnel exchanges and joint training programs.

2. Continuation of DEFA Negotiations in Cambodia

Policy – regional

The Cambodia Ministry of Commerce hosted the 10th Meeting of the ASEAN DEFA Negotiating Committee from 10 to 14 March 2025 in Siem Reap. The meeting was attended by DEFA Negotiating Committee members, representatives of ASEAN Member States, and representatives of relevant ministries and institutions. The meeting was organised to continue discussions and negotiate on the draft DEFA, including the key topic of competition policy.

The DEFA is one of the first major regionwide digital economy agreements in the world and aims to foster greater digital cooperation and pave the way for regional digital integration and inclusive growth and development. One of the core imperatives of the DEFA is the achievement of fair competition policy in the context of the digital economy, through which it seeks to protect consumers and ensure a fair playing field for all businesses.

The DEFA negotiation was officially launched in December 2023 and aims for the completion of the agreement by the end of 2025. In recognition of the prevalence of the digital economy, it addresses the necessity of harmonising the legislative and operational frameworks across the region.

Indonesia

The first quarter of 2025 saw robust enforcement activity from the Indonesia Competition Commission ("**ICC**") to curb the abuse of market dominance through monopolistic practices. These include investigating the sale of non-subsidised Liquefied Petroleum Gas ("**LPG**") in the midstream market, and in the field of "big tech", imposing a record fine of IDR202.5 billion (approximately US$12.65 million) on Google for requiring mandatory implementation by application developers of the Google Play Billing System. This is the highest fine imposed by ICC in its 25-year history.

ICC also continues to clamp down on anti-competitive agreements, by investigating alleged bid-rigging in a prolific infrastructure project (the land transportation procurement for the supply of train units in the Jakarta-Bandung High-Speed Railway Project) and imposing fines for collusion to obtain a competitor's trade secrets in the field of machine manufacturing. On the merger control front, ICC granted conditional approval for the commercial cooperation between two airlines on the Indonesia-Japan roundtrip route and imposed fines for the late submission of a mandatory merger notification in the automotive industry.

Finally, in relation to consumer protection, ICC conducted studies on and closely monitored food prices ahead of Ramadan, to ensure that there were no business competition violations which would exacerbate the price spikes that typically occur during the season due to increased demand for various staples.

1. IDR202.5 Billion Record Fine Imposed on Google for Alleged Competition Violations in Requiring Implementation of Billing System

Abuse of dominance – monopolistic practices

On 21 January 2025, in Case No. 03/KPPU-I/2024 ("***Google Case***"), the Commissioners Panel ("**Panel"**) held that Google LLC ("**Google**") had committed monopolistic practices and abused its dominant position to limit market and technological development, in violation of the Indonesia Competition Law ("**ICL**"). These infringements arose from Google requiring application developers ("**Developers**") that distribute their applications through the Google Play Store ("**Store**") to implement the Google Play Billing System ("**GPBS**"), failing which, they would be removed from the Store. Google also applied a 15% to 30% service fee in implementing the GPBS.

In the *Google Case*, the Panel found that the Store was the only application store that could be pre-installed on all Android-based smart mobile devices and that it controlled more than 50% of the market share. Google's requirement to use the GPBS and failure to allow the use of other payment alternatives in the GPBS resulted in limited choices of available payment methods, decreasing number of application users, decreasing number of transactions with corresponding decreases in Developers' revenues, and increased application prices of up to 30% due to increased service costs. Developers also faced challenges in customising the user interface and user experience, adding to the complexity of maintaining the competitiveness of their applications in the market. Thus, in addition to the fine of IDR202.5 billion (approximately US$12.65 million) imposed on Google (the highest fine imposed in ICC's 25-year history), the Panel ordered Google to: (i) stop the mandatory use of the GPBS in the Store; and (ii) announce the provision of opportunities for all Developers to participate in the User Choice Billing programme by providing service fee reductions of at least 5% for a period of one year.

ICC explained that the administrative fines it imposes are based on: (i) a maximum of 50% of the net profit obtained by the business actor in the relevant market during the period of violation; or (ii) a maximum of 10% of the total sales in the relevant market during the period of violation. This figure may then be tweaked based on various factors, including any negative impact caused by the violation, the duration of the violation, mitigating or aggravating factors, and/or the business actor's ability to pay the fines. In the *Google Case*, the Panel imposed the fine based on 10% of Google's total sales in the relevant market and the duration of the violation.

The *Google Case* highlights ICC's persistence in scrutinising ICL violations, particularly where "big tech" is involved, and the importance of complying with competition laws to avoid being subject to potentially dire consequences (financial or otherwise).

2. IDR3 Billion Fine Imposed on PT Maruka Indonesia for Conspiracy to Obtain Competitor's Trade Secrets

Anti-competitive agreements – horizontal

Following up on Case No. 08/KPPU-L/2024 ("***Maruka Case***") which we covered in our Q4 2024 Regional Competition Bites, on 25 February 2025, ICC imposed a fine of IDR3 billion (approximately US$180,973) on PT Maruka Indonesia ("**Maruka**") for its violation of Article 23 of the ICL in conspiring to obtain the trade secrets of its competitor, PT Chiyoda Kogyo Indonesia ("**Chiyoda**").

Article 23 of the ICL prohibits collusion to obtain information about a competitor's business activities that are classified as trade secrets, which could result in unfair business competition. Pursuant to reports by the complainant, Chiyoda, the three reported parties under investigation were Maruka, Mr Hiroo Yoshida ("**Yoshida**") and PT Unique Solution Indonesia ("**Unique**"). ICC investigators alleged that: (i) Maruka had collaborated with Chiyoda to manufacture machines ordered by Maruka's client; (ii) Yoshida, Chiyoda's former Marketing Director, resigned from Chiyoda and was appointed as the President Director of Unique, a company established by Maruka and Chiyoda; and (iii) the machine orders previously handled by Chiyoda were transferred to Unique and carried out by Chiyoda's former employee, whom Yoshida had invited to move to Unique. Chiyoda alleged that it had suffered significant revenue decline and a loss of IDR63 billion (approximately US$3.8 million).

In the *Maruka Case*, the Panel found that there had been: (i) a conspiracy between the reported parties to obtain their competitor's business activities classified as trade secrets, in the form of projects, customers and employees who had moved to Maruka and Unique; (ii) the use of trade secrets, as Yoshida had used Chiyoda's video recordings to design similar project drawings; and (iii) unfair competition, as the reported parties had taken Chiyoda's customers and had not attempted to expand the market by finding new customers. Maruka and Yoshida were deemed to have violated Article 23 (but not Unique, being a company formed by Maruka and Yoshida to facilitate their conspiracy), with the fine imposed on Maruka (but not on Yoshida, as he was not considered to be a business actor). Finally, Chiyoda's application for compensation for loss was rejected because the quantum of loss was not proved.

The *Maruka Case* highlights ICC's strict approach taken against collusion to obtain trade secrets from a competitor. Businesses would do well to take a cautious, above-board approach to steer clear of conduct that might be deemed to constitute such collusion.

3. Tender Committee and Participant Reject ICC Investigators' Allegations of Collusion in Jakarta-Bandung High-Speed Railway Project

Anti-competitive agreements – vertical

Following up on Case No. 14/KPPU-L/2024 which we covered in our Q4 2024 Regional Competition Bites, on 7 January 2025, PT CRRC Sifang Indonesia ("**Sifang**") and PT Anugerah Logistik Prestasindo ("**Anugerah**") have rejected allegations of violations of Article 22 of the ICL brought by ICC investigators in their Alleged Violation Report ("**LDP**").

Article 22 of the ICL prohibits business actors from conspiring with other parties to arrange and/or determine the winner of a tender in such a way that may result in unfair business competition. This case concerns the alleged vertical bid-rigging between Sifang (the tender committee awarding the tender) and Anugerah (the tender participant who was awarded the tender) in the land transportation procurement for the supply of Electric Multiple Units (train units) for the Jakarta-Bandung High-Speed Railway Project, in violation of Article 22.

In their LDP, ICC investigators relied on the following to allege that there had been a conspiracy in the aforesaid procurement: (i) there are no clear written guidelines relating to the procedure for selecting suppliers of goods or services; (ii) the lack of transparency in the process of receiving, opening, and evaluating bid documents; (iii) Sifang's decision to award the tender to tender participants who do not possess the necessary qualifications or requirements to be winners; and (iv) Sifang's engagement in discriminatory practices and restriction of competition in the tender process to ensure Anugerah's victory. Given Sifang's and Anugerah's rejections of the LDP, the case will proceed to the further examination stage (i.e., presentation of respective witnesses and experts for examination).

This case offers key insights into the complexities, and the application and impact, of the ICL on Indonesia's infrastructure projects and on regional cooperation in Southeast Asia. It also stands out from the typical big-rigging cases between tender participants (horizontal bid-rigging), as it concerns alleged vertical bid-rigging conduct between the tender committee and the tender participant.

4. IDR1.5 Billion Fine Imposed on Trusty Cars for Late Notification of MPMRent Acquisition

Merger – vertical

On 24 February 2025, in Case No. 15/KPPU-M/2024 ("***Trusty Cars Case***"), the Panel took the view that Trusty Cars Pte Ltd ("**Trusty Cars**") had violated Article 29 of the ICL read together with Article 5 of Government Regulation No. 57 of 2010, as it was late in notifying ICC of its acquisition of shares in PT Mitra Pinasthika Mustika Rent ("**MPMRent**"). In this regard, on 31 May 2022, Trusty Cars (a Singaporean marketplace with the name "CARRO", which engages in the repair and maintenance, retail sales, and sales of used cars, for motor vehicles in Southeast Asia) had acquired shares equivalent to 50% of the ownership of MPMRent (a company engaged in vehicle leasing in Indonesia) from MPMRent's parent company, PT Mitra Pinasthika Mustika Tbk (MPM) ("**Transaction**").

In the *Trusty Cars Case*, the Panel determined that Trusty Cars was required to submit a mandatory notification of the Transaction to ICC by no later than 12 July 2022. However, Trusty Cars' notification was only received by ICC on 28 July 2022. Trusty Cars expressed that this 12-working day delay was due to unavoidable issues, including administrative problems and delays with the documents for the Transaction (which needed legalisation and translation into the

Indonesian language). Nevertheless, this resulted in the Panel imposing a fine of IDR1.5 billion (approximately US$90,486) on Trusty Cars.

However, the Panel also considered various mitigating factors in the *Trusty Cars Case*, including that: (i) Trusty Cars had accepted the LDP and requested relief from administrative sanctions; (ii) Trusty Cars was cooperative during the hearing and had never previously violated the ICL; and (iii) ICC had assessed the Transaction to have no potential for monopolistic practices and/or unfair business competition.

The *Trusty Cars Case* highlights ICC's consistently strict approach in not tolerating any delays in post-closing notifications of acquisitions. A one-day delay in notification may result in an administrative fine of IDR1 billion (approximately US$60,000), with a maximum administrative fine of IDR25 billion (approximately US$1.5 million). Businesses should carefully assess the deadlines for mandatory notifications to ICC and ensure that these are submitted well ahead of the relevant deadlines.

5. ICC Investigates Pertamina's Alleged Monopolistic Practices in Sale of Non-Subsidised LPG in Midstream Market

Abuse of dominance – monopolistic practices

On 5 March 2025, ICC initiated a preliminary investigation into alleged monopolistic practices in the sale of non-subsidised LPG in the midstream market by PT Pertamina Patra Niaga ("**Pertamina**"), in violation of Article 17 of the ICL.

Article 17 of the ICL prohibits business actors from controlling the production and marketing of goods and services which may cause monopolistic practices and/or unfair business competition. Since last year, ICC had studied the sale of non-subsidised LPG in Indonesia, where Pertamina currently sells:

1. **Subsidised LPG**: This is carried out as a public service obligation, given that Pertamina controls over 80% of the supply of domestic and imported LPG; and

2. **Non-subsidised LPG**: This is carried out either: (i) directly, using Pertamina's BrightGas trademark; or (ii) in bulk in the midstream market to non-subsidised LPG cylinder producers such as BlueGas and PrimeGas for onward resale (i.e. to downstream consumers who are also its direct competitors).

ICC's study found that there was a "super normal profit" from Pertamina's sale of non-subsidised LPG compared to its subsidised LPG profits, of ten times or around IDR1.5 trillion (approximately US$90.48 million). Therefore, ICC suspected that: (i) there had been exploitative and monopolistic behaviour by Pertamina, by its sale of non-subsidised LPG at higher prices in the midstream market, in violation of Article 17; and (ii) such high prices have resulted in consumers switching to subsidised LPG, which in turn, has an impact on the burden on the state budget due to the increase in LPG subsidies that are not on target, and the increase in the number of LPG imports required. This, in turn, triggered ICC's preliminary investigation into the matter.

ICC's study and preliminary investigation show that it will not hesitate to initiate an investigation of the alleged abuse of market dominance by way of monopolistic practices, especially if this could detrimentally affect consumer choice and result in the misallocation of state resources. Moreover, the attention given to this case aligns with one of ICC's priorities, which is the energy sector.

6. ICC Conditionally Approves Commercial Cooperation between Garuda and Japan Airlines

Anti-competitive agreements – horizontal

On 26 February 2025, ICC conditionally approved the commercial cooperation between PT Garuda Indonesia (Persero) Tbk ("**Garuda**") and Japan Airlines ("**JAL**"), provided that the following conditions are met: (i) implementation of commitments not to reduce flight capacity and frequency; (ii) improvements in efficiency and service to passengers; (iii) avoidance of clauses that would prohibit or restrict cooperation with other airlines; (iv) submission of reports every four months to ICC regarding the implementation of the cooperation and commitments; and (v) publication of an annual report disclosing key details of the cooperation to the public.

On 3 October 2024, Garuda and JAL signed a Joint Business Agreement which allows the two airlines to provide greater benefits to their customers, by providing additional flight options, a wider network, better connections and a better frequent flyer program. After obtaining antitrust immunity in Japan, Garuda submitted an approval application to ICC. ICC consulted with stakeholders and considered the market conditions following the COVID-19 pandemic, which showed that: (i) the market share of Indonesia-Japan direct roundtrip flights served by Garuda and JAL had decreased; (ii) the largest market share is controlled by All Nippon Airways; and (iii) Indonesia-Japan roundtrip routes could be served indirectly by other airlines through airline alliances. ICC concluded that the cooperation is still within reasonable limits and does not necessarily have a negative impact on business competition in the aviation sector.

ICC emphasised that this conditional approval does not prevent it from continuing to: (i) supervise the implementation of the cooperation; (ii) request information and data from the parties; and (iii) research and/or investigate future alleged violations of the ICL, due to discrepancies in the submitted information and data, or due to the parties' behaviour.

ICC's conditional approval offers a clear precedent for businesses navigating competition regulations, especially for agreements involving significant capital investments. Businesses should take proactive steps to facilitate a smoother review such as engaging with key stakeholders and emphasising the potential positive impact of their collaboration on Indonesia. For more information, please see our 27 March 2025 Legal Update titled "KPPU Sets Precedent: First Antitrust Approval for Non-Merger Business Cooperation Agreement Issued - A Boost for Business Certainty".

7. ICC Monitors Food Prices ahead of Ramadan

Market studies – industry monitoring

Since the beginning of Ramadan, ICC has intensified its monitoring of food prices and availability across various regions in Indonesia. This initiative aims to ensure that there are no business competition violations that could harm consumers and exacerbate the price increases that naturally occur due to increased demand for various staples during the season.

ICC's recent survey, focusing on 17 essential commodities that typically see a surge in demand during Ramadan, revealed significant price increases in several key items, such as medium and premium rice, chicken eggs, garlic, cooking oil, cayenne pepper and granulated sugar. These price hikes are attributed to increased demand, distribution disruptions, and potential anti-competitive practices.

In response to these findings, ICC emphasised the need for continuous monitoring and strict action to be taken against business actors, to protect consumers from violations of the ICL, such as

withholding stock to create artificial scarcity and increase prices, price fixing, dividing market areas to avoid competition, and requiring the purchase of other products in one transaction.

Malaysia

The first quarter of 2025 saw robust enforcement and monitoring activity by the Malaysia Competition Commission ("**MyCC**"). MyCC imposed a MYR92.8 million aggregate financial penalty on eight businesses for forming a bid-rigging cartel in relation to three public tenders in violation of Section 4 of the Competition Act 2010 ("**Competition Act**"), and conducted a market review exercise with corresponding reports and public consultations on anti-competitive practices that must be addressed in the digital economy system in Malaysia.

Further, despite a Malaysian Court of Appeal ("**CA**") decision upholding the quashing of MyCC's proposed fine of approximately MYR86.8 million on e-hailing operator Grab Holdings Inc and its subsidiaries, GrabCar Sdn Bhd and MyTeksi Sdn Bhd, MyCC is likely to continue undeterred in investigating potential abuses of market dominance and monopolistic practices in the Malaysian market.

1. Public Consultation on Interim Report on the Market Review of the Digital Economy Ecosystem

Market studies – industry monitoring

Arising from MyCC's recognition of how rapidly Malaysia's digital economy sector has grown in recent years and the consequent issues that must be addressed, in March 2025, MyCC published its "Market Review of the Digital Economy Ecosystem under the Competition Act 2010 Interim Report" ("**Interim Report**"), following its latest market review exercise on the Malaysian digital economy ecosystem. MyCC also conducted its "Public Consultation for Interim Report Market Review of the Digital Economy Ecosystem under the Competition Act 2010" to gather public feedback before finalising its findings and publishing a final report.

Some of the competition concerns observed in the exercise include:

1. **Mobile operating and payment system market**: High entry barriers, limited application distribution avenues, restrictive payment options, and potential self-preferencing;

2. **E-commerce market**: Opaque product ranking processes, preferential treatment, exclusive dealing, potential self-preferencing, and masking of delivery options;

3. **Digital advertising market**: Vertical integration of incumbents, opaque algorithms and auction processes, and limited access to advertising inventory practices; and

4. **Online travel agencies market**: Price parity and opaque practices.

As many of the findings relate to competition issues that could potentially raise concerns under the Competition Act, it is advisable for businesses engaged in such practices to take proactive measures to ensure compliance with relevant legislation and to avoid or mitigate competition-related liabilities in the future. For more information, please see our 18 March 2025 Legal Update titled "Urgent Feedback Required by MyCC from Digital Economy Participants".

2. MyCC Imposes MYR92.8 Million Aggregate Financial Penalty on Eight Businesses for Bid-Rigging Cartel for Three Public Tenders

Anti-competitive agreements – horizontal

On 27 February 2025, MyCC issued an infringement decision ("**Infringement Decision**") against eight businesses for violating Section 4 of the Competition Act by participating in a bid-rigging cartel in relation to: (i) two tenders of the Public Works Department (*JKR*); and (ii) one tender of the Department of Drainage and Irrigation (*JPS*) worth around MYR474 million (approximately US$107.4 million) in 2019. The eight businesses involved are Mangkubumi Sdn Bhd ("**Mangkubumi**"), Pintas Utama Sdn Bhd ("**Pintas Utama**"), IDX Multi Resources Sdn Bhd ("**IDX**"), Menang Idaman Sdn Bhd ("**Menang Idaman**"), Dutamesra Bina Sdn Bhd, Meranti Budiman Sdn Bhd, NYL Corporation Sdn Bhd, and Kiara Kilat Sdn Bhd.

MyCC's investigations revealed that the cartel's operations were centralised at Pintas Utama and that Mangkubumi masterminded the cartel's *modus operandi*, which included sharing information through emails, meetings, and preparation of physical tender documents. Thereafter, when IDX and Menang Idaman were awarded their respective tenders, they either subcontracted these projects: (i) to Mangkubumi directly, who onward subcontracted these to one YCH Sdn Bhd ("**YCH**"); or (ii) to YCH directly.

MyCC imposed an aggregate financial penalty of MYR92,876,078.90 (approximately US$21 million) on the eight businesses, with the highest individual penalties being imposed on Pintas Utama and Mangkubumi. The penalties were calculated considering the presence of aggravating factors (among others), with the maximum allowable penalty being 10% of the worldwide turnover of the businesses.

Businesses would do well to take heed of the Infringement Decision, which aligns with MyCC's mandate to eradicate cartel practices, particularly bid-rigging cartels, which distort competition in public procurement processes and inflate costs. It should be further noted that MyCC, which has a MYR27 million national budget allocation, is concurrently investigating 13 bid-rigging cartels involving 561 businesses across tenders worth MYR2.37 billion (approximately US$536.7 million) and assessing complaints related to 463 businesses linked to tenders valued at MYR9.27 billion (approximately US$2.1 billion).

3. Court Upholds Quashing of MYR86.8 Million MyCC Fine Against Grab

Abuse of dominance – monopolistic practices

On 19 March 2025, the CA upheld a High Court decision to quash MyCC's proposed fine of almost MYR86.8 million (approximately US$19.7 million) on e-hailing operator, Grab Holdings Inc, and its subsidiaries, GrabCar Sdn Bhd and MyTeksi Sdn Bhd (collectively, "**Grab**") for allegedly abusing its dominant market position. The CA dismissed MyCC's appeal, found that the appeal had no merit, and declined to reinstate the proposed fine ("***Grab Case***").

In 2019, MyCC had issued a proposed decision against Grab for the alleged breach of section 10 of the Competition Act ("**Proposed Decision**"). MyCC had provisionally found that Grab had abused its dominant position by imposing restrictive clauses on Grab drivers, preventing them from promoting and providing advertising services for Grab's competitors. MyCC found that this distorted market competition by creating barriers to entry and expansion for Grab's competitors and affected consumers in the long run. MyCC had proposed a fine of MYR86,772,943.76 (approximately US$19.7 million) together with a daily fine of MYR15,000 (approximately US$3,397) if Grab failed to take remedial action. Grab then sought judicial review against the Proposed Decision.

In the *Grab Case*, the CA found the investigations against Grab to have been procedurally improper, justifying judicial review, as MyCC had failed to inform Grab of: (i) the request for information under section 18 of the Competition Act; (ii) the specific allegations being investigated; and (iii) sufficient details regarding the complaint. The CA further held that there were no provisions in the Competition Act allowing an internal appeal to the Competition Appeal Tribunal (CAT) on MyCC's proposed decisions, and that Grab was thus justified in seeking judicial review.

Notwithstanding the *Grab Case*, businesses, including those in the e-hailing industry, would do well to take heed of MyCC's enforcement efforts which are aimed at reducing barriers to entry and expansion and encouraging healthy business competition in the relevant Malaysian markets.

Philippines

The Philippines Competition Commission ("**PCC**") has demonstrated a comprehensive approach towards tackling competition issues in this quarter, including merger control, market studies and international cooperation agreements. On the merger front, PCC has approved a proposed merger between electronic payment service system providers, concluding a long-running decision-making process in light of the monopoly outcome of the merger. PCC has also conducted a market study in the free television ("**TV**") industry. On the policy front, PCC has entered into cooperation agreements with Thailand and Cambodia, furthering its efforts to develop global ties in relation to competition law and enforcement.

PCC continues to hone its competition law enforcement capabilities through bilateral agreements with its counterparts in the region, whilst also targeting specific sectors which are relevant to the everyday consumer.

1. PCC Approves Merger in Electronic Payments Industry

Merger – horizontal

PCC has approved a proposed merger between BancNet Inc ("**BancNet**") and Philippine Clearing House Corp ("**PCHC**"). In approving the merger, PCC accepted voluntary commitments from the parties, requiring strict compliance with prescribed conditions.

BancNet is a Philippine-based electronic payment network and the clearing switch operator of InstaPay, an electronic fund transfer ("**EFT**") system. PCHC facilitates cheque clearing operations in the Philippines. It also offers several electronic-based payment system services and acts as the clearing switch operator of EFT system PESONet. In October 2022, the parties entered into an agreement to merge the entities. BancNet voluntarily notified PCC of the proposed merger.

In September 2023, the Mergers and Acquisitions Office issued a Statement of Concerns ("**SOC**") on the merger, maintaining that the transaction would effectively remove all competitive constraints and have negative competition effects, as BancNet and PCHC were the only entities providing non-card clearing switch operator services for interbank EFTs nationwide.

BancNet then proposed voluntary commitments to address the concerns raised in the SOC. PCC considered public responses and consulted with relevant stakeholders, and approved the merger subject to compliance with the voluntary commitments, which include the following:

1. Commitments on quality of services, including reducing service downtimes and meeting minimum standards on information security and business continuity;

2. Commitments on fees, including abiding by pricing principles and refraining from discriminatory behaviour; and

3. Commitments on continued innovation.

PCC highlighted that, considering the proposed merger was a merger to monopoly, it employed a more rigorous review process to ensure that sufficient safeguards are in place to curtail any anti-competitive propensities of the surviving entity.

2. Philippines Enters into Agreements with Thailand and Cambodia on Competition Law

Policy – regional

PCC and its counterparts in Thailand and Cambodia have entered into agreements to enhance collaboration in competition law and enforcement.

On 4 February 2025, representatives from PCC and the Trade Competition Commission of Thailand signed an MoU to strengthen cross-border collaboration in competition law enforcement. The MoU sets out a framework for mutual cooperation, including: (i) information sharing; (ii) notification of enforcement activities; (iii) coordination of investigations of mutual interest; and (iv) technical collaboration through initiatives such as personnel exchanges and joint training.

On 11 February 2025, representatives from PCC and the Cambodia Competition Commission signed an MoU to enhance collaboration in competition law enforcement to foster fair and competitive markets in both countries. The MoU establishes a framework for strengthened partnership between the respective competition authorities, including: (i) notification of potential anti-competitive conduct; (ii) coordination of enforcement activities; and (iii) technical collaboration through personnel exchanges and joint training programs.

The MoUs mark PCC's fifth and sixth international bilateral agreements, following previous MoUs with China, Hong Kong, Singapore, and Australia.

3. PCC Studies Competition Effects of Blocktiming Practices in Free TV Sector

Market studies – anti-competitive practices

PCC has published a study examining the competition effects of blocktiming practices in the free TV industry. Blocktiming refers to agreements wherein content producers buy airtime from TV networks to broadcast their content.

The study, titled "Blocktiming Practices in the Philippine Free TV Industry", considered the non-renewal of ABS-CBN Corp's franchise, noting an increase in market concentration following the non-renewal. The study evaluated the ability of a dominant network to engage in input foreclosure, which is when a TV network refuses to offer or charges exorbitant prices for time slots to non-affiliated content producers.

The study found that existing industry practices disincentivise TV networks from foreclosing airtime, which would limit the range of content and may lead to a decrease in audience reach and reduce revenue-generating opportunities. The study also observed that the rise of over-the-top (OTT) platforms such as Netflix and YouTube helps mitigate the potential anti-competitive effects of blocktiming by providing alternative distribution channels for content producers and promoting diverse programming options for viewers.

Singapore

In the first quarter of 2025, the Competition and Consumer Commission of Singapore ("**CCCS**") has focused on applications for decisions on competition issues relating to proposed mergers, acquisitions and cooperations. CCCS has granted approval for a proposed acquisition in the bustling semiconductor industry, as well as conditional approvals for a joint venture and a cooperation in the airline industry. CCCS has also conducted public consultations on proposed mergers in the advertising, marketing and communication industry, as well as the medical oncology industry.

On the consumer protection front, CCCS has launched a collaboration with major supermarket operators to pilot the display of unit prices for selected grocery items and tackled consumer transparency concerns regarding the business practices of a wellness technology and lifestyle company.

Through its continued efforts, CCCS has demonstrated a keen focus on assessing and resolving competition concerns arising from mergers and acquisitions, highlighting the need to be adequately advised on and address all potential competition-related issues before embarking on such transactions.

1. CCCS Consults on Proposed Merger in Advertising, Marketing and Communication Industry

Merger – vertical

CCCS conducted a public consultation on the proposed acquisition of Interpublic Group of Companies ("**IPG**") by Omnicom Group Inc ("**Omnicom**"). Omnicom is a New York-based marketing communications company, and IPG is a Delaware-based company providing, among others, media planning and buying services, integrated advertising and creativity solutions and specialised communications and experiential solutions. Both provide services to clients in Singapore.

The parties notified CCCS of the proposed acquisition given the view that they overlap globally and in Singapore in the provision of advertising, marketing and communication services, specifically marketing communications services and media buying services. The relevant markets identified by the parties are: (i) the supply of marketing communications services; (ii) the sale of media buying services; and (iii) the procurement of media buying services in Singapore. Nevertheless, the parties took the view that the proposed merger would not result in a substantial lessening of competition in the relevant markets due to, among others, low barriers to entry, strong countervailing buyer power and ease of switching in the relevant markets.

The consultation was held from 20 March 2025 to 3 April 2025 for interested parties to submit their views on the proposed transaction and is pending CCCS' decision.

2. CCCS Consults on Proposed Merger in Medical Oncology Industry

Merger – vertical

CCCS conducted a public consultation on the proposed acquisition of all the issued and paid-up shares in TalkMed Group Limited ("**TalkMed**") by Tamarind Health Limited ("**THL**"). THL, through its subsidiaries in Singapore, is active in the medical oncology business in Singapore, as well as

in the Philippines and Hong Kong. TalkMed is a Singapore company that provides, among others, medical oncology services.

The parties notified CCCS of the proposed acquisition as they are of the view that they overlap in the supply of medical oncology services in Singapore. The relevant market identified by the parties is the supply of private and unsubsidised public sector medical oncology services in Singapore. Nevertheless, the parties took the view that the proposed merger would not result in a substantial lessening of competition in the relevant markets due to a lack of material or insurmountable barriers to entry and expansion and the ease of switching between medical oncology service providers.

The consultation was held from 21 January 2025 to 31 January 2025 for interested parties to submit their views on the impact of the proposed merger on competition and is pending CCCS' decision.

3. CCCS Clears Proposed Acquisition in Semiconductor Industry

Merger – vertical

On 6 January 2025, CCCS cleared the proposed acquisition of ZT Group Int'l, Inc ("**ZT**") by Advanced Micro Devices, Inc ("**AMD**"). AMD is a global semiconductor company that develops computer processors and related technologies. ZT is an original design manufacturer of server and storage solutions for data centres. CCCS determined that the relevant markets comprised: (i) the global supply of server central processing units ("**CPUs**"), discrete graphics processing units ("**GPUs**"), data centre field programmable gate arrays ("**FPGAs**") and data centre Smart Network Interface Cards ("**SmartNICs**") for data centre servers; and (ii) the global supply of data centre servers.

CCCS found that the proposed acquisition would not lead to a substantial lessening of competition in the relevant markets as AMD and ZT are unlikely to possess significant market power, and that the merged entity is unlikely to be able to foreclose competition by leveraging market power in one market via a tying or bundling strategy to profitably increase sales in another market. Additionally, CCCS found that the non-compete and non-solicitation restrictions were directly related to and necessary for the implementation of the proposed acquisition, and that the restrictions were within the usual range of duration (i.e. two to five years) accepted in previous mergers.

4. CCCS Grants Conditional Approval for the Expanded Joint Venture between Airlines

Merger – horizontal

On 28 January 2025, CCCS granted conditional approval of the proposed expanded joint venture between Singapore Airlines Limited ("**SIA**") and Deutsche Lufthansa AG ("**Lufthansa**") after accepting commitments from the applicants.

In 2016, CCCS conditionally cleared a joint venture between the applicants in the provision of scheduled air passenger transport services. The current application sought a decision as to whether a proposed expansion of this joint venture, which involved an expansion of the geographic scope, would infringe section 34 of the Competition Act 2004, which prohibits agreements preventing, restricting or distorting competition.

CCCS determined that the relevant markets comprised 139 origin-destination city pair routes which both SIA and Lufthansa operated (e.g. Singapore-Paris and *vice versa*). CCCS found that the anti-

competitive impact on two routes, namely, Singapore-France (and *vice versa*) and Singapore-Zurich (and *vice versa*) would be significant, as the applicants had close to an 80% combined market share on each of the two routes. As such, the applicants could therefore coordinate price and capacity on these two routes through the expanded joint venture. In addition, the claimed benefits were insufficient to outweigh the competition concerns such that the net economic benefits exclusion under the Competition Act 2004 would apply.

To address CCCS' competition concerns, the applicants provided commitments pertaining to scheduled international air passenger transport services on the two routes, including the following: (i) maintaining a minimum weekly seat capacity; (ii) carrying a minimum number of Singapore passengers on the routes; and (iii) appointing an independent auditor to monitor compliance with the above and report to CCCS.

After evaluating the feedback provided from a public consultation, CCCS considered the proposed commitments sufficient to address the competition concerns arising from the proposed expanded joint venture and thus granted conditional approval.

5. CCCS Grants Conditional Approval for the Proposed Commercial Cooperation between Airlines

Merger – horizontal

On 21 March 2025, CCCS granted conditional approval of the proposed commercial cooperation between SIA and All Nippon Airways Co, Ltd ("**ANA**") after accepting commitments from the applicants.

In July 2023, CCCS received an application for decision as to whether the proposed cooperation between SIA and ANA in the provision of scheduled air passenger transport services between Singapore and Japan would infringe section 34 of the Competition Act 2004. CCCS determined that the applicants had sustained a high combined market share on the Singapore-Tokyo (and *vice versa*) route in recent years, and that there were significant barriers to entry and expansion along this route. As such, the applicants could therefore coordinate price and capacity on these two routes through the proposed cooperation. In addition, the claimed benefits were insufficient to outweigh the competition concerns such that the net economic benefits exclusion under the Competition Act 2004 would apply.

To address CCCS' competition concerns, the applicants provided commitments pertaining to scheduled air passenger transport services on the said route, including the following: (i) maintaining seat capacity at stipulated levels; (ii) developing and submitting a business plan detailing growth figures the applicants assess they can feasibly achieve; (iii) reporting the relevant flight schedules and individual capacity levels to CCCS; and (iv) appointing an independent auditor to monitor compliance with the above and report to CCCS.

After conducting a market testing exercise, CCCS considered the proposed commitments to be sufficient to mitigate the competition concerns arising from the proposed cooperation and thus granted conditional approval.

6. CCCS Raises Concerns with Manufacturer's Product Information Transparency and Pricing

Consumer protection – unfair practices

OSIM International Pte Ltd ("**OSIM**"), a wellness technology and lifestyle products manufacturer, has provided an undertaking to CCCS to improve transparency in its product information after CCCS raised concerns about some of OSIM's business practices.

CCCS had raised concerns regarding OSIM's product endorsement, product standards, suitability for specific consumers, and pricing, including: (i) the use of the "Stanford Medicine" logo in promotional materials which could mislead consumers; (ii) indicating on its website that some products were "CE Certified", which could mislead consumers; (iii) lack of pre-purchase disclosure about product suitability for individuals with specific health or medical conditions; and (iv) presenting "usual" prices alongside promotional prices that were not genuinely "usual".

OSIM has since taken the following steps to address the concerns: (i) removing the "Stanford Medicine" logo from its promotional materials; (ii) removing the word "Certified" from the "CE" mark on its products; (iii) providing greater disclosure of product suitability information on its website and instructing its sales representatives to remind customers about product suitability before purchase; and (iv) ensuring that its promotions reflected actual discounts.

OSIM also agreed to implement an internal compliance policy to ensure compliance with Singapore's fair trading laws.

CCCS has encouraged other businesses to review their practices to ensure that any representations they make are accurate, genuine, and include sufficient disclosure to reduce the risk of consumer disputes and enhance trust in the marketplace.

7. Upcoming Unit Pricing Pilot at Major Supermarkets in Singapore

Consumer protection – unit pricing

On 15 March 2025, CCCS announced that they are collaborating with major supermarket operators to pilot the display of unit prices for selected grocery items. This initiative aims to help consumers easily compare product prices across different brands and package sizes, leading to more informed purchasing decisions. Unit pricing refers to the price per unit of measurement, such as "$X per litre" or "$Y per kilogram".

The pilot includes the following:

1. Consumers will be able to use unit prices for commonly purchased grocery items, as well as give feedback on their experiences;
2. Supermarket operators will be able test various methods of displaying unit prices to ensure that information is communicated clearly; and
3. CCCS will engage a market survey firm to obtain consumer feedback on the benefits and display methods of unit prices.

This pilot underscores CCCS' commitment to enhancing consumer protection and ensuring fair market practices, especially in light of increasing "shrinkflation" (i.e. reducing the quantity of a product while maintaining the same price). While the initiative is not a mandatory regulation rolled out to all retailers, the introduction of unit pricing may nevertheless influence retailers' pricing

strategies. Retailers may wish to consider providing unit pricing, to build customer trust and to better compete by clearly showing the value of their offerings.

For more information, please see our 21 March 2025 Legal Update titled "Upcoming Unit Pricing Pilot at Major Supermarkets in Singapore".

8. CCCS Provides Positive Guidance on First Competitor Collaboration with Environmental Sustainability Objectives Using Streamlined Process

Merger – horizontal

On 3 January 2025, CCCS provided positive guidance that the joint establishment and operation of Beverage Container Return Scheme (BCRS) Ltd ("**BCRS Ltd**") by Coca-Cola Singapore Beverages Pte Ltd, F&N Foods Pte Ltd, and Pokka Pte Ltd is unlikely to infringe section 34 (which prohibits anti-competitive agreements between businesses) and section 47 (which prohibits abuse of a dominant market position) of the Competition Act 2004.

This is the first Notification for Guidance ("**NG**") where CCCS applied the streamlined process outlined in CCCS' "Guidance Note on Business Collaborations Pursuing Environmental Sustainability Objectives" ("**ESCGN**") issued on 1 March 2024 to assess collaborations pursuing environmental sustainability objectives without harming competition. For more information on the ESCGN, please refer to our 6 March 2024 Legal Update titled "Business Collaborations for the Greener Good: CCCS issues Environmental Sustainability Collaboration Guidance Note".

The applicants had applied to CCCS for guidance on whether the joint establishment and operation of BCRS Ltd by the parties was likely to infringe section 34 or section 47 of the Competition Act 2004. BCRS Ltd, a not-for-profit company, is the licensed scheme operator for the implementation of a refundable deposit for pre-packaged beverages in plastic and metal containers ranging from 150 millilitres to 3 litres.

The NG allowed the applicants to clarify and address any remaining competition concerns regarding the joint establishment and operation of BCRS Ltd. CCCS completed its assessment within 30 working days, following the expedited timeline under the ESCGN.

This first case to be reviewed under the ESCGN recognises that collaboration between competitors is permissible to achieve sustainability goals and demonstrates that competition law is not a drag on these goals but in fact goes hand in hand, facilitated by CCCS' streamlined review process.

For more information, please see our 6 January 2025 Legal Update titled "CCCS Provides Positive Guidance on First Competitor Collaboration with Environmental Sustainability Objectives Using Streamlined Process".

Thailand

The first quarter of 2025 has been an eventful period in Thailand. The earthquake that struck Bangkok caused much public concern, and coincidentally led to the initiation of investigations into the building that collapsed in the earthquake, including investigations into competition concerns such as bid-rigging and below-cost pricing.

On the enforcement front, the Trade Competition Commission of Thailand ("**TCCT**") has issued a number of decisions addressing unfair practices this quarter, demonstrating sustained efforts towards ensuring that businesses comply with their competition obligations and behavioural requirements. This includes a decision on unfair practices in digital platforms for transport services, continuing the trend of decisions relating to digital platforms.

TCCT has also been active on the policy front, holding a public hearing on key competition regulations to determine their effectiveness and continued relevance. TCCT has also played a crucial role in the policy on combatting non-compliant foreign goods and businesses that pose serious competition concerns, by setting out the measures that it will be undertaking in this regard.

1. Investigation Efforts on Competition Issues Following Building Collapse Due to Earthquake

Anti-competitive agreements – vertical

Following the earthquake that struck Thailand on 28 March 2025, a government building under construction – intended to house the new office of the State Audit Office – collapsed, triggering widespread public concern and immediate scrutiny. The incident has raised questions about construction standards, oversight, and potential irregularities in the procurement and contracting processes. This is a classic illustration of how potential competition law violations can have knock on effects.

Preliminary investigations revealed that two companies were directly involved in the project: China Railway No.10 (Thailand) Co., Ltd. and Xin Ke Yuan Steel Co., Ltd. The latter is believed to have supplied key construction materials used in the building. Further inquiries uncovered a complex network of at least eight additional legal entities registered at the same address and linked by overlapping shareholders and directors.

In response, multiple government agencies have launched investigations into possible misconduct. A special inter-agency committee, chaired by the Minister of Commerce, is examining the broader corporate relationships, procurement history, and any potential violations of Thai law. TCCT, as part of this coordinated effort, is focusing specifically on competition-related concerns, including:

- Bid rigging (collusion to influence the outcome of public tenders);
- Below-cost pricing aimed at driving competitors out of the market; and
- Margin squeeze practices that may disadvantage competitors in upstream or downstream markets.

TCCT has formally summoned both companies to provide information on and clarify their roles, with the aim of determining whether the conduct violates the Trade Competition Act, B.E. 2560 ("**Trade Competition Act**"). The case is being treated as high priority, given its potential implications on public safety, market fairness, and procurement integrity.

2. TCCT Decision on Unfair Practices in Digital Platforms for Transport Services

Enforcement – unfair practces

TCCT has issued a decision regarding alleged unfair practices in the ride-hailing service market, specifically involving electric taxis and motorcycles. In response to complaints from two transport service providers against three ride-hailing companies operating digital platforms, TCCT concluded that the practices in question did not constitute unfair competition under the Trade Competition Act.

The complainants operate public taxi services on the digital platforms of the respondents, who are business operators in the ride-hailing service market. They alleged differences in treatment between traditional taxis using a meter, and drivers providing services through the electronic system. Such differences allegedly include differing service fees, fare rates and promotions, and service display orders.

Overall, TCCT dismissed the case, as it found that there was insufficient evidence to support the claims that the respondents had engaged in unfair competition practices under Sections 50 and 57 of the Trade Competition Act. TCCT stated that the differences in treatment did not constitute unfair pricing or business obstruction, and the respondents' practices were in line with the relevant transport regulations. TCCT also found that the practices did not unfairly prejudice any specific group of drivers, and did not make it impossible for the complainants to compete.

3. TCCT Holds Public Hearing on Trade Competition Act Subordinate Regulations

Legislation – competition regulations

TCCT is holding a public hearing on several key implementation regulations issued under the Trade Competition Act to evaluate their effectiveness and continued relevance. These regulations provide the operational framework for enforcing the Trade Competition Act, covering areas such as merger control, abuse of dominance, anti-competitive collusion, market definition, affiliated business relationships, and pre-ruling procedures.

The review aims to assess whether the regulations remain necessary, current, and consistent with evolving market conditions and legal standards. Key considerations include potential overlaps with other laws, unnecessary regulatory burdens, and alignment with international best practices. Public feedback will inform the eventual decisions on whether the regulations should be amended, repealed, or maintained as is.

Comments are open until 23 April 2025, and TCCT invites stakeholders from all sectors to contribute to this review and help shape the future of competition policy in Thailand.

This consultation coincides with ongoing discussions on proposed amendments to the Trade Competition Act. As part of this broader reform effort, TCCT will host the Organisation for Economic Cooperation and Development ("**OECD**") Competition Peer Review seminar on 2 May 2025, at The Athenee Hotel, Bangkok. The event will feature international experts, policymakers,

and business leaders discussing OECD's findings and recommendations, as well as broader themes including legislative reform, competition efficiency, quality of life, and business challenges in today's regulatory environment.

4. Policy to Combat Non-Compliant Foreign Goods and Businesses

Policy – competition enforcement

TCCT has participated in a meeting with the Committee on Management and Resolution of Problems Related to Illegal Foreign Goods and Businesses ("**Committee**"), where it was agreed that TCCT and the Office of the TCCT ("**OTCC**") would play a crucial role in addressing the issue of illegal foreign goods and businesses.

The Committee resolved to have OTCC join the task force responsible for directing, supervising, coordinating, and monitoring the operations of government agencies in collaboration with various related organisations to address substandard foreign goods and to prevent and suppress nominee businesses.

OTCC has indicated that it will be inspecting, monitoring, supervising, and overseeing the trade behaviour of foreign businesses that may violate the Trade Competition Act. OTCC has set out two main measures to address the influx of foreign goods or services:

1. **Foreign businesses establishing factories in Thailand**: This may result in low-cost goods or services, making it difficult for domestic businesses to compete. In the short term, this should be addressed through trade or tax measures to reduce the import of such raw materials or goods, and by setting higher domestic quality and standards.

2. **Import of low-quality goods**: This distorts the market mechanism, making it difficult for domestic businesses to compete. OTCC will implement measures to prevent and suppress trade behaviours that may violate the Trade Competition Act, such as predatory pricing, setting prices below cost, forcing promotional activities, and price-fixing among competitors or partners. OTCC will also enforce the law in cases where domestic businesses engage in legal transactions with foreign businesses that result in monopolistic or unfair trade practices.

Vietnam

The Vietnam Competition Commission ("**VCC**") has made considerable progress towards implementing a stronger consumer protection regime, through both local efforts and global cooperation. For instance, VCC has set out key tasks in implementing the Law on Competition ("**VCL**"), the Law on Protection of Consumer Rights 2023 ("**Consumer Protection Law**") and guiding documents.

At the international level, Vietnam signed an MoU with the United Kingdom of Great Britain and Northern Ireland ("**UK**") to enhance cooperation in consumer protection laws, product safety, and the recall of defective products. Vietnam also promulgated Decree 24/2025/ND-CP ("**Decree 24**") amending administrative penalties on commerce, production and trade in counterfeit and prohibited goods, and consumer rights protection.

1. MoU on Consumer Protection between Vietnam and the UK

Policy – regional

On 25 March 2025, Vietnam and the UK inked an MoU on Consumer Protection, aimed at enhancing cooperation in the areas of supervision by relevant authorities, consumer protection laws, product safety, and the recall of defective products.

The UK will collaborate with Vietnam in conducting research to improve communication methods for disseminating information related to defective product recalls and product safety, and to propose effective approaches for consumer protection enforcement agencies to interact with manufacturers, business entities, and consumers, as well as with other relevant agencies and organisations to effectively implement Vietnam's Consumer Protection Law.

Additionally, the UK Office of Product Safety and Standards will share best practices and experiences with VCC through training courses, survey programs, and learning exchanges in developing consumer protection and maintaining information transparency for consumers in both traditional and e-commerce markets.

This MoU is valid until March 2028, and is part of the framework of the Economic Integration Programme between the UK and ASEAN (EIP) to strengthen economic reform, development and sustainable growth.

The full media release is available here.

2. VCC's Consumer Protection 2025 Goals and 2024 Report

Policy – competition enforcement and consumer protection

2025 Challenges and Goals

VCC expects challenges in implementing the VCL, the Consumer Protection Law, and guiding documents in 2025. To address these challenges, VCC has set out key tasks in five areas:

1. Review, propose amendments to improve legal documents on competition, consumer rights protection, and multi-level marketing activities management;

2. Concentrate resources on organising and implementing the investigation and handling of competition cases;

3. Strengthen state management activities, enhance efficiency, and address consumer feedback, petitions, and complaints;

4. Implement specialised examination and inspection to detect, prevent, and handle competition law violations, protect consumer rights, and manage multi-level marketing business activities; and

5. Consolidate VCC's civil servants and officials and enhance training, retraining, and professional development for VCC's civil servants and officials and competition case investigators.

2024 Report

In 2024, VCC effectively implemented the 2024 Work Plan of the Government and Prime Minister in carrying out its management duties regarding competition, protection of consumer rights, and investigation and handling of competition cases according to competition law. This includes the following efforts:

1. VCC strengthened its supervision and management of competition, particularly concerning economic concentration activities, and the review, monitoring, and handling of cases of investigations related to the restriction of competition and unfair competition;

2. VCC also effectively implemented the management of multi-level marketing activities, aligning with state management requirements, especially in organising effective campaigns and warnings; and

3. In the area of consumer protection, VCC has prioritised the implementation of the Consumer Protection Law to ensure its comprehensive and effective enforcement.

Notably, in 2024, VCC reviewed 24 cases showing signs of violating the competition law, including 10 anti-competitive practices, 11 unfair practices, and three cases of economic concentration. It investigated one economic concentration case and eight unfair competition cases, sanctioning five enterprises and collecting over VND2 billion (approximately US$77,417) for the State Budget.

VCC also received 787 consumer complaints, requests, and grievances via four channels: (i) post / official letters (67%); (ii) email (31.2%); (iii) website (1%); and (iv) the National Public Service Portal (1%).

The full media release is available here.

3. Amendments to Administrative Penalties on Commerce, Production and Trade in Counterfeit and Prohibited Goods, and Consumer Rights Protection

Legislation – consumer protection

On 21 February 2025, Decree 24 entered into force to, among others, amend Decree 98/2020/ND-CP on administrative penalties on commerce, production and trade in counterfeit and prohibited goods, and the protection of consumer rights. In brief, Decree 24 strengthens the protection of consumer rights by setting out new fines for the violation of consumer protection regulations.

Violations in online transactions are subject to strict penalties, with fines ranging from VND50 million (approximately US$1,935) to VND70 million (approximately US$2,710) for enterprises operating digital platforms that commit the following offences: (i) manipulating, suppressing, or dishonestly displaying consumer reviews and feedback about products, services, or businesses, except when such feedback violates laws or ethical standards; or (ii) harassing consumers by directly or indirectly contacting them against their will to promote products, services or businesses, or solicit contractual agreements.

In addition, fines of VND50 million (approximately US$1,935) to VND70 million (approximately US$2,710) may be imposed on enterprises for: (i) failing to compensate, refund, or exchange products and services due to their mistakes or misrepresentation; (ii) swapping or deceiving consumers during delivery; (iii) preventing product inspections; or (iv) forcing consumers to buy additional items as a contractual condition. The same fine applies to digital platform providers that fail to disclose sponsorship of influencers for promotional purposes or prevent consumers from inspecting products and services, except where otherwise regulated by law.

Decree 24 also imposes higher fines ranging from VND100 million (approximately US$3,871) to VND200 million (approximately US$7,742) for intermediary digital platform operators on digital platforms for: (i) restricting consumer feedback on businesses, products, or services; (ii) misrepresenting reviews; or (iii) failing to display complete and transparent product information as required by labelling laws.

Decree 24 is available here, and an overview of Decree 24 is available here.

Our Achievements

Practice Accolades

Rajah & Tann Asia has been named as a leading Competition Practice across several different jurisdictions across Southeast Asia by all of the major legal ranking journals, including but not limited to:

Global Competition Review 100 (GCR100) 2024	*Chambers Asia Pacific 2024*	*The Legal 500 Asia Pacific 2024*
Elite Law Firms: Christopher & Lee Ong C&G Law Rajah & Tann Singapore R&T (Asia) Thailand	Assegaf Hamzah & Partners: **Band 1** Rajah & Tann Singapore: **Band 1** Christopher & Lee Ong: **Spotlight**	Assegaf Hamzah & Partners: **Tier 1** Christopher & Lee Ong: **Tier 1** Rajah & Tann Singapore: **Tier 1** C&G Law: **Tier 1**
asialaw 2023-24	*ALB Indonesia Law Awards 2023*	*In-house Community Firm of the Year 2022*
Assegaf Hamzah & Partners: **Outstanding** Rajah & Tann Singapore: **Outstanding** Christopher & Lee Ong: **Highly Recommended** C&G Law: **Highly Recommended**	Assegaf Hamzah & Partners: **Winner** (Antitrust and Competition Law Firm of the Year)	Christopher & Lee Ong: **Winner** Rajah & Tann Singapore: **Winner** C&G Law: **Winner**

Our Achievements

Individual Accolades

The members of our Rajah & Tann Asia Competition & Antitrust and Trade Team have also been individually recognised in various legal ranking journals, including but not limited to:

Chambers Asia Pacific 2023 – Competition / Antitrust

Chambers TOP RANKED Asia-Pacific 2024

Indonesia:
Rikrik Rizkiyana (Band 1)
Farid Nasution (Band 1)
Asep Ridwan (Band 1)
Albert Boy Situmorang (Band 1)

Singapore:
Kala Anandarajah (Band 1)

Malaysia:
Yon See Ting (Band 2)
Jane Guan (Band 3)

Philippines:
Norma Margarita B Patacsil (Band 2 for Corporate/M&A including Competition)

The Legal 500 Asia Pacific 2024 – Antitrust and Competition

The Legal 500 ASIA PACIFIC TOP TIER 2024

Indonesia:
Rikrik Riziyana (Leading Lawyer)
Farid Nasution (Leading Lawyer)
Asep Ridwan (Leading Lawyer)
Vovo Iswanto (Key Lawyer)

Malaysia:
Yon See Ting (Leading Lawyer)
Jane Guan (Next Generation Lawyer)

Philippines:
Andrea Katipunan (Key Lawyer)

Singapore:
Kala Anandarajah (Leading Lawyer)
Joshua Seet (Key Lawyer)
Tanya Tang (Key Lawyer)

Who's Who Legal – Global Leaders: 2023

WWL Who's Who Legal

Competition
Indonesia: **Rikrik Rizkiyana**
Malaysia: **Yon See Ting**
Philippines: **Norma Margarita B Patacsil**
Singapore: ***Kala Anandarajah***
Thailand: **Melisa Uremovic**

Experts – Economics – Competition Economists
Singapore: **Tanya Tang**

Best Lawyers in Singapore 2024 Awards – Competition / Antitrust

Best Lawyers 2024

Singapore:
Kala Anandarajah

The Legal 500 Asia Pacific 2022 - 24 - Antitrust and Competition

WWL THOUGHT LEADERS

Indonesia: **Farid Nasution**
Malaysia: **Yon See Ting**
Singapore: **Kala Anandarajah**

asialaw Profiles 2023-24 – Competition / Antitrust

asialaw DISTINGUISHED PRACTITIONER 2023-24

Singapore: **Kala Anandarajah** (Elite Practitioner)
Joshua Seet (Notable Practitioner)
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