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### *Competition Economist*

#### **About Ee Kia**

Ee Kia is a Director (Competition Economics) with Drew & Napier LLC. She had been placed on the Dean's Distinction List during her studies at the NUS Business School. Given her deep interest in competition law and economics, she had subsequently completed a Postgraduate College Diploma in EC Competition Law as well as Economics for Competition Law, and a Master of Laws.

*The International Who's Who of Competition Lawyers & Economists 2010* recognises Ee Kia as one of the top competition economists in Singapore.

The *Guide to the World's Leading Competition & Antitrust Lawyers/Economists 2010* nominates Ee Kia as a Leading Competition Economist in Singapore.

Prior to joining Drew & Napier, Ee Kia was the Director of Economics in the Policy and Economic Analysis Division at the Competition Commission of Singapore (CCS). She was responsible for developing policy frameworks and guidelines in relation to the Competition Act as well as conducting economic analysis in assessing notifications and investigation of competition cases. In addition, she also oversaw the portfolio of international strategies and relations.

Prior to that, Ee Kia spent six years in the Info-communications Development Authority of Singapore (IDA), working on a wide range of regulatory and competition issues, including the full liberalisation of the telecommunications industry in year 2000, formulation of the Telecommunications Competition Code as well as the consolidation guidelines, and various spectrum auctions. She subsequently joined the Competition Branch of the Hong Kong Office of Telecommunications Authority (OFTA), looking into competition-related matters, particularly those related to pricing.

#### **Areas of Practice**

Ee Kia has significant experience in competition policy and law, and economic regulations, particularly in the telecommunications industry. Some of the projects that she had worked on while she was with the regulators include:

**Competition**

- Developing the policy framework for the merger regime in Singapore as well as the subsequent substantive and procedural merger guidelines
- Providing advice to other Government agencies in relation to competition-related policies, such as market liberalisation, divestment of assets, and review of competition codes
- Leading the CCS' assessment of the notification for decision submitted by British Airways and Qantas in relation to their Restated Joint Services Agreement. Undertook the first extensive review involving definition of the relevant markets and Net Economic Benefits by the CCS. The decision, which was the CCS' first, was published in February 2007
- Leading the CCS' assessment of the notification for decision submitted by Qantas and Orangestar in relation to their cooperation agreement. The review similarly involved the definition of the relevant markets and an assessment of the competitive effects and the accompanying Net Economic Benefits. The decision was published in March 2007
- Leading the CCS' review in relations to the notifications for decision by Visa International on its Multilateral Interchange Fee arrangement
- Leading the CCS' assessment of three notifications for guidance in relation to a retail distribution arrangement, the exchange of information between competitors as well as the collection and dissemination of industry information by an association
- Involving in the CCS' investigation of more than ten complaints involving abuse of dominance, price fixing, bid rigging, etc, including leading the investigations in a number of cases
- Developing the first Maritime Block Exemption Order (BEO) for liner shipping agreements in Singapore. The BEO was issued by the Minister of Trade & Industry on 14 July 2006
- Conducting a number of market studies into specific sectors of the economy, including the effects of price recommendations on market pricing in some of these sectors
- Developing the framework for handling cross-sectoral competition issues arising from sectors that are excluded from the Competition Act
- Developing strategies to engage and educate government agencies as well as the industry on competition policy and law

**Telecommunications**

- Member of the team that worked on the full liberalisation of Singapore's telecommunications market in year 2000 including market competitiveness assessment, design of the licensing framework which sought to balance between regulatory concerns and market investments to attract new entry, and subsequent licensing activities
- Developing the IDA Telecom Competition Code, which is the first comprehensive piece of competition-related regulation in Singapore governing market access and competition regulation
- Working on the IDA Telecom Consolidation Guidelines as well as the Guidelines on Mergers and Acquisitions in the Hong Kong Market which set out to guide the telecommunications industry in the area of mergers and acquisitions
- Developing and conducting spectrum auctions for the 3G, 2G and LMDS frequency spectrum in Singapore including auction rules and the licensing framework
- Evaluating several merger applications including the merger between StarHub, the second full-fledged fixed line operator in Singapore, and Singapore Cable Vision (SCV), the cable operator. The competition analysis included an assessment of anti-competitive concerns raised at both the horizontal and non-horizontal levels
- Evaluating SingTel's (Singapore's incumbent fixed line operator) tariff rebalancing proposal for its local fixed line tariffs

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- Evaluating pricing tariff applications by the Hong Kong incumbent telecommunications operator's telephony and data services which involved defining relevant markets and assessing the competitive landscape, reviewing the profitability of the prices, and determining whether the application disclosed the potential for predatory pricing, margin squeezing or other forms of anti-competitive conduct
- Working with expert economist and Queen's Counsel in the preparation of submissions to the Hong Kong Competition Appeal Board in relation to an appeal of the OFTA's rejection of two tariff applications involving below-cost pricing. This 12-month litigation was eventually settled following extensive negotiations
- Investigating disputes and complaints of misleading as well as anti-competitive behaviours, including a margin squeeze case which was the first case of its kind dealt with by OFTA. The conclusion of the investigation was confirmed by Professor Richard Whish, a renowned competition law expert
- Heading a six-month LRIC model negotiation with the incumbent operator in Hong Kong which involves complex economics and cost modelling. The model established the basis for the introduction of a new form of carrier licence in Hong Kong
- Conducting a study of the Hong Kong local leased circuit market which involved a survey amongst the users of this service and detailed analysis of the competitive processes. The paper was published on OFTA's website and was also presented at the 31<sup>st</sup> ApecTel Working Group meeting

Some of the key projects that Ee Kia has worked on recently include:

- Obtained merger clearance from the Competition Commission of Singapore for Novartis AG, a large, multinational, pharmaceutical company in relation to its acquisition of Alcon Inc, a large competitor in the eyecare industry. A Phase I clearance was successfully obtained despite the complex issues arising from the transaction.
- Assisted the Singapore media industry regulator, Media Development Authority of Singapore in the implementation of a landmark decision which will see exclusive content obtained by a local Pay TV operator being mandatorily provided for cross-carriage by other local Pay TV operators.
- Advised the Media Development Authority of Singapore (MDA) on the joint bidding arrangement between StarHub Cable Vision and SingTel, in relation to the acquisition of broadcast rights for the 2010 World Cup from FIFA.
- Advised a major tobacco company on its obligation, under a past Guidance decision obtained from the CCS relating to an industry arrangement, to update the CCS about the exclusive retail contracts being executed by its competitor.
- Advising a major credit card company on the potential impact of an operational change in relation to possible exposure under sections 34 and 47 of the Singapore Competition Act.
- Undertook a review and provided advice in relation to a major airlines participation in a collaborative arrangement. In particular, an assessment of the compatibility of the arrangement with Singapore competition law, and the potential exposure to competition law from previous participation in the agreement was made.
- Leading a study commissioned by the CCS into the medical services industry. The scope of the study includes amongst other things, an assessment of the state of competition in the medical services sector and the implications of fee guidelines for medical services in Singapore.
- Leading a study commissioned by the Media Development Authority of Singapore (MDA), the IDA and the CCS on the competition issues in convergent media and telecommunications markets. This involved assessment of the state of the pay TV market in Singapore, in particular the effects of exclusive carriage agreements, and the bundling of media and telecoms services, on these convergent markets.

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- Advising the national regulator on the legal, regulatory and competition framework for the establishment of a National Authentication Framework (NAF) for Singapore.
- Part of an international consortium that provided consultancy services relating to the establishment of a national, neutral Internet exchange platform in Singapore.
- Leading an international consortium appointed to study the development of competition policy and law, and to develop best practices in the introduction and implementation of competition policy and law for East Asian economies.
- Advising on distribution arrangements and business practices in sectors such as office imaging products, fast moving consumer goods and media.
- Provided training on general competition law principles in sectors such as the fast moving consumer goods, aviation as well as media sectors.
- Advising on Singapore merger filing requirements in respect of a joint merger notification to the CCS by a chemicals company in relation to its worldwide acquisition of sole control of two joint venture companies.
- Advising one of the world's largest airlines on the competition law issues arising from its proposed share acquisition of a Chinese airline company.
- Advising one of the world's largest FMCG companies on the competition law issues arising from its proposed acquisition of a consumer product company.
- Advising a pharmaceutical company on its contract terms and conditions for possible abuse of dominance in respect of tying and bundling issues.
- Advising major industry participant on competition law compliance relating to LNG importation and aggregation in Singapore's liberalisation of the LNG industry
- Advising the Consumer Association of Singapore (CASE) in relation to a complaint made to the CCS on an alleged abuse of dominance by CASE

## Publications

- Bull, Lim and Whish, *Competition Law and Policy in Singapore* (Academy Publishing, 2009), Chapters 1 and 2
- Singapore Chapter on Merger Control, *Getting the Deal Through 2009* (Global Competition Review)
- Lim and Ng, *Your Country Guide to ASEAN Competition Law* (Drew & Napier LLC, 2008)

## Appointments / Memberships

- Member of the Economic Society of Singapore