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INTRODUCTION

Drew & Napier's Competition and Regulatory Practice Group, established in 1999, is the oldest and largest dedicated competition law practice in Singapore. Established six years before the enactment of the Competition Act (Cap. 50B) in 2005, our experience has grown in tandem with the development of both national and sectoral competition laws in Singapore. We are the preferred competition law counsel of many regional companies, multinational corporations, associations and government bodies, and regularly assist them on competition matters in Singapore and ASEAN member countries.

The Competition and Regulatory Practice Group, led by **Cavinder Bull**, Senior Counsel, and **Lim Chong Kin**, comprises an experienced and highly qualified team that has handled competition law matters both generally under the Competition Act as well as in the carved-out sectors of telecommunications, media, energy and post.

GENERAL COMPETITION

The Practice Group has represented clients in a wide range of contentious competition law matters for the past 20 years. These include investigations by the Competition and Consumer Commission of Singapore (**CCCS**) previously known as the Competition Commission of Singapore (**CCS**), into allegations of abuse of dominance, price-fixing and bid-rigging cartels. The team has also acted for clients in respect of investigations by the US Department of Justice and other competition authorities in Asia. We have represented clients before the Singapore Competition Appeal Board (**CAB**) in relation to many of the infringement decisions that have been appealed so far.

We also regularly advise clients on competition compliance, business advisory, transaction reviews and filing for guidance and decisions in respect of co-operation agreements, conduct and mergers with the CCCS and other competition authorities in the ASEAN region. The team was responsible for successfully obtaining the first merger clearance under the Competition Act and has a 100% success rate in obtaining clearance from the CCCS for the complex merger notifications it has handled. The team has also filed many notifications for decision relating to

NOTABLE PROJECTS

- Lead Counsel in the joint filing to the CCCS for the proposed collaboration between ComfortDelGro and Uber and the merger notification to the CCCS in the proposed acquisition by Uber of Lion City Rentals.
- Acted for applicants in notable complex mergers filed with the CCCS and successfully obtained clearance for all mergers filings, including:
 - the acquisition by Seagate of the hard disk drive business of Samsung
 - the proposed acquisition by UPS of TNT
 - the proposed joint venture between Airbus Asia and Singapore Airlines
 - the proposed acquisition by ADB of Safegate (with behavioural-only commitments).
- Handled a dawn raid by the CCCS and successfully defended a large MNC in the financial services sector in a cartel investigation by the CCCS.
- Represented SISTIC.com Pte Ltd in its appeal to the CAB in relation to the first and only abuse of dominance infringement finding made to date by the CCCS, and secured a 20% reduction in the financial penalty imposed.
- Represented Transtar Travel Pte Ltd and RegentStar Travel Pte Ltd in their appeals to the CAB, securing reductions in financial penalties of up to 90%.
- Represented a large international bearing manufacturer and distributor in respect of a cartel investigation by the CCCS.
- Assisted multiple parties with leniency applications to the CCCS in respect of international cartel investigations.
- The Practice Group was appointed as part of a consortium to assist the CCCS with its review of the Block Exemption Order for Liner Shipping Agreements in Singapore.
- Successfully assisted Visa in obtaining competition law clearance from the CCCS for Visa's Multilateral Interchange Fee system.
- Assisting MNC clients in various industries to set up competition law compliance and dawn raid structures in the ASEAN region.
- Advising and assisting a sectoral regulator in the drafting its competition codes and guidelines.

RECENT ACHIEVEMENTS

The Competition Law and Regulatory Practice Group is widely recognised as one of the most well established in Singapore. Our recent accolades bear testimony to the quality of the Practice Group:

- **Chambers & Partners 2019** lists Drew & Napier LLC as a Band 1 firm in Competition/Antitrust. Chong Kin is listed as a top Competition/ Antitrust lawyer in Singapore while Corinne is recognised as an Up and Coming Individual.
- **Asia Pacific Legal 500 2019** ranks Drew & Napier as a top tier firm in Antitrust and Competition in Singapore. Chong Kin and Corinne are recognised as leading lawyers and Cavinder comes recommended. Drew & Napier is the only firm in Singapore with two leading lawyers in the Antitrust and Competition ranking.
- **Global Competition Review** recognises Drew & Napier as an “Elite” law practice with an “excellent antitrust team”.
- **Asian-Mena Counsel’s Firm of the Year 2016** survey recognises Drew & Napier LLC as a leading Singapore firm in antitrust for the sixth year.
- **Practical Law Company’s Which Lawyer? Cross Border Handbook: Competition/Antitrust 2011/2012** endorses Cavinder and Chong Kin as highly recommended lawyers in competition/antitrust.
- **The Guide to the World’s Leading Competition & Antitrust Lawyers/ Economists 2016** recognises Cavinder (4th consecutive edition) and Chong Kin (4th consecutive edition) as leading individuals for competition in Singapore.
- **International Who’s Who of Competition Lawyers 2012-2014** recognises Cavinder for his achievements in competition work.
- **International Who’s Who of Competition Lawyers 2010-2018** recognises Chong Kin for his achievements in competition and regulatory work.

agreements and conduct with the CCCS and has consistently achieved positive clearance for clients. Over the years, the team has been engaged by the CCCS,

local and foreign sectoral regulators to undertake competition studies.

The team was also commissioned by the ASEAN Secretariat to undertake a study into the development and introduction of competition policy and law in ASEAN.

SECTORAL COMPETITION

The Practice Group is also highly recognised for its experience in acting for sectoral competition regulators in drafting and implementing complex competition legislation and regulations. For example, the team undertook the drafting of the **Telecom Competition Code** in 2000 and all the reviews to-date.

The team also drafted the first **Media Market Conduct Code** in 2003. In addition, the team was instructed to advise on the liberalisation of the postal industry and to draft the **Postal Competition Code**. Lim Chong Kin also regularly advises the telecom and media regulators on competition matters and represents them in appeals against their decisions.

The team has advised the Infocomm Development Authority (**IDA**), now the Infocommunications Media Development Authority (**IMDA**), on all competition and regulatory issues in three groundbreaking infrastructure development initiatives - the establishment of the Next Generation Nationwide Broadband Network (**Next Gen NBN**), Singapore Internet Exchange, and the National Authentication Framework.

OUR CAPABILITIES

We advise on a full range of competition law matters, including:

- Competition Advisory & Notifications
- Merger Advisory & Clearance
- Competition Audit, Compliance & Dawn Raid Training
- Investigations & Dawn Raid Assistance
- Sectoral Advisory & Appeals
- Market Studies
- Legislative Drafting

A broad sampling of matters handled by us includes:

COMPETITION ADVISORY & NOTIFICATIONS

- Lead Counsel in the joint filing to the CCCS by **ComfortDelGro** and Uber for the proposed collaboration between ComfortDelGro and Uber in respect of

UberFlash. The team also acted for ComfortDelGro in the merger notification to the CCCS in the proposed acquisition by Uber of Lion City Rentals.

- Represented **Singapore Airlines** and **Lufthansa** in successfully obtaining a positive decision (subject to commitments negotiated) from the CCCS in respect of a proposed joint venture between the airlines.
- Successfully assisted **Visa** in obtaining competition law clearance from the CCCS for Visa's Multilateral Interchange Fee system.
- Represented **Singapore Airlines** and **Scandinavian Airlines** in successfully obtaining unconditional clearance from the CCCS for a proposed joint venture agreement.
- Represented **Singapore Airlines** and **Virgin Australia Pty Ltd** in successfully obtaining a positive decision from the CCCS in respect of a proposed alliance agreement between the airlines.
- Successfully obtained a positive decision for **All Nippon Airways**, **Continental** and **United Airlines** in their notification for decision to the CCCS in relation to their joint venture agreement.
- Assisted a large multinational electronics company to assess whether its distribution agreements are likely to infringe competition law in Singapore, Thailand, Indonesia and Vietnam.
- Advised a multinational pharmaceutical company on its contract terms and conditions in relation to a possible abuse of dominance.
- Advised a Singapore-listed company on issues relating to exclusive dealing, mandatory bundling and predatory pricing under the Media Market Conduct Code.
- Advised a global financial services company on issues relating to refusal to supply and their compatibility with the prohibition against abuse of dominance under Singapore competition law.

MERGER ADVISORY & CLEARANCE

- Assisted a large Singapore-based MNC in a competition law review of its investment strategies.
- Assisting a large Singapore-based MNC in a review of its expansion strategies and study of the market.
- Assisted as Singapore counsel in the successful consolidation application to

the IDA for the acquisition by **Telstra** of Pacnet.

- Successfully obtained a Phase 1 merger clearance with behavioural-only remedies for the proposed acquisition by **ADB** of **Safegate**.
- Successfully obtained a Phase 1 merger clearance for the joint venture between **Airbus Asia** and **Singapore Airlines**.
- Successfully obtained a Phase 1 merger clearance for **UPS'** proposed acquisition of **TNT**.
- Successfully obtained merger approval from the CCCS for **Seagate's** proposed acquisition of Samsung's hard disk drive business.
- Secured Singapore's first ever merger filing clearance under the Competition Act for **STMicroelectronics** and **Intel**, with respect to a US\$3.6 billion proposed worldwide merger of their business units.
- Obtained merger clearance from the CCCS for **Novartis AG**, in relation to its acquisition of Alcon Inc. A Phase 1 clearance was successfully obtained despite the complex issues arising from the transaction.
- Obtained merger approval from the CCCS for **Wacker Chemie AG** in relation to its worldwide acquisition of sole control of two joint venture companies, Wacker Polymer Systems GmbH & Co. KG and Air Products Polymers Holdings, L.P.
- Advised and assisted two large automotive companies on potential competition law issues arising in Singapore, Malaysia and Indonesia in respect of their proposed merger.
- Obtained merger clearances for four major telecommunications consolidations in Singapore under the Telecom Competition Code.

COMPETITION AUDIT, COMPLIANCE & DAWN RAID TRAINING

- Conducted an in-depth competition law compliance audit of the business practices and operation of a fast-moving consumer goods (**FMCG**) multinational corporation, which is the market leader for the products under review.
- Assisted in a competition law audit and assessment for a large international FMCG company in relation to its compliance with Malaysian competition law. The audit involved reviewing the company's sales,

marketing and distribution activities as well as a review of the relevant agreements.

- Assisted a global pet nutrition company in its competition law compliance, intellectual property and anti-corruption audit across ten jurisdictions including Singapore, Malaysia, Indonesia, Thailand, India, and the Philippines.
- Advised a large international tobacco company in relation to competition and dawn raid policies; and assisted with the review of a number of internal dawn raid related documents.
- Acted for a Singapore-listed company in conducting a comprehensive audit of its business practices, existing agreements, and business arrangements to facilitate compliance with the Competition Act.
- Assisted companies in the planning and execution of mock dawn raids to simulate conditions of a CCCS investigation. The purpose of such exercises is to stress test the various safeguards in place, protocols and reaction procedures, and staff preparedness. The team assists companies in identifying areas that require improvement, or where protocols need to be redeveloped.

INVESTIGATIONS & DAWN RAID ASSISTANCE

- Represented a large capacitor manufacturer in an investigation by the CCCS.
- Represented a local company in the food and beverage sector in an investigation by the CCCS into alleged cartel activity.
- Represented a large MNC in the financial services sector in relation to an international cartel investigation by the CCCS.
- Successfully defended a large MNC in the financial services sector in an investigation by the CCCS into an alleged international cartel.
- Handled a dawn raid by the CCCS and successfully defended a large MNC in the financial services sector in a cartel investigation by the CCCS.
- Represented a bearings manufacturer in relation to the CCCS's first investigation into alleged international cartel activities.
- Represented **SISTIC.com Pte Ltd** in its appeal of the CCCS's Infringement Decision relating to its alleged abuse of dominance in the Singapore ticketing industry.
- Represented **Transtar** and **Regent Star** in their successful appeal of the Infringement Decision of the CCCS relating to price fixing in express bus

services. The appeal was part of the first set of appeals ever to be taken before the CAB since its creation. The CAB reduced the level of financial penalties imposed on the appellants by up to 90%.

- Represented a large company with international operations in relation to a leniency application filed to the CCCS requiring close coordination with international counsel.
- Assisted at a dawn raid conducted by the CCCS at the client's Singapore offices, and in respect of matters arising thereafter. The team also advised in relation to the powers of the CCCS to retain and deal with certain documents seized during the raid.
- Represented and successfully defended a prominent group of companies listed on the Singapore Stock Exchange in respect of an abuse of dominance investigation by the CCCS.
- Represented a multinational company in a cartel case before the CCCS. The case involved allegations of bid-rigging and price-fixing in multiple jurisdictions and required coordination with a worldwide legal team of advisors.
- Represented an American company with a Singapore subsidiary in an investigation by the United States Department of Justice's antitrust division into an allegation of "gun-jumping" in relation to merger issues.

SECTORAL ADVISORY & APPEALS

- Assisted the **IDA** in its decision to allow, with considerations, CityNet's acquisition of OpenNet.
- Advised the **IDA** on its joint initiative with its Malaysian counterpart to reduce roaming rates between Singapore and Malaysia.
- Advised the then-**Media Development Authority of Singapore (MDA)**, now the **IMDA**, on the implementation of its landmark cross-carriage measure relating to the carriage of exclusively acquired channels and content by designated pay-TV providers.
- Advised the **Minister of Trade and Industry** to determine an appeal in the energy market in Singapore.
- Advised the **IDA** on enforcement actions for contravention of the anti-competitive provisions in the Telecom Competition Code; as well as disputes and complaints under the Code (including disputes over

- access to critical support infrastructure and interconnection-related services).
- Advised the **IDA** on all competition matters pertaining to the rollout of Singapore's Next Gen NBN.

MARKET STUDIES

- Appointed as part of a consortium to assist the **CCCS** with its review of the Block Exemption Order for Liner Shipping Agreements in Singapore.
- Led a consortium of economic consultants and eminent East-Asian competition law experts to conduct a study into the development and introduction of competition policy and law in the ASEAN region.
- Conducted a study for the **MDA** to identify international best practices for managing a competitive media market and to make recommendations on the appropriate regulatory framework for the local market.
- Undertook a study for the **CCCS** on the effects of price recommendations by trade and professional associations on competition in Singapore.
- Undertook a study for the **CCCS**, the **IDA** and the **MDA** to examine competition issues in convergent media and telecommunications markets.
- Undertook a study for the **CCCS** into the medical services industry, that included an assessment of the implications of fee guidelines for medical services in Singapore. Based on the findings of the study, the **CCCS** issued its decision to reject the use of fee guidelines in the medical services sector.

LEGISLATIVE DRAFTING

- Assisting the converged media and telecom regulator, the **IMDA**, in the convergence of the Telecom Competition Code and the Media Market Conduct Code.
- Acted as lead Singapore counsel in advising the postal regulator on the liberalisation of the Singapore postal industry, including drafting the Postal Competition Code.
- Assisted the **IDA** to revise the Telecom Competition Code in 2012 to implement additional merger review powers under the amended Telecommunications Act.
- Acted as lead Singapore counsel in advising the **IDA** in its second and third triennial reviews of the Telecom Competition Code in 2005 and 2010.

- Drafted Singapore's first interconnection, market access and infrastructure sharing framework to regulate competition in the telecommunications industry.
- Drafted the Media Market Conduct Code 2003 to introduce competition regulations to the media and print industry.
- Drafted the amendments to the Media Market Conduct Code in 2010 to introduce and implement the cross-carriage measure.

PRACTICE GROUP HEADS

Cavinder Bull, Senior Counsel
Chief Executive Officer
Director, Competition Litigation and Regulatory

Cavinder handles complex litigation spanning a wide area of corporate and commercial matters. One of his areas of emphasis is competition law where he has represented various clients in investigations by competition law regulators both in Singapore and overseas. Cavinder previously practised antitrust law in New York, working on cases like the Microsoft antitrust litigation, and obtaining US Department of Justice approval for the merger between Grand Metropolitan and Guinness in one of the, then, world's largest mergers. Cavinder graduated from Oxford University with First Class Honours in Law. He clerked for the Chief Justice of Singapore as a Justices' Law Clerk. Cavinder also has a Masters in Law from Harvard Law School which he attended on a Lee Kuan Yew Scholarship. **Chambers Asia Pacific 2019** lists Cavinder as a top ranked lawyer. Clients describe him as a "world-class counsel" and "excellent advocate" who is "very sharp and analytical". **Chambers Global 2016** lists Cavinder as a leading individual: "a terrific cross-examiner who can really perform in court". **Chambers Asia Pacific 2014 – 2016** ranks Cavinder as a Leading Individual for Competition/Antitrust. **Asia Pacific Legal 500 2019** recognises Cavinder as a Recommended Lawyer for Antitrust and Competition. He is described as a "strategic" and "first-rate lawyer". **Who's Who Legal: Competition 2012 – 2014** ranks Cavinder as a leading competition lawyer. **Practical Law Company's Which Lawyer? Cross Border Handbook: Competition/Antitrust 2011/2012** lists Cavinder as a

recommended lawyer in competition and antitrust.

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Lim Chong Kin
Director
Head, Competition & Regulatory
(Contentious & Non-Contentious)

Since 1999, Chong Kin has played a key role in the development of sectoral competition regulation in Singapore's telecommunications and media industries, and subsequently the development of general competition law under the Competition Act. He was the lead Singapore counsel that undertook the drafting of the Telecom Competition Code 2000 and 2005, the Media Market Conduct Code 2003 and the Postal Competition Code 2008. Chong Kin's diverse client portfolio spans the CCCS and the sectoral competition regulators to private sector companies. Chong Kin also regularly advises corporations on a whole range of competition law matters including competition compliance, advisory, transaction reviews and filing for decisions and guidance with the CCCS. For example, he has represented Visa in filing numerous notifications to the CCCS in relation to its multilateral interchange fees. He also assists clients in handling inquiries and investigations by the CCCS. He is currently assisting clients in international cartel investigations as well as advising clients on leniency applications. Chong Kin has been widely acknowledged as the leading competition law expert in Singapore by major ranking publications. **Who's Who Legal: Competition 2008 – 2018** ranks Chong Kin as a leading competition lawyer. **Chambers Asia Pacific 2019** recognises Chong Kin as a top ranked lawyer. He is described as "incisive, insightful and knowledgeable" and a "commercially savvy and experienced lawyer". **Asia Pacific Legal 500 2017 - 2019** recognises Chong Kin as a Leading Individual. Clients say that he has "excellent legal knowledge and in-depth understanding of the regulator". Chong Kin is listed as a Market Leading Lawyer in **Asialaw Leading Lawyers 2018**. **Practical Law Company's Which Lawyer? Cross Border Handbook: Competition/ Antitrust 2011/2012** lists Chong Kin as a recommended lawyer in competition and antitrust.

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Dr Corinne Chew
Director
Deputy Head, Competition & Regulatory

Corinne is the Deputy Head of the firm's Competition Law & Regulatory practice. Corinne holds a PhD in Competition Law and Policy from King's College London. In legal practice for more than a decade, Corinne's experience extends to all areas of competition law practice, including assisting clients in the filing of merger notifications to the CCCS, leniency applications, dawn raid handling and CCCS investigations. Corinne has also assisted multinational and local companies in setting up competition law compliance and audit structures, dawn raid and whistle-blowing programmes and conducting audit checks for companies in a wide range of industries in Singapore and as lead counsel in other jurisdictions such as the ASEAN region, China and Vietnam. Corinne's corporate experience includes contractual and regulatory advice for listed and unlisted companies in a broad spectrum of industries, including aviation, technology, manufacturing and financial services industries and Corinne has assisted in the reviewing and drafting of joint venture agreements, shareholder agreements, distribution and sale and purchase agreements. With regard to the aviation industry in particular, Corinne has assisted in competition law as well as regulatory and licensing advice, and in contractual matters pertaining to air services agreements, passenger and cargo airlines operations, travel agencies, global distribution systems, airport services, airport retail services and asset transfers. **Asia Pacific Legal 500 2017 - 2019** lists Corinne as a Leading Individual. Clients say that she has "excellent legal knowledge and in-depth understanding of the regulator". **Chambers Asia Pacific 2019** also ranks Corinne as an Up & Coming Lawyer. "Clients pinpoint her responsiveness, client service and competition law knowledge as [Corinne's] key strengths." **Singapore Business Review** lists her as one of Singapore's 20 most influential lawyers aged 40 and under for 2018.

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