

# Antitrust & Competition

Mayer Brown's multi-disciplinary Antitrust & Competition team offers a seamless, coordinated service throughout the Asia Pacific region, and has the benefit of extensive regional and international experience in the antitrust and competition field.

"Their lawyers are very knowledgeable and can provide to-the-point advice, which saves a lot of time and legal fees."

– *Chambers Asia Pacific 2015*

"The services provided them are good value for money and helps the client to ensure its compliance with law."

– *Chambers Asia Pacific 2015*

Chinese Business Law Award (Competition & Antitrust)

– *China Business Law Journal (2014)*

## Regional Coverage and International Exposure

Our lawyers are experienced in helping clients secure clearances for mergers, acquisitions, joint ventures and other commercial transactions, and in providing advice relating to the rapidly developing antitrust regimes in the region. We also offer clients throughout the Asia Pacific region proactive behavioural counselling and training on antitrust law compliance, and our clients benefit from our close working relationships with key enforcement agencies.

China and Hong Kong, where our bi-lingual team is based, are our major areas of focus given the significance of these markets for our clients, and the broad scope of the antitrust and competition legislation which governs (or will govern in the case of

Hong Kong) activities within and beyond these markets.

Our team also has extensive experience in dealing with competition law regimes in the Asia Pacific region and we work closely with lawyers in our Singapore, Vietnam and Thailand offices to help clients address issues arising under the developing competition law regimes of Southeast Asian countries.

Globally, we have more than 70 lawyers practising antitrust and competition law and we fully understand today's complex competition issues, as well as the increasingly complex relationships among corporations in a global economy. As a leader in US and EU competition law, the firm offers, through its global network of offices, up-to-the minute guidance concerning mergers, cartel

"Mayer Brown has a true competition practice,"

– *IFLR1000 (2014)*

"Tier 1 – Competition/Antitrust, Hong Kong"

– *IFLR1000 (2012-2014)*

"They deliver high quality and good communications. They know Chinese competition law well."

– *Chambers Asia Pacific (2012)*

International Competition Firm of the Year

– *China Law and Practice (2012)*

"Tier 1 – Antitrust & Competition, China"

– *Chambers Asia Pacific (2011)*

International Competition Team of the Year (PRC)

– *China Law and Practice (2011)*

Hong Kong Competition & Antitrust Law Firm of the Year

– *Corporate INTL (2011)*

investigations, distribution and IP licensing issues and alleged abusive conduct by dominant firms, including by providing antitrust counsel at the federal and state levels in the US, and for both national member state and EU levels in Europe.

With offices located in key business centres around the world, we offer clients a global network of counselling resources. Our ability to offer a multinational perspective enables us to provide informed advice that facilitates our clients' transactional work anywhere in the world. Our global presence, combined with local understanding and experience, allows us to focus on our clients' most pressing problems and to deal with relevant regional governmental authorities. This cross-border approach is particularly valued by our clients.

## Merger Control

Mayer Brown's Antitrust & Competition team has extensive experience in preparing and coordinating antitrust filings in the region, particularly in key Asian jurisdictions such as China, Australia, Korea, Japan, Singapore and Taiwan. Our experience includes coordinating multijurisdictional merger work in respect of multiple corporate transactions for multinational clients based across Asia, covering competition law advice in China (where we act as lead competition counsel), the wider APAC region (where we coordinate the advice of various local counsel) and globally

(where we act through other offices in the firm's wider network or in conjunction with local counsel as required).

We have been involved in preparing China merger filings since filing requirements were first introduced in 2003. As enforcement of the Anti-Monopoly Law (AML) merger control provisions continues to develop, the regulatory review of mergers and acquisitions is becoming increasingly sophisticated in China. Our lawyers have assisted the Chinese government with the drafting of this law and associated implementing regulations, and accordingly have an in-depth knowledge of the developing regulatory process. One of the by-products of our long presence in China is that we have established relationships with, and access to, senior officials at the key antitrust agencies. In particular, partners in our offices in Beijing have longstanding associations with senior officials at the Ministry of Commerce (MOFCOM), giving us a unique platform to assist clients to understand the 'behind the scenes' thinking in China competition law enforcement and providing us with important avenues for seeking interpretative clarifications or advocating positions on behalf of clients.

We have an outstanding record in obtaining regulatory clearances quickly and efficiently, and were part of the team that won *Global Competition Review's* 2011 M&A Transaction of the Year, Asia-Pacific, Middle East & Africa award.

## Advisory, Compliance & Investigations

Mayer Brown's experience extends to the broad range of anti-competitive conduct laws and regulations throughout the Asia Pacific region. We have undertaken whole-of-business reviews assessing competition law compliance for leading companies in the finance, construction, utilities and transport industries and provided on-going competition law advice to them. This has involved assisting clients in rolling out compliance programmes, including by developing compliance manuals and 'train the trainer' programmes to promote competition compliance within their organisations.

In China, behavioural counselling and investigation response is becoming ever more important as AML enforcement activity by the National Development and Reform Commission (NDRC) and State Administration for Industry and Commerce (SAIC) ramps up. We have provided strategic advice and

compliance assistance to key clients on China's antitrust laws, including the Anti-Unfair Competition Law, the Price law and the relevant conduct prohibitions under the AML. We regularly liaise with the competition officials in the NDRC and SAIC administering the AML behavioural laws. We also assist businesses in developing legal compliance programmes tailored for China's unique antitrust and competition regime.

Our lawyers have substantial experience in advising clients on the conduct rules, and on coordinating antitrust behavioural work and investigation response across the Asia Pacific region. We have also been actively involved in consultation with the Hong Kong SAR Government regarding the new Hong Kong Competition Ordinance. We assist major corporations to develop and implement competition law compliance programmes tailored to the developing regime, and have worked with some of Hong Kong's key banking and utility enterprises, trade associations and statutory bodies to provide antitrust advice and assistance.

The table below provides an overview of some of the team's recent competition law experience in the Asia Pacific region:

Industry Sector	Our Experience
Auctioneering services, conferences & exhibitions	Advised a leading global auctioneer on the enforceability under the AML of certain restrictive covenants imposed in the context of a JV in China.
	Assisted a major conference organiser with a strategic business review over an extended period involving design and roll-out of a tailored compliance policy and associated training programmes.
Aviation	Obtained clearance in relation to several deals involving the air transport and avionics sectors in Asia.
Chemicals, pharmaceuticals & medical devices	Successfully filed merger notifications relating to a broad range of transactions involving the chemicals and pharmaceutical industries, including deals involving the acquisition of key China competitors in these sectors.
	Provided China competition law advice in respect of certain practices concerning secured access to after markets for the repair of medical equipment.
	Provided China dawn raid advice and advice in respect of a competition compliance amnesty programme in China, Hong Kong, Vietnam, Malaysia and Thailand.

Industry Sector	Our Experience
Construction & building materials	Successfully completed competition compliance audit and roll-out of comprehensive compliance programme, and provided general competition law advice for all aspects of the client's business in Hong Kong and with respect to the establishment of a joint production JV in Mainland China.
Energy, mining & resources	Handled merger filings relating to the acquisition of businesses in the steel production, mining machinery, and other resource-related sectors.
	Handled merger filings relating to various deals involving key players in the global energy industry.
	Acted for EUROFER (the association of European steel producers) in the filing of submissions to MOFCOM in opposition to the proposed iron ore JV between BHP and Rio Tinto.
Financial services	Represented major international banking and financial institutions in making notifications regarding JVs and other M&A deals.
	Provided competition law advice in respect of a marketing alliance for the provision of payment card merchant acquiring services in Hong Kong, China, Taiwan, Malaysia, India, Singapore and Sri Lanka.
	Advised on proposed arrangements for the setting of interchange fees in connection with the launch of an electronic payment platform.
Food & agriculture	Successfully obtained merger clearances for clients in the food and agricultural industries. Examples include advising a European consumer goods company on the sale of its global manufacturing and distribution business in the US and China, including the multijurisdictional antitrust merger control aspects of the transaction. We have also advised a global food manufacturer and distributor on the notification to MOFCOM of the proposed acquisition of a soybean company.
	Advised on distribution practices giving rise to a risk of resale price maintenance under the AML.
Port services & utilities	Successfully completed compliance audit and roll-out of comprehensive compliance programme, and provided general competition law advice for all aspects of the client's business.
	Conducted a full business review, contract audit and risk analysis for a major utility.
Other services & manufacturing	Carried out an investigation into alleged anti-competitive conduct by distributors and agents in the elevators & escalators sector and assisted with rolling out antitrust training and compliance programmes in various Southeast Asian jurisdictions.
	Handled merger filing work relating to a broad range of other industry sectors including media, plastics packaging, whitegoods, electronics, aluminium manufacturing and supply, contract logistics, industrial and domestic valves, advertising, and more.

## TALK TO US

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Mayer Brown is a distinctively global law firm, uniquely positioned to advise the world's leading companies and financial institutions on their most complex deals and disputes. With extensive reach across four continents, we are the only integrated law firm in the world with approximately 200 lawyers in each of the world's three largest financial centers—New York, London and Hong Kong—the backbone of the global economy. We have deep experience in high-stakes litigation and complex transactions across industry sectors, including our signature strength, the global financial services industry. Our diverse teams of lawyers are recognized by our clients as strategic partners with deep commercial instincts and a commitment to creatively anticipating their needs and delivering excellence in everything we do. Our "one-firm" culture—seamless and integrated across all practices and regions—ensures that our clients receive the best of our knowledge and experience.

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