

KLUWER LAW CONFERENCE FOR IN-HOUSE COUNSEL

HONG KONG: 5TH ANNUAL GLOBAL COMPETITION LAW SUMMIT

(This conference will be conducted in English)

*“The New Hong Kong
Ordinance and Effects for Local
and International Business’s”*

Thursday 21 April 2016, 9:00am - 5:00pm
Harbour Grand Hong Kong

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SPEAKERS



Stephen Mavroghenis
Head of Brussels and Co-head
of the Global Antitrust Group,
Shearman & Sterling Brussels
Chairman



Rose Webb
CEO, Competition Commission
(Hong Kong)
Opening Address



François Renard
Registered Foreign Lawyer,
Head of Allen & Overy Greater
China Antitrust Practice
Moderator-1st Grand Panel



Knut Fournier
Chairperson, Hong Kong
Competition Association



Susan Ning
Partner, King & Wood
Mallesons



Anthony Woolich
Partner, Holman Fenwick
Willan LLP



Andrew Simpson
Director, Certari Consulting



Zhi Bao
Partner, FenXun Partners
Beijing



Stephen Crosswell
Partner, Baker & McKenzie
Hong Kong



Caroline Thomas
Senior Associate, Holman
Fenwick Willan



Carol Osbome
Senior Economist,
Houstonkemp



Junghun Kim
Associate, Bae, Kim & Lee
LLC



Melanie Tan
Senior Manager
(Operations), Competition
Commission(Hong Kong)



Anna Mitchell
Managing Associate,
Linklaters



Michael Han
Partner, Fangda Partners



David Boyle
Senior Associate, Fangda
Partners

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SCHEDULE

9:00am - 9:15am	Opening Speech - Hong Kong Competition Law Update Rose Webb, CEO, Competition Commission (Hong Kong)	2:40pm - 3:05pm	Section 6 - Exclusion, exemption remedies and Penalties Anna Mitchell, Managing Associate, Linklaters
9:15am - 9:45am	Keynote Session - Global Update in Competition Law	3:05pm - 3:30pm	Section 7 - Vertical Agreements - RPM's and MFN's Focus Carol Osborne, Senior Economist, Houstonkemp
9:45am - 10:15am	Section 1 - The Hong Kong Competition Ordinance - Immediate Effects and What it Means to Local and International Companies in Hong Kong Stephen Crosswell, Partner, Baker & McKenzie	3:30pm - 3:55pm	Short Break & Afternoon Refreshment
10:15am - 10:45am	Section 2 - Cartels and other antitrust investigations in China • Michael Han, Partner, Fangda Partners • David Boyle, Senior Associate, Fangda Partners	3:55pm - 4:15pm	Section 8 - Key Prohibitions - Advising General Counsels
10:45am - 11:15am	Networking & Morning Refreshment	4:15pm - 5:00pm	2 nd GRAND PANEL - Ask the Experts - Regional Enforcement Issues - Korea, Japan, China, EU, HK Moderator: TBC Panellists: • Knut Fournier, Chairperson, Hong Kong Competition Association • Zhi Bao, Partner, FenXun Partners Beijing • Junghun Kim, Associate, Bae, Kim & Lee LLC • Melanie Tan, Senior Manager (Operations), Competition Commission (Hong Kong)
11:15am - 11:45am	Section 3 - Pharma Anti Trust Law Updates	5:00pm - 6:30pm	Cocktail
11:45am - 12:15am	Section 4 - The Importance of EU Competition Law to Asian Companies Anthony Woolich, Partner, Holman Fenwick Willan		
12:15am - 12:45am	Section 5 - IP - Litigation and Enforcement in China Susan Ning, Partner, King & Wood Mallesons		
12:45am - 1:50pm	Networking Lunch		
1:50pm - 2:40pm	1 st GRAND PANEL - What Issues In-house Counsel Need to Consider when Being Advised on Competition Law Under the New Ordinance - Local and International Focus Moderator: François Renard, Registered Foreign Lawyer, Head of Allen & Overy Greater China Antitrust Practice Panellists: • Andrew Simpson, Director, Certari Consulting • Caroline Thomas, Senior Associate, Holman Fenwick Willan		

Rose Webb, CEO, Competition Commission (Hong Kong)

Ms. Rose Webb was appointed to the position of Chief Executive Officer of the Competition Commission (CC) in March 2016. She previously held the position of Senior Executive Director at the CC from April 2014. Ms. Webb has been closely involved in the formation and development of the CC and in all aspects of its operations since the commencement of the Competition Ordinance on 14 December 2015. She has represented the CC in Hong Kong and at international meetings. Immediately prior to her appointment to the CC, Ms. Webb was Executive General Manager, Mergers and Adjudication at the Australian Competition and Consumer Commission (ACCC). Ms. Webb has over 25 years of government and regulatory authority experience with wide exposure at Australian federal government departments and regulatory authorities such as the ACCC and the Australian Securities and Investment Commission (ASIC). She has led a wide range of legal and enforcement teams and possesses a deep understanding of competition law and policy.

Ms. Webb graduated with a double degree in Economics and Law from the Australian National University and has an LLM degree from Sydney University. She also holds a Graduate Diploma in Practical Legal Training from the College of Law and a Graduate Diploma in Governance, Policy and Public Affairs from Queensland University.

François Renard, Registered Foreign Lawyer, Head of Allen & Overy Greater China Antitrust Practice

François Renard has managed Allen & Overy's Greater China antitrust practice since November 2008. He has extensive experience advising Western and Asian clients on China, APA C, EU and other national competition laws, including merger control, anti-competitive agreements and concerted practices; intellectual property and antitrust interface; abuse of dominant position, market investigations and antitrust compliance.

François is listed as a leading lawyer in PLC's antitrust crossborder category in China, International Who's Who of Competition Lawyers, Global Competition Review (GCR), Chambers APA C and IFLR 1000, respectively. He is also the ILO Client Choice Award 2015 for the Competition & Antitrust category in China. François is regularly invited to speak at conferences throughout the APAC region and in Europe, and has published numerous articles on antitrust matters in Europe and China. He is a lecturer at the Institute of European Studies (Brussels) and was invited as a visiting professor to one of the major Beijing universities (CUPSL) in 2014. François speaks English, French, Italian and Dutch.

Susan Ning, Senior Partner, King & Wood Mallesons

Susan joined King & Wood Mallesons in 1995. She is a senior partner and the head of the international trade, antitrust & competition group. She is one of the first legal practitioners in China to set up an antitrust and competition specialist division. Her practice covers merger control filings, antitrust investigations, compliance and antitrust litigations. Since 2003, she, together with her team, has undertaken more than 200 antitrust merger control filings on behalf of clients on behalf of multinational and domestic corporations. Susan has also assisted a number of clients on confidential investigations of cartel conduct, resale price maintenance and abuse of dominance, and has acted for Qihoo in relation to the landmark abuse of dominance case with Tencent.

Ms. Ning currently serves as the deputy Chairman of the Antitrust Committee of the All China Lawyers Association and is an active participant of the American Bar Association and Inter-Pacific Bar Association's antitrust forum. Ms. Ning's articles on the AML have been published by esteemed international competition law journals and publications, including Euromoney's Competition & Antitrust Review and Global Competition Review. She also wrote the Practice Guide to China Antimonopoly Law (published by CCH). Susan holds a Bachelor of Laws from Peking University and a Master in Law from McGill University. Susan was admitted as a Chinese lawyer in 1988.

Knut Fournier, Chairperson, Hong Kong Competition Association

Knut Fournier is currently the Chairman of the Hong Kong Competition Association. Until recently, he was teaching law at the City University of Hong Kong. Prior to moving to Hong Kong, Knut worked as a monitoring trustee for competition authorities in Europe, in the United States, in Brazil and in China. During his nearly three years as a trustee, Knut worked on cases covering a variety of sectors, including banking, manufacturing, food, retail, aviation, music, and mining. He designed compliance programmes for traders and trained staff on competition compliance, in the context of remedies imposed by the European Commission and by national competition authorities. He published extensively on competition law, including recently on Hong Kong telecom merger remedies, and on competition policy and the Hong Kong broadcasting sector. He holds law degrees from the University of Paris and from King College London. Knut is currently finishing a PhD on Hong Kong Competition Law at the University of Leiden, and was an Academic Visitor at the University of Oxford.

Anthony Woolich, Partner, Holman Fenwick Willan LLP

Anthony Woolich is head of Holman Fenwick Willan's Competition and Regulatory Legal Services Group and is based in London. His competition law practice is broad, including cartels, abuse of dominance, merger control and State aid, and including representing major companies in Asia. Anthony is a member of the City of London Solicitors Company's Committee on Commercial Law and the Steering Committee of the Procurement Lawyers Association, as well as the Law Society's Competition Section, the UK Association for European Law and the Competition Law Association.

Anthony is frequently quoted in the press, and he is the author of publications including the competition law section of the annual "Shipping Law Review". He is recommended in Chambers 2016 which refers to him as "the head of department at Holman Fenwick Willan LLP. Clients provide an array of praise. 'He is very experienced, with good instincts and a highly professional manner. He closely managed every stage of our project through to the end,' says one. Another stated: 'His technical knowledge is second to none.'" Chambers has previously

recommended him as a "notable practitioner, earning acclaim for his 'in-depth knowledge' of a wide number of industries", and reported clients as saying that he is "measured in his approach", according to impressed interviewees. Clients appreciate that 'he takes the time to consider and evaluate all details' and is able to 'think on his feet when it comes to linking the item for discussion with relevant issues'. He is "incredibly responsive and available, and always meets deadlines", and has "excellent client service". Legal 500 2015 says that "the 'highly intelligent, experienced, knowledgeable and responsive' Anthony Woolich assists purchasers and suppliers in regulatory and commercial issues." Legal 500 has previously quoted clients as saying that "he knows the answers, knows the market, and gives pragmatic, commercial advice", that he is "experienced and business minded", and that he "exercises good judgment".

Andrew Simpson, Director, Certari Consulting

Andrew Simpson LL.M., Ph.D., founded Certari Consulting Ltd in 2009, which advises governments on competition and regulatory policy, supports regulators in enforcement, and assists businesses with compliance. Dr Simpson is a lawyer of more than twenty years' experience in competition law and economic regulation throughout the Asia-Pacific region, in private practice, in-house, and with the New Zealand Commerce Commission. ASimpson@CertariConsulting.com

Zhi Bao, Partner, FenXun Partners Beijing

Zhi Bao is head of the Antitrust Group at FenXun Partners and is part of the Baker & McKenzie FenXun Joint Operation. His practice focuses on foreign direct investment, mergers and acquisitions, private equity and anti-monopoly matters.

Zhi Bao has advised on complex transformation of offshore ownership transaction structures into onshore ownership structures as well as regularly advises multinational companies on anti-trust filings and national security review of cross-border M&A transactions and related regulatory aspects.

During his tenure with the Ministry of Commerce (MOFCOM) in Beijing, he spearheaded the examination of numerous foreign direct investments, cross-border mergers and acquisitions, and anti-monopoly filings for M&A transactions. He was also a principal draftsman of key regulations relating to restructuring of domestic and offshore companies and cross-border M&A transactions (for both unlisted and listed Chinese target companies, as well as inbound and outbound transactions) and funds.

Stephen Crosswell, Partner, Baker & McKenzie Hong Kong

Stephen's practice covers a broad range of competition law issues in China, Hong Kong and throughout the Asia-Pacific, including advising on antitrust issues associated with distribution and supply chains, competition audits and compliance, competition litigation, competition related judicial review proceedings, access claims, multijurisdictional cartel investigations, merger clearance and collaboration/joint ventures. He also advises on competition policy matters, including regulated industry negotiations with governments and regulators, deregulation, privatization and state owned enterprises reform.

Stephen has represented clients in many of the leading competition law cases in recent years under Hong Kong's sectoral competition laws. He also represented the Hong Kong General Chamber of Commerce in the Legislative Council hearings relating to enactment of Hong Kong's competition law and is a member of the Hong Kong Law Society's Competition Law Committee, which reviewed the Hong Kong Competition Tribunal's draft procedural rules.

Stephen advises across a broad range of sectors, including media and telecommunications, government contracts, oil and gas, retail, banking and finance, property and ports. Stephen is ranked in major legal directories as a leading antitrust practitioner in China/Hong Kong and is the author of the Hong Kong chapters of the Lexis Nexis Practical Guide to Competition Law in Hong Kong (2015), the 'Global Antitrust Compliance Handbook' (Oxford University Press, 2014) and 'Competition Law in China and Hong Kong' (Sweet & Maxwell, 2009).

Caroline Thomas, Senior Associate, Holman Fenwick Willan

Caroline Thomas is a Senior Associate in Holman Fenwick Willan's Hong Kong office. She specialises in insurance, maritime and regulatory law. On the non-contentious side Caroline provides regulatory advice to companies on various matters including anti-money laundering, competition, data protection and sanctions laws and regulations. She has worked on several competition law cases, including in Hong Kong where she has advised on the application of the old competition law regime which only applied to the telecommunications sector. In recent years Caroline has updated clients on the likely effect on them of the new Competition Ordinance which applies to almost all sectors. Caroline has assisted clients make submissions in the context of government consultations on proposed new regulations of their industry and helped them to assess whether or not to judicially review decisions taken by the government.

Caroline's litigation experience includes advising on cargo claims; arresting/releasing vessels; charterparty claims; claims under ship management agreements; debt recovery; and bringing and defending insurance claims under CAR; cargo; hull; property; liability jewellers block and Welcar policies. She also represents clients in high value commercial disputes including ICC arbitrations and Hong Kong Court proceedings (including derivative actions and professional negligence claims). Caroline has written several articles including on insurance and competition law in Taiwan; data breach and cyber liabilities; and on Hong Kong's new Competition Ordinance. Caroline is admitted as a solicitor in England & Wales (2008) and in Hong Kong (2010).

Carol Osborne, Senior Economist, HoustonKemp

Carol Osborne is a senior economist at HoustonKemp, based in its Singapore office and specialising in applying economic analysis to complex problems arising in competition and regulatory matters. She has advised public and private sector clients in the Asia Pacific region, with interests spanning a wide range of industries. Her clients include competition authorities, regulators, lawyers and businesses. Carol's particular areas of expertise include the assessment of the competitive implications of mergers and acquisitions, agreements between competitors, vertical arrangements, pricing strategies and abuse of dominance. She has also advised on both the design and application of price controls and related arrangements applying in infrastructure sectors.

Carol has been involved in competition and regulatory matters for over 12 years. Prior to joining HoustonKemp, she held the position of senior consultant at NERA Economic Consulting. Her experience in government was developed during her time with the New Zealand Treasury.

Carol holds a Master of Business Administration from the Massachusetts Institute of Technology and a Master of Commerce (first-class honours) in economics from the University of Canterbury. She is a member of the Economic Society of Singapore and has been recognised in the GCR's Who's Who Legal: Competition Economists category for 2016.

Stephen Mavroghenis, Head of Brussels and Co-head of the Global Antitrust Group, Shearman & Sterling Brussels

Stephen Mavroghenis is head of Shearman & Sterling's Brussels office and cohead of the Global Antitrust Group. His practice focuses on competition law and policy. Stephen's practice focuses on EU and UK competition law, in addition to EU regulatory and intellectual property law. Stephen has extensive experience in the aviation, chemicals, energy, high-tech and information technology, pharmaceuticals and medical devices, manufacturing, and media and entertainment industries. He regularly appears in proceedings before the European Commission and the European Courts in Luxembourg. He also appears before the national competition authorities of several member states. Stephen regularly advises multinational corporations on international mergers, acquisitions, joint ventures and corporate takeovers and defends clients against allegations of cartel participation and abuses of dominance, including issues relating to refusals to deal/license, intellectual property rights, rebates, predatory and excessive pricing. Stephen also regularly counsels clients on a broad variety of business practices including licensing and supply agreements, distribution, agency and the establishment and maintenance of compliance programs.

Stephen has published widely on competition issues and is a contributor to multiple legal publications, and is a frequent speaker on competition law and policy.

Junghun Kim, Associate, Bae, Kim & Lee LLC

Attorney Jung Hun KIM is a member of the Antitrust and Competition Team. His practice focuses on responses to Fair Trade Commission's investigation, administrative appeal, and claims for damages involving violation of competition law. As an antitrust lawyer, he has handled domestic/international price-fixing cases (e.g. price fixing among petrochemical companies and among card companies for the former cases and CRT and TFT-LCD price fixing for the latter); has advised on cases involving competition law, such as business combination, unfair trade activities, and abuse of dominant market position, and involving the laws under the jurisdiction of the Fair Trade Commission (FTC) such as subcontract law, labeling and advertising law, and terms and conditions regulation law; and has helped clients cope with FTC's investigation.

He studied competition law of the U.S. and Japan—he earned an LL.M. degree in competition law from New York University School of Law and was trained at Mori Hamada & Matsumoto, a law firm in Japan—and now applies such knowledge to his practice.

Anna Mitchell, Managing Associate, Linklaters

Anna is a Managing Associate in the Linklaters' Competition/Antitrust practice in Hong Kong. She advises companies on a wide range of both Asian and global competition law issues. Prior to moving to Hong Kong, Anna spent a number of years working in the Linklaters' London office, specialising in EU and UK antitrust law. Anna's experience includes advising clients on a broad array of competition matters, including merger control and jurisdictional filings, cartel investigations, compliance, market investigations and state aid.

She has experience of working with clients in several industries, including, in particular, the financial services, retail, pharmaceutical, natural resources and mining sectors. Since moving to Hong Kong, Anna has been involved transactions and investigations in a number of Asia-Pacific jurisdictions including Hong Kong, China, Singapore, Indonesia, and South Korea. In 2012, Anna completed a 9-month secondment to the in-house competition team of The Royal Bank of Scotland plc.

Michael Han, Partner, Fangda Partners

Michael is a partner and the head of the antitrust practice of Fangda Partners, a leading Chinese law firm. Prior to joining the firm, Michael was based in China as a partner of a leading international law firm, heading its antitrust practice in the Greater China region. Michael also worked as an official with MOFTEC (now the Ministry of Commerce, or MOFCOM).

In addition to advising clients on Chinese merger control administered by MOFCOM, Michael has extensive experience in advising clients on antitrust investigation by the two anti-monopoly enforcement agencies that regulate the conduct rules under the Anti-monopoly Law: the National Development & Reform Commission (NDRC) and the State Administration for Industry and Commerce (SAIC). He has advised clients on a number of high-profile investigation cases by these two agencies in the automobile, shipping, pharmaceuticals, IT, and high-tech industries (including representing an international shipping company in successfully defending a cartel investigation by the NDRC, the first successful defense of such an investigation in the PRC).

Michael has been ranked as a Band 1 lawyer in Chinese competition/antitrust law

by Chambers Asia from 2009 to present. He also features as a leading antitrust practitioner in China in Global Competition Review's International Who's Who of Competition Lawyers and PLC's Which Lawyer.

David Boyle, Senior Associate, Fangda Partners

David joined Fangda Partners in 2014. He advises clients in relation to antitrust investigations, regulatory review of mergers & acquisitions and antitrust litigation. Before joining Fangda Partners, David worked with a US law firm in Brussels advising clients on European Commission and European Member State merger control and antitrust investigations. David also acted for clients on litigation before the European Court in connection with European Commission state aid decisions and an appeal of a European Commission merger decision.

Prior to working in private practice, David gained experience in government public enforcement with the Irish Competition Authority investigating suspected breaches of Irish and European antitrust law. While working with the Irish Competition Authority, he conducted abuse of dominance investigations in a variety of sectors and participated in criminal cartel investigations.

Hong Kong: 5th Annual Global Competition Law Summit

For enquiries and registration, please contact **Alma Lam**

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