

The Regionalisation of Competition Law and Policy: Implications for the ASEAN Economic Community



25 April 2016
NUS Law (Bukit Timah Campus), Singapore
Block B, Level 2, Staff Lounge



Centre for Law & Business
Faculty of Law

CONFERENCE PROGRAMME

MONDAY, 25TH APRIL 2016

TIME	PROGRAMME
8.50am	Registration & Coffee NUS Law, Block B, Level 2, Staff Lounge
9.00am – 9.05am	Welcome Remarks by Burton Ong
9.05am – 9.15am	Welcome Remarks by Tan Cheng Han <i>Chairman, Centre for Law & Business</i>
9.15am – 9.35am	Keynote Speech by Toh Han Li <i>Chief Executive Officer, Competition Commission of Singapore</i>
9.35am – 10.00am	Group Photograph / Morning Coffee Break

SESSION 1: THE REGIONALISATION OF COMPETITION LAW WITHIN THE ASEAN ECONOMIC COMMUNITY

With the creation of the ASEAN Economic Community (AEC) in December 2015, how would a regional competition law and policy framework play facilitate the market integration goals of the AEC?

TIME	PROGRAMME
10.00am – 10.25am	The Objectives, Scope And Institutions Of Competition Law Frameworks In ASEAN: Integrating National And Regional Perspectives Burton Ong
10.25am - 10:50am	Diversity In National Competition Laws In The ASEAN Region And The Resulting Challenges For Businesses Operating In The Region Corinne Chew
10:50am – 11.15am	ASEAN Competition Law, State-Owned Enterprises And Regional Market Integration Pornchai Wisuttisak / Cheong May Fong
11.15am – 11.40am	Regionalisation Of Competition Law And Policy In ASEAN: Why, How And When? Wan Khatina Wan Mohd Nawawi
11:40am - 12:30pm	Discussion
12:30pm - 1:30pm	Lunch Break

SESSION 2: CONSTRUCTING A REGIONAL COMPETITION LAW FRAMEWORK FOR ASEAN – PROSPECTS AND CHALLENGES

What lessons can ASEAN learn from other regional groupings that have developed their own regional competition law and policy frameworks?

TIME	PROGRAMME
1:30pm - 1:50pm	The Transplantability Of The EU's Competition Law Framework Into The ASEAN Region – Issues To Be Considered Josef Drexl
1:50pm - 2:10pm	Regionalisation Of Competition Policy: What Lessons Can Be Drawn For ASEAN From Other Regions' Experiences? G. Deniz Both
2:10pm - 2:30pm	Convergence And Divergence In Competition Law In The EU: Norms, Enforcement Rules And Prioritisation In The UK And Ireland Barry Rodger / Mary Catherine Lucey
2:30pm - 2:50pm	Integrating Trade And Competition Seamlessly In The Framework Of Regional Economic Communities Eleanor Fox
2:50pm - 3:40pm	Discussion
3.40pm – 4.10pm	Afternoon Coffee Break

SESSION 3: THE IMPACT OF MARKET INTEGRATION IMPERATIVES ON THE DEVELOPMENT OF NATIONAL COMPETITION LAW AND POLICY FRAMEWORKS OF ASEAN MEMBER STATES

If ASEAN member states integrate market integration objectives into their domestic competition law and policy frameworks, what legal reforms – substantive (doctrinal) and structural – might occur?

4:10pm - 4:30pm	Vertical Agreements And EU Competition Law – The Impact Of The Internal Market Objective And Lessons For The ASEAN Region Alison Jones
4:30pm - 4:50pm	Competition Law And The Provision Of Public Services In ASEAN: Does Regional Economic Development And Market Integration Require The Application Of Competition Law To Public Services? Andrea Gideon
4:50pm - 5:10pm	Market Integration Through EU Sector Regulation: Competition Policy Implications For ASEAN Telecoms Markets John Townsend
5:10pm - 6:00pm	Discussion
6:00pm	End of Conference, followed by Conference Dinner (Speakers and Invited Guests only)

SPEAKER PROFILE



BURTON ONG *National University of Singapore*

Dr Burton Ong is an Associate Professor at the Faculty of Law, National University of Singapore (NUS) and Director (Competition Law) at the NUS Centre for Law and Business. He teaches and researches in the areas of Contract Law, Competition Law and Intellectual Property Law. He is interested in competition law and advocacy issues in the South East Asian region, having served as a consultant to the ASEAN Experts Group on Competition (AEGC), an organisation comprising national competition authorities from Brunei Darussalam, Cambodia, Indonesia, Lao PDR, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam. He has also advised private and public sector clients on competition law issues in both litigious and non-litigious contexts.



ALISON JONES *King's College London*

Alison Jones is Professor of Law at King's College London and a solicitor at Freshfields Bruckhaus Deringer LLP. Alison is co-author of Jones and Sufrin on EU Competition Law (OUP), leader of the LLM Competition Law Pathway at King's and runs the international moot competition, the Herbert Smith Freehills Competition Law Moot. Prior to joining King's in 1992, Alison read law at Girton College, Cambridge, worked at Slaughter & May and completed a BCL at Christ Church, Oxford. Since joining King's she has taught Competition Law (EU, UK and US to LLB, LLM, Diploma and MA students), Trusts, Property, and EU law. She also is a Regional Editor for The Restitution Law Review and Director of the LLB Law with European Legal Studies and LLB with American Legal Studies programmes.



ANDREA KATHARINA GIDEON *NUS Law, Centre for Law & Business*

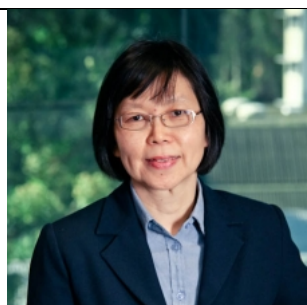
Andrea is a post-doctoral Fellow at the Centre for Law & Business, National University of Singapore (co-sponsored by the Competition Commission of Singapore) for which she has suspended her position as Lecturer in Law at the University of Liverpool. Andrea is working on the application of competition law to public services in ASEAN with a particular focus on healthcare. Her 2014 PhD thesis, submitted to the University of Leeds, 'Higher Education Institutions under EU Law Constraints: An interdisciplinary analysis of the position of European higher education institutions between directly applicable EU law and their public service mission' has been shortlisted for the Jean Blondel PhD Prize 2015 that will be published as a monograph by TMC Asser. Before starting her PhD, she worked for the Carl von Ossietzky Universität Oldenburg and for the German Development Service (now German Agency for International Cooperation, GIZ) at the Academy for Civil Servants, Nusa Tenggara Timur, Indonesia.

SPEAKER PROFILE



BARRY RODGER *University of Strathclyde*

Professor Barry Rodger has been an academic at Strathclyde University Law School since 1993 and has been a Professor there since 2001. A fifth edition of his co-authored textbook (with A MacCulloch) *Competition Law and Policy in the EC and UK* (Cavendish) was published in 2014 and he has published widely in competition law in numerous articles in various leading journals such as the *European Competition Law Review*, *The Common Market Law Review*, the *Journal of Antitrust Enforcement*, *World Competition* and *Concorrenza e Mercato*. Many of his recent publications have focused on private enforcement of competition law including his comprehensive studies of all competition-related litigation in the UK courts (ECLR 2006, GCLR 2009), the Kluwer Law International book *Competition Law and Article 234: An Analysis* (2008) which focuses on all competition law Article 234 preliminary rulings, and empirical studies of competition law litigation settlements in the UK (2008 ECLR and 2015 GCLR). He is the Secretary and co-organiser of the Competition Law Scholars' Forum (www.clasf.org) and co-editor of the *Competition Law Review*, and is on the organizing committee of the Scottish Competition Law Forum.



CHEONG MAY FONG *University of New South Wales*

Dr May Fong Cheong is Professorial Visiting Fellow at the Faculty of Law, University of New South Wales. She is also Adjunct Professor at Multimedia University (Malaysia), Associate Member of Asian Competition Forum (ACF) and Member of University of Malaya Malaysian Centre of Regulatory Studies (UMCoRS). She was formerly Professor and Dean of the Faculty of Law, University of Malaya at Kuala Lumpur, Malaysia. Her area of specialization is the law of contract where she completed her PhD thesis on unfair contracts at the University of Sydney. Her major publications are in the area of contracts and remedies, particularly in relation to the legal position in Malaysia. Her other area of interests are competition and consumer law particularly of ASEAN countries. In the area of competition law, she has written on the impact of electricity, water services and telecommunications industries, and on competitive neutrality and state-owned enterprises. She moderated the session on competitive neutrality at the 5th ASEAN Competition Conference held in Vietnam last year. Dr Cheong currently teaches Principles of Private Law, Contracts and Unfair Contracts (LLB and JD) and the ASEAN component of the Asian Competition Law course (LLM) at UNSW Faculty of Law.

SPEAKER PROFILE



CORINNE CHEW *Drew & Napier LLC*

Dr Corinne Chew specialises in competition law, corporate and regulatory matters. Her experience extends to all areas of competition law practice, including assisting clients in the filing of merger notifications to the Competition Commission of Singapore (“CCS”), leniency applications and assisting clients with CCS investigations. She has also assisted multi-national 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. 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.



ELEANOR MAE FOX *New York University School of Law*

Professor Eleanor Fox (LL.B. '61) is a prominent antitrust and comparative competition law scholar. Her recent work includes articles on antitrust, markets, developing countries, and global governance, and casebooks on US antitrust law and European Union law. She served as a member of the International Competition Policy Advisory Committee to the Attorney General and Assistant Attorney General for Antitrust under President Clinton and was a member of the National Commission for the Review of Antitrust Laws and Procedures under President Carter. A senior faculty member at the NYU law school, she has also served as Chair of the New York State Bar Association's Section on Antitrust Law, Chair of the Section of Antitrust and Economic Regulation of the Association of American Law Schools, Vice Chair of the ABA Antitrust Section, and Trustee of New York University Law Center Foundation. She lectures annually at the Competition Directorate of the European Commission and has been an advisor on competition policy in numerous newer antitrust jurisdictions including South Africa, Egypt, Tanzania, Indonesia, central and eastern European nations, and the Common Market of Southern and Eastern Africa.



GOZDE DENIZ BOTH *Independent Legal Researcher*

G. Deniz Both is a lawyer specialising in international competition law and trade law. She is an independent legal researcher, as well as the research assistant of Dr Christopher Townley at King’s College London. She received an LL.M. in International Competition Law and Policy from the University of East Anglia in 2007 and a PhD in Law from King’s College London in 2015. She worked as an associate lawyer at a major international law firm in Istanbul from 2007 to 2011.

SPEAKER PROFILE



JOHN WILLIAM JAMES TOWNSEND *KPMG Singapore*

John Townsend is a competition policy professional presently working as a Manager in KPMG Singapore's Economics and Regulation team. John was previously a member of the legal team of the UK Competition Commission before its abolition, and then a Senior Associate in the competition policy team of UK telecoms regulator Ofcom. Subsequently, as a self-employed Barrister in London, John was instructed to work on the "EU-Philippines Trade Related Technical Assistance Project 3" to improve telecoms regulation in the Philippines. He is a former Member of the Bar Council of England and Wales, and former Judicial Assistant to Lord Neuberger of Abbotsbury (now President of the UK Supreme Court). He has published widely on competition law and telecoms regulation, including a Working Paper authored jointly with Professor Christian Bergqvist on margin squeeze in telecoms markets for the Swedish Competition Authority.



JOSEF DREXL *Max Planck Institute for Innovation and Competition*

Professor Drexler is Director of the Max Planck Institute for Innovation and Competition in Munich (since 2002), a Honorary Professor at the University of Munich and a member of the Bavarian Academy of Science. As the Chair of the Board of Directors of the Munich Intellectual Property Law Center (MIPLC), he is responsible for an LL.M. program in IP with international outreach. He was the founding Chair of the Academic Society for Competition Law (ASCOLA) from 2003 to 2013, and he is a Vice-President of the Association Internationale de Droit Economique (AIDE). He was a visiting professor at Oxford University, the Libera Università Internazionale per gli Studi Sociali (LUISS) Guido Carli in Rome, the New York University and the Université de Paris 2 Panthéon-Assas. He is an expert in both competition law and intellectual property law. The competition law aspects of IP and international issues of both IP and competition law are among his major research interests.



MARY CATHERINE LUCEY *UCD Sutherland School of Law*

Dr Mary Catherine Lucey is a Non-Governmental Advisor to the Irish Competition and Consumer Protection Commission. She is Associate Dean (Undergraduate Programmes) in the UCD Sutherland School of Law, Ireland where she teaches EU competition law. She has taught EU competition law in Fordham University (New York) and, also, to judges from several EU states. Her PhD thesis, awarded by the London School of Economics and Political Science, examined the interface between EU competition law and the common law Restraint of Trade Doctrine.

SPEAKER PROFILE



PORNCHAI WISUTTISAK *Chiang Mai University*

Dr. Pornchai Wisuttisak is a lecturer in Competition law and International Trade Law at the Faculty of Law, Chiang Mai University, Thailand. He obtained his PhD in Business Law and Taxation from University of New South Wales, Australia. Before that, he graduated with a BA in Political Science in Government from Thammasat University, Thailand, and then completed his Masters degree in Commercial Law from Macquarie University, Australia. His research focuses on competition law and policy, international trade law, infrastructure utility regulation and corporate social responsibility. He has been a research consultant to the Thai Energy Regulatory Commission regarding consumer protection regulations in the Thai Energy sector. Recent research publications include Wisuttisak, P.,(2014), EU competition law on electricity sector liberalization, *International Journal of Public Law and Policy*, Vol 4, Iss 4.



WAN KHATINA WAN MOHD NAWAWI *Khazanah Research Institute*

Wan Khatina Nawawi is a Director of Research at the Khazanah Research Institute and formerly the Economic Advisor to the Malaysia Competition Commission (MyCC). Previously, she was the Director of Research and Investment Strategy at Khazanah Nasional Berhad where she led a team looking at industrial organization (IO) issues including competition economics/law, regulatory economics, and international trade regulation. In the past, she had been a Senior Regional Economist at the National Economic Action Council (NEAC) of the Prime Minister's Department; and a Regional Economist at SG Research, part of the Societe Generale Banking Group; among others. Khatina has degrees in public administration, competition economics and competition law, business administration, and commerce (Asian economies and economics history) from Harvard University, King's College London, and the University of Melbourne.

In alphabetical order (by first name with the exception of Burton Ong, the conference convenor)