

UNBUNDLING COMPETITION: ASIA COMPETITION LAW PODCASTS

30 March 2022 | Asia
Podcasts

In this podcast, members of the Herbert Smith Freehills Competition, Regulation and Trade team examine key competition law and related regulatory developments. In each instalment, we update you on the latest developments across Asia, as well as those affecting Asian businesses around the world, from merger control and foreign direct investment regulation to cartels and compliance.

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Register [here](#) to subscribe and be notified of all future episodes. Alternatively, our podcast is available on [iTunes](#), [Spotify](#) and [SoundCloud](#) and can be accessed on all devices.

SERIES ONE - COMPETITION LAW IN SOUTHEAST ASIA 2020

In the inaugural series of the Unbundling Competition podcast, [Adelaide Luke](#) (Partner and Asia Head of Competition) discusses recent developments in competition law regimes in Southeast Asia with experts in the region.

Episode 1: Competition Law in Southeast Asia - Regional enforcement and Thailand

Adelaide and Tokyo senior associate [Joel Rheuben](#) review the current state of competition law enforcement in Southeast Asia, and take a closer look at Thailand, where the competition law regime has changed significantly. This episode is a good starting point for understanding why and how Southeast Asia is an increasingly important region for deal and competition compliance planning.

A summary of the podcast is available [here](#) | [Podcast Summary](#) | [Podcast Summary](#)
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Episode 2: Competition Law in Southeast Asia - Indonesia

Adelaide and Hiswara Bunjamin & Tandjung partner [Sakurayuki](#) discuss recent amendments to Indonesia's competition law rules and its proposed new legislation. [Hiswara Bunjamin & Tandjung](#) is Herbert Smith Freehills' longstanding associate firm in Indonesia. This episode provides a broad overview of the rapidly changing competition law landscape in Indonesia and the direction of future reform.

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Episode 3: Competition Law in Southeast Asia - Singapore

Adelaide and Prolegis Managing Director [Ban Leong Oo](#) discuss the competition law landscape in Singapore and look at the Competition & Consumer Commission of Singapore, regarded as one of the most active and sophisticated regulators in the region. [Prolegis](#) is Herbert Smith Freehills' formal foreign law alliance partner in Singapore. This episode explains why companies doing business in the region should pay attention to the Singaporean regime.

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Episode 4: Competition law in Southeast Asia - Vietnam

Adelaide and Frasers Law Company partner [Justin Gisz](#) discuss the newly enacted Vietnamese Competition Law, which is anticipated to lead to a new era of competition law enforcement in Vietnam. [Frasers Law Company](#) is an independent, full service commercial law firm based in Vietnam. This episode provides a practical overview of the new law, including the implications for merger control.

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SERIES TWO - SCREENING OF ASIAN INVESTMENT IN EUROPE

Episode 5: Screening of Asian investment in Europe - The UK's proposed new National Security and Investment regime

Tokyo senior associate [Joel Rheuben](#) and head of HSF's global Foreign Direct Investment group [Veronica Roberts](#) discuss the recent bill for a new National Security and Investment screening regime in the UK. The proposed regime introduces mandatory notification requirements for investments (including minority investments) in certain key sectors, adding to the regulatory complexity for Asian companies doing deals in the UK.

A summary of the podcast is available [here](#). Accompanying slides are available [here](#).

Episode 6: Screening of Asian investment in Europe - The European Commission's White Paper on foreign subsidies

Asia Head of Competition [Adelaide Luke](#) and EMEA Head of Competition [Kyriakos Fountoukakos](#) provide an overview of the European Commission's recent "White Paper on Levelling the Playing Field as regards Foreign Subsidies". They discuss the various models under consideration for reviewing a wide range of foreign government and public body support for companies that impacts competition in the EU. If implemented, the proposals under this White Paper are likely to have a substantial impact on investment in Europe by Asian companies in particular.

A summary of the podcast is available in [English](#) | [🇬🇧](#) | [🇪🇺](#) | [🇬🇧](#)

Episode 7: Screening of Asian Investment in Europe - UK competition law after Brexit

Head of Competition Asia, [Adelaide Luke](#), and London partner [Mark Jephcott](#) discuss the UK competition law system, and how it will apply to Asian companies after the expiry of the UK EU Withdrawal Agreement on 31 December 2020. Asian companies with operations in both the UK and EU should be aware that, from 2021, the two competition regimes will operate in parallel, and should note key differences.

A summary of the podcast is available in [English](#) | [🇬🇧](#) | [🇬🇧](#)

Episode 8: Screening of Asian investment in Europe - The EU Regulation on the screening of foreign direct investment

Tokyo senior associate [Joel Rheuben](#) and EMEA Head of Competition [Kyriakos Fountoukakos](#) outline the Regulation on the Screening of Foreign Direct Investment, which became fully operational in October 2020. They provide an overview of the relationship between the screening framework established under the Regulation, and the potential impact for Asian companies investing into sensitive sectors in the EU.

A summary of the podcast is available in [here](#).

SERIES THREE - COMPETITION LAW IN DIGITAL MARKETS

Episode 9: Competition Law in Digital Markets - Digital platforms and competition regulation

Asia Head of Competition [Adelaide Luke](#) and Australia senior associate [Patrick Clark](#) discuss how competition authorities approach digital platforms, the new and unique competition concerns that authorities might identify with those businesses, and the global trend to develop innovative regulatory responses.

Episode 10: Competition Law in Digital Markets - Pricing practices in digital platforms

As digital platforms continue to grow in influence and importance across economies around the world, competition law regulators around the world are turning their sights on various practices that are common in the digital sector. In this episode of Unbundling Competition, senior associate [Howard Chan](#) and Herbert Smith Freehills Kewei Law Firm partner [Frances Xu](#) consider potentially problematic pricing practices on digital platforms, including recent updates from China.

Episode 11: Competition Law in Digital Markets - The role of data in merger control analysis

Asia Head of Competition [Adelaide Luke](#) and Tokyo senior associate [Joel Rheuben](#) discuss the increasingly significant role that data plays in merger control analysis by competition authorities worldwide. Analysis of data as a factor of competition is being examined not only in deals involving large digital platforms, but also in more traditional sectors, as companies seek to monetise data they produce and use data analytics to gain an edge over their competitors. However, the unique characteristics of data create challenges when considering it through a conventional competition law lens.

HERBERT SMITH
FREEHILLS KEWEI COMPETITION LAW
PODCASTS (CHINESE LANGUAGE)

[1]: 中国反垄断法——国家市场监管总局最新发布《经营者集中审查办法》
Episode 1: **SAMR Guidelines on overseas competition compliance:** China's competition law regulator, the State Administration for Market Regulation, has recently released its Antitrust Guidelines on Platform Economies for consultation. These Guidelines are expected to have far-reaching consequences on how tech giants will be regulated in future, covering a range of common practices in the market, including exclusivity and loyalty inducing conduct. In this podcast, Herbert Smith Freehills associate [Howard Chan](#) discusses these updates with Kewei Law Firm partner [Frances Xu](#) and associate Hazel Xu.

[2]: 中国反垄断法——国家市场监管总局最新发布《平台经济领域反垄断指南》
2020年11月10日
Episode 2: **SAMR guidelines on platform economies - deep dive into "one between two" arrangements:** China's competition law regulator, the State Administration for Market Regulation, has recently released its Antitrust Guidelines on Platform Economies for consultation. These Guidelines are expected to have far-reaching consequences on how tech giants will be regulated in future, covering a range of common practices in the market, including exclusivity and loyalty inducing conduct. In this podcast, Herbert Smith Freehills associate [Howard Chan](#) discusses key issues such as "one between two" arrangements and market definition for platform operators in detail with Kewei Law Firm partner [Frances Xu](#) and associate Hazel Xu.

[3]: 中国反垄断法——国家市场监管总局最新发布《平台经济领域反垄断指南》
Episode 3: **personalized pricing through data analytics - the data protection and antitrust perspectives:** In the recently released consultation draft of the Antitrust Guidelines on Platform Economies, China's State Administration for Market Regulation addresses the conduct of pricing discrimination through the use of big data and algorithms, also known as 'personalised pricing'. This is both an antitrust issue, and a data protection issue. In this podcast, Kewei Law Firm partner [Frances Xu](#) discusses personalized pricing with Herbert Smith Freehills Of Counsel [James Gong](#) and Associate [Howard Chan](#).

[4]: 中国反垄断法——国家市场监管总局最新发布《平台经济领域反垄断指南》
Episode 4: **Competition enforcement and compliance in the pharmaceutical sector:** The State Administration for Market Regulation has recently intensified its efforts in tackling anti-competitive practices in various industries, including the pharmaceutical sector. It has issued several major administrative penalty decisions, such as the record fine against Yangtze River Pharmaceutical Group for implementing monopoly agreements. The competition law regulator stressed that it would continue to strengthen anti-monopoly law enforcement in the pharmaceutical sector to curb and prevent monopolistic conduct for the purpose of protecting consumer interests and ensuring fair market competition. In this podcast, Herbert Smith Freehills senior associate [Howard Chan](#) discusses with Kewei Law Firm partner [Frances Xu](#) and associate Hazel Xu how Chinese pharmaceutical enterprises can improve regulatory compliance.

[5]: 中国反垄断法——国家市场监管总局最新发布《平台经济领域反垄断指南》
Episode 5: **Determining the arbitrability of competition law in China:** The question of the arbitrability of competition law related issues have been considered in many jurisdictions around the world. Whilst resolution of competition disputes by way of arbitration has been recognised in some jurisdictions such as the European Union and the United States, the public law nature of competition law is still a major factor considered by the Chinese courts when deciding the extent to which antitrust issues can be covered by an arbitration agreement. In this podcast, Herbert Smith Freehills senior consultant [Stella Hu](#) and senior associate [Howard Chan](#) discuss the arbitrability of competition law in China with Kewei Law Firm partner [Frances Xu](#).

RECENT DEVELOPMENTS IN CARTEL INVESTIGATION & LENIENCY PRACTICES, IN & OUTSIDE JAPAN (BILINGUAL)

Recent developments in cartel investigation & leniency practices, in & outside Japan (English)
HSF Tokyo senior associate [Joel Rheuben](#) is joined by [Yusuke Takamiya](#), a partner at leading Japanese law firm Mori Hamada & Matsumoto, to discuss recent developments in cartel investigation and leniency practices. Recent amendments to Japan's Antimonopoly Law have provided the Japan Fair Trade Commission (JFTC) with wider discretion in setting cartel fines, with the aim of encouraging greater cooperation from cartel leniency applicants. At the same time, the JFTC has promised greater protection for confidential attorney-client communications during cartel investigations. This podcast provides an overview of these developments, as well as a counterpoint from the recent practice of jurisdictions outside of Japan.

中国反垄断法——国家市场监管总局最新发布《平台经济领域反垄断指南》
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KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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