

Competition Law Alert

Dear Clients & Friends

Singapore Airport Competition Code: Merger control provisions come into force on 20 January 2010

The mergers and acquisitions (“**M&A**”) framework under the Civil Aviation Authority of Singapore (the “**CAAS**”) Airport Competition Code (the “**Code**”) has come into force on 20 January 2010. Pursuant to section 44 of the Civil Aviation Authority of Singapore Act (the “**CAAS Act**”), the notice of issue of the revised Code was published in *The Business Times* on 20 January 2010.

Allen & Gledhill LLP advised the CAAS on the establishment of the merger control framework under the Code.

Aside from the M&A provisions, the Code also sets out the prohibitions against anti-competitive behaviour in the airport market, which is defined as any market in Singapore where an airport licensee is engaged in the provision of airport facilities and services. All airport licensees are required to comply with the Code.

The new M&A provisions focus on the activities of airport licensees in relation to joint ventures and other acquisitions not covered by sections 42, 57 and 58 or Part V of the CAAS Act. The M&A provisions are introduced in the Code to provide an appropriate and effective M&A analytical framework, bearing in mind the sectoral regulatory framework of the CAAS’ scope of responsibilities and policy objectives.

The new merger control framework establishes the procedures and processes for M&A notification by the airport licensees, as well as evaluation and decision-making by the CAAS.

Elsa Chen, Deputy Director of Competition Economics, who was part of the Allen & Gledhill LLP team advising the CAAS on the Code, observes that the provisions take into account the intricacies of the airport market in Singapore and will help to ensure timely M&A assessment and evaluation, which will in turn foster the development of a competitive airport market in Singapore without undue regulatory burden.

Further information

Should you have any queries as to how this may affect your business, please do not hesitate to get in touch with your usual contact at Allen & Gledhill LLP or the following:

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About the Allen & Gledhill Competition & Antitrust practice

The Allen & Gledhill Competition & Antitrust practice is one of the largest and most experienced competition teams in Singapore. It is a full-time dedicated competition practice and consists of competition lawyers, the country's first in-house competition economics team and former officers of the Competition Commission of Singapore (the "CCS"). The practice is placed in "Tier 1" by *Global Competition Review* and highly recommended by *PLC Which Lawyer?*. The practice, which leads the market in CCS filings, has acted in more than three-quarters (13 out of 17) of all merger control notifications lodged with the CCS in the first 30 months since the merger control regime in Singapore came into force. Further, it was commissioned to establish the merger regimes under both Singapore's Airport Competition Code as well as the country's Media Market Competition Code. The practice has also defended clients in several landmark antitrust hearings.

Yours faithfully

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