

## Competition & Antitrust Review

Dear Clients & Friends

### **Resale price maintenance: Does it infringe the Singapore Competition Act?**

Resale price maintenance (“**RPM**”) is a common practice by businesses which is treated with varying degrees of legality under competition law across jurisdictions. While some jurisdictions such as Australia and China have a strict prohibition against RPM, other jurisdictions have adopted a more permissive approach. This article provides a useful overview of the issues which should be considered when implementing RPMs in Singapore and examines the circumstances where RPMs may be prohibited under the Singapore Competition Act.

To read the article, please [click here](#).

### **2009 merger control in Singapore: Allen & Gledhill LLP advised on every merger filing**

In 2009, Allen & Gledhill advised on every single merger control notification to the Competition Commission of Singapore (the “**CCS**”). The following are highlights of merger control activity by the CCS last year:

- **CCS clears acquisition by National Oilwell Varco Pte Ltd of South Seas Inspection (S) Pte Ltd**

On 16 September 2009, the CCS cleared the acquisition of South Seas Inspection (S) Pte Ltd (“**SSI**”) by National Oilwell Varco Pte Ltd (“**NOV**”). After completing its assessment, the CCS concluded that the notified transaction would not infringe Section 54 of the Competition Act.

Allen & Gledhill LLP successfully advised both merger parties in the merger notification.

For a summary of the decision of the CCS, please [click here](#).

- **CCS clears acquisition by GSK Trading Services Limited of certain rights to distribute and market selected pharmaceutical products from UCB SA**

On 23 March 2009, the CCS cleared the acquisition by GSK Trading Services Limited (“**GSK**”) of certain rights to distribute and market selected pharmaceutical products in specified emerging markets from UCB SA (“**UCB**”). The CCS considered the possible non-coordinated and coordinated effects arising from the acquisition, as well as the ancillary restraints included as terms of the acquisition. After completing its assessment, the CCS concluded that the notified transaction would not infringe Section 54 of the Competition Act .

Allen & Gledhill LLP successfully advised both merger parties in the merger notification.

For a summary of the decision of the CCS, please [click here](#).

- **Phase 2 review of joint venture between Greif International Holding B.V. and GEP Asia Holdings Pte. Ltd.**

On 6 November 2009, the CCS proceeded to a Phase 2 review on the notification for decision pertaining to the creation of a joint venture company, Greif Eastern, by Greif International Holding B.V. (“**Greif**”) and GEP Asia Holdings Pte. Ltd. (“**GEP**”), where Greif and GEP will contribute their respective Singapore business in the manufacturing and selling of steel drums, bitumen drums and steel pails of various capacities and lithographic printing to Greif Eastern, in consideration for equity interests in Greif Eastern. This is the second merger to be blocked by the CCS in a Phase 1 review.

Allen & Gledhill LLP has been appointed to defend the merger parties in the Phase 2 review.

### **CCS issues infringement decision against 16 coach operators and the Express Bus Agencies Association**

On 3 November 2009, the CCS issued an infringement decision against 16 coach operators and their trade association, the Express Bus Agencies Association (“**EBAA**”), for engaging in price-fixing of coach tickets. The financial penalties levied on the 17 infringing parties totalled S\$1.69 million.

This is the first infringement decision by the CCS against a trade association.

For a summary of the decision of the CCS, please [click here](#).

### **Merger control for Singapore financial institutions**

On 28 August 2009, Allen & Gledhill LLP published in its Competition & Antitrust Review a guide providing an insight to the merger control issues related to the transactions involving financial institutions licensed to carry on businesses in Singapore, and the jurisdiction of the Monetary Authority of Singapore (the “**MAS**”) and the CCS in such reviews. To read the article entitled “*Merger control for Singapore financial institutions*”, please [click here](#).

To clarify, competition reviews of mergers by the Market Conduct Policy Division (“**MCPD**”) of the MAS are an internal process and the MCPD does not grant a separate approval to merger parties pursuant to such competition reviews.

### **Allen & Gledhill further expands Competition Economics Team**

Allen & Gledhill has expanded its Competition Economics Team to include two new competition analysts, Christina Tan and Lo Hwei Rong. Christina Tan was a former competition analyst at the Competition Commission of Singapore. Lo Hwei Rong is an economist by training. Hwei Rong graduated with BA (Hons) Economics from the University of Cambridge in June 2007.

### **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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