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SHANTHI KANDIAH
PARTNER

**GENERAL
OVERVIEW**

Shanthi heads the competition law/antitrust practice which covers a wide range of sectors (insurance, FMCG, construction, building materials, pharmaceutical, aviation services and other service industries).

She also possesses specific sector expertise in the highly-regulated media and telecommunications sector where competition issues are inextricably intertwined with sector regulation designed to promote competition in particular access regulations and access pricing. She has also recently been intimately involved in advising on the insurance sector and the interaction of sector regulation and competition law.

An ex-regulator (securities industry), her practice is both focused on defending clients against infringement allegations as well as working with her clients when engaging with regulators over issues & regulations impacting their businesses. She has covered issues ranging from defending client when faced with cartel and abuse of dominance allegations, merger submissions, dominance determinations, access list regulations, content regulation including censorship rules, pricing and margin squeeze, competitor collaborations, responses to section 18 notices issued under the Competition Act 2010 and risk-based compliance advice. She also provides local counsel support to 'Magic circle' firms.

Shanthi has a Masters in Law from King's College London. Given her dual credentials she is able to and has worked closely with leading international economists on complex issues straddling aspects of competition law and economics. She also holds a Postgraduate-Diploma in Competition Economics also from King's College (with Merit). Given her dual credentials she is able to and has worked closely with leading international economists on complex issues straddling aspects of competition law and economics.

Her other practice areas cover media and telecommunications regulations, cyber security, data protection, money laundering and bribery and corruption regulations.

EXPERIENCE

Highlights of assignments she has handled include advice and representation to:

- A telecommunications company on the impact of competition law in a collaboration agreement for the sharing of passive infrastructure in the sector.



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- An insurance industry association in defending a cartel allegation by the Malaysia Competition Commission.
- A e-hailing operator in defending an abuse of dominance allegation by the Malaysia Competition Commission, carrying the largest fine against a single company to date.
- A toll concessionaire in connection with injunction proceedings seeking to prevent the establishment of an alternative RFID system, as co-counsel.
- A dominant licensee in the context of an acquisition of spectrum in the multimedia sector – preparing anti-trust strategy/ submission to the authorities for clearance.
- Multimedia operators in connection with multiple submissions to the Malaysia Communications and Multimedia Commission relating to dominance determinations, access standards and access pricing (including issues pertaining to the right pricing formulation and provisions relating to non-discrimination).
- Parties to a joint venture/merger in the aviation services market (preparing anti-trust strategy/submission to authorities).
- A trade association by reviewing governance structure and market arrangements promoted by sector regulator, for compliance with competition law and providing strategies for navigating jurisdictional overlap.
- A seller in relation to a competition audit of a target in the aviation services sector and advising on the scope of anti-competition warranties/ disclosure letter.
- A sovereign wealth fund over compliance strategy for its portfolio companies.
- A MVNO/MNO collaboration addressing competition law issues of rate fixing, market sharing as well as applying the appropriate cost threshold (namely Long Run Average Incremental Cost) to determine wholesale pricing.
- A telecommunications company on the impact of a network sharing arrangement on competition in the sector.
- A conglomerate on a full functioning joint venture with an international direct/home shopping player.



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- A consumer products manufacturer on pricing policies and business practices addressing issues of price discrimination, rebates, exclusive distributorships.
- A dominant FMCG player on defensive strategies against loss leading practices by modern trade.
- An automotive dealer in connection with its arrangements with its principal on price restrictions and exclusive arrangements.
- Gas distribution player on competition provisions in the Energy Commission Act 2001 and Gas Supply Act 1993 in the wake of liberalisation of the sector.
- A multimedia operator on enforcement of broadband access, margin squeeze and related competition law remedies.
- FPSO player in relation to non-compete arrangement in the context of purchase of stake in a local FPSO business.
- Compliance strategy for aviation services market player straddling multiple jurisdictions.
- Preliminary advice on the impact of a merger between bank and non-banking lending institution, with particular focus on areas of foreseeable dominance in specific products.
- A tile manufacturer on potential cartel risks arising from OEM arrangements and joint distribution agreements and strategies to mitigate these risks.
- Several companies with regard to creating, reviewing, updating and implementation of the competition compliance programmes, and training sessions on the same.
- A large number of clients, with regard to the adjustment and clearance of various contractual clauses and mechanisms raising potential competition concerns.
- An O&G player on parameters for collaboration during the course of a bid process for oil exploration assets.