

2011 China - U.S. Legal Exchange

- I. Introduction (9:00 – 9:30)
 - a. Welcoming Remarks – DOC General Counsel, Cameron Kerry
 - b. Welcoming Remarks – MOFCOM Deputy China International Trade Representative Chong Quan

Part One: China's Anti-Monopoly Review Mechanism in M&A

- II. Introductory Remarks by a U.S. Moderator (9:30-9:40)
- III. Introduction and Overview of China's Anti-Monopoly Law on Concentration of Undertakings (9:40 – 10:15)
 - a. Chinese Presentation (15 minutes) – Dong Chaojie (Deputy Director-General of Department of Industry, Communication and Commerce of Legislative Affairs Office of the State Council)
 - b. U.S. Presentation (10 minutes) – Presenter TBD
 - c. Q&A (10 minutes)
- IV. Notification Process for Concentration of Undertakings (10:15 – 11:00)
 - a. Chinese Presentation (20 minutes) – Wang Zhihua (Division Director, Anti-monopoly Bureau, MOFCOM)
 - i. Notification thresholds
 - ii. Pre-notification consultation with MOFCOM
 - iii. Information and documents that should be provided to MOFCOM
 - b. U.S. Presentation (15 minutes) – Presenter TBD
 - c. Q&A (10 minutes)

Coffee break (11:00 – 11:15)

- V. Anti-monopoly review in concentration of undertakings, enforcement of anti-monopoly review and international cooperation (11:15-12:30)
 - a. Chinese Presentation (45 minutes) – Wang Zhihua (Division Director, Anti-monopoly Bureau, MOFCOM)
 - i. The MOFCOM anti-monopoly review process
 - ii. Factors that MOFCOM will consider in an merger review
 - iii. Final decision (refusal, approval, or approval with conditions) under an anti-monopoly review
 - iv. Complementary legislation and guidance with respect to the Anti-Monopoly Law and the enforcement of merger reviews
 - v. International exchange and cooperation between MOFCOM and the competition authorities in the U.S. and other countries and regions
 - b. U.S. Presentation (15 minutes) – Professor Phoenix Cai, University of Denver, Sturm College of Law
 - c. Q&A (15 minutes)

Lunch (12:30 – 14:00)

[Possible key note speeches by U.S. speakers]

Part Two: China Tort Liability Law– U.S. Moderator

- VI. Introductory Remarks by a U.S. Moderator (14:00-14:10)
- VII. Overview of Tort Liability Law in China (14:10 –15:00)
 - a. Chinese Presentation (20 minutes) –Du Tao (deputy director general of Civil Law Office, Legislative Affairs Commission, Standing Committee of National People’s Congress, P. R. of China)
 - i. Overview of China’s Tort Liability Law and Civil Law Code
 - ii. Damages under China’s Tort Liability Law: moral, punitive, and medical damages
 - b. U.S. Presentation (15 minutes) – Presenter TBD
 - c. Q&A (15 minutes)

Tea Break (15:00 – 15:15)

- VIII. Product Liability (15:15 – 16:15)
 - a. Chinese Presentation (30 minutes) –Du Tao (deputy director general of Civil Law Office, Legislative Affairs Commission, Standing Committee of National People’s Congress, P. R. of China)
 - i. Product liability
 - ii. Tort liability with respect to medical devices and pharmaceutical products
 - iii. Tort liability with respect to environmental pollution
 - b. U.S. Presentation (15 minutes) – Silvia Kim-Yang, Shook, Hardy & Bacon LLP
 - c. Q&A (15 minutes)

- IX. Closing Remarks (16:15 –16:30)
 - a. MOFCOM Deputy China International Trade Representative Chong Quan
 - b. DOC General Counsel, Cameron Kerry