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) – Presenter TBD
   c. Q&A (15 minutes)
Lunch (12:30 – 14:00)
[Possible keynote 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) – Presenter TBD
   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