

In The News

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O'Melveny's Bush Authors China Law & Practice Article on NDRC's Penalties Against Foreign LCD Price Cartel

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O'Melveny & Myers LLP partner Nathan Bush authored the article "NDRC penalises global LCD price cartel" for the March/April 2013 issue of *China Law & Practice*. Bush, a Singapore-based member of the Firm's Antitrust and Competition Practice, discusses the National Development and Reform Commission's (NDRC) recently announced penalties against six foreign LCD panel manufacturers for colluding to manipulate the pricing of LCD panels in China between 2001 and 2006. Bush observes that never before has the NDRC penalized foreign respondents for the impacts in China of pricing decisions made beyond the country's borders.

He concludes by noting that "[t]he NDRC's decision in the LCD price-fixing case and its recently reported decision to penalise two prominent liquor distilleries for resale price maintenance reflect the NDRC's ascendance as an antitrust enforcer. The risks of cartel activity affecting China are neither hypothetical nor trivial. Multinational companies and Chinese companies should factor in the emergence of a meaningful threat of NDRC investigations into their commercial decision making, risk management strategies and compliance programmes."