



LEGAL AND COMPLIANCE - WHY LEGAL AND COMPLIANCE IS CRITICAL TO AN ORGANISATION'S SUSTAINABILITY EFFORTS

Kala Anandarajah, Partner, Head
Competition & Antitrust and Trade Practice
Rajah & Tann Singapore LLP
23 June 2021

OVERVIEW OF RAJAH & TANN ASIA

LexMundi
World Ready

160
Premier Member Firms

21,000
Lawyers

100+
Countries

600
Offices



Rajah & Tann Singapore



One of the **largest law firms in Singapore** and **South East Asia**



Full service firm with the **largest regional footprint**

REGIONAL OFFICES AND ASSOCIATE FIRMS

- Cambodia
- China
- Indonesia
- Lao PDR
- Malaysia
- Myanmar
- Philippines
- Singapore
- Thailand
- Vietnam



REGIONAL DESKS

- Japan
- South Asia

WHAT CHAMBERS ASIA HAS BEEN SAYING OVER THE YEARS

Expertise:

"Highly reputed team that advises multinational and local clients on competition issues, with regular involvement in landmark decisions. Recognised for its prowess on behavioural work, and also very active on merger filings before the CCS."

Regional knowledge:

"They add value by giving us a sense of not just what is happening on the Singapore side, but also what the regulators in the region are thinking."

Client service:

"They are extremely client-focused and are very strong in terms of understanding the clients' business and needs."

Expertise:

"They give advice that is very much attuned to changes in the business landscape and the client's industry."

Regional knowledge:

"They were well-versed in antitrust and knowledgeable about the region. They were able to come back to us quickly with very sound advice."

Client service:

"It impressed us that they were able to synchronise with our requirements and keep pace with our aggressive timelines."

Expertise:

"Highly regarded team with in-depth experience of advising international and local clients on merger control issues, cartel investigations and market studies. Recognised for actively advancing the awareness of international competition standards across Singapore."

Strength:

"I value the fact that they give practical advice and are confident in taking a stance."

Client service:

"We were just very happy and it was a very smooth co-operation. The service level was excellent."

Expertise:

Export Controls/Sanctions Law Firm of the Year, Rest of the World – Runner Up (World ECR 2017)

Regional knowledge:

"Their work quality is second to none. Our first port of call in South-East Asia every time."

"The firm's responsiveness and communications have been top-notch. They combine deep knowledge of the law with an awareness of commercial realities and the market. Their general operations are very smooth and seamless."

Client service:

"I was very happy to find Rajah & Tann – I can go to one place for all my work in."



KALA ANANDARAJAH, Head, Competition & Antitrust, and Trade Practice; Lead, Corporate Governance Practice; Member, Employment & Benefits Practice



Lauded by clients as having “unrivalled knowledge and understanding of the law and uniquely... able to understand very complicated businesses and their likely reactions” by *Chambers Asia-Pacific 2021*, for being “very dedicated, very quick and precise,” by *Chambers Asia-Pacific 2019*, described as “super switched-on” by *Who’s Who Legal 2018*, and one with “very wide vision” by *Chambers Asia-Pacific 2017*. Commended External Counsel of the Year 2016 by the *Inhouse Community*. *Asia Legal Award 2017* nominee. Cited one of Top 100 Women in Antitrust in the World. Cited amongst the Best of the Best - Women in Business Law for Antitrust & Competition Law and Corporate Governance by *Euromoney Guide to the World's Leading Lawyers*. Winner - *Asia Women in Business Law Award (Antitrust)* over 2 consecutive years. *Best Lawyers* describes her as the Best Competition Lawyers in Singapore. Cited Band 1 Trade Practice by *Chambers Asia-Pacific*. Cited leading lawyer in Employment and Environmental laws.

On competition, Anandarajah, identified as a Thought Leader by *Who’s Who Legal*, one of only 2 in Singapore, has been involved in major cartel/abuse investigations, cross-border mergers control and other notifications, leniency applications, plus dawn-raids, complaints, counselling and compliance in Singapore and across the Region. She has had numerous firsts in both competition & trade, always at the cutting edge.

On trade, Kala advises on export controls, WTOs, FTAs, trade agreements, permits & licensing, anti-dumping & safeguards, customs, customs valuations & duties, and product liability amongst others. On employment, Kala has handled employment agreements to benefits issues, to CPF, to termination. Her work also extends to regulatory issues. A rare Asian lawyer listed in *Chambers Global* for Trade, it is noted that she is a “business-focused and client-oriented attorney who balances her expertise with practical experience”.

Chambers Asia-Pacific notes her “solid, can-do attitude and excellent client management skills... is top-notch in competition law matters and is very good at working out a strategic solution to a legal problem.... one of the few practitioners who is truly at the cutting edge...” *AsiaLaw Leading Lawyers* says “Kala is the complete package for all competition issues in ASEAN.” *AsiaPacific Legal 500* states that “Kala Anandarajah ... is a leading authority in corporate governance, compliance and competition issues ...’ and is ‘responsive, helpful and commercial”.

Her work spread includes antitrust/competition, telco, corporate, employment, trade & strategic goods and EHS/environmental laws. A prolific writer who has written very widely, including the first book on Competition Laws, on Corporate Governance and on Trade.

Apart from her legal practice, Kala is a:

- Board Member, Building & Construction Authority Board.
- Member, Appeal Board of Council of Estate Agents
- Member, Transplant Ethics Committee (Lay-Persons) appointed by the Ministry of Health.
- In 2004-2005, she was a member of the Review Committee established by the Council of Corporate Disclosure and Governance that reviewed and issued a revised Singapore’s Code of Corporate Governance.
- Separately, Kala was awarded the Public Service Medal (Pingat Bakti Masyarakat) which is conferred by the President of Singapore.

E: kala.anandarajah@rajahtann.com
T: +65 6232 0111

WHAT IS SUSTAINABILITY

UN World Commission on Environment and Development

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Sir Adrian Cadbury

CG is holding the balance between economic and social goals and between individual and communal goals.

The governance framework is there to encourage the efficient use of resources and equally to require accountability for the stewardship of those resources.

The aim is to align as nearly as possible the interests of individuals, corporations and society. The incentive to corporations is to achieve their corporate aims and to attract investment. The incentive for states is to strengthen their economics and discourage fraud and mismanagement.

EVOLVING LANDSCAPE

Physical risks: arising from extreme weather, and long-term shifts in climate, like rising global temperatures and sea levels

Liability risks: climate-related litigation

Transition risks: arising from moving away from our dependence on fossil fuels to a net-zero carbon economy

Earth could cross the global warming threshold as soon as 2027



"Our approach allows climate sensitivity and its uncertainty to be estimated from direct observations with few assumptions."

Image: Unsplash/Joshua Woroniecki

Companies' net-zero targets

- 2030 – Microsoft, Apple, PwC, KPMG
- 2040 – Coca Cola, Pepsi, Visa
- 2050 – Shell, Malaysia Airlines, British Airways, Japan Airlines, Qantas, American Airlines, Cathay Pacific, Nestle

Singapore

Singapore unveils Green Plan 2030, outlines green targets for next 10 years



People taking photos at Windsor Nature Park in Singapore. (Photo: NParks)

By Ang Hwee Min and Matthew Mohan

10 Feb 2021 03:23PM

(Updated: 04 Mar 2021 06:20PM)

Countries' net-zero targets

- 2045 – Sweden
- 2050 – UK, France, Denmark, New Zealand, Hungary, Japan, South Korea
- 2060 – China

WHAT IS SUSTAINABILITY AND HOW TO ACHIEVE

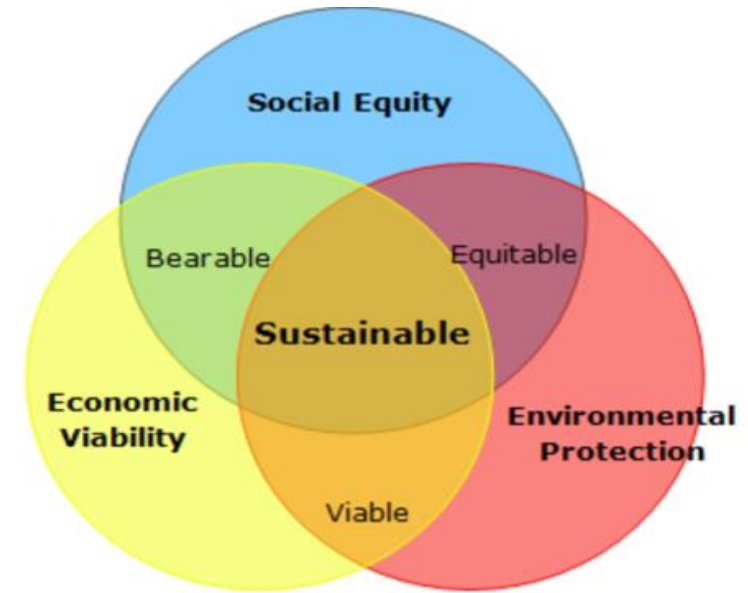
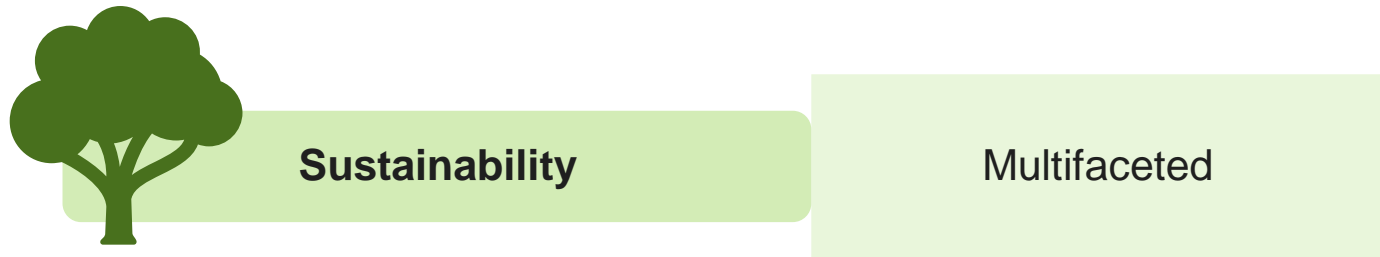
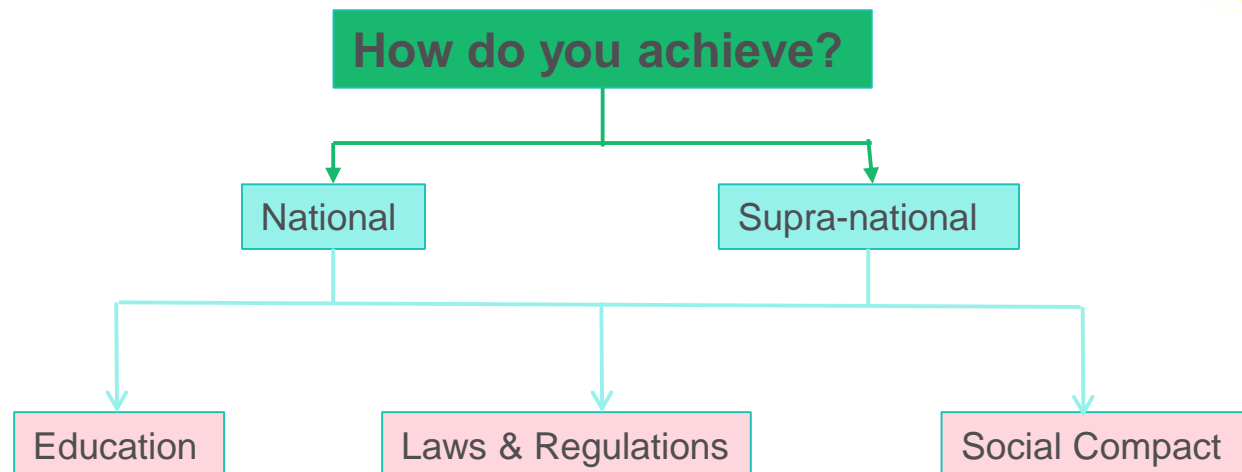


Image source:
<https://www.futurelearn.com/info/courses/sustainability-society-and-you/0/steps/4618>



LAWS & REGULATIONS - LEGAL COMPLIANCE AT NATIONAL LEVEL



Legal compliance

- Legislation
- Regulation
- Industry Codes



Internal company policies

Relevant Areas of Laws:

- Environmental
- Green buildings
- Resource Sustainability
- Carbon Pricing
- Transboundary Movement of Hazardous Substances
- Transboundary Haze Pollution
- Corporate Governance
- Annual and other sustainability reporting

Policies and Managing Risks:

- Cover same areas
- + what green facts such as carbon trading
- Risk management processes
- Managing disclosure requirements
- Attributing quantitative value for easy assessment
- Contractual requirements

LAWS & REGULATIONS - LEGAL COMPLIANCE AT SUPRA-NATIONAL LEVEL

ASEAN Cooperation on Environment

- Guided by the ASEAN Socio-Cultural Community (ASCC) Blueprint 2025 (adopted on Nov 2015)
- Recently, in Nov 2020, ASEAN undertook a mid-term review of the implementation of the Blueprint and concluded that noticeable progress has been made.

ASEAN
SOCIO-CULTURAL COMMUNITY
BLUEPRINT 2025

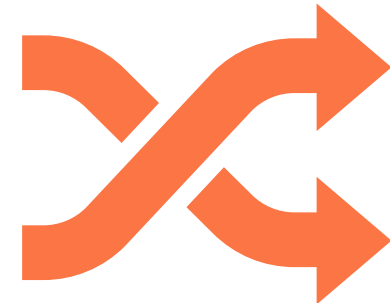
ASEAN Agreement on Transboundary Haze Pollution (AATHP)

- Ratified by all Member States and entered into force in 2003
- Purpose: Aims to prevent, monitor, and mitigate land and forest fires to control transboundary haze pollution

**ASEAN AGREEMENT
ON TRANSBOUNDARY
HAZE POLLUTION**

COMPLEXITY OF COMPLIANCE

- No one-size-fits-all approach – may differ across industries, nature of business, and size of company etc.
- Recognise that sustainability goes beyond climate change
- Recognise responsible investment
- Balance of profitability against ESG considerations
- Increased focus on climate change, thus pressure is applied by both investors and by policy
- Supply chain management – the Vertical



DISCLAIMER

The material in this presentation is prepared for general information only and is not intended to be a full analysis of the points discussed. This presentation is also not intended to constitute, and should not be taken as, legal, tax or financial advice by Rajah & Tann. The structures, transactions and illustrations which form the subject of this presentation may not be applicable or suitable for your specific circumstances or needs and you should seek separate advice for your specific situation. Any reference to any specific local law or practice has been compiled or arrived at from sources believed to be reliable and Rajah & Tann does not make any representation as to the accuracy, reliability or completeness of such information.

RAJAH & TANN ASIA

LAWYERS
WHO
KNOW
ASIA

HERE TO
GIVE YOU
HOME
ADVANTAGE



RAJAH & TANN ASIA

CAMBODIA | CHINA | INDONESIA | LAOS | MALAYSIA | MYANMAR | PHILIPPINES | SINGAPORE | THAILAND | VIETNAM

www.rajahtannasia.com



RAJAH & TANN ASIA

LAWYERS
WHO
KNOW
ASIA

THANK YOU

For more information, please contact:

Kala Anandarajah

Partner (Head, Competition & Antitrust, and Trade)

D (65) 6232 0111

F (65) 6428 2192

kala.anandarajah@rajahtann.com

www.rajahtannasia.com