SHIN & KIM

Excessive Concentration of Economic Power

Following the recent establishment of a business group investigation bureau by the KFTC and aggressive enforcement by the KFTC of excessive concentrations of economic power, major Korean conglomerates have shown keen interest in antitrust regulations affecting them. With accumulated expertise in advising clients on the KFTC's regulation of large business groups, our antitrust and competition team provides comprehensive solutions to a broad range of regulations affecting business groups, including holding company structures, inter-company shareholdings, circular shareholding structures, debt guarantees, disclosure requirements for large-scale intra-group transactions and related unfair affiliate support, and the designation and separation of a business group.

Affiliates of large conglomerates typically face a myriad of antitrust and financial regulatory issues during the course of structuring a new business venture or M&A transaction, and Shin & Kim's antitrust and competition team provides extensive and comprehensive legal advice that encompass all relevant laws and regulations so that businesses can best achieve their goals.

Key Services

Shin & Kim services include advising on the following:

- Improving corporate structure, converting into a holding company structure and separating banking and commerce
- The designation of, and inclusion or exclusion of an affiliate into, a business group
- All stages of a large-scale investment or M&A transaction involving a business group from deal structuring to closing
- Restrictions on inter-company shareholding, limitations on debt guarantee, public disclosures of large-scale intra-company transactions, prohibitions on new circular shareholdings, and issues related to business groups
- Potential antitrust risks associated with intra-company transactions, including disclosures and board resolution requirements for large-scale intra-company transactions and unfair affiliate support
- Appearing before the KFTC in connection with violations of business group related policies

- Administrative proceedings to appeal KFTC decisions in connection with violations of business group related policies

Experience

- Company H, Company S, and Company C in their respective conversion into a holding company structure
- Company S in a hearing before the KFTC for alleged violations relating to the activities of a holding company where the client avoided penalty with only a warning notice from the KFTC
- Kumho Industrial Co., Ltd. in its corporate workout program allowing the conversion of debt into equity as an exception from the prohibition of inter-company shareholding under the Monopoly Regulation and Fair Trade Act
- Company K in its appeal of the KFTC's decision concerning its designation of a business group

Key Contacts

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Awards and Rankings

- Ranked Band 1 Law Firm for Competition/Antitrust
  Chambers Asia 2016-2026
- Ranked Band 1 Law Firm for Antitrust and Competition
  Asia Pacific Legal500 2017-2019, 2025-2026
- Ranked Elite Law Firm
  GCR 100 2017-2026
- Named "Regional Firm of the Year – Asia-Pacific, Middle East & Africa"
  GCR100 2016

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