



**Asia-Pacific
Economic Cooperation**

2010/SOM1/CPLG/018

Agenda Item: 8

Review of Concentration Notifications

Purpose: Information
Submitted by: China



JAPAN 2010

**Competition Policy and Law Group Meeting
Hiroshima, Japan
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Review of Concentration Notifications

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Authority: The AML

- Concentration notification review provided in Chapter IV of the Antimonopoly Law

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Supporting Legislation & Guidelines

- ❑ Rules on Concentration Notifications
- ❑ Rules on Concentration Reviews
- ❑ Method on Calculation of Turnover in Notification by Financial Undertakings

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Supporting Legislation & Guidelines

- ❑ Guidelines of the Antimonopoly Committee of the State Council on Defining Relevant Market
- ❑ Regulation of the State Council on Concentration Notification Threshold
- ❑ The Antimonopoly Law of the PRC

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MOFCOM Guidelines

- ❑ Guidelines on Concentration Notifications
- ❑ Guidelines on Documents and Data Filed in Concentration Notifications
- ❑ Guidelines on Procedures for Concentration Reviews
- ❑ Flow Chart on Procedures of Concentration Reviews

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Enforcement Activities of MOFCOM

Since introduction of the AML, MOFCOM received over 100 notifications, conducted over 200 pre-notification consultations. The great majority of notifications were cleared unconditionally. Five were cleared with conditions, one prohibited.

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Cases Prohibited or Cleared Conditionally

- (Inbev N.V./S.A. acquisition Anheuser-Busch Companies Inc., 18 Nov 2008)
- (Coca-Cola acquisition of Huiyuan, **prohibited** 18 Mar 2009)
- Mitsubishi Rayon acquisition of Lucite Int'l, 24 Apr 2009)
- GM acquisition of Delphi, 28 Sept 2009)
- Pfizer acquisition of Wyeth, 29 Sept 2009)
- Panasonic acquisition of Sanyo, 30 Oct 2009)
- (Transactions given up)

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Competition Advocacy

- Three training workshops for gov't officials
- Six separate training courses for different parts of the country
- 4,000 copies of posters

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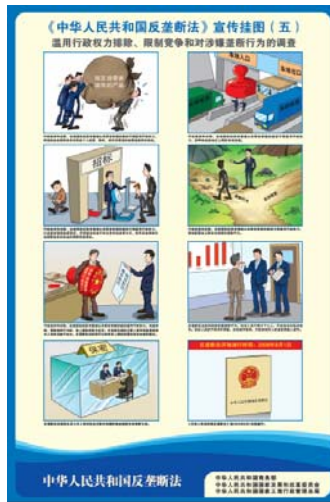
Posters



Posters



Posters



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Int'l Exchange & Cooperation

- ❑ China-EU Competition Policy Dialogue
- ❑ China-US (USTDA MOU) & China-Japan (JICA) Cooperation
- ❑ UNCTAD, APEC, OECD, ASEAN, ADB, WB
- ❑ Visits & activities with competition authorities in different jurisdictions : the US, Canada, Japan, the EU, Poland, Russia etc.

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Thank you!