



**Asia-Pacific
Economic Cooperation**

2014/SOM1/CPLG/026


Agenda Item: 8


Review and Outlook of China's Five-Year Implementation of Anti-Monopoly Law

Purpose: Information
Submitted by: China




**Competition Policy and Law Group Meeting
Ningbo, China
21-22 February 2014**



Review and Outlook 

**of China's Five-year
Implementation of Anti-monopoly Law**

KONG, Ru
Anti-Monopoly Bureau, Ministry of Commerce, P.R.China



中华人民共和国商务部反垄断局
Ministry of Commerce of the People's Republic of China
Anti-monopoly Bureau



2008



2013

中华人民共和国反垄断法
Anti-monopoly Law of
the People's Republic of China

Agenda

- I. Law Enforcement Authorities
- II. Supplementary Legislation
- III. Enforcement Activities
- IV. Advocacy and Training
- V. International Cooperation
- VI. Vision of the Future



Law Enforcement Authorities



Dual-level and Multi-Institutional
Anti-monopoly Commission

The
Ministry of
Commerce

The National
Development
and Reform
Commission

The State
Administration
for Industry and
Commerce



The Ministry of Commerce

Anti-monopoly
Bureau

- ✓ Conducting merger review
- ✓ Providing consultancy when businesses facing anti-monopoly lawsuit oversea
- ✓ Conducting international communication and promoting cooperation on competition policies
- ✓ Undertaking the daily work for Anti-monopoly Commission of State Council



The National Development and Reform Commission NDRC

Bureau of Price Supervision and Anti-Monopoly

- Monopoly agreements
- Abuse of market dominant position
- Abuse of administrative power for the exclusion and restriction of competition
- Other anti-competitive activities


All of them are price-related






**The State Administration for Industry and
Commerce**
SAIC



**Other anti-competitive behaviors, excluding merger and
price-related monopoly**



**Legal System of the Anti-monopoly
Law**
Supplemental Legislations

1+1+14






The Ministry of Commerce

Anti-monopoly
Bureau

7

- ✓ Thresholds for merger notification
- ✓ Measures for merger notification
- ✓ Definition of the relevant market
- ✓ Calculation of the turnover in the financial industry sector
- ✓ Measures for merger review
- ✓ Measures against failure to make notification in compliance with law
- ✓ Divestiture of assets in a remedy





The Ministry of Commerce

Anti-monopoly
Bureau

The latest Development

- ✓ Provisions on the Criteria Applicable to Simple M&A cases
-----Feb.12,2014
- ✓ Provisions on the Imposition of Restrictive Conditions on M&A






**The National Development and Reform
Commission NDRC**

Bureau of Price Supervision and
Anti-Monopoly

2

- ✓ Provisions against price-related anti-competitive activities
- ✓ Provisions regarding the Administrative Procedures for Law Enforcement against price-related anti-competitive activities



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Commerce**

SAIC

5

- ✓ Rules concerning the monopoly agreement and abuse of dominant market position, excluding price-related anti-competitive behaviors and merger





Law Enforcement Activities



The Ministry of Commerce



Anti-monopoly Bureau



866 → 797 → 740

22 1






**The National Development and Reform
Commission NDRC**

Bureau of Price Supervision and
Anti-Monopoly

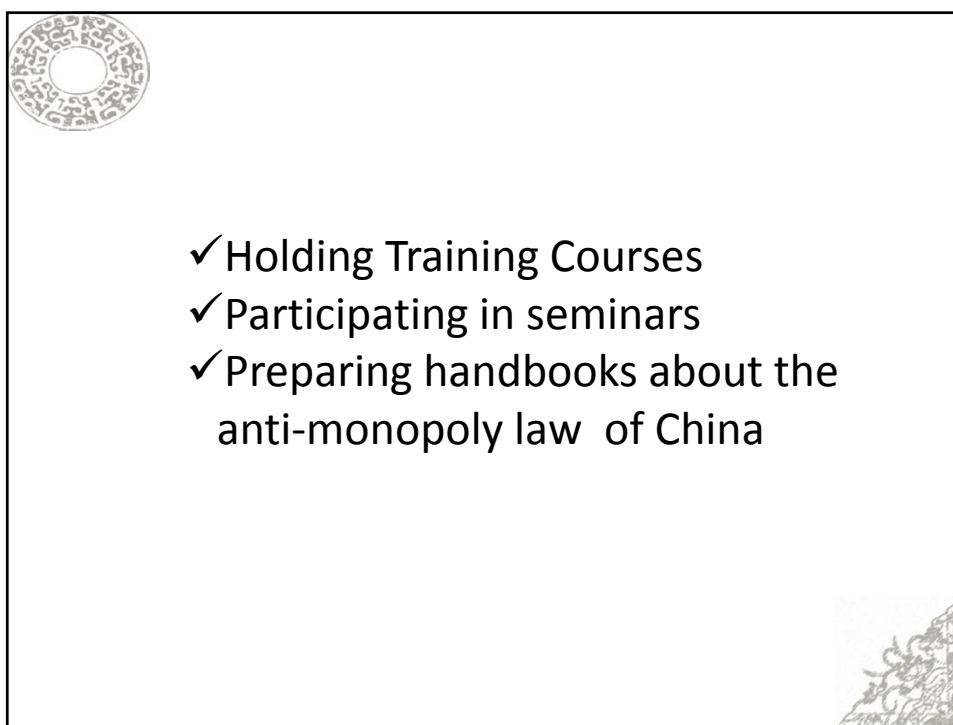
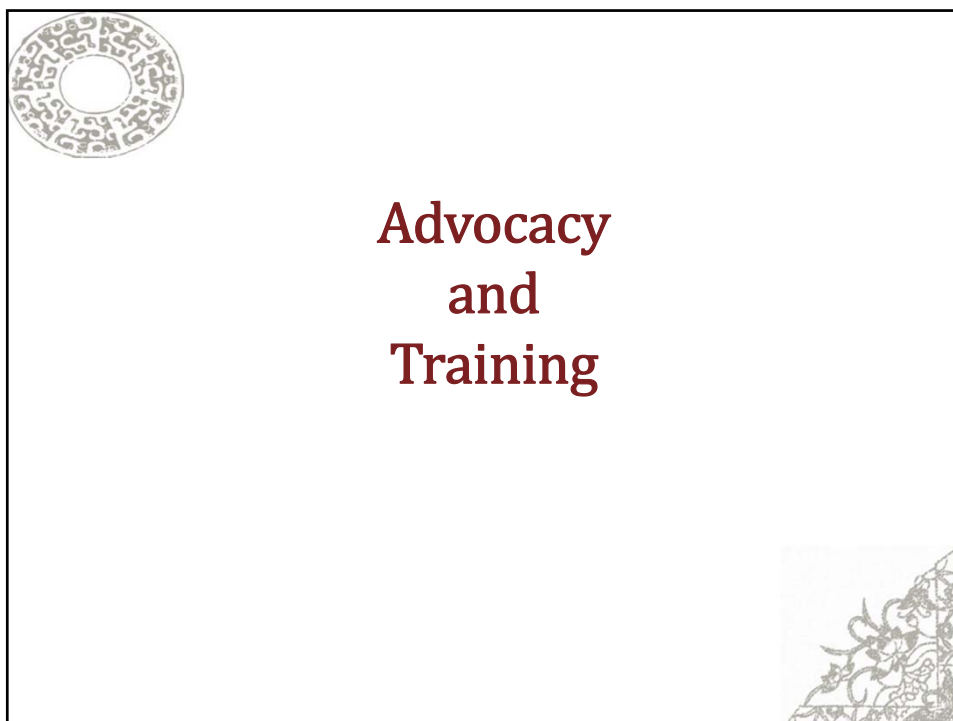
The NDRC has investigated a number of cases covering more than 20 industry sectors, such as telecommunications, LCD panel, Chinese liquor, powdered milk, gold Jewelry.



**The State Administration for Industry and
Commerce
SAIC**

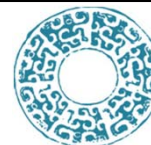
The SAIC also investigated against over 20 suspected monopoly cases since the adoption of Anti-monopoly Law of China.





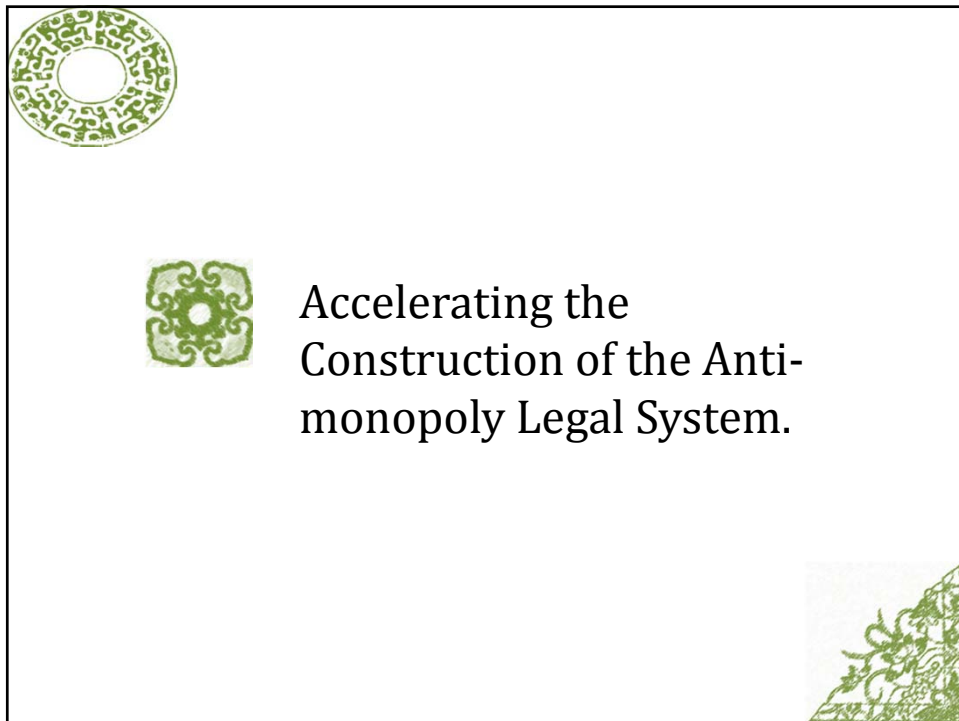




International Communication and Cooperation






- ✓ Establishing dialogue mechanisms with EU, the United States and other experienced jurisdictions
- ✓ Building communication platforms among developing countries, such as BRICS
- ✓ Reaching bilateral or multilateral competition protocols or agreements








Further Strengthening the
Anti-monopoly Law
Enforcement



Improving the Anti-monopoly
Law Advocacy and Training





Deepening the International
Communication and
Cooperation



Thank You