**Contrast Table of *Anti-Monopoly Law of the People’s Republic of China* Before and After Revision**

Jet Deng and Ken Dai[[1]](#footnote-1)

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| **Before Revision** | **After Revision** |
| **Chapter I General Provisions** | **Chapter I General Provisions** |
| **Article 1** This Law is formulated to prevent and curb monopolistic acts, to protect fair market competition, to enhance economic efficiency, to safeguard consumers’ interests and the public interest, and to promote the healthy development of the socialist market economy. | **Article 1** This Law is formulated to prevent and curb monopolistic acts, to protect fair market competition, to encourage innovation, to enhance economic efficiency, to safeguard consumers’ interests and the public interest, and to promote the healthy development of the socialist market economy. |
| **Article 2** This Law applies to monopolistic acts in economic activities within the territory of the People’s Republic of China; and applies to monopolistic acts outside the territory of the People’s Republic of China that eliminate or restrict competition in China’s domestic market. | **Article 2** This Law applies to monopolistic acts in economic activities within the territory of the People’s Republic of China; and applies to monopolistic acts outside the territory of the People’s Republic of China that eliminate or restrict competition in China’s domestic market. |
| **Article 3** For the purposes of this Law, monopolistic acts include:  (1) monopoly agreements concluded between undertakings;  (2) abuse of dominant market position by undertakings; and  (3) concentrations of undertakings that have or may have the effect of eliminating or restricting competition. | **Article 3** For the purposes of this Law, monopolistic acts include:  (1) monopoly agreements concluded between undertakings;  (2) abuse of dominant market position by undertakings; and  (3) concentrations of undertakings that have or may have the effect of eliminating or restricting competition. |
| **Article 4** The state formulates and implements competition rules that are compatible with the socialist market economy, so as to improve macroeconomic regulation and perfect an integrated, open, competitive, and orderly market system. | **Article 4** The leadership of the Communist Party of China shall be adhered to in anti-monopoly work.  The state adheres to the principles of marketization and the rule of law, strengthens the foundational status of competition policies as well as formulates and implements competition rules that are compatible with the socialist market economy, so as to improve macroeconomic regulation and perfect an integrated, open, competitive, and orderly market system. |
|  | **Article 5** The State establishes the fair competition review system.  The fair competition review shall be conducted in the formulation of the rules involving the economic activities of market players by administrative agencies and organizations empowered by laws or regulations to perform the function of administering public affairs. |
| **Article 5** Undertakings may, through fair competition and voluntary association, implement concentrations according to law, expand the scale of business operations and enhance market competitiveness. | **Article 6** Undertakings may, through fair competition and voluntary association, implement concentrations according to law, expand the scale of business operations and enhance market competitiveness. |
| **Article 6** Undertakings with a dominant market position shall not abuse such position to eliminate or restrict competition. | **Article 7** Undertakings with a dominant market position shall not abuse such position to eliminate or restrict competition. |
| **Article 7** With respect to the industries controlled by the State-owned economy and concerning the lifeline of national economy and national security or the industries implementing franchise according to law, the State protects the lawful business operations of the undertakings therein, and, in accordance with law, regulates and controls their business operations and the prices of their goods and services, in order to protect the interests of consumers and promote technological advance.  The undertakings of industries mentioned in the preceding paragraph shall lawfully operate, be honest and faithful, be strictly self-disciplined, accept social supervision, and shall not harm the interests of consumers by taking advantage of their controlling positions or their franchises. | **Article 8** With respect to the industries controlled by the State-owned economy and concerning the lifeline of national economy and national security or the industries implementing franchise according to law, the State protects the lawful business operations of the undertakings therein, and, in accordance with law, regulates and controls their business operations and the prices of their goods and services, in order to protect the interests of consumers and promote technological advance.  The undertakings of industries mentioned in the preceding paragraph shall lawfully operate, be honest and faithful, be strictly self-disciplined, accept social supervision, and shall not harm the interests of consumers by taking advantage of their controlling positions or their franchises. |
|  | **Article 9** Undertakings shall not use data, algorithms, technology, capital advantages and platform rules to engage in monopolistic acts prohibited by this Law. |
| **Article 8** Administrative agencies or organizations empowered by laws or regulations to perform the function of administering public affairs shall not abuse their administrative power to eliminate or restrict competition. | **Article 10** Administrative agencies or organizations empowered by laws or regulations to perform the function of administering public affairs shall not abuse their administrative power to eliminate or restrict competition. |
|  | **Article 11** The state improves the system of anti-monopoly rules, reinforces the anti-monopoly regulatory force, enhances regulatory capacity and the level of modernization of regulatory system, strengthens the anti-monopoly law enforcement and judicial work, handles various monopoly cases in a fair and efficient manner according to law, improves the mechanism to link administrative law enforcement with judicial work, and safeguards the order of fair competition. |
| **Article 9** The State Council shall establish the Anti-Monopoly Commission, which is in charge of organizing, coordinating and guiding anti-monopoly work and performs the following functions:  (1) studying and drafting relevant competition policies;  (2) organizing the survey and assessment of overall competition situations in the market, and issuing assessment reports;  (3) formulating and releasing anti-monopoly guidelines;  (4) coordinating the administrative anti-monopoly law-enforcement; and  (5) other functions as prescribed by the State Council.  The composition and working rules of the Anti-Monopoly Commission shall be specified by the State Council. | **Article 12** The State Council shall establish the Anti-Monopoly Commission, which is in charge of organizing, coordinating and guiding anti-monopoly work and performs the following functions:  (1) studying and drafting relevant competition policies;  (2) organizing the survey and assessment of overall competition situations in the market, and issuing assessment reports;  (3) formulating and releasing anti-monopoly guidelines;  (4) coordinating the administrative anti-monopoly law-enforcement; and  (5) other functions as prescribed by the State Council.  The composition and working rules of the Anti-Monopoly Commission shall be specified by the State Council. |
| **Article 10** The authorities responsible for the anti-monopoly law-enforcement specified by the State Council (hereinafter collectively referred to as the Anti-Monopoly Law Enforcement Authority of the State Council) is responsible for anti-monopoly law enforcement.  As needed for work, the Anti-Monopoly Law Enforcement Authority of the State Council may authorize the appropriate bodies of the people’s governments of the provinces, autonomous regions, or directly governed municipalities to take charge of the relevant anti-monopoly law enforcement work in accordance with the provisions of this Law. | **Article 13** ~~The authorities responsible for the anti-monopoly law-enforcement specified by the State Council (hereinafter collectively referred to as~~ The Anti-Monopoly Law Enforcement Authority of the State Council) is responsible for anti-monopoly unified law enforcement.  As needed for work, the Anti-Monopoly Law Enforcement Authority of the State Council may authorize the appropriate bodies of the people’s governments of the provinces, autonomous regions, or directly governed municipalities to take charge of the relevant anti-monopoly law enforcement work in accordance with the provisions of this Law. |
| **Article 11** Trade associations shall tighten industrial self-discipline, guide the undertakings in their respective industries to compete lawfully and safeguard the competition order in the market. | **Article 14** Trade associations shall tighten industrial self-discipline, guide the undertakings in their respective industries to compete lawfully, operate in accordance with laws and regulations, and safeguard the competition order in the market. |
| **Article 12** “Undertakings” as used in this Law refers to natural persons, legal persons, and other organizations that engage in the manufacture or trading of goods or in the provision of services.  A “relevant market” as used in this Law refers to the scope of goods or territories in which undertakings compete for specific goods or services (hereinafter collectively referred to as “goods”) during a certain period of time. | **Article 15** “Undertakings” as used in this Law refers to natural persons, legal persons, and ~~other organizations~~ unincorporated organizations that engage in the manufacture or trading of goods or in the provision of services.  A “relevant market” as used in this Law refers to the scope of goods or territories in which undertakings compete for specific goods or services (hereinafter collectively referred to as “goods”) during a certain period of time. |
| **Chapter II Monopoly Agreements** | **Chapter II Monopoly Agreements** |
|  | **Article 16** “Monopoly agreements” as used in this Law refers to agreements, decisions, or concerted actions that eliminate or restrict competition. |
| **Article 13** Competing undertakings are prohibited from concluding the following monopoly agreements:  (1) that fix or change the price of goods;  (2) that limit the quantity of goods manufactured or sold;  (3) that divide the sales market or procurement market of raw materials;  (4) that restrict the purchase of new technology or new equipment or restrict the development of new technology or new product;  (5) that jointly boycott transactions;  (6) other monopoly agreements as determined by the Anti-Monopoly Law Enforcement Authority of the State Council.  “Monopoly agreements” as used in this Law refers to agreements, decisions, or concerted actions that eliminate or restrict competition. | **Article 17** Competing undertakings are prohibited from concluding the following monopoly agreements:  (1) that fix or change the price of goods;  (2) that limit the quantity of goods manufactured or sold;  (3) that divide the sales market or procurement market of raw materials;  (4) that restrict the purchase of new technology or new equipment or restrict the development of new technology or new product;  (5) that jointly boycott transactions;  (6) of other types as determined by the Anti-Monopoly Law Enforcement Authority of the State Council.  ~~“Monopoly agreements” as used in this Law refers to agreements, decisions, or concerted actions that eliminate or restrict competition.~~ |
| **Article 14** Undertakings are prohibited from concluding the following monopoly agreements with trading counterparties:  (1) that fix the price of goods resold to a third party;  (2) that limit the lowest price of goods resold to a third party;  (3) of other types as determined by the Anti-Monopoly Law Enforcement Authority of the State Council. | **Article 18** Undertakings are prohibited from concluding the following monopoly agreements with trading counterparties:  (1) that fix the price of goods resold to a third party;  (2) that limit the lowest price of goods resold to a third party;  (3) of other types as determined by the Anti-Monopoly Law Enforcement Authority of the State Council.  The agreements as specified in subparagraphs (1) and (2) shall not be prohibited if the undertakings can prove the agreements do not have the effect of eliminating or restricting competition.  Where an undertaking can prove that its market share in the relevant market is lower than the standard set by the Anti-Monopoly Law Enforcement Authority of the State Council and that other conditions stipulated by the Anti-Monopoly Law Enforcement Authority of the State Council are met, the agreement shall not be prohibited. |
|  | **Article 19** No undertaking may organize other undertakings to reach a monopoly agreement or provide them with substantive assistance for reaching a monopoly agreement. |
| **Article 15** Where undertakings can prove that a monopoly agreement concluded has one of the following circumstances, the provisions of Article 13 and Article 14 of this Law do not apply:  (1) to improve technologies or to research and develop new products;  (2) to improve product quality, lower cost, or increase efficiency by unifying the specifications or standards of products or by implementing specialized division of labor;  (3) to increase the operating efficiency of small and medium-sized undertakings or to increase their competitiveness;  (4) to achieve energy conservation, environmental protection, disaster relief, and such other public interests;  (5) to mitigate the sharp decline in sales volume or obvious overproduction due to an economic recession;  (6) to safeguard the legitimate interests in foreign trade or in foreign economic cooperation;  (7) other circumstances prescribed by laws or the State Council.  Where the provisions of Article 17, the first paragraph of Article 18, and Article 19 of this Law do not apply due to the circumstances under subparagraphs (1) through (5) of the previous paragraph, the undertakings shall additionally prove that the agreement concluded will not seriously restrict competition in the relevant market, and that it will enable the consumers to share the resulting benefits. | **Article 20** Where undertakings can prove that a monopoly agreement concluded has one of the following circumstances, the provisions of ~~Article 13 and Article 14~~ Article 17, the first paragraph of Article 18, and Article 19 of this Law do not apply:  (1) to improve technologies or to research and develop new products;  (2) to improve product quality, lower cost, or increase efficiency by unifying the specifications or standards of products or by implementing specialized division of labor;  (3) to increase the operating efficiency of small and medium-sized undertakings or to increase their competitiveness;  (4) to achieve energy conservation, environmental protection, disaster relief, and such other public interests;  (5) to mitigate the sharp decline in sales volume or obvious overproduction due to an economic recession;  (6) to safeguard the legitimate interests in foreign trade or in foreign economic cooperation;  (7) other circumstances prescribed by laws or the State Council.  Where the provisions of ~~Article 13 and Article 14~~ Article 17, the first paragraph of Article 18, and Article 19 of this Law do not apply due to the circumstances under subparagraphs (1) through (5) of the previous paragraph, the undertakings shall additionally prove that the agreement concluded will not seriously restrict competition in the relevant market, and that it will enable the consumers to share the resulting benefits. |
| **Article 16** Trade associations shall not organize undertakings of the industry to engage in the monopolistic acts prohibited by this Chapter. | **Article 21** Trade associations shall not organize undertakings of the industry to engage in the monopolistic acts prohibited by this Chapter. |
| **Chapter III Abuse of Dominant Market Position** | **Chapter III Abuse of Dominant Market Position** |
| **Article 17** Undertakings holding a dominant market position are prohibited from engaging in the following practices that abuse the dominant market position:  (1) selling goods at unfairly high prices or buying goods at unfairly low prices;  (2) selling goods at below-cost prices without legitimate reasons;  (3) refusing to trade with trading counterparties without legitimate reasons;  (4) restricting trading counterparties to trade solely with themselves or with undertakings designated by them without legitimate reasons;  (5) conducting tie-in sales of goods, or attaching other unreasonable trading conditions to transactions without legitimate reasons;  (6) applying discriminatory treatment to trading counterparties with the same conditions with respect to prices and other trading conditions without legitimate reasons;  (7) other practices abusing the dominant market position as determined by the Anti-Monopoly Law Enforcement Authority of the State Council.  A “dominant market position” as used in this Law refers to a market position held by undertakings that enables them to control the prices or quantities of goods or other trading conditions, or to hinder or affect the ability of other undertakings to enter the relevant market | **Article 22** Undertakings holding a dominant market position are prohibited from engaging in the following practices that abuse the dominant market position:  (1) selling goods at unfairly high prices or buying goods at unfairly low prices;  (2) selling goods at below-cost prices without legitimate reasons;  (3) refusing to trade with trading counterparties without legitimate reasons;  (4) restricting trading counterparties to trade solely with themselves or with undertakings designated by them without legitimate reasons;  (5) conducting tie-in sales of goods, or attaching other unreasonable trading conditions to transactions without legitimate reasons;  (6) applying discriminatory treatment to trading counterparties with the same conditions with respect to prices and other trading conditions without legitimate reasons;  (7) other practices abusing the dominant market position as determined by the Anti-Monopoly Law Enforcement Authority of the State Council.  An undertaking with a dominant market position shall not use data, algorithms, technology and platform rules to engage in acts of abusing its dominant market position as prescribed in the preceding paragraph.  A “dominant market position” as used in this Law refers to a market position held by undertakings that enables them to control the prices or quantities of goods or other trading conditions, or to hinder or affect the ability of other undertakings to enter the relevant market. |
| **Article 18** A determination that an undertaking holds a dominant market position shall be based on the following factors:  (1) the undertaking’s market share in the relevant market and the level of competition in the relevant market;  (2) the undertaking’s ability to control the sales markets or the procurement markets for raw materials;  (3) the undertaking’s financial resources and technical capabilities;  (4) the extent to which other undertakings rely on the undertaking for trading;  (5) the level of difficulty for other undertakings to enter the relevant market;  (6) other factors relevant to determining the undertaking’s dominant market position. | **Article 23** A determination that an undertaking holds a dominant market position shall be based on the following factors:  (1) the undertaking’s market share in the relevant market and the level of competition in the relevant market;  (2) the undertaking’s ability to control the sales markets or the procurement markets for raw materials;  (3) the undertaking’s financial resources and technical capabilities;  (4) the extent to which other undertakings rely on the undertaking for trading;  (5) the level of difficulty for other undertakings to enter the relevant market;  (6) other factors relevant to determining the undertaking’s dominant market position. |
| **Article 19** In one of the following circumstances, it may be presumed that undertakings hold dominant market positions:  (1) where one undertaking’s market share amounts to one-half of a relevant market;  (2) where two undertakings’ aggregate market share amounts to two-thirds of a relevant market;  (3) where three undertakings’ aggregate market share amounts to third-fourths of a relevant market.  In the circumstances provided in subparagraph (2)or (3) of the previous paragraph, if one of the undertakings has a market share of less than one-tenth, it shall not be presumed that the said undertaking holds a dominant market position.  Where an undertaking that is presumed to hold a dominant market position has evidence that it does not hold a dominant market position, it shall not be determined to hold a dominant market position. | **Article 24** In one of the following circumstances, it may be presumed that undertakings hold dominant market positions:  (1) where one undertaking’s market share amounts to one-half of a relevant market;  (2) where two undertakings’ aggregate market share amounts to two-thirds of a relevant market;  (3) where three undertakings’ aggregate market share amounts to third-fourths of a relevant market.  In the circumstances provided in subparagraph (2)or (3) of the previous paragraph, if one of the undertakings has a market share of less than one-tenth, it shall not be presumed that the said undertaking holds a dominant market position.  Where an undertaking that is presumed to hold a dominant market position has evidence that it does not hold a dominant market position, it shall not be determined to hold a dominant market position. |
| **Chapter IV Concentration of Undertakings** | **Chapter IV Concentration of Undertakings** |
| **Article 20** Concentrations of undertakings refer to the following circumstances:  (1) merger of undertakings;  (2) acquiring control over other undertakings through acquiring their equities or assets; and  (3) acquiring control over other undertakings or the ability to exercise a decisive influence on other undertakings through contracts or other means. | **Article 25** Concentrations of undertakings refer to the following circumstances:  (1) merger of undertakings;  (2) acquiring control over other undertakings through acquiring their equities or assets; and  (3) acquiring control over other undertakings or the ability to exercise a decisive influence on other undertakings through contracts or other means. |
| **Article 21** Where a concentration of undertakings meets the notification thresholds prescribed by the State Council, the undertakings shall notify to the Anti-Monopoly Law Enforcement Authority of the State Council, and shall not implement the concentration without such a notification. | **Article 26** Where a concentration of undertakings meets the notification thresholds prescribed by the State Council, the undertakings shall notify to the Anti-Monopoly Law Enforcement Authority of the State Council, and shall not implement the concentration without such a notification.  Where a concentration of undertakings does not meet the notification thresholds prescribed by the State Council, but there is evidence proving that the concentration has or may have the effect of eliminating or restricting competition, the Anti-Monopoly Law Enforcement Authority of the State Council may require the undertakings to notify.  Where the undertakings fail to notify in accordance with the provisions of the preceding paragraphs, the Anti-Monopoly Law Enforcement Authority of the State Council shall investigate in accordance with the law. |
| **Article 22** In any of the following circumstances, a concentration of undertakings need not be notified to the Anti-Monopoly Law Enforcement Authority of the State Council:  (1) where one of the undertakings concerned owns fifty percent or more of the voting shares or assets of each of the other undertakings concerned;  (2) where fifty percent or more of the voting shares or assets of each of the undertakings concerned is owned by the same undertaking that does not participate in the concentration. | **Article 27** In any of the following circumstances, a concentration of undertakings need not be notified to the Anti-Monopoly Law Enforcement Authority of the State Council:  (1) where one of the undertakings concerned owns fifty percent or more of the voting shares or assets of each of the other undertakings concerned;  (2) where fifty percent or more of the voting shares or assets of each of the undertakings concerned is owned by the same undertaking that does not participate in the concentration. |
| **Article 23** Undertakings that notify a concentration to the Anti-Monopoly Law Enforcement Authority of the State Council shall submit the following documents and materials:  (1) A written notification;  (2) an explanation of the effect of the concentration on competition in the relevant market;  (3) the concentration agreements;  (4) the financial statements of the undertakings concerned for the previous accounting year that have been audited by accounting firms;  (5) other documents and materials specified by the Anti-Monopoly Law Enforcement Authority of the State Council.  The written notification shall clearly state the names of the undertakings concerned, their domiciles, the scope of their businesses, their scheduled date for implementing the concentration, and other matters specified by the Anti-Monopoly Law Enforcement Authority of the State Council. | **Article 28** Undertakings that notify a concentration to the Anti-Monopoly Law Enforcement Authority of the State Council shall submit the following documents and materials:  (1) A written notification;  (2) an explanation of the effect of the concentration on competition in the relevant market;  (3) the concentration agreements;  (4) the financial statements of the undertakings concerned for the previous accounting year that have been audited by accounting firms;  (5) other documents and materials specified by the Anti-Monopoly Law Enforcement Authority of the State Council.  The written notification shall clearly state the names of the undertakings concerned, their domiciles, the scope of their businesses, their scheduled date for implementing the concentration, and other matters specified by the Anti-Monopoly Law Enforcement Authority of the State Council. |
| **Article 24** Where the documents and materials submitted by undertakings are incomplete, they shall submit the remaining documents and materials within the period of time prescribed by the Anti-Monopoly Law Enforcement Authority of the State Council. Where the undertakings fail to submit the remaining documents and materials within that period, they will be deemed to have made no notification. | **Article 29** Where the documents and materials submitted by undertakings are incomplete, they shall submit the remaining documents and materials within the period of time prescribed by the Anti-Monopoly Law Enforcement Authority of the State Council. Where the undertakings fail to submit the remaining documents and materials within that period, they will be deemed to have made no notification. |
| **Article 25** Within 30 days of receiving documents and materials submitted by undertakings that comply with the provisions of Article 23 of this Law, the Anti-Monopoly Law Enforcement Authority of the State Council shall conduct a preliminary review of the notified concentration of undertakings, decide whether to conduct a further review, and notify the undertakings in writing. The undertakings shall not implement the concentration before the Anti-Monopoly Law Enforcement Authority of the State Council makes such a decision.  Where the Anti-Monopoly Law Enforcement Authority of the State Council decides not to conduct a further review or fails to make a decision within the time limit, the undertakings may implement the concentration. | **Article 30** Within 30 days of receiving documents and materials submitted by undertakings that comply with the provisions of ~~Article 23~~ Article 28 of this Law, the Anti-Monopoly Law Enforcement Authority of the State Council shall conduct a preliminary review of the notified concentration of undertakings, decide whether to conduct a further review, and notify the undertakings in writing. The undertakings shall not implement the concentration before the Anti-Monopoly Law Enforcement Authority of the State Council makes such a decision.  Where the Anti-Monopoly Law Enforcement Authority of the State Council decides not to conduct a further review or fails to make a decision within the time limit, the undertakings may implement the concentration. |
| **Article 26** Where the Anti-Monopoly Law Enforcement Authority of the State Council decides to conduct further review, it shall, within 90 days from the date of decision, complete such review, decide whether to prohibit the concentration of undertakings, and inform the undertakings of its decision in writing. Where a decision on prohibiting the concentration of undertakings is made, the reasons for such decision shall be given. The undertakings shall not implement concentration during the period of review.  In any of the following circumstances, after informing the undertakings in writing, the Anti-Monopoly Law Enforcement Authority of the State Council may extend the period for review as prescribed by the previous paragraph, but not by more than 60 days:  (1) where the undertakings consent to extending the period for review;  (2) where the documents or materials submitted by the undertakings are inaccurate and need further verification;  (3) where the relevant circumstances have materially changed after the undertakings made the notification.  Where the Anti-Monopoly Law Enforcement Authority of the State Council fails to make a decision within the time limit, the undertakings may implement the concentration. | **Article 31** Where the Anti-Monopoly Law Enforcement Authority of the State Council decides to conduct further review, it shall, within 90 days from the date of decision, complete such review, decide whether to prohibit the concentration of undertakings, and inform the undertakings of its decision in writing. Where a decision on prohibiting the concentration of undertakings is made, the reasons for such decision shall be given. The undertakings shall not implement concentration during the period of review.  In any of the following circumstances, after informing the undertakings in writing, the Anti-Monopoly Law Enforcement Authority of the State Council may extend the period for review as prescribed by the previous paragraph, but not by more than 60 days:  (1) where the undertakings consent to extending the period for review;  (2) where the documents or materials submitted by the undertakings are inaccurate and need further verification;  (3) where the relevant circumstances have materially changed after the undertakings made the notification.  Where the Anti-Monopoly Law Enforcement Authority of the State Council fails to make a decision within the time limit, the undertakings may implement the concentration. |
|  | **Article 32** In any of the following circumstances, the Anti-Monopoly Law Enforcement Authority of the State Council may suspend the periods for review of the concentration, and inform the undertakings in writing:  (1) where the undertakings fail to submit documents and materials in accordance with the provisions, resulting in that the review cannot be conducted;  (2) where new circumstances and facts that have a major impact on the review of concentration arise, resulting in that the review cannot be conducted if unverified;  (3) where restrictive conditions imposed on the concentration need to be further evaluated and the undertaking make a request for suspension.  The period of review shall continue to be counted from the date on which the suspending circumstance of the period of review is eliminated. The Anti-Monopoly Law Enforcement Authority of the State Council shall inform the undertakings in writing. |
| **Article 27** The following factors shall be taken into consideration in the review of concentrations of undertakings:  (1) the market shares of the undertakings concerned in the relevant market and their power of control over the market;  (2) the degree of market concentration in the relevant market;  (3) the impact of the concentration of undertakings on the market entry and technological advance;  (4) the impact of the concentration of undertakings on consumers and other relevant undertakings;  (5) the impact of the concentration of undertakings on the development of the national economy; and  (6) other factors affecting the market competition which the Anti-Monopoly Law Enforcement Authority of the State Council deems to need consideration. | **Article 33** The following factors shall be taken into consideration in the review of concentrations of undertakings:  (1) the market shares of the undertakings concerned in the relevant market and their power of control over the market;  (2) the degree of market concentration in the relevant market;  (3) the impact of the concentration of undertakings on the market entry and technological advance;  (4) the impact of the concentration of undertakings on consumers and other relevant undertakings;  (5) the impact of the concentration of undertakings on the development of the national economy; and  (6) other factors affecting the market competition which the Anti-Monopoly Law Enforcement Authority of the State Council deems to need consideration. |
| **Article 28** Where a concentration of undertakings has or may have the effect of eliminating or restricting competition, the Anti-Monopoly Law Enforcement Authority of the State Council shall make a decision to prohibit the concentration of undertakings. However, if the undertakings can prove that the concentration will bring obviously more positive impact than negative impact on competition, or that the concentration is in the social public interest, the Anti-Monopoly Law Enforcement Authority of the State Council may decide not to prohibit the concentration of undertakings. | **Article 34** Where a concentration of undertakings has or may have the effect of eliminating or restricting competition, the Anti-Monopoly Law Enforcement Authority of the State Council shall make a decision to prohibit the concentration of undertakings. However, if the undertakings can prove that the concentration will bring obviously more positive impact than negative impact on competition, or that the concentration is in the social public interest, the Anti-Monopoly Law Enforcement Authority of the State Council may decide not to prohibit the concentration of undertakings. |
| **Article 29** Where the concentration of undertakings is not prohibited, the Anti-Monopoly Law Enforcement Authority of the State Council may decide to impose restrictive conditions that lessen the negative impact of such concentration on competition. | **Article 35** Where the concentration of undertakings is not prohibited, the Anti-Monopoly Law Enforcement Authority of the State Council may decide to impose restrictive conditions that lessen the negative impact of such concentration on competition. |
| **Article 30** The Anti-Monopoly Law Enforcement Authority of the State Council shall, in a timely manner, publicize its decisions on prohibiting the concentration of undertakings or its decisions on imposing restrictive conditions on the concentration of undertakings. | **Article 36** The Anti-Monopoly Law Enforcement Authority of the State Council shall, in a timely manner, publicize its decisions on prohibiting the concentration of undertakings or its decisions on imposing restrictive conditions on the concentration of undertakings. |
|  | **Article 37** The Anti-Monopoly Law Enforcement Authority of the State Council shall improve the classification and grading system for the review of concentration of undertakings, strengthen the review of concentration of undertakings in critical areas concerning national development and livelihood according to law, and improve the quality and efficiency of the review. |
| **Article 31** Where a foreign investor participates in the concentration of undertakings by merging and acquiring a domestic enterprise or by other means, which involves national security, such concentration shall be subject to national security review in accordance with the relevant State regulations, in addition to the review of the concentration of undertakings in accordance with the provisions of this Law. | **Article 38** Where a foreign investor participates in the concentration of undertakings by merging and acquiring a domestic enterprise or by other means, which involves national security, such concentration shall be subject to national security review in accordance with the relevant State regulations, in addition to the review of the concentration of undertakings in accordance with the provisions of this Law. |
| **Chapter V Abuse of Administrative Power to Eliminate or Restrict Competition** | **Chapter V Abuse of Administrative Power to Eliminate or Restrict Competition** |
| **Article 32** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to require or require in disguised forms entities or individuals to trade in, purchase, or use only the goods supplied by the undertakings designated by them. | **Article 39** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to require or require in disguised forms entities or individuals to trade in, purchase, or use only the goods supplied by the undertakings designated by them. |
|  | **Article 40** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to obstruct other undertakings to enter relevant markets or give unequal treatment to other undertakings, eliminate or restrict competition by signing cooperation agreements, memorandum, etc. with undertakings. |
| **Article 33** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to carry out the following acts, thereby obstructing the free flow of goods among different regions:  (1) setting discriminatory fee items, implementing discriminatory fee rates, or setting discriminatory prices for non-local goods;  (2) imposing on non-local goods technical requirements or inspection standards different from those imposed on similar local goods, or taking discriminatory technical measures, such as repeated inspections or repeated certifications, against non-local goods, so as to restrict non-local goods from entering the local market;  (3) implementing administrative licenses specifically targeting non-local goods to restrict non-local goods from entering the local market;  (4) setting up checkpoints or taking other measures to prevent non-local goods from entering or local goods from exiting; and  (5) other acts obstructing the free flow of goods among different regions. | **Article 41** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to carry out the following acts, thereby obstructing the free flow of goods among different regions:  (1) setting discriminatory fee items, implementing discriminatory fee rates, or setting discriminatory prices for non-local goods;  (2) imposing on non-local goods technical requirements or inspection standards different from those imposed on similar local goods, or taking discriminatory technical measures, such as repeated inspections or repeated certifications, against non-local goods, so as to restrict non-local goods from entering the local market;  (3) implementing administrative licenses specifically targeting non-local goods to restrict non-local goods from entering the local market;  (4) setting up checkpoints or taking other measures to prevent non-local goods from entering or local goods from exiting; and  (5) other acts obstructing the free flow of goods among different regions. |
| **Article 34** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to exclude or restrict non-local undertakings from participating in local bid-inviting and bidding activities, by means such as setting discriminatory qualification requirements or evaluation standards or by not publishing information in accordance with law. | **Article 42** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to exclude or restrict ~~non-local~~ undertakings from participating in ~~local~~ bid-inviting ~~and~~, bidding and other activities, by means such as setting discriminatory qualification requirements or evaluation standards or by not publishing information in accordance with law. |
| **Article 35** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to exclude or restrict non-local undertakings from investing locally or establishing local branch offices by means such as treating them unequally as compared to local undertakings. | **Article 43** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to exclude ~~or~~, restrict non-local undertakings from investing locally or establishing local branch offices, to directly or in disguised forms compel them to do so, by means such as treating them unequally as compared to local undertakings. |
| **Article 36** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to compel undertakings to engage in the monopolistic acts provided by this Law. | **Article 44** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to directly or in disguised forms compel undertakings to engage in the monopolistic acts provided by this Law. |
| **Article 37** Administrative agencies shall not abuse their administrative power to formulate rules with contents that eliminate or restrict competition. | **Article 45** Administrative agencies and organizations empowered by laws or regulations to administer public affairs shall not abuse their administrative power to formulate rules with contents that eliminate or restrict competition. |
| **Chapter VI Investigation into Suspected Monopolistic Acts** | **Chapter VI Investigation into Suspected Monopolistic Acts** |
| **Article 38** The Anti-Monopoly Law Enforcement Authorities are to investigate suspected monopolistic acts in accordance with law.  All entities and individuals have the right to report suspected monopolistic acts to The Anti-Monopoly Law Enforcement Authorities. The Anti-Monopoly Law Enforcement Authorities shall keep the reports confidential.  Where a report is in writing and provides relevant facts and evidence, The Anti-Monopoly Law Enforcement Authorities shall conduct necessary investigations. | **Article 46** The Anti-Monopoly Law Enforcement Authorities are to investigate suspected monopolistic acts in accordance with law.  All entities and individuals have the right to report suspected monopolistic acts to The Anti-Monopoly Law Enforcement Authorities. The Anti-Monopoly Law Enforcement Authorities shall keep the reports confidential.  Where a report is in writing and provides relevant facts and evidence, The Anti-Monopoly Law Enforcement Authorities shall conduct necessary investigations. |
| **Article 39** The Anti-Monopoly Law Enforcement Authorities may take the following measures when investigating suspected monopolistic acts:  (1) entering the business premises or other relevant premises of the undertakings under investigation to conduct inspections;  (2) examining the undertakings under investigation, the interested parties, or other relevant entities or individuals and requiring them to explain the relevant situations;  (3) inspecting and copying the relevant documents and materials of the undertakings under investigation, the interested parties, or other relevant entities or individuals, such as bills, agreements, books of accounts, business correspondence, and electronic data;  (4) sealing and seizing the relevant evidence;  (5) examining the undertakings’ bank accounts.  To take the measures specified in the previous paragraph, written reports shall be submitted to the principal persons in charge of the Anti-Monopoly Law Enforcement Authorities to obtain approval. | **Article 47** The Anti-Monopoly Law Enforcement Authorities may take the following measures when investigating suspected monopolistic acts:  (1) entering the business premises or other relevant premises of the undertakings under investigation to conduct inspections;  (2) examining the undertakings under investigation, the interested parties, or other relevant entities or individuals and requiring them to explain the relevant situations;  (3) inspecting and copying the relevant documents and materials of the undertakings under investigation, the interested parties, or other relevant entities or individuals, such as bills, agreements, books of accounts, business correspondence, and electronic data;  (4) sealing and seizing the relevant evidence;  (5) examining the undertakings’ bank accounts.  To take the measures specified in the previous paragraph, written reports shall be submitted to the principal persons in charge of the Anti-Monopoly Law Enforcement Authorities and to obtain approval. |
| **Article 40** When the Anti-Monopoly Law Enforcement Authorities investigate suspected monopolistic acts, there shall be no fewer than two law enforcement officials, who shall present their law enforcement documents.  When conducting examinations and investigations, law enforcement officials shall make written records and have them signed by the persons examined or being investigated. | **Article 48** When the Anti-Monopoly Law Enforcement Authorities investigate suspected monopolistic acts, there shall be no fewer than two law enforcement officials, who shall present their law enforcement documents.  When conducting examinations and investigations, law enforcement officials shall make written records and have them signed by the persons examined or being investigated. |
| **Article 41** The Anti-Monopoly Law Enforcement Authorities and their officials are obligated to keep confidential the trade secrets they learn in the course of law enforcement. | **Article 49** The Anti-Monopoly Law Enforcement Authorities and their officials are obligated to, according to law, keep confidential the trade secrets, personal privacy and personal information they learn in the course of law enforcement. |
| **Article 42** The undertakings under investigation, the interested parties, or other relevant entities or individuals shall cooperate with the Anti-Monopoly Law Enforcement Authorities in their lawful performance of duties and shall not refuse or obstruct investigations by the Anti-Monopoly Law Enforcement Authorities. | **Article 50** The undertakings under investigation, the interested parties, or other relevant entities or individuals shall cooperate with the Anti-Monopoly Law Enforcement Authorities in their lawful performance of duties and shall not refuse or obstruct investigations by the Anti-Monopoly Law Enforcement Authorities. |
| **Article 43** The undertakings under investigation and the interested parties have the right to state their opinions. The Anti-Monopoly Law Enforcement Authorities shall verify the facts, reasons, and evidence presented by the undertakings under investigation or by the interested parties. | **Article 51** The undertakings under investigation and the interested parties have the right to state their opinions. The Anti-Monopoly Law Enforcement Authorities shall verify the facts, reasons, and evidence presented by the undertakings under investigation or by the interested parties. |
| **Article 44** Where, after investigating and verifying the suspected monopolistic acts, the Anti-Monopoly Law Enforcement Authorities deem them to constitute monopolistic acts, they shall make administrative decisions in accordance with law and may release them to the public. | **Article 52** Where, after investigating and verifying the suspected monopolistic acts, the Anti-Monopoly Law Enforcement Authorities deem them to constitute monopolistic acts, they shall make administrative decisions in accordance with law and may release them to the public. |
| **Article 53** With respect to the suspected monopolistic act which is under investigation by the Anti-Monopoly Law Enforcement Authorities, if the undertakings under investigation commit themselves to take specific measures to eliminate the consequences of such conduct within the time limit approved by the Anti-Monopoly Law Enforcement Authorities, the Anti-Monopoly Law Enforcement Authorities may decide to suspend the investigation. In the decision of suspending the investigation, the details of the commitments made by the undertakings under investigation shall clearly be stated.  Where the Anti-Monopoly Law Enforcement Authorities decides to suspend the investigation, it shall supervise the fulfillment of the commitments by the undertakings. If the undertakings fulfill their commitments, the Anti-Monopoly Law Enforcement Authorities may decide to terminate the investigation.  In any of the following circumstances, the Anti-Monopoly Law Enforcement Authorities shall resume the investigation:  (1) where the undertakings fail to fulfill their commitments;  (2) where major changes have taken place in respect of the facts on which the decision of suspending the investigation was based; or  (3) where the decision of suspending the investigation was based on incomplete or untrue information provided by the undertakings. | **Article 53** With respect to the suspected monopolistic act which is under investigation by the Anti-Monopoly Law Enforcement Authorities, if the undertakings under investigation commit themselves to take specific measures to eliminate the consequences of such conduct within the time limit approved by the Anti-Monopoly Law Enforcement Authorities, the Anti-Monopoly Law Enforcement Authorities may decide to suspend the investigation. In the decision of suspending the investigation, the details of the commitments made by the undertakings under investigation shall clearly be stated.  Where the Anti-Monopoly Law Enforcement Authorities decides to suspend the investigation, it shall supervise the fulfillment of the commitments by the undertakings. If the undertakings fulfill their commitments, the Anti-Monopoly Law Enforcement Authorities may decide to terminate the investigation.  In any of the following circumstances, the Anti-Monopoly Law Enforcement Authorities shall resume the investigation:  (1) where the undertakings fail to fulfill their commitments;  (2) where major changes have taken place in respect of the facts on which the decision of suspending the investigation was based; or  (3) where the decision of suspending the investigation was based on incomplete or untrue information provided by the undertakings. |
|  | **Article 54** The Anti-Monopoly Law Enforcement Authorities are to investigate suspected abuse of administrative power to eliminate or restrict competition in accordance with law. Relevant entities or individuals shall cooperate. |
|  | **Article 55** Where undertakings, administrative agencies and organizations empowered by laws or regulations to administer public affairs are suspected of violating the provisions of this law, the Anti-Monopoly Law Enforcement Authorities may conduct an interview with their legal representative or the person in charge and require them to propose rectification measures. |
| **Chapter VII Legal Liabilities** | **Chapter VII Legal Liabilities** |
| **Article 46** Where an undertaking concludes and implements a monopoly agreement in violation of the provisions of this Law, the Anti-Monopoly Law Enforcement Authorities shall order it to cease the violation, confiscate its illegal gains, and impose a fine of at least 1 percent but up to 10 percent of its turnover from the previous year. If the monopoly agreement has not been implemented, a fine of not more than CNY 500,000 may be imposed.  Where an undertaking voluntarily reports to the Anti-Monopoly Law Enforcement Authorities the relevant circumstances of the conclusion of a monopoly agreement and offers important evidence, the Anti-Monopoly Law Enforcement Authorities can, at their discretion, mitigate or waive the penalties imposed on the undertaking.  Where a trade association organizes undertakings to conclude a monopoly agreement in violation of the provisions of this Law, the Anti-Monopoly Law Enforcement Authorities may impose a fine of up to CNY 500,000; where the circumstances are serious, the administrative organ for the registration of social groups may revoke its registration in accordance with law. | **Article 56** Where an undertaking concludes and implements a monopoly agreement in violation of the provisions of this Law, the Anti-Monopoly Law Enforcement Authorities shall order it to cease the violation, confiscate its illegal gains, and impose a fine of at least 1 percent but up to 10 percent of its turnover from the previous year. Where an undertaking has no turnover from the previous year, a fine of up to CNY 5,000,000 may be imposed. If the monopoly agreement has not been implemented, a fine of not more than CNY ~~500,000~~ 3,000,000 may be imposed. If the legal representative, person in charge or directly liable persons of the undertakings is personally responsible for reaching the monopoly agreement, a fine of up to CNY 1,000,000 may be imposed.  The provisions of the previous paragraph apply to the organizing other undertakings to or providing other undertakings with substantive assistance to conclude monopoly agreements.  Where an undertaking voluntarily reports to the Anti-Monopoly Law Enforcement Authorities the relevant circumstances of the conclusion of a monopoly agreement and offers important evidence, the Anti-Monopoly Law Enforcement Authorities can, at their discretion, mitigate or waive the penalties imposed on the undertaking.  Where a trade association organizes undertakings to conclude a monopoly agreement in violation of the provisions of this Law, the Anti-Monopoly Law Enforcement Authorities shall order it to correct and may impose a fine of up to CNY ~~500,000~~ 3,000,000; where the circumstances are serious, the administrative organ for the registration of social groups may revoke its registration in accordance with law. |
| **Article 47** Where an undertaking abuses its dominant market position in violation of the provisions of this Law, the Anti-Monopoly Law Enforcement Authorities shall order it to cease the violation, confiscate its illegal gains, and impose a fine of at least 1 percent but up to 10 percent of its turnover from the previous year. | **Article 57** Where an undertaking abuses its dominant market position in violation of the provisions of this Law, the Anti-Monopoly Law Enforcement Authorities shall order it to cease the violation, confiscate its illegal gains, and impose a fine of at least 1 percent but up to 10 percent of its turnover from the previous year. |
| **Article 48** Where an undertaking, in violation of the provisions of this Law, implements a concentration, the Anti-Monopoly Law Enforcement Authority of the State Council shall order it to cease the implementation of concentration, dispose of shares or assets within a specified time limit, transfer business within a specified time limit or take other necessary measures to return to the state prior to the concentration, and may impose a fine of up to CNY 500,000. | **Article 58** Where an undertaking, in violation of the provisions of this Law, implements a concentration which has or may have the effect of eliminating or restricting competition, the Anti-Monopoly Law Enforcement Authority of the State Council shall order it to cease the implementation of concentration, dispose of shares or assets within a specified time limit, transfer business within a specified time limit or take other necessary measures to return to the state prior to the concentration, and ~~may impose a fine of up to CNY 500,000~~ impose a fine of up to 10 percent of its turnover from the previous year; if without the effect of eliminating or restricting competition, a fine of up to CNY 5,000,000 shall be imposed. |
| **Article 49** For the fines prescribed by Articles 46, 47 and 48 of this Law, when determining the specific amount of fines to be imposed, the Anti-Monopoly Law Enforcement Authorities shall consider factors such as the nature, extent, duration of the violations. | **Article 59** For the fines prescribed by ~~Articles 46, 47, and 48~~ Articles 56, 57 and 58 of this Law, when determining the specific amount of fines to be imposed, the Anti-Monopoly Law Enforcement Authorities shall consider factors such as the nature, extent, duration of the violations and the circumstances of eliminating the consequences of the violations. |
| **Article 50** Where an undertaking causes loss to others by engaging in monopolistic acts, it bears civil liabilities in accordance with law. | **Article 60** Where an undertaking causes loss to others by engaging in monopolistic acts, it bears civil liabilities in accordance with law.  Where an undertaking commits a monopolistic act that infringes on the public interests, the People’s Procuratorate at or above the level of cities with districts may file a civil public interest lawsuit in the People’s Court in accordance with law. |
| **Article 51** Where an administrative organ or an organization empowered by laws or regulations to perform the function of administering public affairs abuses its administrative power to eliminate or restrict competition, its superior agency shall order it to make correction; the principal person directly in charge and other persons directly liable shall be given administrative sanctions according to law. The Anti-Monopoly Law Enforcement Authorities may put forward suggestions to the relevant superior agency on handling the matter according to law. Where otherwise provided for by laws or administrative regulations in respect of handling the administrative agencies or organizations empowered by laws or regulations to perform the function of administering public affairs who abuse their administrative power to eliminate or restrict competition, such provisions shall prevail. | **Article 61** Where an administrative organ or an organization empowered by laws or regulations to perform the function of administering public affairs abuses its administrative power to eliminate or restrict competition, its superior agency shall order it to make correction; the principal person directly in charge and other persons directly liable shall be given administrative sanctions according to law. The Anti-Monopoly Law Enforcement Authorities may put forward suggestions to the relevant superior agency on handling the matter according to law. The Administrative agency and organization empowered by laws and regulations to administer public affairs shall report in writing regarding the relevant corrections to the superior agency and the Anti-Monopoly Law Enforcement Authorities.  Where otherwise provided for by laws or administrative regulations in respect of handling the administrative agencies or organizations empowered by laws or regulations to perform the function of administering public affairs who abuse their administrative power to eliminate or restrict competition, such provisions shall prevail. |
| **Article 52** Where, during a review or an investigation lawfully conducted by the Anti-Monopoly Law Enforcement Authorities, one refuses to provide the relevant materials or information, provides false materials or information, conceals, destroys, or transfers evidence, threatens personal safety, or refuses or obstructs the investigation in other ways, the Anti-Monopoly Law Enforcement Authorities shall order it to make corrections, and it may impose a fine of not more than RMB 20,000 on the individual and a fine of not more than RMB 200,000 on the entity; if the circumstances are serious, it may impose a fine of not less than RMB 20,000 but not more than RMB 100,000 on the individual and a fine of not less than RMB 200,000 but not more than RMB 1,000,000 on the entity; and if a crime is constituted, criminal liability shall be investigated according to law. | **Article 62** Where, during a review or an investigation lawfully conducted by the Anti-Monopoly Law Enforcement Authorities, one refuses to provide the relevant materials or information, provides false materials or information, conceals, destroys, or transfers evidence, threatens personal safety, or refuses or obstructs the investigation in other ways, the Anti-Monopoly Law Enforcement Authorities shall order it to make corrections, and ~~may impose a fine of not more than RMB 20,000 on the individual and a fine of not more than RMB 200,000 on the entity; if the circumstances are serious, it may impose a fine of not less than RMB 20,000 but not more than RMB 100,000 on the individual and a fine of not less than RMB 200,000 but not more than RMB 1,000,000 on the entity; and if a crime is constituted, criminal liability shall be investigated according to law~~ shall impose a fine of up to 1 percent of its turnover from the previous year on the entity, or where the entity has no turnover or the turnover is hard to calculate, a fine of up to CNY 5,000,000; and for individuals, shall impose a fine of up to CNY 500,000. |
|  | **Article 63** If the violation of the provisions of this Law is especially serious, the impact is especially bad and the consequences are especially serious, the Anti-Monopoly Law Enforcement Authority of the State Council may determine the specific amount of fine amounting to not less than two times but not more than five times the amount of the fine prescribed in Articles 56, 57, 58 and 62 of this Law. |
|  | **Article 64** Where an undertaking is subject to administrative punishment for violating the provisions of this Law, it shall be recorded in the credit records in accordance with the relevant provisions of the State, and publicized to the society. |
| **Article 53** Where an undertaking is dissatisfied with a decision made by the Anti-Monopoly Law Enforcement Authorities in accordance with Articles 28 and 29 of this Law, it may first apply for an administrative reconsideration in accordance with law; where it is dissatisfied with the decision of the administrative reconsideration, it may file an administrative litigation in accordance with law.  Where an undertaking is dissatisfied with any decision made by the Anti-Monopoly Law Enforcement Authorities other than the decision as specified in the preceding paragraph, it may apply for administrative reconsideration or lodge an administrative lawsuit according to law. | **Article 65** Where an undertaking is dissatisfied with a decision made by the Anti-Monopoly Law Enforcement Authorities in accordance with ~~Articles 28 and 29~~ Articles 34 and 35 of this Law, it may first apply for an administrative reconsideration in accordance with law; where it is dissatisfied with the decision of the administrative reconsideration, it may file an administrative litigation in accordance with law.  Where an undertaking is dissatisfied with any decision made by the Anti-Monopoly Law Enforcement Authorities other than the decision as specified in the preceding paragraph, it may apply for administrative reconsideration or lodge an administrative lawsuit according to law. |
| **Article 54** Where officials of the Anti-Monopoly Law Enforcement Authorities abuse their authority, derelict their duties, show favoritism for personal gain, or divulge the trade secrets they learn in the course of law enforcement, which constitutes a crime, they shall be investigated for criminal liability according to law; and if no crime is constituted, they shall be given an administrative sanction according to law. | **Article 66** Where officials of the Anti-Monopoly Law Enforcement Authorities abuse their authority, derelict their duties, show favoritism for personal gain, or divulge the trade secrets, personal privacy and personal information they learn in the course of law enforcement, ~~which constitutes a crime, they shall be investigated for criminal liability according to law; and if no crime is constituted,~~ they shall be given an administrative sanction according to law. |
|  | **Article 67** Whoever violates this Law and commits a crime shall be pursued for criminal responsibility according to law. |
| **Chapter VIII Supplementary Provisions** | **Chapter VIII Supplementary Provisions** |
| **Article 55** This Law does not apply to undertakings’ exercise of intellectual property rights in accordance with the provisions of laws and administrative regulations concerning intellectual property rights; however, this Law applies to undertakings’ abuse of intellectual property rights to eliminate or restrict competition. | **Article 68** This Law does not apply to undertakings’ exercise of intellectual property rights in accordance with the provisions of laws and administrative regulations concerning intellectual property rights; however, this Law applies to undertakings’ abuse of intellectual property rights to eliminate or restrict competition. |
| **Article 56** This Law does not apply to the joint or concerted actions taken by agricultural producers and rural economic organizations in business activities such as the production, processing, sale, transportation, or storage of agricultural products. | **Article 69** This Law does not apply to the joint or concerted actions taken by agricultural producers and rural economic organizations in business activities such as the production, processing, sale, transportation, or storage of agricultural products. |
| **Article 57** This Law shall take effect on 1 August 2008. | **Article 70** This Law shall take effect on 1 August 2008. |

1. Jet Deng is partner at Dentons Beijing office and Ken Dai is partner at Dentons Shanghai office. [↑](#footnote-ref-1)