

# **Development on Anti-monopoly by NDRC in China Since 2015**

Bureau of Price Supervision and  
Anti-Monopoly  
National Development and  
Reform Commission (NDRC)  
People's Republic of China

# The Anti-Monopoly Law of China (AML)

- In **August 2007**, China **enacted** the first comprehensive antitrust law, which is really important to promote the health development of socialist market economy.
- The Anti-Monopoly Law **came into effect** as of **August 1<sup>st</sup> 2008**.

# Anti-monopoly Responsibilities of NDRC

- There are **three enforcement authorities** under the State Council in China.
- **NDRC** is responsible for enforcing all price-related anti-monopoly provisions of the AML. According to the AML, NDRC delegated its enforcement powers to **provincial-level price authorities**.
- When one case involves both price-related and non price-related practices, the authority which filed the case at first shall be in charge of the investigation.

# Investigating anticompetitive activities conducted by undertakings

Since 2015, NDRC and the provincial price regulation authorities have settled 21 monopoly cases and imposed the total fine of RMB 7 billion.

- Cases include horizontal agreements, vertical agreements and abuse of market dominance;
- The industry-sectors involved include automobile and auto parts, pharmaceutical, transportation and intellectual property right.

# Enforcement against abusing administrative power to eliminate or restrict competition

Since 2015, investigated five cases which covered the areas:

transportation, telecoms, pharmaceutical, and involved various conducts such as designated transactions, local protection, forcing undertaking to conduct anticompetitive behaviors.

# Drafting Anti-monopoly guidelines

Entrusted by the Anti-Monopoly Commission, NDRC is drafting six guidelines :

- guidelines on abuses of intellectual property rights;
- guidelines in the automobile industry;
- application of the leniency program;
- suspension of investigation based upon commitments;
- procedures for exemption of monopoly agreements;
- calculation of illegal gains and fines.

For the time being, all the drafts have been finalized and will be submitted to the Anti-Monopoly Commission of the State Council for approval in due time.

# Recognition of the fundamental role of competition policy

- In 2015, a solemn declaration was made to “gradually establish the fundamental position for competition policy” ;
- In 2016, the establishment of fair competition review system: all economic policies will be undergoing the self-screening before coming into effect.

# Thank you!

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