

# China-EU Anti-Monopoly Seminar, Anti-Monopoly Bureau of MOFCOM

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- **Applicable Standards for the Simplified Procedure of Merger Review**

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- **Procedural Provisions for the Simplified Procedure of Merger Review**

# The Simplified Procedure of Merger Review

## I. Applicable Standards

### *Provisions on the Applicable Standards of the Simplified Cases Regarding Concentration of Undertakings (Draft for comments)*

Article 2 In any of the following circumstances, it may be deemed as a streamlined case:

- (1) In the same relevant market, the aggregate market share of all the undertakings involved in the concentration accounts for less than 15%;
- (2) In case that undertakings involved in the concentration have a vertical relationship, the market share thereof accounts for less than 25%, either in upstream market or downstream market;
- (3) In case that undertakings involved in the concentration do not have a vertical relationship, the market share thereof accounts for less than 25% in each market;
- (4) When undertakings involved in the concentration set up a joint venture outside the territory of China, the joint venture does not engage in any economic activities within the territory of China;
- (5) When undertakings involved in the concentration acquire stock equity or asset of a foreign enterprise, the foreign enterprise does not engage in any economic activities within the territory of China;
- (6) A joint venture that is jointly controlled by more than two undertakings is controlled by one or more undertaking of them through concentration.

Article 3 Even though it is consistent with Article 2 of the Provisions, it shall not be deemed as a streamlined case in any of the following circumstances:

- (1) When a joint venture that is jointly controlled by more than two undertakings is controlled by one undertaking of them through concentration, the concerned undertaking and joint venture are competitors in the same relevant market;
- (2) The concerned relevant market in the concentration of undertakings is difficult to define;
- (3) The concentration of undertakings is likely to cause adverse effect on market entry and technological progress;
- (4) The concentration of undertakings is likely to cause adverse effect on consumers and other undertakings;
- (5) The concentration of undertakings is likely to cause adverse effect on national economic development;
- (6) Other circumstances having effects on market competition that MOFCOM takes into consideration.

# The Simplified Procedure of Merger Review

## I. Applicable Standards

Discussion on Relevant  
Issues about Applicable  
Standards for the Simplified  
Procedure

Comments on the Applicable  
Standards for the Simplified  
Procedure

# The Simplified Procedure of Merger Review

## II. Procedural Provisions

Relevant provisions in the *Provisions on the Applicable Standards of the Simplified Cases Regarding Concentration of Undertakings (Draft for comments)*

Discussion on the Differences between the Standard Procedure and the Simplified Procedure

Comments on relevant Issues of the Procedural Provisions for the Simplified Procedure

# Thank You

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