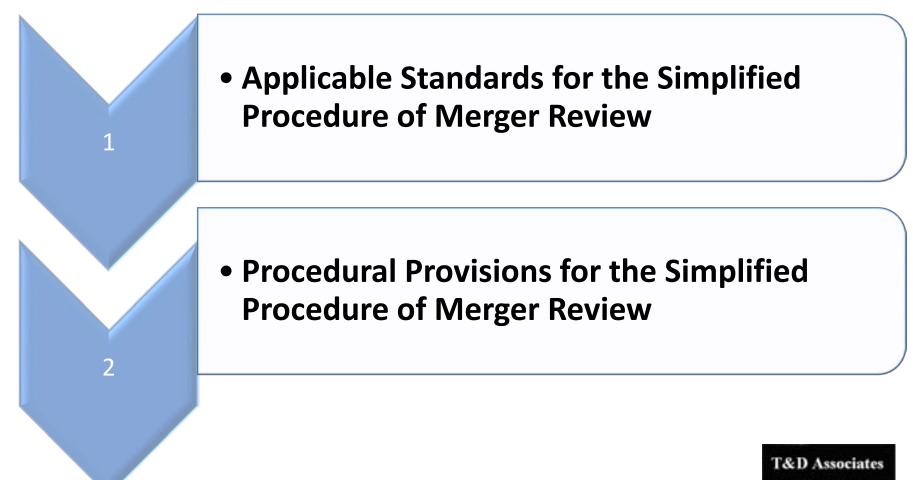
China-EU Anti-Monopoly Seminar, Anti-Monopoly Bureau of MOFCOM

T&D Associates

October 24, 2013 Kunming

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Attorneys at Law

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)

a streamlined case: (1) In the same relevant market, the aggregate market share of al 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	undertakings is controlled by one undertaking of them through concentration, the concerned undertaking and joint venture are competitors in the same relevant market;
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;	 (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) 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. 	 (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.

Attorneys at Law

The Simplified Procedure of Merger Review

I. Applicable Standards



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