



National Development and Reform Commission

Administrative Enforcement Procedure of Anti-Price-Monopoly

NDRC Bureau of Price Supervision and Anti-Monopoly

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October 2014



Procedure Legislation of Anti-price-monopoly Enforcement

Administrative Enforcement Procedures of Price Monopoly Cases

Powers and Obligations of Anti-monopoly Authorities

Rights and Obligations of Respondents



I Procedure Legislation of Anti-price-monopoly Enforcement



1.Laws: Anti-Monopoly Law,
Administrative Penalty Law

2.Regulations: Regulations on Administrative Enforcement Procedures of
Anti-price-monopoly (2010) ,
Provisions on the Procedures for Price Administrative
Penalties (2013)

3.Regulatory documents

Decision on the Authorization of Anti-price-monopoly Enforcement (2008)

Provisions on Evidence of Price Administrative Penalties (2013)

Model Texts of Price Administrative Penalty Instruments (2013)

Provisions on File Management of Price Administrative Penalties (2013)

Rules for the Trial and Review of Price Administrative Penalty Cases (2013)

Several Provisions on Regulating the Price Administrative Penalty Power
(2014)

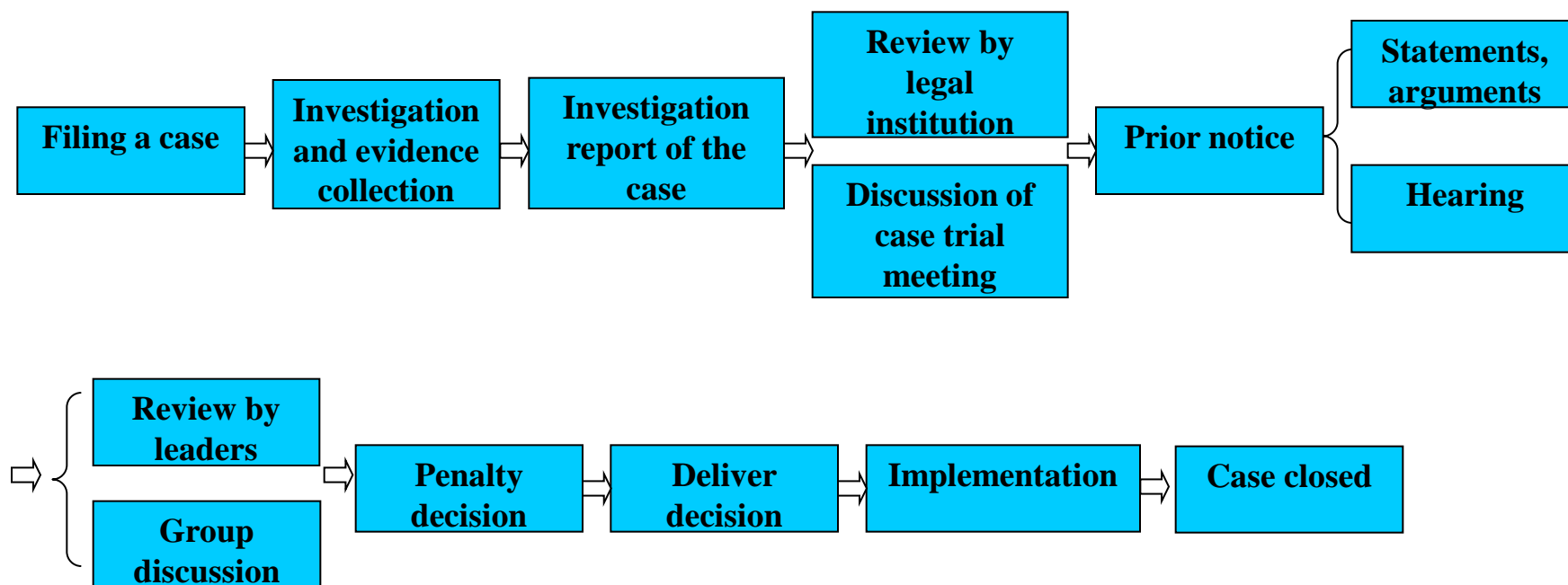


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II Administrative Enforcement Procedures of Price Monopoly Cases



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III Powers and Obligations of Anti-monopoly Authorities



Powers and Obligations of the Authorities

Investigation powers

- entering the business premises of the investigated undertakings or other relevant places to conduct investigation
- inquiring the investigated undertakings, the interested parties, or other units or individuals concerned, and requesting them to provide relevant explanations
- consulting and copying the relevant bills, agreements, accounting books, business correspondence, electronic data and other documents and materials of the investigated operators, the interested parties, or other units or individuals concerned
- sealing up or seizing relevant evidence
- inquiring about the bank accounts of the operators

Obligations during an investigation

- at least two law enforcement officers
- presenting law enforcement certificates
- The anti-monopoly enforcement authority and its staff have confidentiality obligation about the commercial secrets obtained during the law enforcement.



IV Rights and Obligations of Respondents



❖ The rights of respondents

During the investigation

- making statements, arguments
- applying for public hearings

After the investigation decision is made

- entitled to make appeals or accusations against the administrative penalty imposed by administrative organs.
- applying to local governments or higher authorities for administrative reconsiderations
- filing administrative proceedings with the court



❖ The obligations of respondents

During the investigation

- cooperating the investigation of law enforcement authorities
- shall not refuse or obstruct the investigation of anti-monopoly authorities
- accepting law enforcement officers into business premises or other relevant places to conduct investigation
- accepting inquiring
- providing relevant bills, agreements, accounting books, business correspondence, electronic data and other documents and materials

Applying for leniency

- unconditionally cooperating fully with the investigations
- immediately stopping illegal acts

Applying for suspension of investigation

- making commitments, eliminating effects
- complying with the commitments