

Continuously Improve Transparency of Operator Concentration Review

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Continuously refine associated legislations

- Associated legislations constitute the standard and basis for the performance of concentration review, and refining associated legislations is refining the standards and basis for review.
- Associated legislations are the most important element to improve the transparency of review.
- So far, the Anti-monopoly Bureau has drafted, formulated and issued more than 10 administrative regulations and ministerial ordinances, which have basically formed an associated legislative system for operator concentration review.

Continuously refine associated legislations

- On August 1, 2008, the State Council promulgated the Provisions Concerning the Reporting Standard for Operator Concentration;
- On May 24, 2009, the Anti-monopoly Committee of the State Council published the Guide on Determination of Relevant Markets;
- On July 15, 2009, five ministries and commissions, including the Ministry of Commerce, issued the Calculation Method of Business Volume for Declaration of Financial Operator Concentration;
- On November 21, 2009, the Ministry of Commerce issued the Measures for Declaration of Operator Concentration;
- On November 24, 2009, the Ministry of Commerce issued the Measures for Operator Concentration Review;
- On December 30, 2011, the Ministry of Commerce issued the Tentative Measures Concerning the Investigation and Action against Operator Concentration without Legal Declaration



- On July 5, 2010, the Ministry of Commerce issued the Interim Provisions Concerning the Implementation of Asset or Business Strip for Operator Concentration, and on December 4, 2014, the Ministry of Commerce revised it into the Provisions Concerning Additional Restrictive Conditions for Operator Concentration (Provisional);
- On August 29, 2011, the Ministry of Commerce issued the Interim Provisions Concerning the Assessment of Competitive Impact of Operator Concentration;
- On June 6, 2012, the Ministry of Commerce issued the Revised Declaration Table on Anti-monopoly Review of Operator Concentration;
- On April 18, 2014, the Ministry of Commerce issued the Guiding Opinions Concerning the Declaration of Simple Cases Involving Operator Concentration (Provisional);
- On April 18, 2014, the Ministry of Commerce issued the Declaration Table on Anti-monopoly Review of Simple Cases Involving Operator Concentration;
- On June 6, 2014, the Ministry of Commerce issued the Guiding Opinions Concerning the Declaration of Operator Concentration;

- On October 8, 2014, the Ministry of Commerce issued the Disclosure Table on Simple Cases Involving Operator Concentration;
- On February 6, 2015, the Ministry of Commerce issued the Guiding Opinions on Regulating the Declaration Names of Operator Concentration Cases;
- On February 11, 2014, the Ministry of Commerce issued the Interim Provisions Concerning the Applicable Standard for Simple Cases Involving Operator Concentration;
- Moreover, the Ministry of Commerce has also issued the Guiding Opinions Concerning Documents and Materials for Operator Concentration Declaration, the Guide of Procedure for Anti-monopoly Review of Operator Concentration and the Flow Chart of the Ministry of Commerce for Anti-monopoly Review of Operator Concentration.
- The ministry is recently revising the Measures for Declaration of Operator Concentration and the Measures for Operator Concentration Review.

Disclose simple cases to solicit comments

- In April, 2014, the ministry started disclosing simple cases online to solicit comments.
- The contents of disclosure include case name, transaction overview, profile of operators participating in concentration and reason for simple case.
- The major content of solicited comments is whether the case meets the standard for simple case.
- So far, the ministry has disclosed nearly 300 cases online to solicit comments.
- Website: <http://fldj.mofcom.gov.cn/>

Communicate timely during review

- The ministry will communicate with the declarant when finding problems during review;
- If the case involves the concern of competition, the ministry will notify the declarant of competitive concern and reason in time;
- While keeping business secrets, the ministry will give third parties the right to make comments.

Publish unconditional approval cases quarterly

- From the fourth quarter of 2012, the ministry has disclosed unconditional approval cases by batch on a quarterly basis. The ministry has disclosed all prior unconditional approval cases at one time.
- So far, the ministry has published more than 1,200 unconditional approval cases.
- Major contents include case name, operator participating in concentration and closing time.
- Website: <http://fldj.mofcom.gov.cn/>

Publish cases with prohibitive and additional restrictive conditions in time

- According to the Anti-monopoly Law, cases with prohibitive and additional restrictive conditions shall be published in time.
- So far, the ministry has published 24 cases with additional restrictive conditions and 4 prohibitive cases.
- The ministry has disclosed growing contents and circulars have become increasingly longer. Major contents include review process, case profile, determination of relevant market, competitive analysis, possible competition, negotiation on additional restrictive conditions, contents of additional restrictive conditions or reason for prohibition.
- The contents are disclosed in the form of circular of the Ministry of Commerce, and also through <http://fldj.mofcom.gov.cn/>



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Thank you!
