

Anti-Trust Service Introduction

Who is watching you?

According to the 'Reform Program of the State Council' approved by the First Session of the Thirteenth National People's Congress, the anti-trust functions of the National Development and Reform Commission, State Administration for Industry & Commerce, Ministry of Commerce, and responsibilities of the Anti-Monopoly Bureau, were integrated into the newly established State Administration for Market Regulation (SAMR).

Monopoly agreements

Monopoly agreements include agreements, decisions and other concerted conducts designed to eliminate or restrict competition.

Both horizontal and vertical monopoly agreements can be classified as monopoly agreements.

Horizontal monopoly agreement: including fixed prices, split markets, restricted production or sales, joint boycotting of transactions, etc.

Vertical monopoly agreements: including resale price restraint.

Law enforcement agency: SAMR (anti-trust function of former National Development and Reform Commission (NDRC), State Administration for Industry & Commerce (SAIC))

Abuse of dominant market position

Undertakings which hold dominant market share engage in the abuse of dominant market position, including overpricing, predatory pricing, tie-in sale, refusing transactions, designated transactions, price discrimination, etc.

Law enforcement agency: SAMR (anti-trust function of former NDRC and SAIC)



Who is watching you?

Concentration of undertakings

If the intended concentration reaches the threshold level set by the State Council, undertakings shall declare in advance to the enforcement agency of the Anti-Monopoly Law under the State Council; they shall not implement the concentration in the absence of such declaration. Before the enforcement agency of the Anti-Monopoly Law under the State Council makes final decision, the undertakings shall not implement concentration.

Law enforcement agency: SAMR (former Anti-Monopoly Bureau of Ministry of Commerce)

Abuse of administrative power to eliminate or restrict competition

Administrative departments and other organisations authorised by laws or regulations to perform the function of administering public affairs shall not abuse their administrative power, including excluding non-local undertakings from making investment or restricting their investment locally or excluding them from establishing branch offices locally or restricting their establishment of such offices.

Law enforcement agency: SAMR (anti-trust function of former NDRC and SAIC)



The law to abide by

— Anti-Trust Regulation Act

China's Anti-Monopoly Law was enacted on 30 August 2007, and came into effect on 1 August 2008. Basically, China has established a preliminary anti-monopoly law system which covers the main aspects of the anti-trust field.



Guiding Law

Anti-Monopoly Law of the People's Republic of China

Concentration of undertakings

«Provisions of the State Council on the Standard for Declaration of Concentration of Undertakings»

«Measures for Review on Concentration of Undertakings»

«Measures for Declaration on Concentration of Undertakings»

Abuse of dominant market position

«Provisions of the State Council on Prohibiting Regional Blockade in Market Economic Activities»

«Provisions on Restraining Low Price Dumping Conducts»

«Interim Provisions on Restraining the Pricing Monopolistic Conducts»

«Provisions on the Procedure of Price Administrative Penalty»

«Decisions of the State Council on Rectifying and Standardising the Order in the Market Economy»

«Provisions on the Administrative Penalty of Price-related Violation Conducts»

«Price Law of the People's Republic of China»

«Provisions on the Anti-Price Monopoly»

Administrative monopoly

«Certain Regulations on Prohibiting Anti-competitive Practices of Public Enterprises»

Services that PwC provides

Based on accurate risk identification, PwC's anti-trust team provides customised services for clients. These services are tailored according to different industries, market shares, strategies and specific business needs. We also provide a variety of anti-trust services including risk prevention, risk response, and risk rectification.



Risk Prevention

- 1 Identifying, understanding and compiling applicable anti-trust regulations
- 2 Understanding, compiling and reviewing anti-trust process
- 3 Reviewing and improving anti-trust system
- 4 Providing anti-trust training for executive management/ employees
- 5 Reviewing and establishing anti-trust IT system
- 6 Concentration of undertakings declaration service



Risk Response

- 1 Anti-trust investigation assistance
- 2 Monitoring trustee service
- 3 Designing anti-trust rectification plan and communicating with regulators



Risk Rectification

- 1 Reshaping anti-trust compliance system
- 2 Rectifying anti-trust compliance measures
- 3 Rectification of IT system/ infrastructure, and computerisation/ digitisation of compliance

Why PwC

- The nature of anti-trust means that each case is unique and our services and solution offerings are tailor-made according to the specific needs of clients. As one of the top professional services firm in China and supported by members of a global network, our anti-trust team consists of experienced professionals from multi disciplines.
- PwC has economists and teams specialising in anti-trust in the UK and US; information systems and data processing professionals in China and Hong Kong. We also have talents in asset valuation, compliance regulatory process design, legal investigations, business reconstruction, and clearing.
- We incorporate data analysis tools into our anti-trust work process. After agreeing with clients on data requirements and data acquisition methods, the results will be analysed and interpreted and communicated to clients, together with recommendations and solutions.
- If needed, PwC will hire third-party experts as consultants, such as a legal counsel, to provide clients with professional and specialised service.
- The complexity and variability of anti-trust requires a team that is able to identify the pain points and corresponding risks to map out a corresponding strategy and solutions.
- Our team also includes professionals from Risk Assurance with extensive experience in risk management, internal control, compliance monitoring and information technology risk and control. Hence, we are able to help our clients build sound internal control processes to address similar risks that may come up in the future.



Contact our anti-trust professionals



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