

Update on Establishment of Single Antitrust Agency in China

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In March 2018, the Chinese government announced that the State Administration for Market Regulation (**SAMR**) would replace the tripartite structure established by China's 2008 Anti-Monopoly Law (**AML**), under which the Ministry of Commerce (**MOFCOM**) had responsibility for merger reviews, the National Development and Reform Commission (**NDRC**) investigated price-related conduct, and the State Administration for Industry and Commerce (**SAIC**) investigated non-price-related conduct. SAMR commenced operations in April. Now, after a few months of experience with SAMR, we identify the key procedural developments and potential impacts on enforcement policy. In short, these reforms are unlikely to overhaul Chinese antitrust enforcement priorities in the immediate term. They are intended to rationalize enforcement action, improve procedural efficiency, and potentially align antitrust enforcement action more closely with state industrial policy. In doing so, however, they lay the foundations for more active and potentially more aggressive antitrust enforcement in the future.

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