

## China Antitrust Review 2013

January 27, 2014 | Client Update

The year 2013 marked the fifth anniversary of the implementation of China's Anti-Monopoly Law ("AML") and included a number of significant developments in each of the three antitrust authorities within the Chinese government. On merger enforcement, the Ministry of Commerce ("MOFCOM") has continued its ongoing efforts to make its review of transactions quicker and more transparent—though, in practice, review time remains lengthy. In addition, MOFCOM continues to impose remedies that in some cases diverge from the types of remedies imposed by other antitrust authorities, particularly with regard to requiring merging parties to "hold separate" their respective businesses rather than integrating them postmerger. Beyond merger enforcement, the two other Chinese antitrust authorities, the National Development and Reform Commission ("NDRC") and the State Administration for Industry and Commerce ("SAIC"), continue to set record-level fines and appear to be focusing their enforcement upon certain types of conduct, including resale price maintenance, market allocation, and tying claims. Multinational companies are increasingly subject to penalties for such conduct in China.

If you have any questions regarding the matters covered in this publication, please reach out to any of the lawyers listed below or your usual Davis Polk contact.

**Arthur J. Burke**

+1 212 450 4352  
+1 650 752 2005  
arthur.burke@davispolk.com

**Arthur F. Golden**

+1 212 450 4388  
arthur.golden@davispolk.com

**Ronan P. Harty**

+1 212 450 4870  
ronan.harty@davispolk.com

**Miranda So**

+852 2533 3373  
miranda.so@davispolk.com

*This communication, which we believe may be of interest to our clients and friends of the firm, is for general information only. It is not a full analysis of the matters presented and should not be relied upon as legal advice. This may be considered attorney advertising in some jurisdictions. Please refer to the firm's privacy notice for further details.*

## Related materials

[01.27.14.China\\_.Antitrust.Review.2013.pdf](#)