

China Antitrust Review 2013

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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.

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