

Anti-Monopoly Law of the People's Republic of China (2022 Amendment) ¹

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Chapter I: General Provisions

Article 1

This Law is enacted for the purposes of preventing and restraining monopolistic conduct, safeguarding fair market competition, encouraging innovation, improving the efficiency of

¹ Translated by Health Law Asia – Pharmaceutical, Medical Device, and Cosmetics Law



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economic operations, protecting the interests of consumers and the public interest, and promoting the healthy development of the socialist market economy.

Article 2

This Law shall apply to monopolistic conduct in economic activities within the territory of the People's Republic of China. It shall also apply to monopolistic conduct outside the territory of the People's Republic of China where such conduct has the effect of eliminating or restricting competition in the domestic market.

Article 3

Monopolistic conduct as referred to in this Law includes:

- (1) the conclusion of monopolistic agreements between undertakings;
- (2) the abuse of a dominant market position by undertakings;
- (3) concentrations of undertakings that have or may have the effect of eliminating or restricting competition.

Article 4

Anti-monopoly work shall adhere to the leadership of the Communist Party of China. The State shall uphold the principles of market orientation and rule of law, strengthen the fundamental position of competition policy, formulate and implement competition rules compatible with the socialist market economy, improve macroeconomic regulation, and establish a unified, open, competitive, and orderly market system.

Article 5

The State shall establish and improve a fair competition review system. Administrative authorities and organizations authorized by laws and regulations to perform public affairs management functions shall conduct fair competition review when formulating provisions concerning the economic activities of market entities.

Article 6




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Undertakings may, through fair competition and voluntary association, lawfully implement concentrations in order to expand their scale of operation and enhance their market competitiveness.

Article 7

Undertakings holding a dominant market position shall not abuse such position to eliminate or restrict competition.

Article 8

In industries in which the state-owned economy holds a controlling position and which are vital to the national economy and national security, as well as in industries subject to lawful exclusive operation or monopoly, the State shall protect the lawful business activities of the undertakings therein, and shall, in accordance with the law, supervise and regulate their business conduct and the prices of their goods and services, so as to safeguard consumer interests and promote technological progress.

Undertakings in the industries specified in the preceding paragraph shall operate in accordance with the law, act in good faith and with integrity, exercise strict self-discipline, accept public supervision, and shall not use their controlling or exclusive position to harm consumer interests.

Article 9

Undertakings shall not use data, algorithms, technological or capital advantages, or platform rules to engage in monopolistic conduct prohibited by this Law.

Article 10

Administrative authorities and organizations authorized by laws and regulations to perform public affairs management functions shall not abuse administrative power to eliminate or restrict competition.

Article 11

The State shall improve and refine the anti-monopoly legal framework, strengthen regulatory capacity and enforcement resources, enhance the modernization of the regulatory system,




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intensify anti-monopoly enforcement and adjudication, ensure the lawful, fair, and efficient handling of monopoly cases, and improve the coordination mechanisms between administrative enforcement and judicial proceedings, so as to maintain a fair competition order.

Article 12

The State Council shall establish an Anti-Monopoly Commission, which shall be responsible for organizing, coordinating, and guiding anti-monopoly work, and shall perform the following duties:

- (1) studying and formulating competition policies;
- (2) organizing investigations and assessments of the overall state of market competition, and publishing assessment reports;
- (3) formulating and issuing anti-monopoly guidelines;
- (4) coordinating anti-monopoly administrative enforcement;
- (5) performing other duties as prescribed by the State Council.

The composition and working rules of the Anti-Monopoly Commission of the State Council shall be prescribed by the State Council.

Article 13

The anti-monopoly enforcement authority of the State Council shall be responsible for the unified enforcement of anti-monopoly law. Where necessary for the performance of its duties, the said authority may authorize the corresponding authorities of the people's governments of provinces, autonomous regions, and municipalities directly under the Central Government to carry out anti-monopoly enforcement work in accordance with this Law.

Article 14

Industry associations shall strengthen industry self-regulation, guide undertakings in their respective industries to compete in accordance with the law and operate in compliance, and maintain the order of market competition.

Article 15



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For the purposes of this Law, “undertaking” refers to natural persons, legal persons, and unincorporated organizations engaged in the production or sale of goods or the provision of services.

For the purposes of this Law, “relevant market” refers to the scope of products and the geographic scope within which undertakings compete with respect to specific goods or services (hereinafter collectively referred to as “goods”) within a given period of time.

Chapter II: Monopolistic Agreements

Article 16

For the purposes of this Law, “monopolistic agreements” refer to agreements, decisions, or other concerted practices that eliminate or restrict competition.

Article 17

The following monopolistic agreements concluded between undertakings with a competitive relationship are prohibited:

- (1) fixing or changing the price of goods;
- (2) limiting the production or sales volume of goods;
- (3) dividing sales markets or raw material procurement markets;
- (4) restricting the purchase of new technologies or equipment, or restricting the development of new technologies or products;
- (5) joint boycotts of transactions;
- (6) other monopolistic agreements as determined by the anti-monopoly enforcement authority of the State Council.

Article 18

Undertakings are prohibited from concluding the following monopolistic agreements with their trading counterparts:

- (1) fixing the resale price of goods to a third party;



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(2) setting a minimum resale price of goods to a third party;

(3) other monopolistic agreements as determined by the anti-monopoly enforcement authority of the State Council.

Agreements as prescribed in items (1) and (2) of the preceding paragraph shall not be prohibited where the undertaking can prove that such agreements do not have the effect of eliminating or restricting competition.

Where an undertaking can demonstrate that its market share in the relevant market is below the threshold prescribed by the anti-monopoly enforcement authority of the State Council, and that it meets other conditions prescribed by such authority, the agreement shall not be prohibited.

Article 19

Undertakings shall not organize other undertakings to conclude monopolistic agreements, nor provide substantial assistance to other undertakings in concluding such agreements.

Article 20

Where an undertaking can demonstrate that an agreement it has concluded falls under any of the following circumstances, Articles 17, 18(1), and 19 of this Law shall not apply:

(1) for the purpose of improving technology or researching and developing new products;

(2) for the purpose of improving product quality, reducing costs, enhancing efficiency, unifying product specifications or standards, or implementing specialization;

(3) for the purpose of improving the operational efficiency and enhancing the competitiveness of small and medium-sized undertakings;

(4) for the purpose of achieving energy conservation, environmental protection, disaster relief, or other public interests;

(5) for the purpose of mitigating a serious decrease in sales volume or evident overcapacity caused by economic downturns;

(6) for the purpose of safeguarding legitimate interests in foreign trade and foreign economic cooperation;

(7) other circumstances as provided by laws or prescribed by the State Council.




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Where an agreement falls under items (1) to (5) of the preceding paragraph, the undertaking shall also demonstrate that the agreement does not seriously restrict competition in the relevant market and enables consumers to share in the resulting benefits.

Article 21

Industry associations shall not organize undertakings within their respective industries to engage in monopolistic conduct prohibited under this Chapter.

Chapter III: Abuse of Dominant Market Position

Article 22

Undertakings holding a dominant market position are prohibited from engaging in the following abuses of such position:

- (1) selling goods at unfairly high prices or purchasing goods at unfairly low prices;
- (2) selling goods at prices below cost without justifiable reasons;
- (3) refusing to trade with a trading counterparty without justifiable reasons;
- (4) restricting a trading counterparty to trade exclusively with the undertaking or with designated undertakings without justifiable reasons;
- (5) tying the sale of goods without justifiable reasons, or imposing other unreasonable trading conditions in transactions;
- (6) granting differential treatment to trading counterparties under the same conditions regarding transaction prices or other terms without justifiable reasons;
- (7) other acts of abuse of dominant market position as determined by the anti-monopoly enforcement authority of the State Council.

Undertakings holding a dominant market position shall not use data, algorithms, technology, platform rules, or other means to engage in the abuses specified in the preceding paragraph.

For the purposes of this Law, a “dominant market position” refers to a market position in which an undertaking is capable of controlling the price, quantity, or other trading conditions of goods in the relevant market, or is capable of obstructing or affecting the ability of other undertakings to enter the relevant market.



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Article 23

In determining whether an undertaking has a dominant market position, the following factors shall be considered:

- 1-The market share of the undertaking in the relevant market and the competitive conditions of the relevant market;
- 2-The ability of the undertaking to control the sales market or the procurement market for raw materials;
- 3-The financial strength and technological conditions of the undertaking;
- 4-The degree of dependence of other undertakings on the undertaking in transactions;
- 5-The degree of difficulty for other undertakings to enter the relevant market;
- 6-Other factors relevant to determining the dominant market position of the undertaking.

Article 24

An undertaking may be presumed to have a dominant market position under any of the following circumstances:

- 1-Where a single undertaking accounts for one-half or more of the market share in the relevant market;
- 2-Where two undertakings jointly account for two-thirds or more of the market share in the relevant market;
- 3-Where three undertakings jointly account for three-fourths or more of the market share in the relevant market.

Where the circumstances specified in items (2) or (3) of the preceding paragraph apply, if any of the undertakings has a market share of less than one-tenth, such operator shall not be presumed to have a dominant market position.

An undertaking that is presumed to have a dominant market position shall not be determined to have such position if it can provide evidence to the contrary.

Chapter IV: Concentration of Undertakings

Article 25



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“Concentration of undertakings” refers to any of the following circumstances:

- 1-The merger of undertakings;
- 2-The acquisition by an undertaking of control over another undertaking through the acquisition of equity or assets;
- 3-The acquisition by an undertaking of control over another undertaking, or the ability to exercise decisive influence over another undertaking, by means of contracts or other arrangements.

Article 26

Where a concentration of undertakings meets the notification thresholds prescribed by the State Council, the undertakings concerned shall file a prior notification with the anti-monopoly enforcement authority under the State Council. No concentration shall be implemented prior to such notification.

Where a concentration of undertakings does not meet the notification thresholds prescribed by the State Council, but there is evidence indicating that such concentration has or may have the effect of eliminating or restricting competition, the anti-monopoly enforcement authority under the State Council may require the undertakings to file a notification.

Where undertakings fail to make a notification in accordance with the preceding two paragraphs, the anti-monopoly enforcement authority under the State Council shall conduct an investigation in accordance with the law.

Article 27

A concentration of undertakings under any of the following circumstances may be exempted from notification to the anti-monopoly enforcement authority under the State Council:

- 1-Where one of the undertakings participating in the concentration holds more than 50 percent of the voting shares or assets of each of the other undertakings;
- 2-Where more than 50 percent of the voting shares or assets of each of the undertakings participating in the concentration is held by the same undertaking that does not participate in the concentration.

Article 28




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Where undertakings file a notification of concentration with the anti-monopoly enforcement authority under the State Council, they shall submit the following documents and materials:

1-A notification filing;

2-An explanation of the impact of the concentration on competition conditions in the relevant market;

3-The concentration agreement;

4-The financial and accounting reports of the undertakings participating in the concentration for the previous fiscal year, as audited by an accounting firm;

5-Other documents and materials as required by the anti-monopoly enforcement authority under the State Council.

The notification filing shall specify the names, domiciles, and business scopes of the undertakings participating in the concentration, the proposed date of implementation of the concentration, and other matters as prescribed by the anti-monopoly enforcement authority under the State Council.

Article 29

Where the documents and materials submitted by the undertakings are incomplete, the undertakings shall provide the missing documents and materials within the period prescribed by the anti-monopoly enforcement authority under the State Council. If the undertakings fail to provide the documents and materials within the prescribed period, the notification shall be deemed not submitted.

Article 30

The anti-monopoly enforcement authority under the State Council shall, within thirty (30) days from the date of receipt of documents and materials that comply with the requirements of Article 28 of this Law, conduct a preliminary review of the notified concentration of undertakings and decide whether to carry out a further review. The undertakings shall be notified of such decision in writing. Prior to the decision of the anti-monopoly enforcement authority, the undertakings shall not implement the concentration.

Where the anti-monopoly enforcement authority under the State Council decides not to carry out a further review, or fails to make a decision within the prescribed period, the undertakings may implement the concentration.



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Article 31

Where the anti-monopoly enforcement authority under the State Council decides to conduct a further review, it shall complete the review within ninety (90) days from the date of the decision and issue a written decision on whether to prohibit the concentration of undertakings. The written decision prohibiting the concentration shall state the reasons therefor. During the review period, the undertakings shall not implement the concentration.

The anti-monopoly enforcement authority under the State Council may, by written notice to the undertakings, extend the review period specified in the preceding paragraph under any of the following circumstances, provided that the extension shall not exceed sixty (60) days in total:

- 1-The undertakings agree to the extension of the review period;
- 2-The documents and materials submitted by the undertakings are inaccurate and require further verification;
- 3-Significant changes occur in the relevant circumstances after the notification has been submitted by the undertakings.

Where the anti-monopoly enforcement authority under the State Council fails to issue a decision within the prescribed period, the undertakings may implement the concentration.

Article 32

The anti-monopoly enforcement authority under the State Council may decide to suspend the calculation of the review period for a concentration of undertakings and shall notify the undertakings in writing under any of the following circumstances:

- 1-The undertakings fail to submit the documents or materials as required, making it impossible to conduct the review;
- 2-New circumstances or facts arise that have a significant impact on the review of the concentration, and failure to verify them would prevent proper review;
- 3-Further assessment of any restrictive conditions attached to the concentration is required, and the undertakings request a suspension.

The review period shall resume from the date on which the circumstances leading to the suspension cease to exist, and the anti-monopoly enforcement authority under the State Council shall notify the undertakings in writing.

Article 33



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In reviewing a concentration of undertakings, the following factors shall be taken into account:

- 1-The market share of the undertakings participating in the concentration in the relevant market and their ability to control the market;
- 2-The concentration level of the relevant market;
- 3-The impact of the concentration on market entry and technological progress;
- 4-The impact of the concentration on consumers and other relevant undertakings;
- 5-The impact of the concentration on the development of the national economy;
- 6-Other factors affecting market competition that the anti-monopoly enforcement authority under the State Council deems necessary to consider.

Article 34

Where a concentration of undertakings has or may have the effect of eliminating or restricting competition, the anti-monopoly enforcement authority under the State Council shall make a decision to prohibit the concentration.

However, where the undertakings can demonstrate that the concentration is likely to generate benefits to competition that clearly outweigh its anti-competitive effects, or that it is in conformity with the public interest, the anti-monopoly enforcement authority under the State Council may decide not to prohibit the concentration.

Article 35

For a concentration of undertakings that is not prohibited, the anti-monopoly enforcement authority under the State Council may decide to impose restrictive conditions to mitigate any adverse effects on competition resulting from the concentration.

Article 36

The anti-monopoly enforcement authority under the State Council shall promptly publish to the public any decision prohibiting a concentration of undertakings or any decision imposing restrictive conditions on a concentration of undertakings.



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Article 37

The anti-monopoly enforcement authority under the State Council shall establish and improve a classification and hierarchical review system for concentrations of undertakings, and shall, in accordance with the law, strengthen the review of concentrations involving important sectors related to the national economy and people's livelihood, so as to improve the quality and efficiency of such reviews.

Article 38

Where a foreign investor acquires a domestic enterprise or otherwise participates in a concentration of undertakings and national security is involved, in addition to conducting the review of the concentration in accordance with this Law, a national security review shall also be conducted in accordance with relevant national regulations.

Chapter V: Abuse of Administrative Power to Exclude or Restrict Competition

Article 39

Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to restrict, or covertly restrict, any entity or individual from operating, purchasing, or using goods provided by designated undertakings.

Article 40


Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to enter into cooperation agreements, memoranda, or other arrangements with undertakings in ways that obstruct other undertakings from entering the relevant market or treat other undertakings unequally, thereby excluding or restricting competition.

Article 41

Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to engage in any of the following acts that hinder the free circulation of goods between regions:

1-Imposing discriminatory fees or implementing discriminatory pricing standards for non-local goods, or prescribing discriminatory prices;



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- 2-Establishing technical requirements or inspection standards for non-local goods that differ from those for local goods, or requiring repeated inspections, repeated certifications, or other discriminatory technical measures that restrict non-local goods from entering the local market;
 - 3-Implementing administrative licensing specifically targeting non-local goods, thereby restricting their entry into the local market;
 - 4-Establishing checkpoints or taking other measures to obstruct the entry of non-local goods or the exit of local goods;
 - 5-Engaging in any other acts that hinder the free circulation of goods between regions.

Article 42

Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to exclude or restrict undertakings from participating in tendering, bidding, or other business activities by imposing discriminatory qualification requirements, evaluation standards, or failing to publish information in accordance with the law.

Article 43

Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to exclude, restrict, compel, or covertly compel non-local undertakings to invest or establish branch offices locally by treating them unequally compared with local undertakings.

Article 44

Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to compel or covertly compel undertakings to engage in monopolistic conduct as defined by this Law.

Article 45

Administrative authorities and organizations authorized by laws or regulations to exercise public affairs management functions shall not abuse administrative power to formulate provisions containing content that excludes or restricts competition.



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Chapter VI: Investigation of Suspected Monopolistic Conduct

Article 46

The anti-monopoly enforcement authority shall, in accordance with the law, conduct investigations into suspected monopolistic conduct.

With respect to suspected monopolistic conduct, any organization or individual shall have the right to report such conduct to the anti-monopoly enforcement authority. The authority shall keep the identity of the informant confidential.

Where a report is submitted in written form and supported by relevant facts and evidence, the anti-monopoly enforcement authority shall conduct the necessary investigation.

Article 47

In investigating suspected monopolistic conduct, the anti-monopoly enforcement authority may adopt the following measures:

- 1-Enter the business premises of the undertaking under investigation or other relevant premises for inspection;
- 2-Question the undertaking under investigation, interested parties, or other relevant entities or individuals, and require them to provide explanations regarding relevant circumstances;
- 3-Consult and make copies of relevant documents and materials of the undertaking under investigation, interested parties, or other relevant entities or individuals, including certificates, agreements, accounting books, business correspondence, electronic data, and other documents and materials;
- 4-Seal up or seize relevant evidence;
- 5-Inquire into the bank accounts of the undertaking.

Where the measures provided in the preceding paragraph are to be adopted, a written report shall be submitted to the principal person in charge of the anti-monopoly enforcement authority and approval shall be obtained.

Article 48

When the anti-monopoly enforcement authority investigates suspected monopolistic conduct, there shall be no fewer than two enforcement officers, who shall present their law enforcement identification. When enforcement officers conduct questioning or investigation, written records shall be made and signed by the person questioned or the person under investigation.



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Article 49

The anti-monopoly enforcement authority and its personnel shall have the duty, in accordance with the law, to maintain confidentiality regarding trade secrets, personal privacy, and personal information obtained during the course of law enforcement.

Article 50

The undertaking under investigation, interested parties, and other relevant entities or individuals shall cooperate with the anti-monopoly enforcement authority in the lawful performance of its duties and shall not refuse or obstruct the investigation conducted by the authority.

Article 51

The undertaking under investigation and interested parties shall have the right to present statements and opinions. The anti-monopoly enforcement authority shall verify the facts, reasons, and evidence presented by the undertaking under investigation and interested parties.

Article 52

Where, after investigation and verification of suspected monopolistic conduct, the anti-monopoly enforcement authority determines that monopolistic conduct has been constituted, it shall make a disposition decision in accordance with the law and may disclose such decision to the public.

Article 53

Where, in respect of suspected monopolistic conduct under investigation by the anti-monopoly enforcement authority, the undertaking under investigation undertakes to adopt specific measures within a time limit recognized by the authority to eliminate the consequences of such conduct, the anti-monopoly enforcement authority may decide to suspend the investigation. The decision to suspend the investigation shall specify the content of the commitments made by the undertaking under investigation.

Where the anti-monopoly enforcement authority decides to suspend the investigation, it shall supervise the undertaking's performance of its commitments. Where the undertaking fulfills its



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commitments, the anti-monopoly enforcement authority may decide to terminate the investigation.

Under any of the following circumstances, the anti-monopoly enforcement authority shall resume the investigation:

1-The undertaking fails to fulfill its commitments;

2-There has been a significant change in the facts on which the decision to suspend the investigation was based;

3-The decision to suspend the investigation was made on the basis of incomplete or inaccurate information provided by the undertaking.

Article 54

Where the anti-monopoly enforcement authority conducts an investigation, in accordance with the law, into suspected abuse of administrative power to eliminate or restrict competition, the relevant entities or individuals shall cooperate.

Article 55

Where undertakings, administrative organs, or organizations authorized by laws or regulations to perform public administration functions are suspected of violating the provisions of this Law, the anti-monopoly enforcement authority may conduct interviews with their legal representatives or responsible persons and require them to propose corrective measures.

Chapter VII: Legal Liability

Article 56

Where an undertaking violates the provisions of this Law by concluding and implementing a monopolistic agreement, the anti-monopoly enforcement authority shall order it to cease the illegal conduct, confiscate any illegal gains, and impose a fine of not less than 1 percent but not more than 10 percent of the undertaking's sales revenue in the preceding year. Where there was no sales revenue in the preceding year, a fine of not more than RMB 5 million shall be imposed. Where the monopolistic agreement has been concluded but not yet implemented, a fine of not more than RMB 3 million may be imposed.



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Where the legal representative, principal person in charge, or directly responsible personnel of an undertaking bear personal responsibility for concluding the monopolistic agreement, a fine of not more than RMB 1 million may be imposed.

Where an undertaking organizes other undertakings to conclude a monopolistic agreement or provides substantial assistance for other undertakings to conclude such an agreement, the provisions of the preceding paragraph shall apply.

Where an undertaking voluntarily reports to the anti-monopoly enforcement authority the relevant circumstances of a monopolistic agreement and provides important evidence, the authority may, at its discretion, mitigate or exempt the punishment imposed on such undertaking.

Where an industry association violates the provisions of this Law by organizing undertakings in the relevant industry to conclude a monopolistic agreement, the anti-monopoly enforcement authority shall order it to make corrections and may impose a fine of not more than RMB 3 million. Where the circumstances are serious, the authority responsible for the registration and administration of social organizations may revoke its registration in accordance with the law.

Article 57

Where an undertaking violates the provisions of this Law by abusing its dominant market position, the anti-monopoly enforcement authority shall order it to cease the illegal conduct, confiscate any illegal gains, and impose a fine of not less than 1 percent but not more than 10 percent of the undertaking's sales revenue in the preceding year.

Article 58

Where an undertaking implements a concentration in violation of the provisions of this Law and such concentration has or may have the effect of eliminating or restricting competition, the anti-monopoly enforcement authority under the State Council shall order the cessation of the concentration, require the disposal of shares or assets within a prescribed time limit, the transfer of business within a prescribed time limit, or adopt other necessary measures to restore the situation to the state prior to the concentration, and impose a fine of not more than 10 percent of the undertaking's sales revenue in the preceding year.

Where the concentration does not have the effect of eliminating or restricting competition, a fine of not more than RMB 5 million shall be imposed.

Article 59




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In determining the specific amount of fines provided for in Articles 56, 57, and 58 of this Law, the anti-monopoly enforcement authority shall take into consideration factors such as the nature, gravity, and duration of the illegal conduct, as well as the circumstances relating to the elimination of the consequences of the illegal conduct.

Article 60

Where an undertaking engages in monopolistic conduct and causes losses to others, it shall bear civil liability in accordance with the law.

Where an undertaking engages in monopolistic conduct that harms the public interest, the People's Procuratorate at or above the municipal level with districts may, in accordance with the law, initiate a civil public interest lawsuit before a People's Court.

Article 61

Where administrative organs or organizations authorized by laws or regulations to perform public administration functions abuse their administrative powers to implement acts that eliminate or restrict competition, the superior authority shall order corrections to be made. The directly responsible persons in charge and other directly responsible personnel shall be subject to disciplinary sanctions in accordance with the law.

The anti-monopoly enforcement authority may submit recommendations to the relevant superior authority for handling the matter in accordance with the law. The administrative organs or organizations authorized by laws or regulations to perform public administration functions shall submit a written report on the rectification to the superior authority and the anti-monopoly enforcement authority.

Where laws or administrative regulations provide otherwise regarding the handling of acts by administrative organs or organizations authorized by laws or regulations to perform public administration functions that abuse administrative powers to eliminate or restrict competition, such provisions shall prevail.

Article 62

Where a party refuses to provide relevant materials or information in response to a review or investigation lawfully conducted by the anti-monopoly enforcement authority, or provides false materials or information, or conceals, destroys, or transfers evidence, or otherwise refuses or obstructs the investigation, the anti-monopoly enforcement authority shall order corrections to be made.




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A fine of not more than 1 percent of the entity's sales revenue in the preceding year shall be imposed. Where there was no sales revenue in the preceding year or where the sales revenue is difficult to calculate, a fine of not more than RMB 5 million shall be imposed. For individuals, a fine of not more than RMB 500,000 shall be imposed.

Article 63

Where a violation of the provisions of this Law is particularly serious, has an especially adverse impact, or causes particularly serious consequences, the anti-monopoly enforcement authority under the State Council may determine the specific amount of the fine at not less than two times but not more than five times the amount of the fines provided for in Articles 56, 57, 58, and 62 of this Law.

Article 64

Where an undertaking is subject to an administrative penalty for violating the provisions of this Law, such penalty shall be recorded in its credit record in accordance with relevant state provisions and shall be publicly disclosed.

Article 65

Where a party is dissatisfied with a decision made by the anti-monopoly enforcement authority pursuant to Articles 34 and 35 of this Law, it may first apply for administrative reconsideration in accordance with the law. If it is dissatisfied with the administrative reconsideration decision, it may institute an administrative lawsuit in accordance with the law.

Where a party is dissatisfied with decisions made by the anti-monopoly enforcement authority other than those specified in the preceding paragraph, it may apply for administrative reconsideration or institute an administrative lawsuit in accordance with the law.

Article 66

Where personnel of the anti-monopoly enforcement authority abuse their powers, neglect their duties, engage in malpractices for personal gain, or disclose trade secrets, personal privacy, or personal information obtained in the course of law enforcement, they shall be subject to sanctions in accordance with the law.



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Article 67

Where a violation of the provisions of this Law constitutes a crime, criminal liability shall be pursued in accordance with the law.

Chapter VIII: Supplementary Provisions

Article 68

This Law shall not apply to the conduct of undertakings exercising intellectual property rights in accordance with the laws and administrative regulations relating to intellectual property rights. However, where undertakings abuse intellectual property rights to eliminate or restrict competition, this Law shall apply.

Article 69

This Law shall not apply to joint or coordinated conduct carried out by agricultural producers and rural economic organizations in the course of business activities such as the production, processing, sale, transportation, or storage of agricultural products.

Article 70

[Omitted]

