

Submissions for the Law and Society Association Annual Meeting, Chicago 2021: Crisis, Healing, Re-Imagining

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Paper (100-250 words)

Title: China's Fair-Competition Review System: A Symbolic Movement or an Effective Improvement?

Abstract: The idea of establishing a fair-competition review system was officially introduced by China's State Council in 2016, followed by unveiling a basic process of the system in 2017 and providing further improvements (e.g. introducing third-party evaluation) in 2019. In January 2020, the fair-competition review system was for the first time to be introduced and involved in the status of China's competition law through the 'Draft (for public comment) on the Amendment of *Anti-Monopoly Law 2007*' (hereafter 'the 2020 draft'), which was published by China's State Administration for Market Regulation body (hereafter 'SAMR'). This has been reported as a positive change because legal authority of fair-competition review has been reassured against administrative powers that relate to market activities. Could this change lead to an effective improvement as planned for restricting administrative powers? This paper will take a close examination of the 2017 basic process of the fair-competition review, and relevant Articles in 'the 2020 draft', in order to explore the effectiveness and legal certainty of the fair-competition review system at present as well as in the near future, in the light of the goals of China's competition law (e.g., restraining monopolistic conduct, protecting fair competition in the market, safeguarding the interests of consumers and the public interest). (206 words)

Create an animation to explain the fair-competition review system.

