

# **Achieving the promise through amendment? The (in)effectiveness of the Anti-Monopoly Law of China 2007**

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Prompted by the 2020 publication of reform proposals by China's State Administration for Market Regulation (hereinafter 'SAMR') to revise the Anti-Monopoly Law of China 2007 (hereinafter 'the AML'), this paper examines the effectiveness and ineffectiveness of two key amendments of the AML proposed in the 'Draft (for public comment) on the Amendment of the AML' (hereinafter '2020 AML reform proposal').

The 2020 AML reform proposal introduced a number of reforms, such as strengthening the AML to ensure that the AML has primacy over industrial policy priorities (Article 4); providing that regional administrative authorities must cease protecting local monopolies by way of anti-competitive administrative measures (Articles 9 and 42); suggestions for improving merger control (Articles 23(3), 24(2) and 51); proposing the introducing of a criminal cartel offence for the first time in China (Article 57); and, aligning the AML to antitrust developments in the digital market's development (Article 21).

This paper will focus on Articles 4 and 21, as well as drawing on recent antitrust investigations concerning anti-competitive activities in the digital market and recent industrial policies relating to achieving primacy for the AML, to showcase the pros and cons of the SAMR's 2020 AML reform proposal.

Keywords: anti-monopoly law, China, antitrust, merger control

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