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## Chinese Antitrust. Review #1 (2025)

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### QUOTES

SAMR's new antitrust inspector - Wang Tiehan

Profile:

- Born in 1972
- Doctor of Law

— Previously worked in management and media positions in departments related to food and pharmaceutical safety.

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## Draft Amendments to the Law "On Combating Unfair Competition"

Public consultations on the draft amendments to the Law of the People's Republic of China "On Combating Unfair Competition" are underway until January 23<sup>rd</sup>, 2025. The updated text takes into account the specifics of competition in the digital economy and addresses the practices of obtaining and using data using algorithms, as well as new types of unfair competition on the Internet. Cases of commercial bribery are considered separately. The new version also clarifies the general requirements for combating unfair competition and the wording of the responsibilities of competent agencies. In addition, it is proposed to toughen legal liability for violations: for example, to introduce new penalties for legal representatives and persons responsible for commercial bribery, as well as penalties for individuals and legal entities accepting bribes in the course of trade activities.

Source: [WeChat](#)

## Antitrust Enforcement Statistics for 2024

At a press conference dedicated to the successes of high-quality economic development, SAMR representatives reported on the results of antitrust regulation over the past year. In particular, 11 cases of anticompetitive agreements and abuse of a dominant position in the market were considered. The agency maintained intensive control over the pharmaceutical sector so that the population had access to inexpensive and high-quality medicines.

Cases of anticompetitive practices in the field of gas, water supply and other utilities were also considered, which made it possible to reduce household expenses of the population and reduce the burden on economic entities. In order to develop the digital economy, the agency approved 14 transactions of economic concentration of Internet platforms without additional conditions. In addition, 7,299 administrative documents that hindered the development of competition were adjusted, and a draft of practical methods for conducting a fair competition review was presented for public consultation.

Sources: [WeChat1](#), [WeChat2](#), [SAMR](#)

## New SAMR Antitrust Inspector

According to the official SAMR website, Xu Xinjian has been replaced as SAMR's anti-monopoly inspector by Wang Tehan, who previously served as SAMR's food safety inspector. Wang Tehan was born in 1972 and joined the Communist Party of China in 1994. He holds a doctorate in law. He previously held leadership and media positions in food and pharmaceutical safety agencies.

Sources: [SAMR](#), [WeChat](#)

## Guidelines for Considering Motions for Horizontal Concentration Transactions

On 20 December 2024, SAMR published the Guidelines for Handling Horizontal Concentration Petitions. The Guidelines contain 12 chapters, 87 articles and include 29 case studies. The text is based on China's practical experience in handling petitions and is consistent with international practices. The Guidelines provide explanations on the concepts of "horizontal concentration", "relevant market" and "market share", the principles for calculating the degree of market concentration, unilateral and coordinated effects, and the grounds for appeal available to economic entities.

Sources: [SAMR1](#), [SAMR2](#), [WeChat](#)

## Measures for Cooperation in Regulating Online Transactions

On December 18<sup>th</sup>, SAMR issued the Interim Measures on Law Enforcement Cooperation on Online Transactions. The measures regulate the scope, principles, subjects, process, data areas and other aspects of law enforcement agencies' joint examination of online transactions, and further improve the cooperation between the market regulator and platform operators. The document will apply to cases where, in the course of enforcement, market regulators request platform operators to provide necessary information on suppliers of goods and services on the platform, etc., including information on goods or services, payment documents, logistics, returns and exchanges of goods and post-sales transactions.

Source: [SAMR](#)

## **Antitrust Investigation Against NVIDIA**

In October 2024, NVIDIA loudly announced record profits for the third quarter, but the success did not last long: in December, SAMR launched an antitrust investigation against the company. NVIDIA is suspected of violating the Antimonopoly Law of the People's Republic of China and the order on the acquisition of Mellanox Technologies from 2020. At that time, the deal was approved, but the company was required not to sell goods "as a bonus", not to set unreasonable terms of sale, not to hinder, but also not to force consumers to exclusive cooperation in the purchase and use of video accelerators (GPU), and to supply them based on FRAND principles. Two more conditions of the order remained confidential. Experts note that since 2022, NVIDIA has repeatedly violated its obligations and probably abused its dominant position in the GPU market.

Sources: [SAMR](#), [WeChat](#)

## **SAMR and EEC Meeting on Antitrust Regulation**

On December 11, SAMR Vice Minister Meng Yang met with Maxim Yermolovich, Minister of Competition and Antimonopoly Regulation of the Eurasian Economic Commission. The parties held an in-depth exchange of views on antimonopoly legislation and law enforcement, strengthening practical cooperation in the field of competition, etc. Meng Yang stated that China is ready to deepen practical exchanges and cooperation in the field of antimonopoly regulation with the EEC in order to create a favorable market environment for the healthy development of bilateral economic and trade relations. Maxim Yermolovich, in turn, confirmed his readiness to strengthen exchanges and cooperation with the Chinese side to promote trade and economic interaction between the two sides.

Source: [SAMR](#)

## **Seminar on Compliance in the Automotive Industry**

On December 11, SAMR held its eighth lecture on antitrust compliance in Beijing, focusing on antitrust compliance in the automobile industry.

The agency emphasized the need to raise awareness of the antitrust compliance system, pinpoint detection, assessment and prevention of antitrust risks, and actively create market conditions for fair competition and a safe and secure environment for consumers.

SAMR required economic entities in the industry to take primary responsibility for compliance with antitrust laws, take the initiative in regulating their business activities, and independently and effectively prevent and suppress anticompetitive practices.

Source: [SAMR](#)

