Anti-Monopoly Law of the PRC

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Chapter I — General Provisions

Article 1 — This Law is enacted for the purposes of preventing and restraining monopolistic conduct, protecting fair market competition, encouraging innovation, improving economic efficiency, safeguarding the interests of consumers and the public interest, and promoting the sound development of the socialist market economy.

Article 2 — This Law applies to monopolistic conduct in economic activities within the territory of the People's Republic of China. This Law applies to monopolistic conduct outside the territory of the People's Republic of China that has the effect of eliminating or restricting competition in the domestic market.

Article 3 — The State shall adhere to the principles of marketization and the rule of law, strengthen the foundational status of competition policy, and establish and improve a unified, open, competitive and orderly market system. Where there are special provisions in laws or administrative regulations providing for the protection of specific sectors or industries, those provisions shall prevail to the extent they do not conflict with the fundamental objective of fair competition.

Article 4 — The State shall establish and improve a fair competition review system. When formulating provisions relating to the economic activities of market operators, administrative organs and organizations authorized by laws or regulations to administer public affairs shall conduct fair competition reviews.

Article 5 — Undertakings may, through fair competition and voluntary association, concentrate their operations, expand their business scale and improve their market competitiveness in accordance with the law.

Article 6 — Undertakings with a dominant market position shall not abuse their dominant market position to eliminate or restrict competition.

Article 7 — With respect to sectors that are critical to the national economy and national security and sectors in which exclusive operation and exclusive sales are implemented by law, the State shall protect the lawful business operations of undertakings in those sectors, and shall supervise, regulate and control the business operations of those undertakings and the prices of the commodities and services provided by them in accordance with the law, so as to safeguard the interests of consumers and promote technological progress.

Article 8 — Undertakings in sectors where the State maintains a controlling position shall not use their controlling or exclusive operation status to harm the interests of consumers by, among other means, taking advantage of another party's reliance on its business dealings to purchase commodities designated by itself, only accept services provided by a designated party, or impose unreasonable conditions. Such undertakings shall conduct business operations in accordance with the law, act with honesty and good faith, exercise strict self-discipline, subject themselves to public supervision, and must not use their controlling or exclusive operation status to engage in monopolistic conduct.

Article 9 — Undertakings shall not use data, algorithms, technologies, capital advantages, platform rules, or other means to engage in monopolistic conduct prohibited by this Law.

Article 10 — Administrative organs and organizations authorized by laws or regulations to administer public affairs shall not abuse their administrative power to eliminate or restrict competition.

Article 11 — The State shall improve the unified, open, competitive and orderly market system and shall, in accordance with the law, encourage and protect undertakings in implementing fair competition and participation in concentrated business operations. No administrative organ or organization authorized by law or regulation to administer public affairs may abuse administrative power to eliminate or restrict competition.

Article 12 — For the purposes of this Law, "undertaking" means a natural person, legal person or unincorporated organization engaged in the production or distribution of commodities or the provision of services.

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Article 13 — The anti-monopoly enforcement authority of the State Council shall be responsible for anti-monopoly enforcement work in accordance with this Law. The anti-monopoly enforcement authority of the State Council may, as required for work, authorize the corresponding authorities of the people's governments of provinces, autonomous regions and municipalities directly under the Central Government to be responsible for relevant anti-monopoly enforcement work in accordance with the provisions of this Law. The State shall establish and improve an anti-monopoly coordination mechanism to coordinate anti-monopoly enforcement work.

Article 14 — Industry associations shall strengthen industry self-discipline, guide undertakings in their industry to lawfully compete, conduct business operations in compliance with the law, and safeguard the order of market competition.

Article 15 — For the purposes of this Law, "relevant market" means the scope of the commodity and the territorial scope within which undertakings compete within a particular time period with respect to a particular commodity or service.

Chapter II — Monopoly Agreements

Article 16 — Undertakings shall not conclude monopoly agreements with other undertakings or make decisions restricting competition by industry associations or other means.

Article 17 — Monopoly agreements prohibited by this Law include agreements, decisions of industry associations and other concerted practices that eliminate or restrict competition. For the purposes of this Law, a "monopoly agreement" means an agreement, decision or other concerted practice that eliminates or restricts competition.

Article 18 — Competing undertakings shall be prohibited from concluding the following monopoly agreements:

(1) fixing or changing the price of commodities;

(2) restricting the production quantity or sales quantity of commodities;

(3) dividing the sales market or the raw material procurement market;

(4) restricting the purchase of new technology or new equipment, or restricting the development of new technology or new products;

(5) jointly boycotting transactions; or

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

Article 19 — Undertakings shall be prohibited from concluding the following monopoly agreements with their trading counterparties:

(1) fixing the prices of commodities for resale to third parties;

(2) restricting the minimum prices of commodities for resale to third parties; or

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

For monopoly agreements falling under items (1) and (2) of the preceding paragraph, where the undertaking can demonstrate that the agreement does not eliminate or restrict competition, the prohibition shall not apply. Where an undertaking has a market share in the relevant market below the threshold set by the anti-monopoly enforcement authority of the State Council and meets other conditions set by the anti-monopoly enforcement authority of the State Council, the prohibition shall not apply.

Article 20 — The provisions of Articles 18 and 19 of this Law shall not apply where an undertaking can prove that the agreement concluded falls under any of the following circumstances:

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

(2) it is for the purpose of upgrading product quality, reducing cost or improving efficiency, unifying product specifications or standards, or implementing the division of labor based on specialization;

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

(4) it is for the purpose of realizing public interests such as energy conservation, environmental protection or disaster relief;

(5) it is for the purpose of alleviating a serious decrease in sales volume or obvious surplus of production during an economic depression;

(6) it is for the purpose of protecting legitimate interests in foreign trade and foreign economic cooperation; or

(7) other circumstances provided for by laws and the State Council.

Where the circumstances set forth in items (1) through (5) of the preceding paragraph apply, and the provisions of Articles 18 and 19 of this Law are not applied, the undertaking shall also prove that the agreement concluded will not substantially restrict competition in the relevant market and that consumers can share the benefits arising therefrom.

Article 21 — Industry associations shall not organize undertakings in their industry to engage in monopolistic conduct prohibited by this Chapter.

Chapter III — Abuse of Dominant Market Position

Article 22 — Undertakings holding a dominant market position shall be prohibited from engaging in the following conduct involving abuse of their dominant market position:

(1) selling commodities at an unfairly high price or purchasing commodities at an unfairly low price;

(2) selling commodities at a price below cost without a legitimate reason;

(3) refusing to trade with a trading counterparty without a legitimate reason;

(4) restricting a trading counterparty to trading only with the undertaking or only with designated undertakings without a legitimate reason;

(5) tying commodities or imposing other unreasonable trading conditions without a legitimate reason;

(6) imposing differential treatment on trading counterparties that are identical in terms of trading conditions with respect to transaction prices and other trading conditions without a legitimate reason; or

(7) other conduct as determined by the anti-monopoly enforcement authority of the State Council as constituting an abuse of dominant market position.

Undertakings with a dominant market position shall not use data, algorithms, technologies, platform rules, or other means to engage in the abusive conduct set forth in the preceding paragraph.

Article 23 — For the purposes of this Law, "dominant market position" means a market position held by an undertaking with the ability to control the price or quantity of commodities or other trading conditions in the relevant market, or to hinder or affect the ability of other undertakings to enter the relevant market.

Article 24 — The following factors shall be taken into account in determining the dominant market position of an undertaking:

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(1) the undertaking's market share in the relevant market and the state of competition in the relevant market;

(2) the undertaking's ability to control the sales market or the raw material procurement market;

(3) the financial strength and technological capacity of the undertaking;

(4) the extent to which other undertakings depend on the undertaking in trading;

(5) the ease or difficulty with which other undertakings may enter the relevant market; and

(6) other factors relating to the determination of the undertaking's dominant market position.

Article 25 — Where an undertaking falls under any of the following circumstances, it may be presumed to hold a dominant market position:

(1) one undertaking holds half or more of the market share in the relevant market;

(2) two undertakings jointly hold two-thirds or more of the market share in the relevant market; or

(3) three undertakings jointly hold three-quarters or more of the market share in the relevant market.

Where any of the undertakings falling under subparagraph (2) or (3) of the preceding paragraph holds a market share of less than one-tenth, such undertaking may not be presumed to hold a dominant market position. Where an undertaking that has been presumed to hold a dominant market position produces evidence to show that it does not hold a dominant market position, it shall not be determined as holding a dominant market position.

Chapter IV — Concentration of Undertakings

Article 26 — "Concentration of undertakings" means any of the following circumstances:

(1) merger of undertakings;

(2) an undertaking acquiring control of other undertakings through the acquisition of equity or assets; or

(3) an undertaking acquiring control of other undertakings or having the ability to exercise decisive influence over other undertakings through contractual or other means.

Article 27 — Where a concentration of undertakings reaches the notification threshold specified by the State Council, the undertaking shall file a notification in advance with the anti-monopoly enforcement authority of the State Council. The concentration shall not be implemented prior to such notification. Where a concentration of undertakings does not reach the notification threshold specified by the State Council but there is evidence showing that the concentration of undertakings has or may have the effect of eliminating or restricting competition, the anti-monopoly enforcement authority of the State Council may require the undertaking to file a notification. Where an undertaking fails to file a notification as required in the preceding two paragraphs, the anti-monopoly enforcement authority of the State Council shall investigate in accordance with the law.

Article 28 — A notification of concentration of undertakings shall not be required in any of the following circumstances:

(1) 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; or

(2) one undertaking that is not a participant in the concentration holds more than 50 percent of the voting shares or assets of each of the undertakings participating in the concentration.

Article 29 — An undertaking that files a notification of concentration of undertakings shall submit the following documents and materials to the anti-monopoly enforcement authority of the State Council:

(1) a notification letter;

(2) a description of the impact of the concentration on competition in the relevant market;

(3) the concentration agreement;

(4) the financial and accounting reports of the undertakings participating in the concentration for the preceding fiscal year audited by an accounting firm; and

(5) other documents and materials prescribed by the anti-monopoly enforcement authority of the State Council.

The notification letter shall contain the names, domiciles and business scope of the undertakings participating in the concentration, the date of the scheduled concentration, and other matters prescribed by the anti-monopoly enforcement authority of the State Council.

Article 30 — Where the documents and materials submitted by an undertaking are incomplete, the undertaking shall supplement the relevant documents and materials within the period prescribed by the anti-monopoly enforcement authority of the State Council. Where the undertaking fails to supplement the documents and materials upon expiry of the period, the notification shall be deemed to have not been filed.

Article 31 — The anti-monopoly enforcement authority of the State Council shall, within 30 days from the date of receipt of the documents and materials that comply with the provisions of Article 29 of this Law, conduct a preliminary review of the concentration of undertakings for which notification has been filed, make a decision on whether to conduct a further review, and notify the undertaking in writing of the decision. Pending the decision of the anti-monopoly enforcement authority of the State Council, the undertaking shall not implement the concentration. Where the anti-monopoly enforcement authority of the State Council has made a decision not to conduct a further review or has not made a decision upon expiry of the period, the undertaking may implement the concentration.

Article 32 — Where the anti-monopoly enforcement authority of the State Council decides to conduct a further review, it shall complete the review within 90 days from the date of the decision and notify the undertaking in writing of the decision on whether to prohibit the concentration. The undertaking that has been subject to a decision prohibiting the concentration shall not implement the concentration. In any of the following circumstances, the anti-monopoly enforcement authority of the State Council may extend the review period set out in the preceding paragraph by a maximum of 60 days upon written notification to the undertaking:

(1) the undertaking agrees to extend the review period;

(2) the documents or materials submitted by the undertaking are inaccurate and require further verification; or

(3) a major change has occurred after the undertaking filed the notification.

Where the anti-monopoly enforcement authority of the State Council fails to make a decision within the period, the undertaking may implement the concentration.

Article 33 — The following factors shall be taken into account in the review of a concentration of undertakings:

(1) the market shares of the undertakings participating in the concentration in the relevant market and their ability to control the market;

(2) the degree of concentration of the relevant market;

(3) the impact of the concentration of undertakings on market entry and technological progress;

(4) the impact of the concentration of undertakings on consumers and other relevant undertakings;

(5) the impact of the concentration of undertakings on national economic development; and

(6) other factors that the anti-monopoly enforcement authority of the State Council deems relevant to the impact on market competition.

Article 34 — Where a concentration of undertakings has or may have the effect of eliminating or restricting competition, the anti-monopoly enforcement authority of the State Council shall make a decision to prohibit the concentration. However, where the undertaking can prove that the positive effects of the concentration on competition obviously outweigh the negative effects, or that the concentration serves the public interest, the anti-monopoly enforcement authority of the State Council may make a decision not to prohibit the concentration.

Article 35 — For a concentration of undertakings that is not prohibited, the anti-monopoly enforcement authority of the State Council may decide to impose additional restrictive conditions to reduce the adverse impact of the concentration on competition.

Article 36 — The anti-monopoly enforcement authority of the State Council shall make public a decision to prohibit or not to prohibit a concentration of undertakings in a timely manner.

Article 37 — The anti-monopoly enforcement authority of the State Council shall strengthen the review of concentrations of undertakings in accordance with the law. The anti-monopoly enforcement authority of the State Council shall improve the classified and graded review mechanisms for concentrations of undertakings, strengthen the review of concentrations of undertakings that have a material impact on the national economy and the people's livelihood or involve critical sectors, and enhance the quality and efficiency of the review.

Article 38 — For foreign mergers and acquisitions that involve national security or other circumstances provided for by the State, a national security review shall also be conducted in accordance with the relevant provisions of the State in addition to the review of the concentration of undertakings in accordance with the provisions of this Law.

Chapter V — Abuse of Administrative Power to Eliminate or Restrict Competition

Article 39 — Administrative organs and organizations authorized by laws or regulations to administer public affairs shall not abuse their administrative power to restrict or indirectly restrict the free flow of commodities among regions.

Article 40 — Administrative organs and organizations authorized by laws or regulations to administer public affairs shall not abuse their administrative power by adopting discriminatory qualification requirements, evaluation standards, review information, or other means to exclude or restrict undertakings from outside the region from participating in local tendering and bidding activities, or by otherwise impeding the free flow of commodities and factors of production between regions.

Article 41 — Administrative organs and organizations authorized by laws or regulations to administer public affairs shall not abuse their administrative power by adopting measures that are inconsistent with the treatment given to local undertakings in terms of investment or the establishment of branch offices, or by otherwise excluding or restricting undertakings from outside the region from investing or establishing branch offices in the local area.

Article 42 — Administrative organs and organizations authorized by laws or regulations to administer public affairs shall not abuse their administrative power to compel undertakings to engage in monopolistic conduct as prohibited by this Law.

Article 43 — Administrative organs and organizations authorized by laws or regulations to administer public affairs shall not abuse their administrative power to adopt provisions containing content that eliminates or restricts competition.

Chapter VI — Investigation of Suspected Monopolistic Conduct

Article 44 — The anti-monopoly enforcement authority shall investigate suspected monopolistic conduct in accordance with the law. Any entity or individual shall have the right to report suspected monopolistic conduct to the anti-monopoly enforcement authority. The anti-monopoly enforcement authority shall keep the reporter's information confidential. Where the report is made in writing and the relevant facts and evidence are provided, the anti-monopoly enforcement authority shall conduct the necessary investigation.

Article 45 — In conducting an investigation, the anti-monopoly enforcement authority may take the following measures:

(1) conducting inspection of the business premises of the undertaking under investigation or other relevant premises;

(2) making inquiries of the undertaking, interested parties or other relevant entities or individuals under investigation and requiring them to provide relevant explanations;

(3) consulting and copying the relevant documents and materials, such as the accounting books, agreements, vouchers, documents, records and business correspondence, of the undertaking under investigation, interested parties or other relevant entities or individuals;

(4) seizing and impounding the relevant evidence; and

(5) inquiring into the bank accounts of the undertaking.

When taking the measures set forth in the preceding paragraph, a report shall be made to the principal responsible person of the anti-monopoly enforcement authority and approval shall be obtained in writing.

Article 46 — In investigating suspected monopolistic conduct, enforcement officers of the anti-monopoly enforcement authority shall be at least two in number, and shall present their enforcement credentials.

When making inquiries and conducting investigations, enforcement officers shall prepare a written record, which shall be signed or sealed by the person under investigation.

Article 47 — The anti-monopoly enforcement authority and its staff shall have the obligation to keep confidential any trade secrets, personal privacy and personal information obtained in the course of enforcement.

Article 48 — Undertakings, interested parties and other relevant entities and individuals under investigation shall cooperate with the anti-monopoly enforcement authority in performing its duties in accordance with the law, and shall not refuse or obstruct the investigation by the anti-monopoly enforcement authority.

Article 49 — Undertakings, interested parties and other relevant entities and individuals under investigation shall, within the time limit, submit complete, accurate and truthful documents and materials as required by the anti-monopoly enforcement authority, and shall not conceal, fabricate or destroy the relevant evidence.

Article 50 — The anti-monopoly enforcement authority shall verify the facts of the suspected monopolistic conduct, ascertain the facts, and collect evidence in accordance with the law and regulations. The anti-monopoly enforcement authority may, in the course of investigation, entrust accounting firms and other third-party institutions to assist in the relevant work. The third-party institutions entrusted shall perform their duties in accordance with the law and regulations.

Article 51 — The anti-monopoly enforcement authority shall determine whether monopolistic conduct exists based on the facts and evidence found during the investigation and impose penalties in accordance with the law. If, in the course of investigation, the anti-monopoly enforcement authority discovers that the undertaking concerned has committed a criminal offense, the case shall be transferred to the relevant authority for handling in accordance with the law.

Article 52 — The anti-monopoly enforcement authority shall make public the decision on handling the suspected monopolistic conduct.

Article 53 — With respect to an investigation by the anti-monopoly enforcement authority into a suspected monopoly agreement, where the undertaking under investigation undertakes to take specific measures to eliminate the consequences of the suspected monopoly agreement within the period accepted by the anti-monopoly enforcement authority, the anti-monopoly enforcement authority may decide to suspend the investigation. The decision to suspend the investigation shall specify the contents of the undertaking under investigation's commitments. Where the anti-monopoly enforcement authority decides to suspend the investigation, it shall supervise the performance of the commitments by the undertaking. If the undertaking performs its commitments, the anti-monopoly enforcement authority may decide to terminate the investigation. The anti-monopoly enforcement authority shall resume the investigation in any of the following circumstances:

(1) the undertaking fails to perform its commitments;

(2) a material change has occurred in the facts on which the decision to suspend the investigation was based; or

(3) the decision to suspend the investigation was based on incomplete or inaccurate information provided by the undertaking.

Article 54 — Where the anti-monopoly enforcement authority imposes an administrative penalty on the undertaking for a monopoly agreement under this Law, it shall determine the fine in accordance with the law based on factors such as the nature, extent, duration of the illegal conduct and the elimination of its consequences.

Article 55 — Where an undertaking suspected of a monopoly agreement voluntarily reports the relevant circumstances of entering into the monopoly agreement and provides important evidence to the anti-monopoly enforcement authority, the anti-monopoly enforcement authority may, in its discretion, mitigate or exempt the undertaking from penalty. For an undertaking that has coerced other undertakings into entering into a monopoly agreement, or hindered other undertakings from ceasing the illegal conduct, the anti-monopoly enforcement authority may, in its discretion, impose a heavier penalty. The specific measures shall be formulated by the anti-monopoly enforcement authority of the State Council.

Chapter VII — Legal Liability

Article 56 — Where an undertaking concludes and implements a monopoly agreement in violation of the provisions of this Law, the anti-monopoly enforcement authority shall order it to cease the illegal conduct, confiscate the 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 the monopoly agreement has not been implemented, a fine of not more than 3,000,000 yuan may be imposed. Where the legal representative or responsible persons of the undertaking are personally liable for the conclusion of the monopoly agreement, a fine of not more than 1,000,000 yuan may be imposed. Where an undertaking voluntarily reports to the anti-monopoly enforcement authority the conclusion of a monopoly agreement and provides important evidence, the anti-monopoly enforcement authority may, in its discretion, mitigate or exempt the undertaking from the penalty provided in the preceding paragraph. Where an industry association organizes undertakings in its industry to conclude a monopoly agreement in violation of the provisions of this Law, the anti-monopoly enforcement authority shall order it to rectify and may impose a fine of not more than 3,000,000 yuan. In the case of serious circumstances, the authority in charge of the registration of social organizations may, in accordance with the law, revoke the registration of the industry association.

Article 57 — Where an undertaking abuses its dominant market position in violation of the provisions of this Law, the anti-monopoly enforcement authority shall order it to cease the illegal conduct, confiscate the illegal

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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 of undertakings in violation of the provisions of this Law, the anti-monopoly enforcement authority of the State Council shall order cessation of the implementation of the concentration, disposition of shares or assets, transfer of business, and adoption of other necessary measures to restore to the state prior to the concentration within a prescribed time limit, and may impose a fine of not more than 10 percent of the undertaking's sales revenue in the preceding year. Where the concentration of undertakings has or may have the effect of eliminating or restricting competition, the anti-monopoly enforcement authority of the State Council shall order cessation of the implementation of the concentration, disposition of shares or assets, transfer of business, and adoption of other necessary measures to restore to the state prior to the concentration within a prescribed time limit, and impose a fine of not more than 10 percent of the undertaking's sales revenue in the preceding year. Where the undertaking fails to take measures to restore to the state prior to the concentration, the anti-monopoly enforcement authority of the State Council shall order it to take necessary measures to restore to the state prior to the concentration and may impose a fine of not more than 1,000,000 yuan per day. In calculating the amount of the fine, unlawful gains, if any, shall be additionally confiscated in accordance with the law.

Article 59 — The anti-monopoly enforcement authority shall determine the specific amount of the fine in accordance with the law based on factors such as the nature, extent, duration of the illegal conduct and the elimination of its consequences. Where an undertaking receives an administrative penalty for monopolistic conduct prohibited by this Law, the penalty shall be recorded in the undertaking's credit record and disclosed to the public in accordance with the relevant provisions of the State.

Article 60 — Where an undertaking's monopolistic conduct causes damage to others, the undertaking shall bear civil liability in accordance with the law. Where an undertaking's monopolistic conduct damages the public interest, the people's procuratorate at or above the level of a city divided into districts may file a civil public interest lawsuit with the people's court in accordance with the law.

Article 61 — Where an administrative organ or an organization authorized by laws or regulations to administer public affairs abuses its administrative power to eliminate or restrict competition, the superior authority shall order it to make rectification. The anti-monopoly enforcement authority may file a proposal with the relevant superior authority for handling the matter in accordance with the law. The administrative organ or organization shall report the relevant rectification to the anti-monopoly enforcement authority.

Article 62 — Where the investigation and disposition of an administrative organ suspected of abusing administrative power to eliminate or restrict competition is carried out in accordance with the law, the administrative organ under investigation shall explain the circumstances and truthfully provide the relevant materials, and shall cooperate in the investigation.

Article 63 — Where an undertaking refuses to provide relevant materials or information, provides false materials or information, conceals, destroys or transfers evidence, or commits other acts of refusal or obstruction of the investigation, the anti-monopoly enforcement authority shall order it to make rectification and impose a fine of not more than 1 percent of the undertaking's sales revenue in the preceding year, and in the case of a natural person, a fine of not more than 500,000 yuan. Where the circumstances are particularly serious and the impact is particularly adverse or the consequences are particularly serious, the anti-monopoly enforcement authority may impose a fine of not less than two times but not more than five times the amount prescribed in the preceding paragraph, and in the case of a natural person, a fine of not less than two times but not more than five times the amount prescribed in the preceding paragraph.

Article 64 — Where a party is dissatisfied with the decision of the anti-monopoly enforcement authority made in accordance with Articles 34 and 35 of this Law, it may first apply for administrative reconsideration in accordance with the law. If the party is dissatisfied with the administrative reconsideration decision, it may

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initiate administrative litigation in accordance with the law. With respect to other decisions made by the anti-monopoly enforcement authority in accordance with the provisions of this Law, a party may apply for administrative reconsideration or initiate administrative litigation in accordance with the law.

Article 65 — Where staff members of the anti-monopoly enforcement authority abuse their power, neglect their duties, commit malpractice for personal gain, or divulge any trade secret, personal privacy or personal information obtained in the course of enforcement, and a crime is constituted, criminal liability shall be pursued in accordance with the law. If a crime is not constituted, a sanction shall be imposed in accordance with the law.

Chapter VIII — Supplementary Provisions

Article 66 — This Law shall not apply to the exercise of intellectual property rights by undertakings in accordance with the provisions of laws and administrative regulations regulating intellectual property rights, but shall apply to the abuse of intellectual property rights by undertakings to eliminate or restrict competition.

Article 67 — This Law shall not apply to the concerted practices of agricultural producers and rural economic organizations in their production, processing, sales, transportation, storage and other business activities relating to agricultural products.

Article 68 — The provisions of this Law apply to monopolistic conduct of undertakings in sectors such as the financial sector. The competent authority of the relevant sector shall strengthen industry supervision, regulation and control, and cooperate with the anti-monopoly enforcement authority in enforcement work. The anti-monopoly enforcement authority of the State Council may formulate specific implementation measures in conjunction with the relevant departments of the State Council.

Article 69 — The State Council shall formulate the rules on the notification standards for concentrations of undertakings on the basis of this Law.

Article 70 — This Law shall come into force on August 1, 2008. The revision shall come into force on August 1, 2022.

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