



中国美国商会
The American Chamber of Commerce
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FOR IMMEDIATE RELEASE

AmCham-China Welcomes China's New Anti-Monopoly Law; Outlines Efforts with USTDA to Enhance Cooperation on AML

Beijing, July 29, 2008 . . . The American Chamber of Commerce in China today said that it welcomes China's new Anti-Monopoly Law (AML), which takes effect August 1, and sees its implementation as a positive step in China's ongoing development as a market-based economy.

"This is a defining moment in the development of China's legal system," said AmCham-China Chairman James Zimmerman. "The new Anti-Monopoly Law establishes a basic framework to build a fair, uniform and national competition-law system that benefits consumers by recognizing and preserving incentives to compete."

AmCham and its members are pleased to have been invited by the Chinese government over the past seven years to provide written comments on various drafts of the law. "AmCham-China appreciates the government's willingness to consider outside experiences and perspectives in formulating its competition policy," said Mr. Zimmerman. "In fact, the government actively received extensive comments and suggestions from many foreign sources, including enforcement authorities, scholars, antitrust lawyers and industry groups, among others."

AmCham-China recognizes that promulgation of the AML is only the first step in establishing a comprehensive, nationwide competition regime and looks forward to further clarification concerning the law's application in certain key areas, such as substantive rules against anticompetitive conduct, substantive standards for administrative monopolies, procedures for reviewing transactions on both competition and national security grounds, enforcement mechanisms, defining abuses of intellectual property rights, and penalties.

"We sincerely hope China's competition authorities will focus on modern economic principles and prevailing international practices when applying the new law," said Mr. Zimmerman. "We will be observing with interest how the law is put into practice and look forward to continuing to support the government's moves to develop its competition-law system."

As part of recent efforts to enhance dialogue and cooperation in the development of China's AML, AmCham-China hosted the first of a series of technical assistance and training workshops for Chinese government officials and others last month in Beijing. These workshops are funded by a United States Trade and Development Agency



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(USTDA) technical assistance grant announced in March and awarded to AmCham-China under a special program.

The program represents a collaborative effort among several U.S. Government agencies, including USTDA, the Office of the U.S. Trade Representative, the Department of Justice, the Federal Trade Commission and the Department of Commerce, as well as the private sector, represented by AmCham-China and the U.S. Chamber of Commerce. Representatives from these and other entities will be involved in the program, which seeks to ensure that the AML is implemented in a transparent, market-driven and non-discriminatory manner. The program will include participation from China's Ministry of Commerce, State Administration for Industry and Commerce, National Development and Reform Commission, and State Council Legislative Affairs Office, among others.

The USTDA-funded program will provide a substantive forum for appropriate U.S. Government and industry participants to work with Chinese officials in the process of preparing and adopting implementing regulations in a transparent manner, allowing for public opportunity to comment on proposed regulations that are consistent with market-based principles, thereby improving the competitive environment for firms doing business in China. The program will also train Chinese officials on how the provisions of the AML and eventual implementing regulations are best applied to promote the competitive process and secure non-discriminatory treatment for all market participants.

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About The American Chamber of Commerce in China: Amcham-China is a Beijing-based, non-profit organization representing the interests of nearly 2,700 US companies and individuals doing business throughout China. For more information, visit: www.amcham-china.org.cn.

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