

Order of the State Council of the People's Republic of China  
(No. 529)

The Provisions of the State Council on the Standard for Declaration of Concentration of Business Operators, which were adopted at the 20th executive meeting of the State Council on August 1, 2008, are hereby promulgated, and shall come into force as of the date of promulgation.

Premier: Wen Jiabao  
August 3, 2008

#### Provisions of the State Council on the Standard for Declaration of Concentration of Business Operators

Article 1 For clarifying the standards for the declaration of concentration of business operators, these Provisions are formulated in accordance with the Antimonopoly Law of the People's Republic of China.

Article 2 Concentration of business operators refers to the following circumstances:

1. merger of business operators;
2. a business operator acquires control over another business operator by way of acquiring shares or assets of the latter; and
3. a business operator acquires control over another business operator or becomes capable of exerting decisive influence upon another business operator by way of contract or other means.

Article 3 Where the concentration of business operators reaches any of the following standards, the business operators concerned shall declare it to the competent department of commerce of the State Council beforehand, otherwise, the concentration is not allowed:

1. the worldwide business volume of all the business operators involved in the concentration exceeds 10 billion yuan in the last accounting year, and the business volume in China of at least two business operators among them exceeds 400 million yuan separately in the last accounting year;
2. the business volume in China of all the business operators involved in the concentration exceeds 2 billion yuan in the last accounting year, and the business volume in China of at least two business operators among them exceeds 400 million yuan separately in the last accounting year;

When calculating the business volume, the characteristics and actual situation of the special industry or field such as bank, insurance, securities and futures shall be taken into consideration. The specific measures shall be determined by the competent department of commerce of the State Council together with other departments under the State Council.

Article 4 Where a concentration of business operators does not reach the standards for declaration as prescribed in Article 3 of these Provisions, but the fact and evidence collected according to the prescribed procedures show that this concentration of business operators has or may have the effect of eliminating or restricting competition, the competent department of commerce of the State Council may investigate it according to law.

Article 5 These Provisions shall come into force as of the date of promulgation.