

# RECENT DEVELOPMENTS OF ANTITRUST INTERVENTION ON HUB-AND-SPOKE AGREEMENTS IN CHINA

Many antitrust jurisdictions around the world, including China, have decoded into hub-and-spoke agreement under their antitrust laws. Article 8 of China's Anti-monopoly Guidelines on Platform Economy prohibits a platform and the operators within the platform from conducting hub-and-spoke agreements. In 2022, China amended its Anti-monopoly Law (AML) in accordance with the development of digital economy. In particular, Article 19 of the new AML prevents any undertaking from providing any substantive assistance for any other undertaking to conduct monopoly agreements. Despite that this provision does not regulate hub-and-spoke agreements, most Chinese antitrust lawyers consider this provision as a 'hub-and-spoke agreement' article.

There are two types of monopoly agreements under China's AML, namely the horizontal agreement and vertical agreement. Whether a hub-and spoke agreement belongs to any type has become a hot-debated topic in China, as different types of monopoly agreements may adapt to different antitrust assessments. Noteworthy is that China's Supreme People's Court in a specific case held that a hub-and-spoke agreement is a category of horizontal agreement and is thus per-se illegal, while the undertaking which provides assistance is also liable for the anti-competitive agreement. However, there are ongoing debates as to the hub-and-spoke agreements even after the landmark case. In this regard, this seminar will critically analyse recent developments of hub-and-spoke agreements in China and provide suggestions on how to deal with those cases in the future.



Speaker

**PROF. WU PEICHENG**

ZJU100 YOUNG PROFESSOR, GUANGHUA LAW  
SCHOOL, ZHEJIANG UNIVERSITY

Discussant

**PROF. CHEN YANG**  
CITY UNIVERSITY OF HONG KONG

Moderator

**PROF. MARTIN LAI**  
CITY UNIVERSITY OF HONG KONG

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