

## Doctoral Roundtable for Chinese Anti-Monopoly Law (19 March 2024)



On 19 March 2024, the Hong Kong Commercial and Maritime Law Centre organized a Doctoral Roundtable for Chinese Anti-Monopoly Law. The conference aimed to provide a platform for doctoral candidates specializing in antitrust to share their latest research, discuss their work with peers and receive feedback from professors in the field.

As the commentator **Professor Peicheng Wu (Zhejiang University)** remarked, young scholars are encouraged to research more about China's antitrust regime for at least two reasons. For one thing, along with the U.S. and the E.U., China is one of the three leading antitrust jurisdictions in the world now. For another thing, Chinese antitrust statutes modeled the E.U. while antitrust authorities often reference U.S. precedents when deciding cases. Not to mention that China's legal system has many unique features. Hence, China's antitrust regime is unique and worth researching.

In line with the remarks of Prof. Wu, the four speakers adopted a comparative approach to study different significant issues of Chinese competition law. **Mr. Yujie Tong (Zhejiang University)** identified the limitations of Chinese Anti-Monopoly Law statutes based on the concepts of collective dominance and oligopolistic interdependence. Mr. Tong argued that China should reference recent developments in the E.U. by revising the relevant statutes to incorporate the single economic entity doctrine. **Dr. Ya Zhang (China University of Political Science and Law)** reviewed penalty decisions issued by the Chinese antitrust authority and discovered that the authority does not always confiscate illicit gain from lawbreakers as required by the law. Upon studying the comparable provisions in the E.U., U.S. and Germany, Dr. Ya recommended ways for China to reshape its policy on illicit gain. **Ms. Yihan Wang (Central University of Finance and Economics)** examined whether and how China should introduce a mechanism for assessing the impact of mergers on innovations. Ms. Wang urged China to follow the practice of the E.U. and adopt a 6-factor test for the assessment. **Mr. Yida Cai (City University of Hong Kong)** rethought the current use of anti-monopoly law and unfair competition law to regulate big techs that possess a large amount of personal data in China. By comparing relevant rules and cases between China and the U.S., Mr. Cai shed light on how China may better balance consumer privacy protection and the free data flow among corporations.

The doctoral roundtable does not only aim to help young antitrust scholars strengthen their research but also to foster future collaborations. Thus, at the close of the conference, **Professor Martin Lai (City University of Hong Kong)** encouraged participants of the roundtable to stay in touch and explore the possibilities of co-authoring in the future.