

Summary

Chinese Antimonopoly Law in the Light of Competition Law of the European Union: Comparative Perspective.

The subject of the thesis is the comparative analysis of Chinese antimonopoly law and competition law of the EU. The thesis aims to identify the traces of the competition law of the EU in Chinese antimonopoly law as well as analyze transplanted legal concepts, in order to determine, whether these concepts are endowed with the same normative reach.

The first part of the thesis provides brief introduction into the history of antimonopoly law in PRC. Following chapters analyze relevant parts of AML and implementing regulation, which are after short description of the corresponding arrangement in European law compared with the latter. General principles and definitions, which are applicable in all pillars of competition law, are dealt with in the first place. Further the analysis of the agreements restricting competition, abuse of dominance, as well as mergers of undertakings follows. With regard to the importance of effective application of antimonopoly law in practice, a short chapter is also devoted to the role of courts in implementation of antimonopoly law in PRC.

The closing part sums up the pillars of competition law, which have been built on the model of the competition law of the EU and evaluates, to which extent the transplanted legal concepts divert from its model and are modified in practice. The greatest influence of European law was identified in the area of abuse of dominance, where the Chinese regulation with the minor exceptions fully follows the European pattern. The area of agreements restricting competition follows theoretical foundation of European law, however due to the imprecise adoption of certain legal concepts evinces minor inconsistencies. Finally, in the area of concentration of undertakings despite the same theoretical foundations significant influence of local conditions can be identified not only in normative basis, but also in practical application.

The thesis concludes in finding that Chinese antimonopoly law has been formed under the strong influence of competition law of the EU, since the normative grounds to a large extent overlap. Nevertheless, due to the difference in economic, political and social environment, the Chinese application practice tends to depart from European model and the same normative legal concepts are often modified through different interpretation.