

本译文仅供学习交流，不得用于任何商业用途

**The English translation below is for information only  
and may not be reproduced or otherwise used for any  
commercial purpose.**

**Provisions of the State Council on Thresholds for Prior Notification of  
Concentrations of Undertakings**

(Adopted at the 20th Executive Meeting of the State Council on August 1, 2008,  
promulgated by Decree No.529 of the State Council of the People's Republic of China  
on August 3, 2008, and effective as of the date of promulgation)

**Article 1** These Provisions are formulated in accordance with the Anti-monopoly Law of the People's Republic of China for the purpose of defining the thresholds for prior notification of concentrations of undertakings.

**Article 2** A concentration of undertakings means any of the following:

- (1) merger of undertakings;
- (2) acquisition of control over other undertaking(s) by an undertaking by acquiring equities or assets; or
- (3) acquisition of control over, or the possibility of exercising decisive influence on, other undertaking(s) by an undertaking by contract or by any other means.

**Article 3** Where a concentration of undertakings reaches any of the following thresholds, the undertaking(s) concerned shall file a prior notification with the competent commerce department of the State Council, and no such concentration may be implemented without the clearance of prior notification:

- (1) the combined worldwide turnover of all the undertakings concerned in the preceding financial year is more than RMB 10 billion *yuan*, and the nationwide turnover within China of each of at least two of the undertakings concerned in the preceding financial year is more than RMB 400 million *yuan*; or
- (2) the combined nationwide turnover within China of all the undertakings concerned in the preceding financial year is more than RMB 2 billion *yuan*, and the nationwide turnover within China of each of at least two of the undertakings concerned in the preceding financial year is more than RMB 400 million *yuan*.

In the calculation of turnover, the unique circumstances of such special industries or sectors as banking, insurance, securities and futures shall be taken into account, and the specific measures therefor shall be formulated by the competent commerce

department of the State Council in conjunction with other relevant departments of the State Council.

**Article 4** Where a concentration of undertakings does not reach any of the thresholds specified in Article 3 of these Provisions, but facts and evidence collected in accordance with the prescribed procedures establish that such concentration effects, or is likely to effect, the elimination or restriction of competition, the competent commerce department of the State Council shall initiate an investigation in accordance with law.

**Article 5** These Provisions shall be effective as of the date of promulgation.

本译本仅供参考，若有歧义，请以中文版本为准。

**The English version is for reference only. In case of any discrepancy or ambiguity of meaning between this English translation and the Chinese version, the latter shall prevail.**