

Abstract

After several enlargements of the European Union, there are now 27 Member States trading in the Common Market. Achieving fair competition amongst undertakings within and/or between Member States and guaranteeing the welfare of consumers relies on the effectiveness of the European Union's competition law and policies, so as to ensure that the competition is not distorted within the internal market, as well as promoting harmonised, balanced and sustainable development of economic activities throughout the Community. This is one of the major goals of the Community as provided for in Article 2 of the Treaty establishing the European Community (TEC).

The competition policy of the European Union (EU) stems from the Rules on Competition of the TEC and uses relevant secondary legislations to assure its implementation. Where disputes occur in trade between undertakings, these disputes are resolved by decisions made by the Commission or by judgments made by the European Courts.

Presently, the competition policy of the European Union comprises six policy areas, namely antitrust, cartels, mergers, state aids, liberalisation and international cooperation. The author discusses these six policy areas, outlining the theoretical background to the legislation, detailing the characteristics of anti-competitive practices, analysing typical court cases, and discussing issues that have needed clarification in the legislation. From these, the TEC and the relevant secondary legislations can be understood – particularly how they can encourage the economic activities of undertakings engaging in fair competition in order to safeguard the welfare of consumers and ensure an effective integrated market, as well as contributing to the current and future economic strength of the EU.

The statutes relating to promoting fair competition in China have been promulgated since the opening up and reform of the economy in 1978, but the approach has been piecemeal and there are gaps in the legislation. Although the establishment of a comprehensive anti-competition law was proposed in 1994, this law was only recently formulated following the competition policy dialogue established between China and the EU in 2004. The EU shared its experience of implementing its competition law and policy, and provided technical and capacity-building assistance to China which greatly assisted the Chinese legislators. The new Anti-monopoly Law of the PRC was promulgated on 30 August 2007 and enters into force on 1 August 2008. This thesis also outlines the European experience and assistance provided to China to help analyse the provisions of the Anti-monopoly Law of the PRC and relates this to the correspondent European competition law.