WTO Competition Policy and Its Influence in China

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根据《多哈宣言》，WTO成员方将在2003年9月墨西哥召开的WTO第5届部长级会议上就制定一个有益于推动国际贸易和发展的竞争政策多边协议进行谈判。本文论述了竞争政策与国际经贸活动的关系，评析了竞争政策领域迄今的双边合作和多边合作，阐述了WTO成员方特别是欧盟、美国以及发展中国家关于竞争政策多边协议的立场，并提出中国应有的立场和对策。中国应当积极参加WTO关于竞争政策多边协议的谈判，并在这个大背景下，抓紧制定反垄断法。反垄断法是市场经济国家的法律基石之一，是确保市场机制、实现资源优化配置和提高经济效率的一部基本法。竞争政策是国家的长期策略，而不是一时的权宜之计。因此，应当注重竞争法和竞争政策的研究。

I. Influence of Competition Policy over International Finance and Trade

The establishment of the WTO and the substantial mutual reductions of tariffs between its members mark a big step towards liberalization of world trade. However, liberalization of world trade is far from having been achieved. In international trade, besides governmental tariff and non-tariff barriers there are many anti-competitive practices among firms, such as anti-competitive agreements and collusion, the use by market-controlling firms of their positions of advantageous, and excessive large-scale mergers leading to excessive economic concentration. Anti-competitive actions on the part of firms are in principle controlled by the competition law of respective countries. This law is called “Antitrust Law” in the United States, “Competition Law” in the European Union (EU) and “Law against Anti-competition” in Germany. Given economic globalization, however, private sector anti-competitive behaviour is mostly carried out by cross-national corporations and therefore has a worldwide impact. For this reason it is subjected to the law of many countries. A major case in point was the merger of the US firms General Electric and the Honeywell in 2000.[1] This was also the biggest merger in US history, the value of the transaction being as high as 42 billion USD. Although the US Ministry of Justice conditionally approved it, the European Union Commission issued a ban on it ’ s view, conditions attached to the merger approval by the US Ministry of Justice were insufficient to dispel the Commission’ s misgivings that it would enhance General Electric’ s monopoly position in the international jet engine market. This case shows that transnational mergers pose serious challenges to the competition laws of various countries. On the one hand, they demand that the competition authority in each state take into account the

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reality of economic globalization, especially the expansion of the market; on the other, in order to reduce and avoid the transnational mergers with potential substantial negative impact on international competition, the competition authorities must strengthen their cooperation and coordination, including in the field of legal procedures.

Up to now, in cases involving international cartels and transnational mergers, the US and the EU have usually exercised their jurisdiction according to the "principle of effect," which was established by the US Federal Court in the Alcoa case of 1945.[2] According to this principle, the US court has jurisdiction over any action taking place outside the US but contravening the spirit of the American antitrust law, irrespective of the nationality of the actor, as long as it has a negative impact on American market competition. The US has so far considered the extraterritorial enforcement of antitrust law an effective measure against any anti-competitive practices of the private quarters affecting trade policy. The extraterritorial enforcement of American antitrust law is particularly applicable when a state is unable or unwilling to initiate legal proceedings against the anti-competitive practice.

Although the extraterritorial applicability of a nation's antitrust law is a matter of legislative power of the nation in question, it will inevitably involve contacts with foreign organizations, thus giving rise to many problems. For example, when antitrust law enforcement organizations go to other countries for investigation of cases, send papers to the litigant, or seek enforcement of the judgment or award in foreign countries, conflicts of jurisdiction or legal conflicts may crop up. If the anti-competitive practice under investigation in accordance with the "principle of effect" is locally appreciated, as regards export cartel, legal or national interests conflicts may become more serious. With the WTO negotiations on trade liberalization steadily going ahead it is increasingly keenly felt that there is need for international cooperation in competition policy.

II. International Coordination in the Field of Competition Policy

1. Bilateral cooperation

The main form of effective international cooperation in the field of competition policy at present is bilateral cooperation. The "Recommendations Concerning Cooperation Between Member Countries on Anti-competitive Practices Affecting International Trade" put forward by the Organization of Economic Cooperation and Development (OECD) in 1967 have greatly promoted bilateral cooperation between Western countries in the field of competition policy. For example, the US signed bilateral cooperation agreements on restrictive business practices with Germany, Australia and Canada respectively in 1977, 1982 and 1984 according to the "Recommendations." The "Antitrust Enforcement Cooperation Agreement" signed by the US and the EU in 1991 is now the most influential in the field of bilateral cooperation. It covers cooperation and coordination on public notices, information exchanges and antitrust procedures, and positive and passive comity.

The governments of European and American countries have indeed achieved a certain degree of cooperation and coordination in the field of competition law through their bilateral cooperation agreements. For instance, in the cases of graphite electrodes and vitamins involving international cartels, the US successfully imposed fines totalling $US 1.3 billion on law-breaking enterprises

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through cooperation with Canada, which also successfully imposed fines of 115 million Canadian dollars.[3] However, bilateral antitrust cooperation agreements rest on voluntary cooperation and lack legal binding force. In the case of the Boeing-McDonnell Douglas Aircraft merger in 1998, while the US delivered notice to the EU according the cooperation agreement of 1991 and the EU also held numerous discussions with the US Federal Trade Commission when the case went to law, they did not concede to each other on matters involving their vital interests. The principle of "active comity" proved to be a mere scrap of paper on questions very sensitive to both sides and then the bilateral cooperation is largely symbolic.[4]

2. Multilateral cooperation

Proposals for multilateral cooperation on competition policy are not a new. Both the "Havana Charter" of 1947 and the "Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices" adopted by the UN in 1980 asked the parties to draw up their own competition laws and cooperate with other states in their enforcement. Due to conflicts of interest between states and national groupings, however, neither of these is legally binding.

The World Trade Organization (WTO) established in 1 January 1995 is the biggest multilateral organization dedicated to liberalizing international trade. All the WTO core principles of national treatment, most-favored-nation treatment, transparency and procedural fairness reflect, without exception, the fair competition policy of the WTO. Besides, Article 8 of "WTO Trade-Related Aspects of Intellectual Property Rights Agreement (TRIPS)," Article 8 of "WTO General Agreement on Trade in Services," Article 9 of "WTO Agreement on Trade-Related Investment Measures (TRIMS)" Article 8 (a) of "WTO Agreement on Technical Barriers to Trade," Article 11 (c) of "Agreement on Safeguarding Measures" and Article 3 (e) of the "Agreement on Antidumping" also involve competition policy. These provisions show that the WTO member parties have reached a common understanding that private firms are not allowed to set up new barriers to international trade by means of anti-competitive measures. In this sense competition policy has become a part of the WTO agreement. However, since these provisions are scattered in the numerous WTO agreements and do not form an organic whole, especially the "General Agreement on Tariffs and Trade" and the "Agreement on World Trade Organization" are in principle aimed simply at the removal of obstacles to market entrance in commodity and service trade imposed by governments, they play no substantive role in fighting against private sector anti-competitive measures.

To our gratification, the First WTO Ministerial Conference held in Singapore in 1996 took note of the relationship between trade and competition policy and authorized the setting up of a Working Group on the Interaction between Trade and Competition Policy, specifically monitoring the hindrance to international trade of unfair competition policies, making assessment and analysis of the competition policy and competition law of the member parties and recommending measures to be taken by the WTO. Section 25 of "Doha Ministerial Declaration" points out,

> In the period until the Fifth Session, further work in this Working Group will focus on the clarification of: Core principles, including transparency, non-discrimination and procedural fairness,

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and provisions on hardcore cartels; Modalities for voluntary cooperation; Support for progressive reinforcement of competition institutions in developing countries through capacity building. Full account shall be taken of the needs of developing and least-developed country participants and appropriate flexibility provided to address them.

This means that the WTO will make greater progress on competition policy through negotiations.

III. Positions of WTO Members on a Multilateral Framework Agreement on Competition Policy

Within the WTO, the loudest voice for a multilateral framework agreement on competition policy comes from the EU. The EU and its member states have long since made clear their stand on "whether competition policy should be introduced into the WTO and what modalities should be adopted." In this connection, they consider that such an agreement could focus on three widely shared essential objectives:[5]

1. Core principles of a multilateral framework agreement on competition policy, which include,

- Agreement to have a competition authority for each member state endowed with sufficient enforcement powers;
- Competition law should be based on the principle of non-discrimination on grounds of the nationality of firms;
- Competition law should embody the principle of transparency, including as regards any sectoral exclusions;
- Guarantees of procedural fairness, including procedures through which private parties can have access to the competition authorities and the availability of effective domestic remedies;
- Forbidding hardcore cartels, mainly forbidding agreements involving price fixing, bid rigging, output restrictions or customer allocation and market divisions.

EU holds that these core principles are based on the provisions of domestic laws of member parties and the member parties should enact a competition law or relevant competition policy embodying above principles.

2. Modalities of cooperation among members, consisting of:

- Case-specific cooperation, that is, to hold exchanges of case-related information and evidence on cases also affecting the important interests of another WTO member party. The principle of "passive comity" is applied in this form of cooperation;
- Cooperation in the general exchanges of information, that is, to hold general exchanges of information and experience and jointly analyze competitive issues of worldwide influence through a Competition Policy Committee to be established in the WTO following the conclusion of a multilateral framework agreement.

For this purpose, one of the important proposals put forward by the European Union Commission is to establish a Competition Policy Committee in the WTO as the forum of the WTO members where the competition policy issues having great bearings on trade will be discussed in order to push the members to take uniform steps and coordinate their actions on these questions.

3. Specific support to developing countries for capacity building in competition policy filed, which includes:

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- Enhanced technical assistance to developing countries in competition legislation;
- Enhanced support to competition authority of developing countries in the enforcement of laws.

The above proposal of the EU in fact provides a basis for the WTO members to discuss a multilateral framework agreement on competition policy. Switzerland, Japan, the Republic of Korea and other advanced countries in respect to competition policy are positive to this proposal.

The US did not at first approve the introduction of unified competition policy into the WTO framework on these grounds:

- Such a competition policy can only be based on a minimum standard and therefore a standard that will distort competition;
- The WTO dispute-solving mechanism may constitute potential interference with the domestic law institutions of its members;
- It is not reasonable to impose a unified competition policy on WTO members, as a considerable number of developing countries have not adopted a competition law.

The United States therefore proposed to set up a forum known as the Global Competition Initiative to harmonize competition laws and competition policies of the WTO members. The Global Competition Initiative will not have a special permanent international organ but adopt the model of the "Group of Seven," i.e., the members will work for an unofficial understanding among its members. The issues that will be put before the forum for in-depth discussion include:

- Deepening and expanding the application of the principle of "active comity";
- Reaching common understandings on better experience in control of the merger of transnational corporations and in investigations of international cartels;
- Examining fields exempting from the competition law;
- International collaboration in control on enterprise mergers; and
- Making analyses of international cartels and other private and national anti-competition practices as obstacles to market entrance.

In short, multilateral collaboration on WTO competition policy as proposed by the US is a "soft" approach and amounts at most to voluntary exchanges of views or working experience between members. However, the US, having realized the importance of reducing conflicts in the field of competition and the value of the principles of non-discrimination, transparency and procedural fairness, has recently shown interest in an EU proposal for a WTO multilateral framework agreement on competition policy. It hence expressed willingness to technically assist developing countries in building capacity to develop their own competition law and policy and upgrade their market efficiency.

Developing countries vary in their attitude towards a multilateral framework agreement on competition policy in the WTO. Some believe the problems of trade and competition policy are too complex to discuss as yet. The order of the day for the WTO is to lose no time in unfolding education in this field, help developing countries effectively take part in studies and relevant discussions, provide them with technical assistance and building legal systems for competition.[6] But equally many developing countries speak highly of WTO efforts in a multilateral framework agreement on competition policy and think it necessary for the international com-

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munity to have multilateral cooperation and jointly fight against transnational anti-competitive practices.[7] Zimbabwe, for instance, has stated that it is not only its own wish, but also of all members of the Community of East and South Africa (COMESA), to reach a WTO multilateral framework agreement on competition policy.

IV. The Stand and Countermeasures for China to take on the Negotiations on Competition Policy within the WTO Framework

China should adopt a positive attitude towards negotiations on a multilateral framework agreement on competition policy, which will be to its advantage; it is advisable for China to accept it.

1. A multilateral agreement will help curb the negative impact of transnational anti-competitive practices on China

China should accept a WTO multilateral framework agreement on competition policy because, first of all, transnational anti-competitive practices will also impact negatively on the China's markets. International cartels emerging in recent years (e.g. for vitamins and graphite electrodes) have produced pernicious influences for many countries, indeed for the entire world. World Bank data shows nearly 6.7% of developing countries' import trade is negatively affected by international cartels. Firms joining the cartels raise their prices, forcing users and consumers in the importing countries to pay more.[8] China is a huge market and the value of its import and export now ranks the fifth in the world. The Chinese market cannot help but come under the influence of the international cartels. Since January 2002, some international liner transport organizations have manipulated a dozen liner companies to impose additional dock operating cost at Chinese ports during the same period of time and at the same rate, greatly jeopardized the interests of Chinese commodity owners and consignors. Collusion by international liner companies to collect additional dock operating charges is typical international cartel behavior. The EU adjudicated in 2000 that this action violated its competition law; fines of 7 million Euros were imposed on fifteen carriers on the European-Asian shipping lines.[9] China is now investigating this international cartel. If it can get the assistance or cooperation from the EU and other concerned countries, it will be quicker and easier to collect evidences and handle the case.

Moreover, large-scale mergers of transnational corporations will also adversely affect the Chinese economy. It is not difficult to imagine that if the Boeing merged with the EU's Airbus, China's airlines would spend more money to buy airliners. Therefore, China needs to take part in setting international rules in order to safeguard its own interests and economic security.

Some people say that a WTO multilateral framework agreement on competition policy will make little difference to China: without such an agreement, it can seek other approaches to international cooperation and coordination. For example, the US checks the adverse effect of transnational anti-competitive practice on its economy in a unilateral way (that is, the extraterritorial enforcement of antitrust law) and cooperates and coordinates with other countries through bilateral agreements. This argument does not hold water. China's economic strength has not reached the level of the US and it is difficult to imagine China being in a position to act like the US and solve the cases adversely affecting the Chinese market by extraterri-

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torial enforcement of its antitrust laws when such cases do occur. At present China lacks a systemic antitrust law; even if one day it had one, the intense conflicts in national jurisdiction, law and interests would in practice make it very difficult for China to enforce its antitrust law extraterritorially. The US is at present virtually the only state in the world that can solve various problems unilaterally and peremptorily. And that's why, in a sense, it has turned a cold shoulder on a WTO multilateral framework agreement on competition policy. Meanwhile, it is also very difficult to imagine China being able to secure cooperation and coordination in the field of competition law and policy through bilateral agreements as the United States does. Even if China were able to hold bilateral negotiations with the US, the EU, Japan and other WTO members after it promulgates its antitrust law, the cost in time and financial resources is too great for it to bear. It should, therefore, energetically promote the process of multilateral negotiations. Compared with bilateral negotiations multilateral talks are low-cost; further, in the latter the developing countries will make up a large proportion and the environment will surely be more favorable for China than in bilateral negotiations.

2. A multilateral agreement will help the Chinese enterprises march onto the international market

The core principles governing competition policy within the WTO framework consist of non-discrimination, transparency and procedural fairness, each of which is an indispensable condition for fair market competition. Signing a multilateral agreement will not only check the influence of the transnational corporations in the Chinese market, but also further push Chinese firms into international markets. China is potentially a big economy. Its position in the international trade has risen from thirty-second in 1978 to fifth in 2002. The momentum is continuing. It is necessary for China to call for a just and free competitive order; there is no need to fear order. To be sure, any order is a double-edged sword: when your rights are violated the order will be your amulet; but when you violate the rights of other people it will be a shackle for you. The international competitiveness of Chinese firms now stepping onto the international stage is generally weaker than that of the enterprises of the US, Japan or European states. Monopoly of the international market by Chinese enterprises is in prospect at present. A WTO agreement on competition policy, therefore, would only benefit them.

For example, the Chinese exporters often suffer from unfair treatment in international trade, especially on the issue of antidumping. With the conclusion of a WTO multilateral agreement on competition policy, and implementation of the principle of non-discrimination, it will be imperative to reform the WTO antidumping regulations. Given that many WTO members have wielded the antidumping weapon as a trade protective measure, greatly harming the interests and social benefits that other countries should have got from the liberalization of trade, reform in this field will be of net benefit to Chinese firms. Hence, China should not place too much stress on market protection in international trade, as some other developing countries do. As a matter of fact, many other countries' trade protective measures are adopted with an eye on Chinese firms and commodities; many developing countries have lodged antidumping legal proceedings against Chinese firms. We should be fully aware of this change and our ideas should keep up with the times.

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3. A multilateral agreement is favourable to the development and perfection of China's competition law

According to the core principles of a WTO multilateral framework agreement on competition policy, all WTO members should adopt and enforce their own domestic competition laws. Hence this agreement will prove to be both a driving force as well as an external pressure for China to establish and improve its socialist market and competitive order.

With the deepening of the economic restructuring China has set a number of laws in place to protect competition. For example, Article 14 of *Price Law of the People's Republic of China* of 1997 stipulates, "Business operators must not act whatsoever in the following ways to effect abnormal price behaviours: 1. Work collaboratively with others to control market prices to the great detriment of lawful rights and interests of other business operators or consumers;..." Article 6 of the *Law against Unfair Competition of the People's Republic of China* of 1993 stipulates, "No public utility enterprise or any other business operator occupying monopoly status according to law shall restrict people to purchasing commodities from business operators designated by him, thereby precluding other business operators from fair competition." Article 7 of the same law stipulates,

> Governments and their subordinate departments shall not abuse administrative powers to restrict people to purchasing commodities from business operators designated by them and impose limitations on the rightful operation activities of other business operators. Governments and their subordinate departments shall not abuse administrative powers to prevent commodities originating in other places from entering local markets or the local commodities from flowing into markets of other places.

While China has promulgated a number of regulations and rules concerning the protection of competition; and while some achievements have been scored through their enforcement in this regard, serious problems still exist in the nation's legal institutions. For instance, the joint output restriction on colour television kinescopes by eight big Chinese firms in 1998 was greatly detrimental to market competition, but there is no regulation in China banning such behaviour. Similarly, China has no prohibitive regulations to control regional cartels, with the result that the division of marketing areas is legitimate behavior. Apart from provisions for public utility enterprises, China has no general regulations banning abusive use of dominant market position, to say nothing of regulations governing the merger of enterprises. Another serious problem is that there are no effective rules to curb the local trade protection thrown up by the economic transition in a series of administrative regions. Negotiations on a WTO multilateral framework agreement on competition policy will definitely promote antitrust legislation in China. In view of China's urgent need for protection and promotion of competition we should set a high value on this external force.

4. A multilateral agreement will be favourable to the development of an independent competition authority endowed with sufficient enforcement powers

Mere enforcement of a minimum-level competition law is inadequate to coordinate the competition policies of WTO members. Hence a central requirement for the success

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of a WTO multilateral framework agreement on competition policy is to have a competition authority endowed with sufficient enforcement powers. The hardest nut to crack in China' s antidumping legislation is how to set up such an independent authority. Negotiations within the WTO framework will greatly facilitate the solution of this difficulty.

China' s prevailing antitrust provisions are scattered over price law, law against unfair competition, law governing invitations to bid and bidding, and many other laws and regulations. Hence proposals for antitrust law to be enforced respectively by agencies in charge of supervising industry and commerce, price and technical supervision. Some even suggest that the promulgation and enforcement of an antitrust law in future will affect the *Price Law* and *Law against Unfair Competition* now in force. The repercussions, they argue, will be too great, so it is better to postpone the adoption of this law.[10]

In our opinion, due to the special nature of the issues dealt with by the antitrust law, there must be an independent and authoritative law enforcement agency. This is especially true for China because here it has to deal with anti-competitive business practices not only on the part of big enterprise groups or monopoly firms, but also on the part of the state, which may abuse its administrative powers. So the law enforcement agency in this field must be independent and authoritative to a large degree. Cases of anti-competitive business practices by administrative organs in particular are often very complicated and difficult to investigate. If the antitrust law enforcement agency were not independent and authoritative, the handling of cases would inevitably run into interference from administrative departments. For instance, amidst the rampancy of local trade protection some of the agencies in charge of industry and commerce administration are not able to take a detached attitude and handle the case impartially.

It needs to be pointed out here that by "independent" we mean this agency can independently hear and decide a case, not just handle cases involving antitrust law. For the sake of saving resources, this agency can also be responsible for cases involving unfair competition. In some countries, the competition law agency is also qualified to deal with cases involving protection of consumers' interests, and even cases involving antidumping law and countervailing law. However, in any case, the antitrust law cannot be dismembered into several parts with the enforcement of these parts distributed among separate departments: this would seriously impair its authority and status, as well as the efficacy of the antitrust law. It may also give rise to a situation in which some cases become objects vied for by all while others are accepted by none.

5. The core principles of WTO competition law and policy are acceptable to China

Non-discrimination, transparency and procedural fairness as the core principles of WTO competition policy are aimed at providing a transaction platform of fair competition for all enterprises of all countries engaged in international trade. China expressed its commitment to these principles at the time of its accession to the WTO. For example, with regard to national treatment, China promised to grant foreign products treatment not lower than that for China-made like products in commodity imports, tariffs and internal taxes. Prevailing practices and policies contravening this principle would be revised or adjusted. In respect to the principle of transparency, China promised to make public all legal provisions and departmental regu-

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lations and rules related to foreign trade. Those not made public would cease to be enforced. Draft copies of all laws, regulations, rules and other measures involving foreign trade would be made available and the Chinese side would listen to views and suggestions on them before they are put in force. With regard to judicial review, China promised to provide litigants with opportunities for judicial review of relevant laws, regulations and rules, judicial decision and administrative adjudication, including the option of appealing to judicial authorities for litigant who had first appealed to administrative authorities (under the condition of not conflicting with the Administrative Procedural Law of the People' s Republic of China). The above commitments show that no legal obstacles exist to China' s accepting principles of non-discrimination, transparency and procedural fairness of a WTO multilateral agreement on competition policy.

It needs to be pointed out that the principles of non-discrimination, transparency and procedural fairness here are all requirements for the domestic competition law of a WTO member. For instance, the principle of national treatment forbids a WTO member to discriminate against a litigant in the implementation of the competition law on grounds of a different nationality, but it does *not* ask the WTO member to grant aliens national treatment in respect to all policies and in all fields. In the wake of its WTO accession, China has gradually eliminated policies banning the involvement of foreign investors in certain industries, and traditionally closed industries like telecommunication, finance and insurance are gradually becoming competition arenas for transnational corporations. However, out of consideration of national economic security, there have been, and will be, some industries and departments out of the bounds for foreign investors. These restrictions, however, have nothing to do with discrimination in implementing competition policy, but are imposed by national industrial policy or out of other policy considerations. The principle of transparency in the competition law is aimed at the exemption provisions in the antitrust law. Exemption from the antitrust law is a very sensitive and very complicated issue; even in countries and regions withe advanced competition policies, like the US, the EU and Japan, antitrust law is not applicable to all sectors without exception. For instance, the EU' s competition regulations are not applicable to its own agricultural sector. There are also regulations in the US exempting its export firms from the antitrust law. In developing countries, there may be more sectors to exempt from the antitrust law because of state ownership or economic development level. But the general trend in the world is that the sectors traditionally monopolized by the state such as telecommunications, electric power and even the postal service are becoming competitive enterprises because of their high cost and low efficiency. However, there is a transition period here and what "transparency" in the competition policy means is to make this period open.

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Notes

1. See Sarah Stevens, "The Increased Aggression of The EC Commission in Extraterritorial Enforcement of The Merger Regulation and its Impact on Transatlantic Cooperation in Antitrust," *Syracuse Journal of International Law and Commerce*, Spring, 2002, p. 263.
2. United States v. Aluminum Co. of America, 148 F. 2d 416 (2d Cir. 1945).
3. "Communication from the United States," WT/WGTCP/W/204.
4. Anna-Maria Karl, "Auf dem Weg zu einer globalen Kartellrechtsordnung," *Recht der Internationalen Wirtschaftsrecht,* 8/1996, S. 636.
5. See "Communication from the European Community and its Members," WT/WGTCP/W/222, 19 November 2002.
6. *Report on Meeting of 1-2 July 2002,* WT/WGTCP/M/18, 20 September 2002, p. 11.
7. *Report on Meeting of 1-2 July 2002, WT*/WGTCP/M/18, 20 September 2002, p. 3.
8. See *Report on Meeting of 1-2 July 2002*, WT/WGTCP/M/18, 20 September 2002.
9. Document of China Foreign Trade and Economic Cooperation Enterprises Association, [2002], no. 52.
10. Li Changqing and Ma Hongmei, "The Making of Antitrust Law Should Be Postponed for the Time Being" in *Fazhi ribao*, 6 March 2002.

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