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NATIONAL STANDARD OF THE PEOPLE'S REPUBLIC OF CHINA

GB/T 45205-2024

Specification for fair competition compliance management for undertakings

经营者公平竞争合规管理规范

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Foreword

This document is in accordance with the provisions of GB/T 1.1-2020 "Guidelines for standardization work Part

1.Structure and drafting rules for standardization documents" Drafting is required. Please note that some of the contents of this document may involve patents. The issuing organization of this document does not assume the responsibility for identifying patents. This document is under the jurisdiction of the National Technical Committee on Standardization of Institutional Governance (SAC/TC 600). This document was drafted by: State Administration for Market Regulation, China National Institute of Standardization, Competition Policy and Evaluation Center, Shanghai Municipal Administration for Market Regulation, Zhejiang Provincial Administration for Market Regulation, Anhui Provincial Administration for Market Regulation, Guangdong Provincial Administration for Market Regulation Administration, Sichuan Provincial Administration for Market Regulation, Hubei Provincial Administration for Market Regulation, Beijing King & Wood Mallesons, Shanghai Landi Law Firm Beijing Zhonglun Wende Law Firm, Beijing Yingdao Law Firm, Beijing Wu Shaobo Law Firm, China Resources (Group) Co., Ltd. BOE Technology Group Co., Ltd., Weichai Power Co., Ltd., Sichuan Yibin Wuliangye Group Co., Ltd., BMW (China) Automobile Trading Co., Ltd., Sanofi (China) Investment Co., Ltd., Maersk (China) Co., Ltd., Taotian Co., Ltd., Beijing Douyin Information Service Co., Ltd., Beijing Xiaoju Technology Co., Ltd., ZTE Corporation, Fuyao Glass Industry Group Co., Ltd. Company, Jiangsu Hengrui Medicine Co., Ltd., and Tongwei Solar Energy (Chengdu) Co., Ltd. The main drafters of this document are. Fu Hongwei, Aizezi Aili, Li Jia, Meng Yanbei, Gao Qing, Wang Xianlin, Zhou Wei, Guo Ming, Chen Mei, Fang Zheng, Wei Dongpeng, Xu Qing, Cao Lili, Wu Xuejing, Wang Gengjie, Chen Junhua, Xie Rufeng, Du Jia, Chen Qian, Liu Jian, Hu Pinjie, Yang Hongfeng, Zhang Daoyang, Tang Yu, Wang Lile, Xin Qun, Zhou Yan, Li Wenjing.

0.1 Overview This document aims to provide operators with a fair competition compliance management framework based on a process approach to guide their planning, implementation and operation. Through this framework, operators can apply the Anti-Monopoly Law of the People's Republic of China and The requirements of relevant laws and regulations such as the Anti-Unfair Competition Law, as well as voluntary compliance requirements, are broken down into specific compliance obligations and integrated into In the daily management and business processes of the enterprise. The PDCA (Plan-Do-Check-Act) cycle and risk-based thinking adopted in this document will help operators systematically Identify and control compliance risks and continuously improve compliance management. The requirements in the document are adaptable and can be adjusted according to the different regulations of operators. By implementing the requirements and suggestions put forward in this document, the management Investors can optimize compliance management, enhance compliance management capabilities, and promote sustainable and healthy development.

0.2 Process Approach Figure 1 outlines the common elements of fair competition compliance management. Figure

1 Scope

GB/T 45205-2024 specifies the fair competition compliance management system an undertaking should operate. Chinese antitrust enforcement has changed character in the last few years, with penalties calculated on group turnover and personal liability for the executives involved, and the practical question for a company is no longer whether to have a compliance programme but what one has to contain to be credible to a regulator after the fact. The standard follows the high-level management system structure: the undertaking's environment, including the understanding of the undertaking and of its stakeholders and the scope of the system; leadership, with the commitment, the compliance policy and the allocation of responsibilities; planning, with the compliance objectives and the identification of key areas, key processes and key personnel; support, operation - covering the monopoly agreement, abuse of dominance, concentration, administrative monopoly and unfair competition risks - performance evaluation, and improvement. It took effect on 31 December 2024.

0.3 Principles The guiding principles that operators should consider in fair competition compliance management include.

a) Adhere to problem orientation. Identify and analyze the characteristics of the industry, market competition, countries or regions involved in business or activities, etc. Carry out fair competition compliance inspections in a targeted manner in business areas, work links and positions that may generate fair competition compliance risks. Regulation management;

b) Adhere to pragmatism and efficiency. Based on the business scale, business model, governance structure, etc., establish a Fair competition compliance management based on actual circumstances;

c) Comprehensive coverage. Fair competition compliance management should cover all business areas, departments and relevant personnel, and run through decision-making, execution, supervision and other aspects. Supervision, feedback and other aspects, reflected in the decision-making mechanism, internal control, business process and other aspects, to achieve multi-party linkage, top-down Through.

0.4 Relationship with other management system standards This document refers to the essential elements of management system standards developed by ISO to improve coordination and consistency with other management system standards. This document follows the compliance management approach and integrates the elements of the compliance management system (see GB/T 35770-2022) into the fair competition of operators. Compliance management, on the one hand, if the operator has established a compliance management system, it can guide the operator to include The specific requirements for fair competition compliance management are also detailed; on the other hand, if the operator has not established a compliance management system, it can also guide the operator to Plan, implement, operate, evaluate and improve fair competition compliance management.

0.5 Relationship between fair competition compliance management and other compliance management Fair competition compliance management, as a special compliance management, is an important part of business operators' compliance management. The main differences are the types, nature and control measures of compliance risks. There are differences and overlaps in key compliance areas, key links and key personnel. Operators can combine their own management practices to build an integrated Compliance management can also establish independent but interconnected special compliance management based on its own risk priorities. Fair competition compliance management regulations for operators

2 Normative references

The contents of the following documents constitute the essential clauses of this document through normative references in this document. For referenced documents without a date, only the version corresponding to that date applies to this document; for referenced documents without a date, the latest version (including all amendments) applies to This document.

GB/T 35770 Compliance Management System Requirements and Usage Guide

3 Terms and definitions

The terms and definitions defined in GB/T 35770 and the following apply to this document.

3.1 Operator undertakings Natural persons, legal persons and unincorporated organizations engaged in the production, operation of goods or provision of services.

3.2 fair competition compliance obligation Requirements concerning fair competition that operators must compulsorily comply with, as well as requirements concerning fair competition that operators voluntarily choose to comply with. Require. Note

1.Requirements that must be followed usually come from laws, regulations, and rules such as the Anti-Monopoly Law of the People's Republic of China and the Anti-Unfair Competition Law of the People's Republic of China. Chapters and normative documents, etc. Note

2.Requirements that are voluntarily chosen to be complied with usually come from the operator's rules and regulations, relevant standards and guidelines, signed contracts and agreements, public commitments, etc.

3.3 fair competition compliance Fulfill all fair competition compliance obligations of operators.

3.4 interested party A person or organization that can influence a decision or activity, is