

经济合作与发展组织

产业组织经济学和 竞争法律术语解释

ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT

GLOSSARY OF INDUSTRIAL ORGANISATION ECONOMICS AND COMPETITION LAW

崔书锋 译
吴汉洪
吴汉洪 校



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产业组织经济学和

竞争法律术语解释

(经济合作与发展组织)

GLOSSARY OF INDUSTRIAL ORGANISATION ECONOMICS AND COMPETITION LAW

ORGANISATION FOR ECONOMIC CO-
OPERATION AND DEVELOPMENT

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序 言

设立于1990年3月的欧洲转型经济体合作中心，是经济合作与发展组织（以下称OECD）和中东欧国家及前苏联之间合作的核心。其主要职责是规划和管理一个集政策咨询、技术援助和培训于一体的项目，该项目利用OECD秘书处及其成员国的经验对正在进行经济改革的国家提出建议。

1990年12月，OECD理事会设立了一项名为“转型合作伙伴”的项目，该项目的目的是向那些正在

FOREWORD

The Centre for Co-operation with European Economies in Transition, created in March 1990, is the focal point for co-operation between the OECD and central and eastern European countries and the former Soviet Union. Its major responsibility is to design and manage a programme of policy advice, technical assistance and training which puts the expertise of the Secretariat and Member countries at the disposal of countries engaged in economic reform.

In December 1990, the Council adopted a programme “Partners in Transition” for the purpose of providing more focused assistance

to those countries that are more advanced in introducing market-oriented reforms and desire to become members of OECD. Additional activities which the Centre co-ordinates under this programme include reviews of the country's economic situation and prospects; reviews of specific policy areas and the participation of the Partner countries in a number of OECD committees.

In all these activities, the Centre maintains close relations with other multilateral bodies with the mutual objective of ensuring the complementarity of respective efforts to support economic reforms in Central and Eastern Europe and the former Soviet Union.

This Glossary of Industrial Organisation Economics and Competition Law has been commissioned by the Directorate for Financial, Fiscal and Enterprise Affairs in the framework of the Centre's work programme, to assist officials, academics and policy makers in the reforming central and eastern European economies in their understanding of the basic concepts of modern microeconomics.

The Glossary has been compiled by R. S. Khemani, Adjunct Professor at the Faculty of Commerce and Business Administration, University of British Columbia, B. C., Canada and

推进市场化改革并希望成为 OECD 成员的国家提供更加集中的援助。中心在该项目下协调的其他活动包括对国家经济现状和前景进行评价、对特定政策领域和加入 OECD 的申请进行评议。

在所有这些活动中，其核心是保持和其他多边机构的密切联系，这些机构共同的目标是确保他们各自在支持中东欧国家和前苏联经济改革中力量的互补。

《产业组织经济学和竞争法律术语解释》是受金融、财政和企业事务理事会的委托，在中心的工作计划框架内，帮助官员、学者和政策制定者在对中东欧经济体的改革中理解现代微观经济学的基本概念。

本资料由加拿大英属哥伦比亚大学商事与商务管理学院助理教授 R.S.Khemani 和加拿大蒙特利尔肯考迪亚大学社会和公共事务学院

长 D. M. Shapiro 负责编辑。

本术语表的出版由 OECD 秘书长负责。

欧洲转型经济体合作中心主任
Salvatore Zecchini

D. M. Shapiro, Principal, School of Community and Public Affairs, Concordia University, Montreal P.Q.

The Glossary is published on the responsibility of the Secretary-General of the OECD.

Salvatore Zecchini
Director of the Centre for Co-operation
with the European Economies in Transition

译者前言

2006年6月7日，中国国务院总理温家宝主持召开国务院常务会议，讨论并原则通过《中华人民共和国反垄断法（草案）》。反垄断法是保护市场竞争，防止和制止垄断行为，维护市场竞争秩序的重要法律制度。

应当看到，反垄断立法和今后的执法都是技术性和政策性很强的工作。为了满足社会各界人士了解、认识和把握反垄断事务的情况，在中国经济出版社的大力帮助下，我们组织翻译了由经济合作与发展组织（OECD）编写的工具性的资料：产业组织经济学和竞争法律术语解释。

我们认为，这一资料的翻译出版有如下现实意义：其一，由于反垄断事务所涉及的基本领域是经济学和法学，在反垄断事务中，经常涉及其中的一些基本概念和基本术语，对一部分外行人来说，一些有

Preface

On 7th June, 2006, Chinese premier Wen Jiaobao held a standing conference under the State Council, in which they discussed and adopted the Law Draft on Anti-Monopoly of China in principle. This law is the important rules and regulations in markets, preventing and prohibiting monopolized activities and keeping the order in markets.

It should be acknowledged that to establish the anti-monopoly law and to enforce the law are tasks which can not be carried out without high technology and proper policies. In order to meet the demand for all groups who can learn, understand and handle all situations in anti-monopoly activities, with the help of the Economy Publishing House of China, we translated this book which may serve as a tool, and compiled by OECD: glossary of industrial organization economics and competition law.

We believe that the publish of this book's translation has the following practical significances: firstly, to some extent, this book can help solve problems by means of illustrating some basic jargon's in industrial eco-

nomics or the theory of industrial organization and competition law (anti-monopoly law). Because, to many laymen, there are some unclear concepts and jargons concerning the fields of economics and law which are involved in the anti-monopoly activities. Disputes and discrepancies in the competitive effect brought by the same activity may happen among the governmental enforcement department, lawyers and parties concerned in the future enforcement of anti-monopoly law, and so, in reality, we need put up a platform of concepts and jargons for anti-monopoly activities so as to reduce "dispute cost" on either side. Only based on the relating same concepts and jargons can parties involving the anti-monopoly disputes communicate and improve working efficiency. Thirdly, this book gives the Chinese translation, while, attached its original English version. This can help international exchange in anti-monopoly activities and law's implement in overseas. Considering the situation of the anti-monopoly law's enforcement in overseas and of the fact that our country's reform and opening-up has been constantly deepened, anti-monopoly activities are inevitable, and in this case, both Chinese and foreign sides also need a platform of concepts

关的概念和术语并不那么清楚和明白。本资料通过对产业经济学或产业组织理论和竞争法律（反垄断法）最基本术语的解释和说明，在一定程度上可以起到“释疑解惑”的作用。其二，在未来的反垄断事件的执法中，政府执法部门、律师和事件当事方肯定在会对同一事件具有的竞争效应方面发生分歧和争议，为了尽量减少各方的“争议成本”，客观上需要搭建一个反垄断事务基本概念和术语的平台，反垄断事件的争议方只有在基本相同的概念、术语上进行沟通才能提高议事的效率。从这个意义上说，本资料在搭建上述平台方面可能会有一些用处。其三，考虑到反垄断法的域外适用情况和我国对外开放程度不断提高的事实，涉外反垄断事务将不可避免。对中外双方来说，同样也需要“概念和术语的平台”。正是出于这种考虑，本资料在给出原资料中文译文的同时，也附上了英文原文。相信这一处理能对反垄断事务的国际交流和域外适用有所帮助。

本书由崔书锋先生翻译，译文初稿完成后，由我负责全书校译。在校译过程中，李之彦先生给予了一定的帮助，此外，董红霞博士承担了部分事务性的工作，在此向两位表示感谢。在这里，我也要感谢中国经济出版社的张晓楹先生和有关人员为本书出版所付出的辛勤劳动。

最后，由于时间和水平有限，翻译中的偏颇和错误在所难免，真诚欢迎读者批评指正。

吴汉洪
2006年06月
于中国人民大学经济学院

and jargons.

After this book's translation made by Mr. Cui Shufeng, I was in charge of the final manuscripts read and approved with Mr. Li Zhiyan's assistance. In addition to that, Dr. Dong Hongxia was responsible for part of businesslike work. Here I would particularly like to acknowledge my special indebtedness to both of them. And also I have Mr. Zhang Xiaoying and others from the Economy Publishing House of China to thank for help in the efforts that eventually led to this book's press.

We sincerely hope our readers will kindly forward to us their criticisms and suggestions for improving these manuscripts.

Wu Hanhong
June, 2006
School of Economics
Renmin University of China

术 语 索 引

【说明】本书主要对黑体字术语进行定义和讨论，而对那些斜体字术语（编者注：仅对英文而言）则是交叉引用或整合进其他相关术语和概念的表述中。

Terms in bold type are defined and discussed in this glossary. Those in italics are cross-referenced or incorporated in the discussion of other related terms and concepts. (The column of figures below right indicates the corresponding term in the French version of the Glossary).

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