



NEWSLETTER

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Weekly Competition Law News

By Lifang & Partners

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Domestic News

Zhejiang AMR Fines 12 Concrete Companies CNY 4.15m for Reaching Monopoly Agreement

On 7 February 2020, China's State Administration for Market Regulation ("SAMR") published the decisions in which the Zhejiang Administration for Market Regulation ("Zhejiang AMR") fined 12 local concrete companies CNY 4.15m for reaching monopoly agreement, another company involved was exempted from administrative penalty because the offense is minor. Zhejiang AMR found that from July 2015 these companies held several meetings and reached agreements to allocate market and restrict output, which violated the relevant provision under Article 13 of the *Anti-Monopoly Law*. The regulator also found that the agreements had not been implemented for various reasons. ([More](#))

SAMR Adjusts Merger Review Documents Sending and Receiving Mode Affected by the 2019-nCoV Coronavirus Outbreak

On 6 February 2020, SAMR announced to adjust the documents sending and receiving mode of the review of concentration of undertakings during the control and prevention of the 2019-nCoV coronavirus outbreak. The merger filing documents and supplemental materials should be sent to the email address of the Anti-Monopoly Bureau fldj@samr.gov.cn for online notification and submission. For those who are inconvenient to submit online, relevant documents can also be submitted via mail. Notice of acceptance, list of supplementary documents, filing notice and various decisions will be sent to the applicant via email or fax address filled in the notification materials. ([More](#))

Overseas News

EU Opens Antitrust Investigation into Qualcomm 5G Modem Chipset Business

On 5 February 2020, the US Chipmaker Qualcomm said that on December 3, 2019, it received a Request for Information from the European Commission ("EC") notifying that it is investigating whether Qualcomm engaged in anti-competitive behavior in the European Union/European Economic Area by leveraging its market position in 5G baseband processors in the Radio Frequency Front Ends space. Qualcomm is in the process of responding. If a violation is found, a broad range of remedies is potentially available to the EC, including imposing a fine (of up to 10% of our annual revenues) and/or injunctive relief prohibiting or restricting certain business practices. ([More](#))

UK Government Commissions the CMA to Produce a Regular State of Competition Report

On 5 February 2020, the UK's Competition and Markets Authority ("CMA") announced that the Department for Business, Energy and Industrial Strategy and the HM Exchequer had commissioned the CMA to produce a regular state of competition report to research and analyze the level and nature of competition across the UK economy, aiming at driving productivity and long-run economic growth. The CMA will publish a preliminary report in Summer 2020. ([More](#))

DOJ and FTC Announce Workshops on Draft Vertical Merger Guidelines, Extend Comment Period

On 3 February 2020, the Department of Justice (“**DOJ**”) and the Federal Trade Commission (“**FTC**”) announced two public workshops, on March 11, 2020 and March 18, 2020, to solicit public dialogue on the draft vertical merger guidelines released on January 10, 2020. The two half-day workshops will allow for a dynamic discussion about the proposed guidelines to complement any written public comments about the draft guidelines that are submitted to the agencies. Both workshops are free and open to the public. The agencies also announced that they will extend the deadline for submitting public comments. The new final deadline for submitting comments is February 26, 2020. ([More](#))

Top Antitrust Official Is Said to Recuse Himself From Google Inquiry

On 3 February 2020, the *New York Times* reported that Makan Delrahim, the head of the antitrust division at the DOJ, had recused himself from investigating Google, even as the agency’s examination of the largest tech companies ramps up. In 2007, Mr. Delrahim, who was in private law practice at the time, had a contract to lobby for Google’s acquisition of the ad-technology company DoubleClick, according to the people, who spoke on the condition of anonymity. As the technology review progressed, Mr. Delrahim revisited potential conflicts with previous work with the DOJ’s ethics office. He and the ethics office decided that he should recuse himself from a matter within the tech review in an abundance of caution. ([More](#))

CMA Welcomes EU Court Ruling in Pay-for-Delay Drug Case

Recently, the CMA announced that it welcomed a ruling from the EU Court of Justice (“**ECJ**”) in relation to the case that GlaxoSmithKline and other pharmaceutical companies reaching “pay-for-delay” agreements broke the law. In 2016, the CMA imposed fines of GBP 45m on the companies involved. GlaxoSmithKline and other companies challenged that decision at the Competition Appeal Tribunal (“**CAT**”), which sought guidance from the ECJ. The ECJ backed the CMA’s decision that they had broken competition law. ([More](#))

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