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## 国内要闻 Domestic News

### 市场监管总局公布广东惠州车检行业垄断案处罚决定书，车检协会及31家企业被罚170余万元

2020年5月14日，国家市场监督管理总局（“市场监管总局”）公布了由广东省市场监督管理局（“广东省市监局”）查处的惠州市机动车检测行业垄断协议案的处罚决定书，惠州市机动车检测行业协会和31家车检企业合计被罚170余万元。涉案行业协会因组织达成并实施垄断协议被处以40万元罚款；8家车检企业被处以2017年度销售额3%罚款；17家车检企业被处以2017年度销售额1%罚款；6家车检企业因2017年度无销售额而未被处以罚款。（[查看更多](#)）

### Guangdong AMR Fines Huizhou Vehicle Detection Industry Association and 31 Members over CNY 1.7m for Price-fixing

On 14 May 2020, China's State Administration for Market Regulation ("SAMR") published 32 sanction decisions made by the Administration for Market Regulation of Guangdong Province ("Guangdong AMR") in which it fined the Huizhou Vehicle Detection Industry Association and its 31 members totally over CNY 1.7m for price-fixing. The association was fined CNY 0.4m for organizing its members to reach and implement horizontal monopoly agreements, 8 vehicle detection companies were fined 3% of their turnover in 2017 and 17 companies were fined 1% of their turnover in 2017. Besides, 6 companies were exempted from penalty because of no sales revenue in 2017. ([More](#))

### 安徽省召开公用企业垄断行为告诫会

2020年5月13日，安徽省暨合肥市公用企业垄断行为告诫会在合肥市市场监督管理局召开，安徽省及合肥市供电、供水、供气、供热、烟草、邮政等25家公用企业负责人参加会议。会议指出，开展公用企业垄断行为治理专项执法行动是2020年的一项重点工作任务。各公用企业要自查自纠，及时发现问题。市场监管部门要深入开展排查，加大对垄断行为的执法力度。（[查看更多](#)）

### Anhui Regulator Warns Public Utilities of Antitrust Violations

On 13 May 2020, a warning meeting on monopolistic behaviors of public utilities was held at the Hefei Administration for Market Regulation of Anhui Province. Executives of 25 public utilities including power supply, water supply, gas supply, heat supply, tobacco, and postal service attended the meeting. It was mentioned during this meeting that the special action against public utilities' antitrust violations is one of the prominent missions in 2020. Public utilities should conduct self-inspection and rectification and market regulators should conduct in-depth investigation against potential monopolistic behaviors. ([More](#))

### 市场监管总局等四部门发布关于进一步推进公平竞争审查工作的通知

2020年5月12日，市场监管总局、国家发展和改革委员会（“国家发改委”）、财政部和商务部联合发布了关于进一步推进公平竞争审查工作的通知。通知提出了4点健全审查规则的措施：

(1) 完善审查范围；(2) 细化审查标准；(3) 优化审查方式；(4) 推行第三方评估。此外，通知还提出了4点完善工作机制的措施：(1) 定期开展评估清理；(2) 建立政策措施抽查机制；(3) 健全举报处理和回应机制；(4) 加强信息化技术运用。 ([查看更多](#))

## China to Further Promote Fair Competition

On 12 May 2020, SAMR, the National Development and Reform Commission (“NDRC”), the Ministry of Finance, and the Ministry of Commerce jointly released the *Notice on Further Promoting the Fair Competition Reviews* (“Notice”). The Notice underlined four measures to optimize the review rules: (i) perfecting review scope; (ii) refining review standards; (iii) optimizing review measures; and (iv) promoting third-party assessment. The Notice also specified four aspects to improve the working mechanism: (i) conducting regular assessment and clean-up work; (ii) establishing random inspection mechanism for policies and measures; (iii) optimizing the mechanism for handling and responding to reports; and (iv) strengthening the adoption of information technology. ([More](#))

## 行政垄断后继诉讼：柏赛罗药业诉深圳卫健委行政赔偿案原告一审败诉

近日，中国裁判文书网公布了广州柏赛罗药业有限公司（“柏赛罗药业”）与深圳市卫生健康委员会（“深圳卫健委”）行政赔偿纠纷判决书。此前，国家发改委曾认定深圳市卫生和计划生育委员会存在行政垄断行为。本案中，原告请求法院判令被告赔偿因行政垄断对原告造成的经济损失近2000万元。广东省深圳市盐田区人民法院经审理认为，被告的违法行为与原告主张其作为药品生产企业的损失之间没有对应关系，因此驳回了原告的诉讼请求。 ([查看更多](#))

## Court Favors the Medical Regulator in An Administrative Monopoly Follow-On Action

Recently, [wenshu.court.gov.cn](http://wenshu.court.gov.cn) published the judgment of an administrative compensation dispute between Guangzhou Pui's Pharmaceutical Factory Ltd. and Shenzhen Municipal Health Commission. The Shenzhen Yantian District People's Court of Guangdong Province ruled in favor of the defendant finding there was no relationship between the plaintiff's claimed damages and the defendant's illegal behaviors. Previously, NDRC once rectified the administrative monopolistic behavior of the defendant's predecessor. Then the plaintiff claimed damages around CNY 20m caused by the defendant's administrative monopoly. ([More](#))

## 海外动态 Overseas News

### 美国司法部要求诺贝丽斯剥离爱励铝业北美全部汽车车身铝薄板业务

2020年5月12日，美国司法部（Department of Justice, “DOJ”）发布新闻称，其已向美国俄亥俄州北部地区法院提交最终判决建议，要求诺贝丽斯（Novelis）剥离爱励铝业（Aleris）在北美的全部汽车车身铝薄板业务，以维护市场竞争。此前，DOJ与诺贝丽斯及爱励铝业达成协议，将“汽车车身铝薄板在反垄断法下是否构成相关产品市场”这一问题提交仲裁。诺贝丽斯及爱励

铝业同意，若仲裁认定构成相关产品市场，则同意剥离爱励铝业在北美的全部汽车车身铝薄板业务。最终，DOJ赢得仲裁。（[查看更多](#)）

## **DOJ Requires Novelis to Divest Aleris' Entire Aluminum Automotive Body Sheet Operations in North America**

On 12 May 2020, the U.S. Department of Justice (“DOJ”) announced that it had filed a proposed final judgment with the U.S. District Court for the Northern District of Ohio requiring Novelis Inc. to divest Aleris Corporation’s entire aluminum automotive body sheet operations in North America to satisfy the DOJ’s competitive concerns with Novelis’s acquisition of Aleris. Prior to filing its civil antitrust lawsuit to block the merger, the DOJ Antitrust Division reached an agreement with Novelis and Aleris to refer the matter to binding arbitration if Novelis and Aleris were unable to resolve the United States’ competitive concerns with the transaction. Under the arbitration terms, Novelis agreed to divest Aleris’s aluminum automotive body sheet operations in North America if the United States prevailed in arbitration. The arbitrator ruled for the United States, holding that aluminum automotive body sheet constitutes a relevant antitrust product market. ([More](#))

## **着力完善正当程序，韩国国会通过规制垄断与公平贸易法修正案**

近日，韩国国会通过了着眼于程序方面改进的《规制垄断与公平贸易法》修正案。本次修改涉及许多问题，包括提交意见和陈述、获取数据、限期说明、监测同意决定的遵守情况的权利（权力）等。韩国公平贸易委员会称，由于加强了被调查方的申辩权，修改后的法律将改善正当程序，并在从调查到听证的整个过程中增加透明度和可靠性。该修正案将在韩国总统签署后公布，并在一年后生效。（[查看更多](#)）

## **Korean National Assembly Passes the Amendment to the MRFTA that Enhances Due Process in Investigative and Hearing Procedures**

Recently, the Korea Fair Trade Commission said in a press release that the amendment to the *Monopoly Regulation and Fair Trade Act* (“MRFTA”), which focuses on procedural improvements, had been approved by the Korean National Assembly. The changes cover many issues including the right to submit opinions and make a statement, access to data, specification of the limitation period, the monitoring of compliance with the consent decision, etc. The revised law will improve due process and increase transparency and reliability throughout the entire process from investigation to hearing as it enhances the respondent’s right of defense. The amendment to the MRFTA will be promulgated after getting the president’s approval and then come into effect a year after that date. ([More](#))

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