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国内要闻 Domestic News

市场监管总局决定废止《关于禁止公用企业限制竞争行为的若干规定》等部门规章

SAMR Abolishes Several Provisions on Prohibiting Public Utilities from Restricting Competition

上海市市监局发布《经营者反垄断合规指引》英语版、德语版及日语版

Shanghai AMR Releases English, German and Japanese Versions of Anti-Monopoly Compliance Guide

国务院办公厅：破除行业协会商会垄断性收费项目，实现服务价格市场化

China to Break Industrial Associations and Chambers of Commerce Monopolistic Charging Service to Achieve Service Price Marketization

市场监管总局反垄断局派员参加金砖国家竞争机构应对新冠疫情网络视频会议

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SAMR Attends Hong Kong Competition Commission Webinar on Responses to COVID-19

海外动态 Overseas News

欧盟委员会宣布对消费物联网行业展开反垄断调研

European Commission Launches Sector Inquiry into the Consumer Internet of Things

欧盟更新卡特尔案件执法数据，1990年以来开出超300亿欧元罚单

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2020年7月16日，国家市场监督管理总局（“市场监管总局”）发布了《关于废止部分规章的决定》，废止了《关于禁止公用企业限制竞争行为的若干规定》（“《若干规定》”）等24部部门规章，以进一步优化营商环境，提升监管效能。《若干规定》由原国家工商行政管理局于1993年12月24日公布施行。（[查看更多](#)）

SAMR Abolishes Several Provisions on Prohibiting Public Utilities from Restricting Competition

On July 16, 2020, China's State Administration for Market Regulation ("SAMR") issued the *Decision on the Abolition of Certain Regulations* to further optimize the business environment and improve the efficiency of supervision, which abolished 24 departmental regulations including the *Several Provisions on Prohibiting Public Utilities from Restricting Competition* ("Several Provisions"). The Several Provisions was promulgated by the former State Administration for Industry and Commerce on December 24, 1993. ([More](#))

上海市市监局发布《经营者反垄断合规指引》英语版、德语版及日语版

2020年7月13日，上海市市场监督管理局（“上海市市监局”）发布了《上海市经营者反垄断合规指引》（“《指引》”）英语版、德语版、日语版。上海市市场局表示，自2019年12月26日发布以来，《指引》为引导和帮助本市经营者加强竞争领域合规管理提供了重要依据和参照，取得了良好的社会效果。外文版《指引》的发布有助于增强各国企业的公平竞争意识和反垄断合规意识，为打造国际化的营商环境提供强有力支撑。（[查看更多](#)）

Shanghai AMR Releases English, German and Japanese Versions of Anti-Monopoly Compliance Guide

On July 13, 2020, the Shanghai Municipal Administration for Market Regulation ("Shanghai AMR") released English, German and Japanese versions of the *Shanghai Anti-monopoly Compliance Guide for Undertakings* ("Compliance Guide"). The Shanghai AMR stated that the Compliance Guide had provided an important basis and reference for guiding and helping local undertakings to strengthen competition compliance management since the release of the Chinese version on December 26, 2019, and achieved excellent progress; and the Compliance Guide in foreign languages would help foster the awareness of fair competition and antitrust compliance for foreign undertakings and support the construction of international business environment in Shanghai. ([More](#))

国务院办公厅：破除行业协会商会垄断性收费项目，实现服务价格市场化

近日，国务院办公厅发布了《关于进一步规范行业协会商会收费的通知》（“《通知》”）。《通知》指出，要合理设定经营服务性收费标准，以进一步提升行业协会商会收费规范性和透

明度。对于行业协会商会开展的具有一定垄断性和强制性的经营服务性收费项目，通过放宽准入条件、引入多元化服务主体等方式破除垄断，实现服务价格市场化。（[查看更多](#)）

China to Break Industrial Associations and Chambers of Commerce Monopolistic Charging Service to Achieve Service Price Marketization

Recently, the General Office of China's State Council issued the *Notice on Further Regulating Charges by Industrial Associations and Chambers of Commerce* ("Notice"). The Notice points out that it is necessary to set reasonable charging standards for operational services to further enhance standardization and transparency of charges of industry associations and chambers. The Notice also emphasizes to crack down monopolistic operational services charged by industry associations and chambers of commerce by lowering access condition and importing diversified servicers. ([More](#))

市场监管总局反垄断局派员参加金砖国家竞争机构应对新冠疫情网络视频会议

近日，市场监管总局反垄断局派员参加了巴西、俄罗斯、印度、中国和南非（“金砖五国”）竞争执法机构联合举行的应对新冠疫情网络视频会议。金砖五国竞争执法机构分别介绍了本国目前的疫情防控态势，分享了疫情发生以来在经营者集中审查、反垄断执法和竞争倡导等方面采取的应对措施，并讨论了下一步金砖五国竞争执法机构深化合作、共同应对疫后挑战的工作安排。（[查看更多](#)）

SAMR Attends BRICS Webinar on Responses to COVID-19

Recently, the officials of the Anti-Monopoly Bureau of SAMR attended the webinar on the responses to the COVID-19 from Brazil, Russia, India, China and South Africa ("BRICS")'s competition authorities. During this webinar, these authorities (i) introduced current pandemic prevention and control situation in their countries respectively; (ii) shared countermeasures they had taken in dealing with the concentration of undertakings, antitrust enforcement and competition advocacy since the outbreak of the COVID-19, and (iii) discussed future work arrangement of the BRICS's competition agencies to deepen cooperation and work together to deal with post-pandemic challenges. ([More](#))

市场监管总局反垄断局派员参加香港竞委会疫情应对网络研讨会

近日，市场监管总局反垄断局派员参加了中国香港竞争事务委员会举办的“新冠疫情与竞争执法机构的应对”网络视频研讨会，与来自多个国家和地区的竞争执法机构的执法官员，以及联合国贸发会和境外知名院校的专家学者交流了疫情期间竞争执法机构在应对防疫物资价格上涨、豁免中小企业协同行为、政府针对特定行业发放补贴等问题上的经验做法，并探讨了新冠肺炎疫情对全球竞争执法机构带来的挑战和应对思路。（[查看更多](#)）

SAMR Attends Hong Kong Competition Commission Webinar on Responses to COVID-19

Recently, the officials of the Anti-Monopoly Bureau of SAMR attended the "Webinar on Competition Authorities' Responses to COVID-19" held by the Hong Kong Competition Commission. Officials from competition authorities and scholars and experts from UNCTAD and prestigious universities ex-

changed experiences in dealing with the price rise of pandemic prevention supplies, exemption of horizontal co-operation among small and medium-sized enterprises, government subsidies for specific industries, and other problems during COVID-19; and analyzed the challenges and countermeasures of the global competition agencies during COVID-19. ([More](#))

海外动态 Overseas News

欧盟委员会宣布对消费物联网行业展开反垄断调研

2020年7月16日，欧盟委员会宣布对消费物联网（Consumer Internet of Things）行业展开反垄断调研。此项行业调研将涵盖可穿戴设备（比如智能手表或健身追踪器）和用于冰箱、洗衣机、智能电视、智能音箱和智能照明等智能家居的联网消费设备。如果欧盟委员会通过对调研结果的分析识别出了具体的竞争问题，其将可能启动正式调查以确保消费物联网的运行符合欧盟对商业实践的限制性规定和关于滥用市场支配地位的规定。（[查看更多](#)）

European Commission Launches Sector Inquiry into the Consumer Internet of Things

On July 16, 2020, the European Commission launched an antitrust competition inquiry into the sector of Consumer Internet of Things for consumer-related products and services in the European Union. The sector inquiry would cover products such as wearable devices (e.g. smart watches or fitness trackers) and connected consumer devices used in the smart home context (e.g. such as fridges, washing machines, smart TVs, smart speakers and lighting systems). If the Commission identified specific competition concerns after analyzing the results, it could open case investigations to ensure compliance with EU rules on restrictive business practices and abuse of dominant market positions. ([More](#))

欧盟更新卡特尔案件执法数据，1990年以来开出超300亿欧元罚单

2020年7月14日，欧盟委员会网站发布了更新后的卡特尔案件执法统计数据。数据显示，自1990年至今，欧盟委员会针对卡特尔案件已经累计开出了超过300亿欧元（约合人民币2392亿元）的罚单。其中，欧盟委员会处罚金额最高的三个案件分别为卡车案（超38亿欧元）、电视/电脑显示器电子管案（超14亿欧元）、欧元利率衍生品案（约12.76亿欧元）。卡车案中的戴姆勒、斯堪尼亚和达夫系1969年以来因实施卡特尔行为而遭欧盟委员会处罚金额最高的三家公司。（[查看更多](#)）

European Commission Fines over EUR 30bn on Cartel Cases Since 1990

On July 14, 2020, the European Commission published the updated statistics of the enforcement of cartel cases. The data shows that the Commission has imposed fines totaling over EUR 30bn on cartel cases since 1990. Three cases that the Commission has fined the most were the trucks case (over EUR 3.8bn), TV and computer monitor tubes case (over EUR 1.4bn), and Euro interest rates derivatives case (around EUR 1.276bn). Daimler, Scania and DAF in the trucks case are the three companies who were fined the most for cartel by the European Commission since 1969. ([More](#))

因合谋降低乙烯购买价格，欧盟对四家化工公司开出2.6亿欧元罚单

2020年7月14日，欧盟委员会发布新闻称，其已就Orbia、科莱恩、塞拉尼斯及西湖化学等四家化工公司合谋降低乙烯购买价格的卡特尔行为开出2.6亿欧元（约合人民币20.78亿元）的罚单。其中，西湖化学因向欧盟委员会披露该卡特尔而免于处罚。欧盟委员会调查发现，在2011年12月至2017年3月，四家化工公司在确定“月度购买价格”（Monthly Contract Price, “MCP”）时就其价格谈判策略进行协同，以获取对其有利的MCP，从而降低乙烯价格波动的风险。（[查看更多](#)）

European Commission Fines Four Ethylene Purchasers EUR 260m for Collusion

On July 14, 2020, the European Commission announced that it had fined Orbia, Clariant, Celanese and Westlake a total of EUR 260m for the cartel collusion to buy ethylene for the lowest possible price. Westlake was not fined as it revealed the cartel to the Commission. The Commission's investigation revealed that from December 2011 to March 2017 during the process of establishing the Monthly Contract Price (“MCP”), four ethylene purchasers coordinated their price negotiation strategy to influence the MCP to their advantage and reduce the risk of ethylene price volatility. ([More](#))

美国司法部将举办研讨会，讨论音乐版权许可的竞争问题

2020年7月10日，美国司法部发布新闻称，其将于7月28日和29日举办一场网上公开研讨会。音乐产业的利益相关方将有机会讨论音乐产业中公开表演权许可方面的竞争问题，包括针对美国作曲家、作词家和音乐出版商协会和广播音乐公司（Broadcast Music, Inc.）的同意法令以及这些同意法令对反垄断执法和政策的影响。本次研讨会将于会议日期美国东部时间12:30至16:00进行网上直播。（[查看更多](#)）

US DOJ to Hold Workshop on Competition in Music Copyright Licensing

On July 10, 2020, the U.S. Department of Justice (“DOJ”) announced that it would hold a virtual public workshop on July 28 and 29. Stakeholders in the music industry will have the opportunity to discuss the American Society of Composers, Authors, and Publishers and Broadcast Music, Inc. consent decrees and their implications for antitrust law enforcement and policy. The workshop will be webcast from approximately 12:30 pm to 4 pm eastern time each day. ([More](#))

国际竞争网络（ICN）发布《关于加强宽大制度跨国合作的指引》

近日，国际竞争网络（International Competition Network, “ICN”）发布了《关于加强宽大制度跨国合作的指引》（Guidance on Enhancing Cross-Border Leniency Cooperation, “《指引》”）。《指引》包括简介、执法机构间沟通、保密信息交换、案件前期审查/秘密调查阶段协作、案件后期审查/公开调查阶段协作、与国内其他机构协作共六节内容，旨在为竞争执法机构提供实用建议，以帮助其应对跨国宽大制度的申请并减少宽大制度申请人所面临的实质障碍。（[查看更多](#)）



International Competition Network Releases Guidance on Enhancing Cross-Border Leniency Cooperation

Recently, the International Competition Network (“ICN”) released the *Guidance on Enhancing Cross-Border Leniency Cooperation* (“**Guidance**”). The Guidance consists of six parts, including: (i) introduction; (ii) communication between agencies; (iii) exchange of confidential information; (iv) coordination in the pre-inspection/covert stage of a case; (v) coordination in the post-inspection/overt stage of a case; and (vi) coordination with other domestic agencies. The Guidance aims to provide practical advice for competition agencies to assist them in engaging with other jurisdictions on matters involving multi-jurisdictional leniency applicants and help to reduce disincentives for prospective leniency applicants.

[\(More\)](#)

立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。

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