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市场监管总局发布《中国反垄断执法年度报告（2019）》

2020年12月25日，国家市场监督管理总局（“市场监管总局”）发布《中国反垄断执法年度报告（2019）》。《报告》分为工作综述、执法成效、行业执法、竞争政策、法治建设、国际合作、竞争倡导、地方工作、反垄断机构、大事记等十个章节及附录，从多个维度较为全面地展示了我国反垄断执法工作。据悉，这是我国《反垄断法》实施十二年以来，监管部门首次发布的综合性反垄断执法年度报告。（[查看更多](#)）

SAMR Publishes 2019 Antitrust Enforcement Annual Report

On December 25, 2020, China's State Administration for Market Regulation ("SAMR") published the *Annual Report on Antitrust Enforcement in China (2019)*. The report is divided into 10 chapters, including overview, effectiveness, sectors, competition policy, rule of law construction, international cooperation, competition advocacy, provinces, antitrust agencies and chronicle of events, which comprehensively presents china's antitrust work from multiple dimensions. It is the first antitrust enforcement annual report issued by China's top antitrust regulator in the 12 years since the implementation of the *Anti-Monopoly Law*. ([More](#))

市场监管总局发布2019年反垄断执法十大典型案例

2020年12月25日，市场监管总局发布2019年反垄断执法十大典型案例，分别是：长安福特汽车有限公司垄断协议案、延安市10家混凝土企业垄断协议案、丰田汽车（中国）投资有限公司垄断协议案、伊士曼（中国）投资管理有限公司滥用市场支配地位案、天津市自来水集团有限公司滥用市场支配地位案、高意股份有限公司收购菲尼萨股份有限公司股权案、浙江花园生物高科股份有限公司与皇家帝斯曼有限公司新设合营企业案、诺贝丽斯公司收购爱励公司股权案、浙江省气象局滥用行政权力排除、限制竞争案及哈尔滨市交通运输局滥用行政权力排除、限制竞争。（[查看更多](#)）

SAMR Releases 2019 Top 10 Typical Antitrust Enforcement Cases

On December 25, 2020, SAMR released top 10 typical antitrust enforcement cases in 2019, including 1 cartel case (10 concrete enterprises in Yan'an City), 2 RPM cases (Changan Ford; Toyota), 2 abuse of dominance cases (Eastman; Tianjin Water Supply Group), 3 merger review cases (II-VI/Finisar; Garden Biochemical/Royal DSM; Novelis/Aleris) and 2 administrative monopoly cases (Zhejiang Provincial Meteorological Bureau; Harbin Transportation Bureau). ([More](#))

市场监管总局对阿里巴巴涉嫌垄断行为立案调查

2020年12月24日，市场监管总局宣布，其根据举报，近日依法对阿里巴巴集团控股有限公司（“阿里巴巴”）实施“二选一”等涉嫌垄断行为立案调查。对此，阿里巴巴回应称，将积极配合监管部门调查，目前公司业务一切正常。浙江省市场监督管理局负责人表示，当天，市场监管总局调查组执法人员进驻阿里巴巴开展调查。调查人员对阿里巴巴及部门相关负责人进行

了调查询问，并提取相关证据资料。阿里巴巴积极配合，认真接受调查组询问，及时提供相关资料，自觉接受调查。整个过程平稳有序，当天现场调查全部结束。（[查看更多](#)）

SAMR Launches Antitrust Probe into Alibaba

On December 24, 2020, SAMR announced that it recently opened a formal investigation into Alibaba Group Holding Limited (“Alibaba”) for suspected monopolistic behaviors, such as “either-or restriction”. In response, Alibaba said it will actively cooperate with the regulators on the investigation and its business operations remain normal. The head of the Administration for Market Regulation of Zhejiang Province stated that on the same day, the investigation team of SAMR conducted investigations and inquiries on Alibaba and relevant department heads, and collected relevant evidence. Alibaba responded seriously to inquiries, provided relevant information in a timely manner and consciously accepted the investigation with full cooperation. The on-site investigation was completed that day with a smooth and orderly process. ([More](#))

重庆烧结砖垄断案三当事人不服，法院终审维持处罚决定

2020年12月23日，中国裁判文书网公布了重庆市第一中级人民法院（“重庆一中院”）于2020年12月14日及15日作出的三份行政判决书。三起案件的原告为2019年8月21日市场监管总局公布的重庆市云阳县烧结砖生产经营行业垄断协议案中的当事人，因不服重庆市市场监督管理局（“重庆市市监局”）作出的行政处罚决定而提起行政诉讼。重庆市渝北区人民法院立案受理后，支持了重庆市市监局作出的行政处罚决定，判决驳回各原告的诉讼请求。三位当事人不服一审判决，分别向重庆一中院提起上诉。重庆一中院经审理后，判决驳回各案上诉，维持各案原判。（[查看更多](#)）

Chongqing Court Backs Antitrust Fines on Sintered Brick Manufacturers

On December 23, 2020, China Judgements Online released 3 administrative judgments by Chongqing No.1 Intermediate People’s Court on December 14 and 15, 2020. The plaintiffs in these 3 cases are cartelists in the cartel case of the local sintered brick manufacturing industry in Yunyang County investigated by the Administration for Market Regulation of Chongqing in August 2019. Both the courts of first instance and second instance upheld the penalty decisions. ([More](#))

青海一燃气公司不服反垄断处罚行政诉讼案一审开庭

2020年12月22日，西宁铁路运输法院公开审理并在线直播了原告青海省民和川中石油天然气有限责任公司（“川中公司”）不服青海省市场监督管理局（“青海省市监局”）作出的反垄断行政处罚而提起的行政诉讼两案。此前，青海省市监局曾于2020年5月14日对川中公司滥用市场支配地位违法行为作出行政处罚决定，处以罚款4,461,954.43元；并于同日对该公司销毁证据并阻碍反垄断执法机构调查的违法行为作出另一行政处罚决定，处以罚款70万元。（[查看更多](#)）

Gas Company Appeals Against Qinghai Watchdog Antitrust Fines

On December 22, 2020, Xining Railway Transportation Court heard the appeal of Qinghai Minhe Chuanzhong Petroleum and Natural Gas Co., Ltd. (“Chuanzhong”) against two antitrust fines imposed by the Administration for Market Regulation of Qinghai Province (“Qinghai AMR”). On May 14, 2020, Qinghai AMR imposed a fine of RMB 4,461,954.43 on Chuanzhong for abusing the market dominance and another fine of RMB 700,000 for destroying evidence to obstruct the investigation. ([More](#))

修改反垄断法被列入全国人大明年预安排的重点立法工作

2020年12月21日，全国人大常委会法工委发言人、立法规划室主任岳仲明在记者会上介绍，2021年度立法工作计划已经十三届全国人大常委会第七十八次委员长会议通过。其中，修改反垄断法是明年预安排的重点立法工作之一。（[查看更多](#)）

Amending Anti-Monopoly Law Listed as Priority for China’s Top Legislator in 2021

On December 21, 2020, Zhongming YUE, spokesperson of the Legislative Affairs Committee of the National People’s Congress of China (“NPC”) Standing Committee and director of the Legislative Planning Office, introduced at a press conference that the legislative work plan for 2021 has been adopted at the 78th Chairman’s Meeting of the 13th NPC Standing Committee. Amending the *Anti-Monopoly Law* is one of the key legislative work scheduled for next year. ([More](#))

中央经济工作会议：强化反垄断和防止资本无序扩张为明年重点任务之一

近日，据新华社报道，中央经济工作会议12月16日至18日在北京举行。会议确定，强化反垄断和防止资本无序扩张是明年经济工作的重点任务之一。会议指出，反垄断、反不正当竞争，是完善社会主义市场经济体制、推动高质量发展的内在要求。要完善平台企业垄断认定等方面的法律规范。要加强规制，提升监管能力，坚决反对垄断和不正当竞争行为。（[查看更多](#)）

China to Strengthen Antitrust and Prevent Disorderly Expansion of Capital

Recently, Xinhua reported, the annual Central Economic Work Conference was held in Beijing from December 16 to December 18. The meeting determined that strengthening antitrust and preventing disorderly expansion of capital are part of the key tasks of economic work next year. It was pointed out that antitrust and anti-unfair competition are the inherent requirements for improving the socialist market economy system and promoting high-quality development. Laws and regulations on the identification of monopoly of platform enterprises should be improved. It is necessary to strengthen regulation, enhance supervision capabilities, and resolutely oppose monopoly and unfair competition. ([More](#))

海外动态 Overseas News

保护“吹哨人”！特朗普签署《刑事反垄断反报复法》

2020年12月23日，美国司法部宣布，特朗普总统签署了《刑事反垄断反报复法》（Criminal Antitrust Anti-Retaliation Act），禁止雇主对举报反垄断刑事违法行为的个人施加报复，为发现、调查及起诉反垄断刑事违法行为提供支持。根据该法，雇主不得因雇员向联邦政府或监管人员提供反垄断违法行为信息或协助佐证等合法行为而对其解雇、降级、停职、威胁、骚扰等；若有违反，雇员可向劳工部起诉寻求救济，相关雇主应恢复非歧视待遇、补发工资及利息、赔偿雇员因歧视待遇而遭受的各项损害等。（[查看更多](#)）

Trump Signs Criminal Antitrust Anti-Retaliation Act

On December 23, 2020, the U.S. Department of Justice (“DOJ”) announced that President Donald J. Trump has signed into law the *Criminal Antitrust Anti-Retaliation Act*, which prohibits employers from retaliating against certain individuals who report criminal antitrust violations. According to the Act, no employer may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an individual because of any lawful act done by the individual, such as to provide information related to a violation of antitrust laws. Any individual who alleges discharge or discrimination in violation of the Act may seek relief from the Secretary of Labor, and the relief shall include reinstatement, the amount of back pay, and compensation for any damages. ([More](#))

美国联邦贸易委员会发布《纵向并购执法述评》

2020年12月22日，美国联邦贸易委员会（Federal Trade Commission, “FTC”）发布《纵向并购执法述评》（Commentary on Vertical Merger Enforcement）。今年6月，FTC和美国司法部联合发布了新版《纵向并购指南》（Vertical Merger Guidelines），描述了执法机构在评估纵向并购是否违反反垄断法律时使用的主要分析工具、实践和执行政策。FTC称，新发布的此份《述评》向公众更好地阐释了FTC如何分析纵向并购案例，展示了FTC调查的广度及分析理论。（[查看更多](#)）

FTC Releases Commentary on Vertical Merger Enforcement

On December 22, 2020, the Federal Trade Commission (“FTC”) issued the *Commentary on Vertical Merger Enforcement*. In June 2020, the FTC and DOJ issued *Vertical Merger Guidelines* describing the principal analytical techniques, practices, and enforcement policies that the agencies use in evaluating whether vertical mergers violate the antitrust laws. The FTC said this commentary provides greater transparency to the public regarding its analysis of vertical mergers. ([More](#))

欧盟附条件批准菲亚特克莱斯勒和标志雪铁龙合并

2020年12月21日，欧盟委员会发布新闻称，其已附条件批准汽车制造商菲亚特克莱斯勒（Fiat Chrysler Automobiles N.V., “FCA”）与标致雪铁龙（Peugeot S.A., “PSA”）的合并。欧盟委员会称，此次批准交易的前提是两家企业必须遵守其所提出的保证市场进入与扩张的承诺，包

括：（1）延长PSA与丰田（Toyota Motor Europe）当前的轻型商用车生产合作协议，以保证丰田在未来能够与合并后的实体在相关市场上进行有效竞争；（2）修正FCA、PSA与其维修商之间的乘用车与轻型商用车维修和保养协议，以使竞争对手可以进入PSA和FCA轻型商用汽车的维修和保养市场。（[查看更多](#)）

EU Approves Fiat Chrysler-PSA Merger Subject to Conditions

On December 21, 2020, the European Commission (“EC”) said it has approved the proposed merger between the automotive companies Fiat Chrysler Automobiles N.V. (“FCA”) and Peugeot S.A. (“PSA”). According to the EC, the approval is conditional on full compliance with a commitments package offered by the companies, which includes: (i) an extension of the cooperation agreement currently in force between PSA and Toyota Motor Europe (“Toyota”) for small light commercial vehicles, to enable Toyota to compete effectively with the merged entity in the relevant markets in the future, and (ii) an amendment of the repair and maintenance agreements for passenger cars and light commercial vehicles in force between PSA, FCA and their repairer networks, to facilitate access for competitors to PSA and FCA’s repair and maintenance networks for light commercial vehicles. ([More](#))

欧盟附条件批准谷歌收购智能健康品牌Fitbit

近日，欧盟委员会发布新闻称，其已附条件批准谷歌收购Fitbit。Fitbit是一家生产并销售智能可穿戴健康设备的美国公司。欧盟委员会称，此次批准交易的条件是谷歌必须遵守其所提出的一系列承诺，包括广告数据隔离、Web API访问承诺、安卓API授权承诺等。上述承诺的有效期为10年，最多可再延展10年。（[查看更多](#)）

EU Approves Google’s Acquisition of Fitbit Subject to Conditions

Recently, the EC said it has approved, the acquisition of Fitbit by Google. The approval is conditional on full compliance with a commitments package offered by Google, which includes Ads separation commitment, Web API access commitment and Android APIs commitment. According to the EC, the duration of the commitments is 10 years and the EC may decide to extend the duration of the Ads commitment by up to an additional 10 years. ([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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