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国内要闻 Domestic News

七部委发文规范水泥市场秩序，打击企业垄断行为

2021年5月25日，市场监管总局、工信部、国家发展改革委员会、生态环境部、商务部、海关总署和国家知识产权局联合发布了《关于提升水泥产品质量规范水泥市场秩序的意见》。《意见》提出要营造公平有序的水泥市场环境，加大对《反垄断法》的宣传解读力度。严肃查处企业存在的垄断协议、滥用市场支配地位等垄断行为。水泥行业经营者集中达到国务院规定的申报标准的，经营者应当事先向国务院反垄断执法机构进行申报，未经申报不得实施集中。（[查看更多](#)）

Seven Ministries Jointly Issue Documents to Regulate Cement Market Order and Prevent Companies' Monopoly Behaviors

On May 25, 2021, the State Administration for Market Regulation, the Ministry of Industry and Information Technology, the National Development and Reform Commission, the Ministry of Ecology and Environment, the Ministry of Commerce, the Central Administration of Customs and the National Intellectual Property Administration jointly issued the *Opinions on Improving the Quality of Cement Products and Regulating the Order of Cement Market* (“*Opinions*”). The *Opinions* mentioned to create a fair and orderly cement market environment and increase the promotion of the *Anti-Monopoly Law*. It was also mentioned that regulators should strictly investigate and punish companies' monopoly behaviors such as monopoly agreements and abusive behaviors. Operators in the cement industry shall notify the antitrust authority of the State Council first once their concentration meets the notification standards set by the State Council, and operators shall not implement concentration without prior notification. ([More](#))

五部门联合约谈大宗商品重点企业

2021年5月19日，国务院召开常务会议，部署大宗商品保供稳价工作。5月23日上午，五个国家部门召开会议，联合约谈了铁矿石、钢材、铜、铝等行业具有较强市场影响力的重点企业，钢铁工业协会、有色金属协会参加。会议明确，有关监管部门将密切跟踪监测大宗商品价格走势，加强大宗商品期货和现货市场联动监管，持续加大执法力度，排查异常交易和恶意炒作，依法严厉查处达成实施垄断协议、散播虚假信息、哄抬价格、囤积居奇等违法行为。（[查看更多](#)）

Five Departments Jointly Communicate with Key Companies in Bulk Commodities Industry

On May 19, 2021, the State Council held an executive meeting to deploy the work of stabilizing the supply and prices of bulk commodities. On May 23, five national departments held a meeting to jointly communicate with key companies with strong market influence in bulk commodities industries such as iron ore, steel, copper and aluminum. The Iron and Steel Association and the Nonferrous Metals Industry Association also attended the meeting. The meeting specified that the relevant regulatory authorities will pay great attention to and monitor the price trends of bulk commodities, strengthen the interdepartmental regulation of bulk commodity futures and spot markets, continue to strengthen law enforcement,

investigate abnormal transactions and malicious hyping activities, and severely investigate and punish the illegal behaviors such as reaching and complementing monopoly agreements, spreading false information, price gouging and hoarding. ([More](#))

海外动态 Overseas News

华盛顿特区总检察长起诉亚马逊利用垄断协议排除限制竞争

2021年5月25日，据媒体报道，华盛顿特区总检察长卡尔·拉辛（Karl Racine）于本周二宣布其正对亚马逊（Amazon）提起反垄断诉讼。拉辛指控亚马逊利用合同条款阻止平台上的第三方卖家在其他平台上以更低价格提供产品，并以这种方式维持亚马逊的垄断地位。拉辛声称，这些协议将通过减少竞争、创新和选择而最终损害消费者和第三方卖家。 ([查看更多](#))

Washington D.C. Attorney General Sues Amazon for Utilizing Monopoly Agreements to Restrict and Eliminate Competition

On May 25, 2021, according to news report, Washington, D.C., Attorney General Karl Racine announced Tuesday that he is suing Amazon on antitrust grounds. Racine alleged that Amazon illegally maintained monopoly power by using contract provisions to prevent third-party sellers on its platform from offering their products for lower prices on other platforms. Racine claimed these agreements ultimately harm both consumers and third-party sellers by reducing competition, innovation and choice. ([More](#))

德国联邦卡特尔局依据数字新规对谷歌启动反垄断调查

2021年5月25日，德国联邦卡特尔局（Bundeskartellamt）发布公告称其已根据数字新规对谷歌（Google）发起调查。2021年1月，德国《反对限制竞争法》（“GWB”）第十次修订生效，在GWB第19条中规定的新条款使得当局得以更早更有效地介入干预大型数字公司的行为。当局已启动程序调查谷歌对跨市场是否具有重要影响。同时，该局还将启动程序对谷歌的数据处理条款进行深入分析，以了解那些希望使用谷歌服务的消费者在谷歌如何使用他们的数据方面是否有足够的选择。 ([查看更多](#))

German Bundeskartellamt Initiates Antitrust Investigation Against Google Based on New Digital Rules

On May 25, 2021, German Bundeskartellamt issued a statement, stating that it had initiated a proceeding against Google based on the new digital rules. In January 2021, the 10th amendment to the *Gesetz gegen Wettbewerbsbeschränkungen* (German Act Against Restraints of Competition, “GWB”) came into force. A key new provision set forth in Section 19a GWB now enables the authority to intervene earlier and more effectively, in particular against the practices of large digital companies. The authority has initiated a proceeding to determine whether Google is of paramount significance across markets. Meanwhile, in order to know whether consumers wishing to use Google’s services have sufficient

choice as to how Google will use their data, the authority will also initiate a second proceeding undertaking an in-depth analysis of Google's data processing terms. ([More](#))

宝马、大众面临的欧盟反垄断罚款或将减少

2021年5月25日，据媒体报道，继执法机构缩小调查范围后，宝马和大众将面临的针对清洁空气技术的欧盟反垄断罚款有望减少。据称，欧盟委员会曾于2019年指控德国汽车制造商合谋阻止推出清洁排放技术，该案涉及宝马、奔驰、大众、奥迪和保时捷。对此消息，欧盟委员会表示仍在调查中并拒绝进一步评论。宝马与大众也拒绝评论。上周，在估计将收到较低的欧盟罚款后，宝马削减了10亿欧元的反垄断拨款。而奔驰由于向委员会通报了这一违法行为，将不会面临罚款，并拒绝发表进一步评论。 ([查看更多](#))

BMW and VW to Face Lowered EU Antitrust Fines

On May 25, 2021, according to news report, BMW and Volkswagen ("VW") are set to face reduced EU antitrust fines over clean air technology after regulators narrowed the scope of an investigation. It is said that the European Commission charged the German carmakers in 2019 with colluding to block the rollout of clean emissions technology. The case involved BMW, Daimler, VW, Audi and Porsche. The Commission said the investigation was ongoing and declined further comment. BMW and VW declined to comment. Last week BMW cut its antitrust provisions by EUR 1 billion after it estimated a lower EU fine. Daimler, which alerted the wrongdoing to the Commission, reiterated that it will not face a fine and declined further comment. ([More](#))

欧盟委员会对可口可乐开展反垄断调查

2021年5月21日，欧盟委员会宣布其已对可口可乐公司展开初步调查。欧盟委员会发言人表示：“我们可以确认的是，作为对可口可乐公司初步调查的一部分，欧盟委员会已向其发出了调查问卷”。可口可乐公司确认其已收到了关于获取信息的正式要求并表示将全力配合欧盟委员会的调查。 ([查看更多](#))

Coca Cola in EU Antitrust Regulators' Crosshairs

On May 21, 2021, the European Commission announced that it had launched a preliminary investigation into Coca Cola Co. "We can confirm that the Commission has sent out questionnaires, as part of its preliminary investigation into Coca Cola," a Commission spokeswoman said. Coca Cola confirmed that it had received a formal request for information and said that they will cooperate fully with the Commission. ([More](#))

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