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Weekly Competition Law News

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市场监管总局查处长安福特纵向垄断协议案，罚款1.628亿元

2019年6月5日，国家市场监督管理总局（“市场监管总局”）网站发布新闻称，其已于近日对长安福特汽车有限公司（“长安福特”）实施纵向垄断协议案作出处罚决定。执法机构查明，2013年以来，长安福特在重庆区域内通过制定《价格表》、签订《价格自律协议》以及限定下游经销商在车展期间最低价格和网络最低报价等方式，限定下游经销商整车最低转售价格。市场监管总局依据《反垄断法》对长安福特处以上一年度重庆地区销售额4%的罚款，计1.628亿元。（[查看更多](#)）

SAMR Fines Ford's Changan Venture CNY 162.8m for RPM

On 5 June 2019, China's State Administration for Market Regulation (“SAMR”) announced that it had recently made a penalty decision against Changan Ford Motor Co., Ltd. (“Changan Ford”) over resale price maintenance (“RPM”). SAMR found that since 2013, Changan Ford has restricted the lowest resale price of downstream distributors in Chongqing by formulating the *Price List*, signing the *Price Self-Discipline Agreement*, and limiting the lowest price of downstream distributors during the auto exhibition and the lowest online quotation. According to the *Anti-Monopoly Law of P.R.C.* (“AML”), Changan Ford was fined CNY 162.8m, amounting to 4% of its sales in Chongqing in the previous year. ([More](#))

浙江省市监局查处8家混凝土企业垄断案

2019年5月31日，市场监管总局公布了浙江省市场监督管理局（“浙江省市监局”）查处的衢州市8家混凝土企业实施垄断协议案的行政处罚决定书。浙江省市监局查明，2018年5月至7月，涉案8家混凝土生产企业以《行业自律公约》形式达成并实施了垄断协议，划分了衢州市区预拌混凝土市场份额、限制了预拌混凝土生产数量及销售数量。2019年5月8日，8家企业分别被处以2017年度销售额1%的罚款，合计7,708,477元。（[查看更多](#)）

Zhejiang AMR Fines Eight Local Concrete Companies over Monopoly Agreement

On 31 May 2019, SAMR published a decision on penalties for the implementation of monopoly agreement by eight concrete enterprises in Quzhou City, which were investigated and punished by the Zhejiang Administration for Market Regulation (“Zhejiang AMR”). Zhejiang AMR found that from May 2018 to July 2018, these eight concrete companies have reached and implemented a monopoly agreement in the form of *Industry Self-Discipline Convention*, which divides the market share of ready-mixed concrete in Quzhou City and limits the production and sales of ready-mixed concrete. On 8 May 2019, eight companies were fined 1% of their sales in 2017 separately, totaling CNY 7,708,477. ([More](#))

中国将依据《反垄断法》等建立“不可靠实体清单”制度

2019年5月31日，商务部新闻发言人在回答记者提问时提到：“依据中华人民共和国《对外贸易法》《反垄断法》《国家安全法》等有关法律法规，中国政府决定建立‘不可靠实体清单’制度，将那些基于非商业目的对中国实体实施封锁、断供或其他歧视性措施，对中国企业或相关

产业造成实质损害，对中国国家安全构成威胁或潜在威胁的外国法人、其他组织或个人列入其中”。“具体措施将于近期公布”。([查看更多](#))

China to Establish ‘Unreliable Entity List’

On 31 May 2019, the spokesman for the Chinese Ministry of Commerce, in reply to a reporter’s question, said: “In accordance with the relevant laws and regulations of P.R.C such as the *Foreign Trade Law*, the AML and the *National Security Law*, the Chinese Government has decided to establish an ‘unreliable entity list’. Foreign enterprises, organizations or individuals who impose blockades, interruptions or other discriminatory measures on Chinese entities for non-commercial purposes, causing substantial damage to Chinese enterprises or related industries and posing a threat or potential threat to China’s national security will be included on the list”. “Specific measures will be announced soon”, the spokesman added. ([More](#))

市场监管总局副局长甘霖率团访问韩国、日本和菲律宾

2019年5月22日至31日，市场监管总局副局长甘霖率团访问韩国、日本和菲律宾，与三国反垄断执法机构开展竞争政策和反垄断执法高层交流。访问韩、日期间，甘霖副局长代表市场监管总局与韩国公平交易委员会、日本公平交易委员会分别签署了《中韩竞争合作谅解备忘录》和《中日反垄断合作备忘录》，并就研究建立中、日、韩三方反垄断合作机制达成共识。访菲期间，中菲双方一致同意尽快签署反垄断合作谅解备忘录。([查看更多](#))

Vice Minister of SAMR Gan Lin Visits South Korea, Japan and the Philippines

During the visit from May 22 to May 31, Gan Lin, Vice Minister of SAMR, led a delegation to South Korea, Japan and the Philippines to conduct high-level exchanges on competition policy and anti-monopoly law enforcement with the antitrust authorities of the three countries. Gan Lin signed the *Memorandum of Understanding on Competition Cooperation between China and South Korea* and *Memorandum of Understanding on Competition Cooperation between China and Japan* on behalf of SAMR with the Korea Fair Trade Commission and Fair Trade Commission of Japan respectively. In addition, China and the Philippines agreed to sign a memorandum of understanding on anti-monopoly cooperation as soon as possible. ([More](#))

海外动态 Overseas News

谷歌就欧盟14.9亿欧元AdSense反垄断罚单提起上诉

2019年6月5日，据外媒报道，谷歌已于近日就欧盟委员会针对其网络广告产品AdSense垄断案开出的14.9亿欧元反垄断罚单提出上诉。欧盟委员会认为，谷歌滥用其市场支配地位，在与第三方网站的合同中规定了一些限制性条款，阻止其竞争对手在这些网站上投放搜索广告。此前，欧盟委员会在另外两起分别涉及比较搜索服务和安卓系统的反垄断案件中对谷歌分别开出了24.2亿欧元、43.4亿欧元的创纪录罚单，谷歌均已提起上诉。([查看更多](#))

Google Appeals the EUR 1.49bn EU Mega-fine over ‘Anticompetitive’ AdSense Service

On 5 June 2019, *the Inquirer* reported that Google has appealed the EUR 1.49bn mega-fine over levied at it by the European Commission (“EC”) over its “anticompetitive” AdSense service. EC found that Google had abused its market dominance by preventing rivals from competing in the online search advertising intermediation market through the use of restrictive clauses in its contracts with publishers. This is the third EU mega-fine Google has challenged in recent years; the search giant was hit with a EUR 2.42bn over its comparison shopping service in 2017, and last year it was whacked with a record-breaking EUR 4.3bn fine for Android dominance abuse. Google has all filed an appeal. ([More](#))

四大科技巨头面临美国反垄断调查

2019年6月3日，据外媒报道，美国反垄断执法机构和国会正在加强对科技巨头的反垄断监管。经过一系列不寻常的协商后，美国司法部与联邦贸易委员会已达成共识，前者将负责处理苹果、谷歌潜在的反垄断调查事务，而后者则将目光对准Facebook、亚马逊。同时，美国众议院议员也于当天表示，他们正在调查科技巨头们的涉嫌反竞争行为，而这将可能导致美国反垄断规则数十年来的首次大修。（[查看更多](#)）

Antitrust Troubles Snowball for Tech Giants as Lawmakers Join In

On 3 June 2019, *the New York Times* reported that the antitrust authorities and Congress are stepping up their scrutiny of the world’s biggest tech companies. After a spate of unusual negotiations, the Justice Department has agreed to handle potential antitrust investigations related to Apple and Google, while the Federal Trade Commission will take on Facebook and Amazon. On the same day, lawmakers in the House said that they were looking into the tech giants’ possible anti-competitive behavior. That could lead to the first overhaul of antitrust rules in many decades. ([More](#))

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