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国内要闻 Domestic News

市场监管总局对国巨收购君耀股权未依法申报案作出处罚决定

2019年7月3日，国家市场监督管理总局（“市场监管总局”）发布公告称，其已于6月25日对国巨股份有限公司（“国巨”）收购君耀控股股份有限公司（“君耀”）股权未依法申报案作出行政处罚决定。据了解，国巨成立于1977年，为全球领先的被动组件服务供货商，其生产及销售据点涵盖亚洲、欧洲及美洲。该笔交易于2018年完成，曾引起半导体行业的广泛关注。（[查看更多](#)）

SAMR Fines Yageo for Gun-jumping

On 3 July 2019, China's State Administration for Market Regulation (“SAMR”) announced that it has issued penalty decision on the Yageo Corporation (“Yageo”) for implementing its acquisition of the equity of Brightking before notification. Founded in 1977, Yageo has become a world-class provider of passive components services with capabilities on a global scale, including production and sales facilities in Asia, Europe and the Americas. This acquisition was accomplished in 2018 and it had caused widespread concern in the semiconductor industry. ([More](#))

口岸经营服务行业面临新一轮反垄断执法风暴

2019年7月3日，国务院新闻办公室举行国务院政策例行吹风会。会上，国家口岸管理办公室主任黄冠胜提到：“下一阶段，各相关部门还将在清理口岸收费工作领导小组的统一部署下，继续加大监督检查力度，这次出台的措施提出… 2019年9月底前，国家市场监督管理总局牵头开展进出口环节收费的专项督察，依法依规查处违规收费行为，对涉嫌垄断的口岸经营服务性单位和企业进行调查。”（[查看更多](#)）

Port Operating Service Industry Faces A New Round of Antitrust Enforcement Storm

On 3 July 2019, the State Council Information Office held a regular briefing on policy of the State Council. On the briefing, Huang Guansheng, the director of the National Office of Port Administration, mentioned that “In the next stage, all relevant departments will continue to enhance the supervision under the unified deployment of Clear-up Port Charging Work Leading Group... Before the end of September 2019, SAMR will take the lead in carrying out a specific inspection on import and export fees, inspecting and handling illegal charges in accordance with laws, and conducting investigations on service companies suspected of monopoly.” ([More](#))

重庆市市监局就建材行业垄断协议案举行听证会

2019年7月2日，重庆市市场监督管理局（“重庆市市监局”）发布公告称，根据《中华人民共和国行政处罚法》《市场监督管理行政处罚程序暂行规定》等有关规定，依当事人的申请，重庆市市监局决定就云阳县永旺建材有限公司等9名当事人涉嫌与其他经营者达成并实施垄断协议行为一案于7月5日上午举行听证会。（[查看更多](#)）

Chongqing AMR to Hold a Hearing on the Monopoly Agreement Case of the Building Materials Industry

On 2 July 2019, Chongqing Administration for Market Regulation (“Chongqing AMR”) announced that, based on applications of 9 parties including 6 companies and 3 individuals of the building materials industry, it will hold a hearing on 5 July regarding the suspected monopoly agreement entered into and implemented by the applicants and other parties involved, according to relevant laws and regulations. ([More](#))

市场监管总局发布三部《反垄断法》配套法规

2019年7月1日，市场监管总局集中发布了《禁止垄断协议暂行规定》《禁止滥用市场支配地位行为暂行规定》和《制止滥用行政权力排除、限制竞争行为暂行规定》三部《反垄断法》配套法规，将于今年9月1日起施行，此前由原国家工商行政管理总局颁布的多部相关部门规章同时废止。（[查看更多](#)）

SAMR Issues Three New Antitrust Rules

On 1 July 2019, SAMR issued three supporting provisions for the implementation of *the Anti-Monopoly Law*, including (1) *Interim Provisions on Prohibition of Monopoly Agreements*, (2) *Interim Provisions on Prohibition of the Abuse of Market Dominance*, and (3) *Interim Provisions on the Prevention of the Abuse of Administrative Power to Exclude and Restrict Competitive Behaviours*. These Provisions shall be implemented from 1 September 2019. Several rules announced by the former State Administration for Industry and Commerce shall be annulled at the same time. ([More](#))

海外动态 Overseas News

欧盟委员会对5家意大利钢筋生产商卡特尔行为重新作出处罚决定

2019年7月4日，欧盟委员会发布新闻称，其已就5家意大利混凝土用钢筋生产商1989年12月至2000年7月期间固定价格的卡特尔行为重新作出处罚决定，罚款共计约1600万欧元（约合人民币1.24亿元）。此前，欧盟委员会分别于2002年、2009年，两度对该起垄断案件作出处罚决定，但均因程序性原因，被普通法院或欧盟法院撤销。（[查看更多](#)）

European Commission Re-adopts Decision and Fines Five Producers of Reinforcing Steel Bars EUR 16m for Price-fixing Cartel

The European Commission has re-adopted a cartel decision against five Italian manufacturers of reinforcing steel bars for concrete, namely AlfaAcciai, Feralpi Holding, Ferriere Nord, Partecipazioni Industriali (Riva Fire) and Valsabbia Investimenti / Ferriera Valsabbia. In its decision, the Commission has imposed total fines of EUR 16,074,000 for the companies’ participation in a price-fixing cartel between December 1989 and July 2000. Previously, the cartel has already been the subject of two Commission decisions of 2002 and 2009. The General Court annulled the Commission’s 2002 decision and the Court of Justice annulled the 2009 Commission decision. Two annulments were based on procedural grounds. ([More](#))

美国法院驳回高通停止执行反垄断裁决申请

2019年7月3日，美国地区法官高兰惠（Lucy Koh）裁定驳回了芯片巨头高通（Qualcomm）的一项旨在暂停执行针对该公司的反垄断裁决的动议。高通当庭表示该裁定会严重妨碍其与手机制造商之间的有关5G技术的关键性谈判，并将使其被迫修改专利授权协议。对此，高通发言人表示将立刻向美国联邦第九巡回上诉法院提起上诉，以寻求搁置地区法院的裁决。（[查看更多](#)）

U.S. Judge Blocks Qualcomm Effort to Put Antitrust Ruling on Hold

On 3 July 2019, U.S. District Judge Lucy Koh ruled against Qualcomm Inc's effort to block the implementation of a sweeping antitrust ruling against it as the mobile chip supplier pursues an appeal that could take more than a year to wind through the courts. Qualcomm has argued in court that the ruling could hamper critical negotiations with phone makers over 5G technology, forcing it to rework license agreements and even offer deals to rival chip suppliers, scrambling its business in a way that would be impossible to unwind if it wins on appeal. A Qualcomm spokeswoman told Reuters the company plans to immediately ask the 9th U.S. Circuit Court of Appeals to stay the lower court's decision. ([More](#))

250亿！日本三家主要包装罐制造商面临巨额反垄断罚款

2019年7月3日，据日本时报（The Japan Times）报道，日本公平贸易委员会拟就三家主要的包装罐制造商固定价格的垄断行为开出总计约250亿日元（约合人民币15.93亿元）的反垄断罚单。据悉，日本公平贸易委员会已将处罚决定事先告知三家公司，并将责令它们采取措施防止类似不法行为再次发生。最终处罚决定将在征求公司意见后作出。（[查看更多](#)）

Three Japanese Can-makers to Face Antitrust Fines

On 3 July 2019, *The Japan Times* reported that, the Japan Fair Trade Commission plans to fine three major domestic can-makers a total of about JPY 25 bn for fixing prices for cans used for beer and other beverages in violation of the antimonopoly law. The antitrust watchdog has notified Toyo Seikan Co., Universal Can Corp. and Hokkaican Co. of the plan. It also plans to order them to take measures to prevent similar wrongdoing and will make a final decision after collecting opinions from the firms. ([More](#))

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