



No.95

2019.09

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吴振国局长刊文解读三部反垄断新规

2019年8月30日，微信公众号“中国市场监管报”推送了国家市场监督管理总局（“市场监管总局”）反垄断局吴振国局长有关《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》等三部《反垄断法》配套规章的解读及答记者问等6篇文章。当天，市场监管总局还采取举办专题新闻发布会等形式，对该三部将于9月1日起施行的反垄断新规进行介绍。（[查看更多](#)）

SAMR Warming Up to New Antitrust Rules

On 30 August 2019, the *China Market Regulation News*' WeChat official account released three articles, authored by Mr. Wu Zhenguo, the director-general of the Anti-Monopoly Bureau within the State Administration for Market Regulation (“SAMR”), which interpret respectively the *Interim Provisions on Prohibition of Monopoly Agreements*, *Interim Provisions on Prohibition of Abuse of Market Dominance* and *Interim Provisions on Stopping Abuse of Administrative Power from Excluding or Restricting Competition*, along with the relevant transcript of interviews in connection with the three rules. On the same day, SAMR also held a special press conference to introduce the three new antitrust rules that would come into force on September 1. ([More](#))

陕西省市监局查处混凝土企业垄断协议案，罚款492万元

2019年8月30日，市场监管总局发布了由陕西省市场监督管理局（“陕西省市监局”）查处的延安市部分混凝土企业垄断协议案，10家涉案企业因联合涨价行为分别被处以2017年度销售额1%的罚款，合计约492万元。该案也是市场监管总局今年公开处罚决定的第三起建材行业垄断案件。（[查看更多](#)）

Shaanxi AMR Fines 10 Concrete Suppliers RMB 4.92m for Price-fixing

On 30 August 2019, SAMR published the penalty decisions in which the Shaanxi Administration for Market Regulation (“Shaanxi AMR”) fined 10 local concrete suppliers RMB 4.92m for price-fixing. This case is the third antitrust case in the field of construction material investigated by SAMR this year. ([More](#))

陕西省市监局：加强行政垄断、公用企业和医药行业垄断行为执法力度

2019年8月28日，据《陕西日报》报道，陕西省市场监督管理局（“陕西省市监局”）将在全省范围内严打涉企收费及民生重点领域价格违法行为。陕西省市监局将重点查处行政垄断行为，严查供电、供热、供气、供水等垄断企业向市场主体收取“接入费”“碰口费”等费用。同时，该局将继续加强对药品流通企业、医疗机构、药店的监督检查，严厉打击药品流通、零售过程中出现的捏造散布涨价信息、哄抬价格、串通涨价等价格违法行为。（[查看更多](#)）

Shaanxi AMR to Strengthen Antitrust Enforcement in Public Utility and Medical Industry

On 28 August 2019, the *Shaanxi Daily* reported that Shaanxi AMR will crack down on price violations in the areas of people's livelihood. Shaanxi AMR will attach great importance to investigating administrative monopoly and monopolistic behaviors of the public utility enterprises of electricity, heating, gas and water supply. Meanwhile, Shaanxi AMR will strengthen the supervision toward drug distribution enterprises, medical institutions and pharmacies, and strictly crack down on illegal behaviors during the drug distribution and retail process, such as spread news of price rise, price drive-up and price-fixing. ([More](#))

湖北省市监局对医药、建材等行业开展反垄断普法宣传培训

2019年8月27日，湖北省市场监督管理局（“**湖北省市监局**”）针对水、电、气、医药、建材等行业企业开展了反垄断普法宣传培训。培训要求行业协会及企业主动增强法律意识，厘清行业自律与垄断违法的界限，切实引导市场主体合法合规经营，杜绝通过达成垄断协议固定或者变更商品价格、限制产销量、划分市场、联合抵制交易、限制购买或开发新技术新设备等各种方式实施垄断，否则将受到反垄断机构的调查和严厉处罚。（[查看更多](#)）

Hubei AMR Gives Antitrust Compliance Training for Medical and Construction Material Industry

On 27 August 2019, the Hubei Administration for Market Regulation (“**Hubei AMR**”) gave antitrust compliance training on enterprises of medical, construction material and other industries. Hubei AMR asked the industry associations and enterprises to enhance legal awareness, identify the boundary between industry self-discipline and antitrust violations, guide market participants to operate in accordance with the law and prevent price-fixing, restriction of production and sale, market division, boycott, etc. ([More](#))

市场监管总局甘霖副局长赴江苏调研原料药反垄断执法工作

2019年8月27日，江苏省市场监督管理局（“**江苏省市监局**”）发布新闻称，近日，市场监管总局甘霖副局长带队赴江苏调研江苏省原料药反垄断执法工作并召开座谈会。甘霖指出，原料药反垄断工作事关人民群众切身利益，江苏省市监局要发挥传统办案优势，集中力量重点攻关市场监管总局交办案源线索，抓紧推进执法办案工作，尽快取得突破性进展。（[查看更多](#)）

SAMR Conducts a Survey on APIs-Related Antitrust Enforcement in Jiangsu

On 27 August 2019, the Jiangsu Administration for Market Regulation (“**Jiangsu AMR**”) released a piece of news saying that Gan Lin, the vice minister of SAMR, led a team to conduct a survey on the APIs-related antitrust enforcement in Jiangsu and held a forum. Gan Lin pointed out that the antitrust enforcement in the field of APIs has great influence on people's interest and Jiangsu AMR should fully leverage its traditional advantages in handling antitrust case, concentrate on the cases assigned by SAMR, promptly promote enforcement investigations and make a breakthrough as soon as possible. ([More](#))

海外动态 Overseas News

Valve计划反击欧盟地域限制反垄断指控

2019年8月30日，据路透社报道，知情人士透露，全球最大视频游戏分发平台Steam的拥有者Valve公司计划反击欧盟有关地域限制的反垄断指控。今年4月，欧盟委员会指控Valve公司及5家游戏发行商，利用“锁区”（geo-blocking）的方式，阻止欧盟境内一国消费者从另一国购买更为便宜的游戏版本。与Valve公司的选择不同，其他5家公司均计划与欧盟委员会就本案达成和解。（[查看更多](#)）

Valve to Fight EU Antitrust Charges

On 30 August 2019, *Reuters* reported that Valve Corp, owner of the world's largest video game distribution platform "Steam", plans to fight EU antitrust charges of preventing cross-border trade, people familiar with the matter said. The European Commission in April charged Valve and five video game publishers with using geo-blocking activation keys to prevent consumers in one EU country from buying cheaper versions of a game in another EU country. Unlike Valve, the other five plan to settle the case. ([More](#))

Third Point旗下基金取得陶氏杜邦股权未依法申报，将支付约61万美元罚款

2019年8月28日，美国司法部（Department of Justice, “DOJ”）宣布，其将要求对冲基金Third Point及旗下三支基金就取得陶氏杜邦股权未依法进行反垄断申报的行为支付609,810美元的罚款。当天，DOJ应美国联邦贸易委员会的要求，在华盛顿特区地方法院就该案提起反垄断民事诉讼，并同时提交了拟议和解协议（待法院批准）。除了罚款外，该和解协议还包含了禁令救济，即禁止Third Point及旗下三支基金在未依法申报的情况下，实施类似收购行为。（[查看更多](#)）

Third Point Funds to Pay USD 609,810 Civil Penalty for Violating Antitrust Pre-merger Notification Requirements

On 28 August 2019, the U.S. Department of Justice (“DOJ”) announced that it will require Third Point LLC and three funds it manages to pay a USD 609,810 civil penalty and be subject to injunction for violating antitrust premerger notification requirements in connection with the three funds' acquisition of shares of DowDupont Inc. The DOJ's Antitrust Division, at the request of the Federal Trade Commission, filed a civil antitrust lawsuit in U.S. District Court in Washington, D.C. against Third Point LLC and three funds. At the same time, the DOJ filed a proposed settlement, subject to approval by the court. Besides the civil penalty, the settlement also includes injunctive relief, under which Third Point LLC and the three funds are prohibited from undertaking similar acquisitions without complying with notification and waiting period requirements of the Hart-Scott-Rodino Act of 1976. ([More](#))

不服反垄断调查决定，Facebook提行政诉讼获德国法院初步支持

2019年8月26日，德国联邦卡特尔局称，其将就杜塞尔多夫地区高级法院当天作出的关于暂停限制Facebook数据收集行为的裁决上诉至德国最高法院。此前，德国联邦卡特尔局曾于今年二月认定Facebook实施了滥用市场支配地位未经用户同意收集信息的行为，责令Facebook限制数据收集行为。Facebook随后就该决定提起行政诉讼。杜塞尔多夫地区高级法院表示，此项关于移除Facebook数据收集行为限制的临时禁令将在其就本案作出最终判决前有效。（[查看更多](#)）

German Cartel Office to Take Facebook Case to High Court

On 26 August 2019, *Reuters* reported that Germany's cartel office said it would appeal a regional court decision to suspend restrictions it had placed on Facebook's data collection practices to the country's highest court. A court in Duesseldorf had earlier suspended a February decision by the Federal Cartel Office to order Facebook to restrict its data collection in Germany. Facebook appealed February's landmark decision by the cartel office that the world's largest social network abused its dominant market position to gather information about users without their consent. The court said its temporary injunction removing restrictions on Facebook's data gathering would be valid until it had made a final decision on the company's appeal. ([More](#))

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