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上海市市监局开展中小企业对垄断协议豁免制度知晓情况的调查

2020年6月11日，上海市市场监督管理局（“上海市市监局”）发布了一份关于中小企业对垄断协议豁免制度知晓情况的调查问卷，借以了解中小企业对垄断协议豁免情形、适用条件等方面的认知情况以及对相关规定的意见与建议。该份问卷共涵盖23个问题，调查问卷链接：https://mp.weixin.qq.com/s/ptM6fyZZ155zXC6jdGvd6w?scene=25#wechat_redirect。（[查看更多](#)）

Shanghai AMR Distributes Questionnaire on SMEs' Awareness of Monopoly Agreement Exemptions

On 11 June 2020, Shanghai Municipal Administration for Market Regulation of (“Shanghai AMR”) distributed a questionnaire, in which 23 questions are covered, to collect the understandings, suggestions and opinions of the small and medium-sized enterprises (“SMEs”) relating to the monopoly agreement exemptions. ([More](#))

广西市监局等部门就车检行业价格垄断等违法行为开展专项整治行动

2020年6月11日，广西壮族自治区市场监督管理局（“广西市监局”）公布了由广西市监局等四部门联合印发的《全区机动车检验检测工作专项整治行动方案》。四部门决定，自6月起开展为期4个月的机动车检验检测工作专项整治行动，重点查处车检行业存在的价格垄断、价格欺诈等各类违法违规行为。（[查看更多](#)）

Guangxi AMR to Crack Down on Monopolies in Vehicle Detection Industry

On 11 June 2020, the Administration for Market Regulation of Guangxi Zhuang Autonomous Region (“Guangxi AMR”) published the *Special Rectification Action Plan on Vehicle Detection Industry in Guangxi* issued by Guangxi AMR and three other departments, according to which the regulators will launch investigations against price-fixing, price fraud, and other illegal behaviors in the vehicle detection industry from June to September of 2020. ([More](#))

最高院指导意见草案：法院应依法受理电商平台“二选一”垄断纠纷等案件

2020年6月10日，最高人民法院（“最高院”）发布了《关于审理涉电子商务平台知识产权纠纷案件的指导意见（征求意见稿）》。该征求意见稿明确指出，电子商务平台经营者通过订立限制竞争协议、设定交易规则或利用技术手段，限制、排除平台内经营者参加其他第三方交易平台组织的经营活动，平台内经营者以上述行为违反反垄断法规定为由提起诉讼的，人民法院应当依法予以受理。（[查看更多](#)）

Chinese Supreme People's Court Issues Draft Guiding Opinions Addressing Anti-trust Disputes on “Either-or Restriction”

On 10 June 2020, the Chinese Supreme People's Court (“SPC”) released the *Guiding Opinions on the Trial of Intellectual Property Disputes Cases Involving E-commerce Platforms (Exposure Draft)*. The SPC underlined that People's Courts should, according to law, accept antitrust disputes filed by opera-

tors of e-commerce platforms who are restricted and eliminated to participate in the business activities on third-party platforms by the operator of an e-commerce platform through restrictive competition agreements, transaction rules or technical measures. ([More](#))

八家KTV企业诉音集协垄断案一审被诉

近日，北京知识产权法院一审审结广东地区8家KTV公司诉中国音像著作权集体管理协会（“音集协”）垄断纠纷八案，一审判决驳回原告的诉讼请求。北京知识产权法院经审理认为，音集协在本案涉及的相关市场具有市场支配地位，但因现有证据不足以证明其实施了限定交易、附加不合理的交易条件等垄断行为，因此驳回了原告的诉讼请求。 ([查看更多](#))

Beijing IP Court Rules in Favor of CAVCA

Recently, the Beijing Intellectual Property Court (“Beijing IP Court”) rejected the plaintiffs’ claims in eight first-instance cases in which eight karaoke companies from Guangdong province sued China Audio-Video Copyright Association (“CAVCA”) for monopoly. The Beijing IP Court held that CAVCA has a dominant market position in the relevant market, but the plaintiffs failed to prove that CAVCA has abused its dominance to restrict transactions or add unreasonable trade conditions. ([More](#))

海外动态 Overseas News

欧盟拟加强对外国国有公司收购欧盟公司的反垄断审查

2020年6月9日，据路透社报道，欧盟委员会负责竞争政策的执行副主席玛格丽特·维斯塔格当日表示，欧盟将寻求对涉及外国国有或受政府支持的企业收购欧洲企业的交易实施更为严格的审查。维斯塔格认为，在相关外国企业收购欧洲企业时，欧盟不清楚该企业是否接受政府补贴也不会对就此审查，这就导致此类交易产生分裂单一市场或造成不公平竞争的风险很高。 ([查看更多](#))

EU Seeks Tougher Checks on Foreign State-owned or State-backed Companies Buying European Firms

On 9 June 2020, it was reported by *Reuters* that the European Union will seek tougher checks on foreign state-owned or state-backed companies buying European firms, said by the European Commissioner Executive Vice-President Margrethe Vestager. Margrethe Vestager stated that foreign companies use subsidies without the European Union’s knowledge or check, and therefore there is a high risk that they will fragment the single market or un-level the playing field. ([More](#))

欧盟公布高通排他性支付垄断案136页处罚决定书

2020年6月8日，欧盟委员会公布了高通公司（Qualcomm）排他性支付垄断案长达136页的处罚决定书，就该案的相关市场界定、市场支配地位认定、滥用行为、竞争影响、罚款计算等多个程序及实体问题进行了详细阐述和说明。此前，欧盟委员会曾于2018年1月就此案作出处罚决

定，对高通向苹果支付巨额费用换取其独家使用其芯片的滥用市场支配地位排他性支付行为（exclusivity payments）开出了9.97亿欧元的反垄断罚单。（[查看更多](#)）

European Commission Releases Full Qualcomm Exclusivity Payments Decision

On 8 June 2020, the European Commission released its 136-page explanation of its decision to fine Qualcomm EUR 997 million for antitrust violations, and in which detailed analysis and explanation on market definition, market dominant position, abuse of dominance, anti-effective effects, calculation of fine, etc. are explained. The European Commission fined Qualcomm in January of 2018 for paying Apple to exclusively use its chips. ([More](#))

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