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国内要闻 Domestic News

市场监管总局召开原料药和药品规范经营座谈会

2020年9月23日，国家市场监督管理总局（“市场监管总局”）反垄断局召开原料药和药品规范经营座谈会。会上，相关行业协会和企业对《原料药领域反垄断指南》提出了修改完善意见。反垄断局强调，市场监管部门将持续加大原料药和药品领域反垄断执法力度，严厉打击垄断涨价等各种形式的垄断行为，对原料药和药品领域垄断行为特别是有意规避反垄断调查实施的垄断行为，坚持从严从重从快处理，切实保护消费者利益，维护原料药和药品市场公平竞争秩序。（[查看更多](#)）

SAMR Holds a Seminar on Antitrust Compliance of APIs and Medicines Sector

On September 23, 2020, China's State Administration for Market Regulation (“SAMR”) Anti-Monopoly Bureau held a seminar on antitrust compliance issues of Active Pharmaceutical Ingredients (“APIs”) and medicines sector. During the meeting, trade associations and companies proposed revision suggestions on the *Anti-Monopoly Guidelines for APIs and Medicines*. The Anti-Monopoly Bureau underlined that the authority would continue to strengthen antitrust enforcement in the sector of APIs and medicines, cracking down monopolistic pricing behaviors, especially those deliberately evading the antitrust investigations. The authority is determined to strengthen law enforcement in the field of APIs and medicines, to protect consumer interests and fair competition. ([More](#))

市场监管总局发布《企业境外反垄断合规指南（征求意见稿）》

2020年9月18日，市场监管总局发布《企业境外反垄断合规指南（征求意见稿）》（“《征求意见稿》”）并征求公众意见。《征求意见稿》共二十五条，包括总则、合规管理制度、合规风险重点、境外反垄断合规风险管理和防范和附则五章。《征求意见稿》鼓励企业设置境外反垄断合规管理部门、岗位及其相应职责，倡导企业建立境外反垄断合规体系与境外反垄断合规承诺机制。征求意见截止日期为2020年9月30日。（[查看更多](#)）

SAMR Seeks Comments on the Draft Oversea Anti-Monopoly Compliance Guidelines for Enterprises

On September 18, 2020, SAMR issues the *Oversea Anti-Monopoly Compliance Guidelines for Enterprises (Draft Exposure)* (“**Draft Exposure**”) for public comments. The Draft Exposure consists of 25 articles under the following five chapters: (i) general provisions; (ii) compliance management system; (iii) key compliance risks; (iv) oversea anti-monopoly compliance risk management and prevention; (v) supplementary provisions. The Draft Exposure encourages enterprises to set up internal division, head accounts and responsibilities to deal with overseas anti-monopoly compliance management, and establish overseas anti-monopoly compliance system and commitment mechanism. The deadline for submitting comments is September 30, 2020. ([More](#))

海外动态 Overseas News

美国国会拟举行反垄断听证会，讨论强化反垄断法与恢复互联网竞争

2020年9月25日，据路透社报道，美国国会众议院司法委员会反垄断、商业与行政法小组委员会（“反垄断小组委员会”）拟于2020年10月1日就强化反垄断法与恢复互联网竞争的提案举行听证会。据悉，就针对美国四家大型科技公司的反垄断指控，反垄断小组委员会即将发布一项深度调查报告。2020年7月，全球最大的四家科技公司亚马逊、Facebook、苹果和谷歌的首席执行官参与了反垄断小组委员会的听证会并接受质询。（[查看更多](#)）

US Congress Proposes to Hold an Antitrust Hearing regarding Strengthening Antitrust Laws and Restore Online Competition

On September 25, 2020, *Reuters* reported that the US House Judiciary Subcommittee on Antitrust, Commercial and Administrative Law (“**Antitrust Subcommittee**”) plans to hold an antitrust hearing on proposals to strengthen antitrust laws and restore online competition on October 1, 2020. It was reported that the Antitrust Subcommittee will soon release a deep investigation report into antitrust allegations against four of America’s largest tech companies and recommendations. In July 2020, the chief executives of four of the world’s largest tech companies, Amazon, Facebook, Apple and Google, testified and answered questions before the Antitrust Subcommittee. ([More](#))

美国司法部拟起诉谷歌，将重点关注其在搜索引擎市场的支配地位

2020年9月22日，据纽约时报报道，美国司法部拟对谷歌提起反垄断诉讼，重点关注谷歌在搜索引擎市场的支配地位。本案还将聚焦于谷歌与苹果等公司之间的协议，协议约定谷歌被设置为苹果等手机用户的默认搜索引擎，这使得谷歌在搜索引擎市场上获得相对于竞争对手的竞争优势。同时，谷歌还可能面临各州提起的反垄断诉讼，这些诉讼指控谷歌滥用搜索服务市场的支配地位，为购物及其他服务提供优惠。（[查看更多](#)）

DOJ Proposes to Sue Google and Focus on its Search Dominance

On September 22, 2020, the *New York Times* reported that the Department of Justice (“**DOJ**”) proposes to file an antitrust action against Google and focus on the company’s market dominance over internet search. The case is also expected to focus on Google’s agreements with other companies like Apple, which set its search engine as the default option for users on iPhones and other devices and give Google’s search engine an advantage over other rivals. Meanwhile, the complaint is expected to be followed by other antitrust actions from states against Google. Those actions include more wide-ranging allegations of Google using its dominance of the search market to favor its shopping and other services. ([More](#))

美国反垄断执法机构就修订HSR法案相关规则及解释征求意见

2020年9月21日，美国联邦贸易委员会和司法部反垄断局发布联合声明，双方将就修订《哈特-斯科特-罗迪诺法案》（Hart-Scott-Rodino Act, “**HSR法案**”）相关实施规则及解释征求公众意

见。修订意见重点包括：要求申报方披露关于自身关联公司的额外信息，以及汇总在同一证券发行人中这些关联公司的并购情况；新增一项规定，即除非并购方与证券发行人存在重要竞争关系，其收购10%及以下有表决权证券将得到豁免。（[查看更多](#)）

FTC and DOJ Seek Comments on Proposed Amendments to HSR Relevant Rules and Interpretations

On September 21, 2020, the Federal Trade Commission (“**FTC**”) and DOJ jointly released the news that the two sides published proposed amendments to the rules and interpretations implementing the Hart-Scott-Rodino Act (“**HSR**”) for public comments. The key proposed amendments include that (i) requiring filers to disclose additional information about their associates and to aggregate acquisitions in the same issuer across those entities; (ii) a new proposed rule that would exempt the acquisition of 10 percent or less of an issuer’s voting securities unless the acquiring person already has a competitively significant relationship with the issuer. ([More](#))

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