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因收购多喜爱股权未依法申报，浙江建设遭市场监管总局处罚

2020年10月14日，国家市场监督管理总局（“市场监管总局”）发布了浙江省建设投资集团股份有限公司（“浙江建设”）收购多喜爱集团股份有限公司（“多喜爱”）29.83%股权未依法申报案的行政处罚决定，对浙江建设处以35万元罚款。根据调查，浙江建设收购多喜爱29.83%股权，取得控制权，达到经营者集中申报标准，但未提前申报。该行为违反了《反垄断法》的规定，构成未依法申报的经营者集中。（[查看更多](#)）

SAMR Fines ZCIGC for Gun-jumping

On October 14, 2020, China's State Administration for Market Regulation (“SAMR”) released the sanction decision in which Zhejiang Construction Investment Group Co., Ltd. (“ZCIGC”) was fined CNY 350,000 for gun-jumping. SAMR found that ZCIGC acquired 29.83% of the shares of Dohia Group Co., Ltd. (“Dohia”) and took control of Dohia without filing any notification before SAMR and therefore violated the *Anti-Monopoly Law*. ([More](#))

市场监管总局发布《关于原料药领域的反垄断指南（征求意见稿）》

2020年10月13日，市场监管总局发布《关于原料药领域的反垄断指南（征求意见稿）》（“《指南草案》”），旨在预防和制止原料药领域垄断行为，引导原料药领域经营者守法合规经营。《指南草案》共22条，分为总则，垄断协议，滥用市场支配地位，经营者集中，滥用行政权力排除、限制竞争，附则6章。根据《指南草案》，两家以上原料药生产或经销企业分工负责、相互配合实施第三章规定的垄断行为，可能构成共同滥用市场支配地位行为。征求意见稿截止日期为2020年10月30日。（[查看更多](#)）

SAMR Invites Public Comments on Draft Antitrust Guidelines in the Field of APIs

On October 13, 2020, SAMR released the *Antitrust Guidelines in the Field of Active Pharmaceutical Ingredients* (“APIs”) (*Exposure Draft*) (“**Draft Guidelines**”), which aims to crack down monopolistic behavior in the field of APIs and guide operators to operate in accordance with laws and regulations. The Draft Guidelines consist of 22 articles under the following six chapters: (i) general provisions; (ii) monopoly agreements; (iii) abuse of dominant position; (iv) concentration of undertakings; (v) administrative monopoly; and (vi) supplementary provisions. According to the Draft Guidelines, where two or more API manufacturers or distributors implement monopolistic behavior provided in Chapter III through the division of labor and cooperation, they may constitute an abuse of collective market dominance. The deadline for comments is October 30, 2020. ([More](#))

海外动态 Overseas News

欧盟委员会拟出台《数字市场法》以应对科技巨头反竞争行为

2020年10月13日，据POLITICO报道，欧盟委员会计划将两项主要的竞争立法提案合并为《数字市场法》（Digital Markets Act）。其一是市场调查工具“新型竞争工具”（New Competition

Tool)，旨在使得竞争执法者采取更加迅速有力的行动；其二是《数字服务法》（Digital Services Act）的部分内容，这是一套针对谷歌、苹果和亚马逊等公司的新规定，将于2020年12月公布。据悉，拟出台的《数字市场法》将重点关注数字市场，该法特色是事前监管和逐案执行两大支柱形成互补。（[查看更多](#)）

European Commission to Propose Digital Markets Act to Crack Down Big Tech Anti-competitive Behaviour

On October 13, 2020, *POLITICO* reported that the European Commission is planning to merge two major legislative initiatives on competition into the *Digital Markets Act*. One is the New Competition Tool, a market investigation tool that would allow competition enforcers to act more swiftly and forcefully. The other is a part of the *Digital Services Act*, a new set of rules due to be unveiled in December for companies like Google, Apple and Amazon. The proposed *Digital Markets Act* will focus on digital markets, which would feature two complementary pillars, a combination of *ex ante* regulation and case-by-case enforcement. ([More](#))

欧盟委员会发出“竞争政策支持绿色协议”倡议并征求意见

近日，欧盟委员会竞争总司发表了一份倡议，呼吁各方就如何协调竞争规则和可持续发展政策提供意见。该倡议表示，通过协助实现有效率且富有竞争力的市场产出，竞争政策本身有利于提高绿色政策的有效性。在应对气候变化和保护环境方面，竞争政策并不处于主导地位，但是可以对监管起到补充作用，问题在于，竞争政策如何才能最有效地实现这一点。征求意见截止日期为2020年11月20日。（[查看更多](#)）

DG COMP Publishes Call for Contributions on Competition Policy Supporting the Green Deal

Recently, the European Commission Directorate General for Competition (“DG COMP”) published a call for contributions on questions about how competition rules and sustainability policies work together. DG COMP indicated that by helping to achieve efficient and competitive market outcomes, competition policy contributes by itself to the effectiveness of green policies. When it comes to fighting climate change and protecting the environment, competition policy is not in the lead, but it can complement regulation. The question is how it could do that most effectively. The deadline for submitting comments is November 20, 2020. ([More](#))

立方律师事务所编写《立方观评》的目的仅为帮助客户及时了解中国法律及实务的最新动态和发展，上述有关信息不应被看作是特定事务的法律意见或法律依据，上述内容仅供参考。

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