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Chinese Supreme Court to Carry out In-depth Research on Platform Enterprise Monopoly Identification

《法治中国建设规划（2020—2025年）》：坚决纠正滥用行政权力排除、限制竞争行为

China to Rectify Administrative Monopolies

市场监管总局局长张工：切实履行好反垄断和反不正当竞争职责

SAMR to Speed up Revision Process of Anti-Monopoly Law

山东省市场监督管理局查处两起行政垄断案

Two Government Agencies in Shandong Rectify Administrative Monopolies

双氯芬酸钠原料药总经销协议引纠纷，二审判决披露执法机构曾核查垄断线索

Antitrust Regulators Investigate Diclofenac Sodium API Supplier

海外动态 Overseas News

德国联邦卡特尔局查处井盖沟盖垄断协议案，罚款约600万欧元

German Manufacturers of Manhole Covers and Gully Tops Fined for Price-Fixing

出售东南亚业务给Grab遭罚658万新元，新加坡竞争上诉委员会驳回Uber上诉

Singapore Competition Appeal Board Upholds S\$ 6.58 Fines on Uber over Grab Merger

遭美国司法部反垄断诉讼后，Visa放弃收购金融科技Plaid

Visa and Plaid Abandon Merger After DOJ's Suit to Block

国内要闻 Domestic News

最高人民法院：深入研究平台企业垄断认定、数据收集使用管理等问题

2021年1月11日，据新浪微博@新华视点消息，全国高级法院院长会议10日举行，最高人民法院提出，要加强司法反垄断和反不正当竞争，深入研究平台企业垄断认定、数据收集使用管理、数字领域消费者权益保护等问题，保障各类市场主体依法平等使用资源要素，促进形成全国统一、公平竞争、规范有序的市场体系。（[查看更多](#)）

Chinese Supreme Court to Carry out In-depth Research on Platform Enterprise Monopoly Identification

On January 11, 2021, Xinhua View reported that the National Conference of the Presidents of High Courts was held on January 10. The Supreme People's Court pointed out that, it is necessary to (i) strengthen the private enforcement of antitrust and unfair competition, (ii) carry out in-depth research on platform enterprise monopoly identification, data collection and usage management, protection of consumer rights and interests in the digital field and other issues, (iii) ensure all kinds of market entities have equal access to resource elements in accordance with the law, and (iv) promote the formation of a market system that is unified nationwide, fair competition, well-regulated and orderly. ([More](#))

《法治中国建设规划（2020—2025年）》：坚决纠正滥用行政权力排除、限制竞争行为

2021年1月10日，据新华社报道，近日，中共中央印发了《法治中国建设规划（2020—2025年）》，并发出通知，要求各地区各部门结合实际认真贯彻落实。规划提到，持续营造法治化营商环境，实施统一的市场准入负面清单制度，清理破除隐性准入壁垒，普遍落实“非禁即入”。全面清理、废止对非公有制经济的各种形式不合理规定，坚决纠正滥用行政权力排除、限制竞争行为。（[查看更多](#)）

China to Rectify Administrative Monopolies

On January 10, 2021, Xinhua reported that recently, the Central Committee of the Communist Party of China has issued a plan on building the rule of law in China (2020-2025) and also gave a notice requiring all regions and all relevant departments to conscientiously implement the plan according to actual conditions. The plan underlines that it is necessary to continually foster a law-based business environment, implement a unified negative list system for market access, remove hidden barriers to market access, and broadly implement the principle of “entry unless on the negative list”. It is also necessary to thoroughly sort out and abolish all forms of unreasonable regulations concerning the non-public sector of the economy, and resolutely rectify abuses of administrative power to eliminate or restrict competition. ([More](#))

市场监管总局局长张工：切实履行好反垄断和反不正当竞争职责

2021年1月9日，据新华社报道，国家市场监督管理总局（“市场监管总局”）局长张工表示，市场监管部门将围绕中央经济工作会议部署的“强化反垄断和防止资本无序扩张”等重点任

务，切实履行好反垄断和反不正当竞争职责。在加强执法的同时，加快完善市场竞争规则，特别是推动反垄断法加快修订，加快出台平台经济领域反垄断指南、网络交易监督管理办法，完善平台企业垄断认定、消费者权益保护等方面的规则。（[查看更多](#)）

SAMR to Speed up Revision Process of Anti-Monopoly Law

On January 9, 2021, Xinhua reported that ZHANG Gong, Minister of the State Administration for Market Regulation, said market regulatory authorities will focus on “strengthen antitrust and prevent the disorderly expansion of capital” and other key tasks deployed by the Central Economic Work Conference, effectively perform the duties of antitrust and anti-unfair competition. While strengthening law enforcement, SAMR will speed up the improvement of market competition rules. In particular, it will accelerate the revision of the *Anti-Monopoly Law*, accelerate the introduction of anti-monopoly guidelines in the field of platform economy and administrative measures for online trading, and improve rules on the identification of platform enterprises’ monopoly and the protection of consumers’ rights and interests. ([More](#))

山东省市场监督管理局查处两起行政垄断案

近日，山东省市场监督管理局公布了两起滥用行政权力排除限制竞争行为案件。其中，一起案件中，日照市城市管理局限定开发单位在建设新建住宅小区时，所需用热计量装置只能向供热企业采购；另一起案件中，济宁市财政局未给予某民营公交企业与国有企业一样平等的财政补贴。经山东省市场监督管理局调查指正，日照市城市管理局与济宁市财政局均已就相关行为进行了整改。（[查看更多](#)）

Two Government Agencies in Shandong Rectify Administrative Monopolies

Recently, the Administration for Market Regulation of Shandong Province (“Shandong AMR”) unveiled two cases of abuse of administrative power to eliminate or restrict competition. One is that Rizhao City Administration Bureau restricted the real estate development companies to purchase heat metering devices only from heating enterprises when building new residential areas. Another is that Jining Finance Bureau did not give a private bus company the same financial subsidies as state-owned enterprises. After Shandong AMR’s investigation and correction, Rizhao City Administration Bureau and Jining Finance Bureau have corrected mistakes. ([More](#))

双氯芬酸钠原料药总经销协议引纠纷，二审判决披露执法机构曾核查垄断线索

近日，中国裁判文书网公布了湖北省武汉市中级人民法院作出的湖北健能医药有限公司、河南东泰制药有限公司（“东泰制药”）买卖合同纠纷二审民事判决书。判决书中提到，2020年6月24日，河南省安阳市汤阴县市场监督管理局曾向东泰制药下达《协助调查双氯芬酸钠原料药垄断线索的通知》，配合河南省市场监督管理局对东泰制药垄断线索进行核查，要求东泰制药提供涉嫌垄断原料药双氯芬酸钠的合同及其他相关手续。（[查看更多](#)）

Antitrust Regulators Investigate Diclofenac Sodium API Supplier

Recently, China Judgements Online released the judgement by Wuhan Intermediate People's Court of Hubei Province on the sales contract dispute between Hubei Jianeng Pharmaceutical Co., Ltd. and Henan Dongtai Pharmaceutical Co., Ltd (“Dongtai”). According to the judgement, on June 24, 2020, the local market regulation authority issued a notice to Dongtai, stating it was cooperating with the Administration for Market Regulation of Henan Province to check the monopoly clues of Dongtai, and requested Dongtai to provide the contracts and other related documents involving the suspected monopoly of the active pharmaceutical ingredient (“API”) of diclofenac sodium. ([More](#))

海外动态 Overseas News

德国联邦卡特尔局查处井盖沟盖垄断协议案，罚款约600万欧元

2021年1月14日，德国联邦卡特尔局宣布，其已对两家井盖、沟盖厂商及其代表的横向垄断协议行为开出总计约600万欧元的反垄断罚单。涉案的两家公司为MeierGuss Sales & Logistics GmbH & Co. KG和Hydrotec Technologies AG in Wildeshausen。调查发现，至少从2018年5月16日开始，到2018年11月14日执法机构实施突袭搜查，两家企业的代表对适用于主要客户的特定标准化产品的特别返利（二次返利）和特定水泥、铁质井盖产品的净价达成了协议。根据这项协议，在上述期间内对条件进行了多次调整。 ([查看更多](#))

German Manufacturers of Manhole Covers and Gully Tops Fined for Price-Fixing

On January 14, 2021, the Bundeskartellamt, German competition watchdog, announced that it has imposed fines totalling around 6 million euros on two manufacturers of manhole covers and gully tops and their representatives for agreements on prices and rebates and an agreement to carve up two major contracts between themselves. The companies concerned are MeierGuss Sales & Logistics GmbH & Co. KG and Hydrotec Technologies AG. According to the Bundeskartellamt's investigations, an agreement between the representatives of the two parties had existed at least from 16 May 2018 until the dawn raid that was conducted on November 14, 2018, under which the special rebate for specific standard products (referred to as “second rebate”) and the net prices for specific concrete/iron manhole covers applicable to major customers were to be agreed between the two companies. Based on this agreement the conditions were readjusted several times during the period mentioned above. ([More](#))

出售东南亚业务给Grab遭罚658万新元，新加坡竞争上诉委员会驳回Uber上诉

2021年1月13日，新加坡竞争与消费者委员会（Competition and Consumer Commission of Singapore, “CCCS”）发布新闻称，新加坡竞争上诉委员会（Competition Appeal Board, “CAB”）已于2020年12月29日驳回了Uber针对CCCS对其作出的处罚决定的上诉。此前，网约车巨头Uber将其东南亚业务出售给了Grab，获得了Grab 27.5%的股份。2018年9月24日，CCCS对Uber和Grab作出处罚决定，认定该交易导致新加坡网约车平台市场的竞争大幅减少，违反了《新加坡竞争法》，并对Uber和Grab分别处以约658万新元（约合人民币3213万元）和642万新元（约合人民

币3135万元)的罚款。之后, Uber向CAB提起上诉, 要求撤销处罚决定或者降低罚款金额。而Grab则选择缴纳罚款, 遵从CCCS的指示, 未予上诉。 ([查看更多](#))

Singapore Competition Appeal Board Upholds S\$ 6.58 Fines on Uber over Grab Merger

On January 13, 2021, the Competition and Consumer Commission of Singapore (“CCCS”) issued a press release stating that the Competition Appeal Board (“CAB”) has, on 29 December 2020, dismissed the appeal by Uber against the decision of CCCS that Uber’s sale of its Southeast Asian business to Grab for a 27.5% stake in Grab resulted in a substantial lessening of competition in the ride-hailing platform market in Singapore and infringed section 54 of the Competition Act. On September 24, 2018, CCCS issued an Infringement Decision and imposed financial penalties S\$6,582,055 and S\$6,419,647 on Uber and Grab respectively. Uber brought an appeal against the Infringement Decision to the CAB, seeking to either set aside the Infringement Decision or reduce the financial penalty imposed. Grab did not contest CCCS’s Infringement Decision, paid the financial penalty of S\$6,419,647 imposed on it and complied with CCCS’s Directions. ([More](#))

遭美国司法部反垄断诉讼后, Visa放弃收购金融科技公司Plaid

2021年1月12日, 美国司法部 (Department of Justice, “DOJ”) 宣布, Visa已放弃以53亿美元收购金融科技公司Plaid的交易。此前, DOJ曾于2020年11月5日提起反垄断诉讼, 以阻止此项交易。DOJ称, Visa是在线借记服务 (online debit services) 的垄断者, 每年向消费者和商家收取数十亿美元的在线支付费用。而Plaid是一家成功的金融科技公司, 正在开发一种支付平台, 这将挑战Visa的垄断地位。 ([查看更多](#))

Visa and Plaid Abandon Merger After DOJ’s Suit to Block

On January 12, 2021, the U.S. Department of Justice (“DOJ”) announced that Visa Inc. and Plaid Inc. have abandoned their planned \$5.3 billion merger. The DOJ filed a civil antitrust lawsuit on November 5, 2020, to stop the merger, alleging that Visa is a monopolist in online debit, charging consumers and merchants billions of dollars in fees each year to process online payments. Plaid, a successful fintech firm, is developing a payments platform that would challenge Visa’s monopoly. ([More](#))

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