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国内要闻 Domestic News

涉嫌组织达成垄断协议，市场监管总局对中国建筑玻璃与工业玻璃协会立案调查

SAMR Opens Formal Antitrust Investigation into China Architectural and Industrial Glass Association

央行非银行支付机构新规草案涉多条反垄断规定，首提市场支配地位预警措施

Chinese Regulators Propose New Antitrust Rules for Non-Bank Payment Industry

市场监管总局附条件批准思科收购阿卡夏股权案（两次撤回/450天/行为性救济）

SAMR Clears Acquisition of Acacia by Cisco, Subject to Conditions

全国市场监管工作会议在京召开，要求加强反垄断和反不正当竞争，坚持“三个并重”

SAMR to Strengthen Antitrust and Anti-Unfair Competition Enforcement

海口中院开庭审理药企价格管控协议纠纷，经销商曾向反垄断执法机构举报

Hainan Court Hears Dispute over Drug Price Control Agreement

近6000万反垄断罚单落地！四川省水泥协会与5家公司遭罚，1公司适用宽大制度免罚

Sichuan Cement Association, 5 Companies Fined Approx. 60m for Collision

全国人大常委会执法检查组建议研究优化国务院反垄断委员会、公平竞争审查部际联席会议职能配置

China's Anti-Monopoly Committee May Face Optimization

海外动态 Overseas News

拜登任命丽贝卡·凯莉·斯劳特担任FTC代理主席

FTC Commissioner Rebecca Kelly Slaughter Designated Acting Chair of the Agency

欧盟对Valve和5家游戏发行商“锁区”行为开出780万欧元反垄断罚单

EU Fines Valve and Five Publishers of PC Video Games € 7.8 Million for “Geo-Blocking” Practices

美国司法部加入斯坦福法学院“计算反垄断”项目

USDOJ Joins Computational Antitrust Project at Stanford Law School

拜登就任前夕，美国联邦贸易委员会主席宣布辞职

FTC Chairman Simons Announces his Resignation and the Departure of Senior Staff

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涉嫌组织达成垄断协议，市场监管总局对中国建筑玻璃与工业玻璃协会立案调查

2021年1月22日，国家市场监督管理总局（“市场监管总局”）宣布，近日，市场监管总局根据举报，依法对中国建筑玻璃与工业玻璃协会涉嫌组织部分玻璃企业达成垄断协议行为立案调查。（[查看更多](#)）

SAMR Opens Formal Antitrust Investigation into China Architectural and Industrial Glass Association

On January 22, 2021, China's State Administration for Market Regulation (“SAMR”) announced that following the receipt of complaints, it has recently opened a formal investigation into the China Architectural and Industrial Glass Association for suspected of organizing a number of glass companies to reach monopoly agreements. ([More](#))

央行非银行支付机构新规草案涉多条反垄断规定，首提市场支配地位预警措施

2021年1月20日，中国人民银行发布了《非银行支付机构条例（征求意见稿）》，向社会公开征求意见。征求意见稿包含了多条反垄断、公平竞争相关的条款，其中，第55条规定，在一个非银行支付机构在非银行支付服务市场的市场份额达到三分之一等情况下，中国人民银行可以商国务院反垄断执法机构对其采取约谈等措施进行预警；第64条规定，非银行支付机构实施垄断行为的，由国务院反垄断执法机构会同中国人民银行依据有关法律法规进行处罚。（[查看更多](#)）

Chinese Regulators Propose New Antitrust Rules for Non-Bank Payment Industry

On January 20, 2021, the People's Bank of China (“PBC”) issued the *Regulations on Non-Bank Payment Institutions (Exposure Draft)*. The exposure draft contains a number of provisions related to anti-trust or fair competition. Among them, Article 55 stipulates that in certain circumstances, such as a non-bank payment institution's market share in the non-bank payment service market reaches one third, the PBC can consult with the antitrust enforcement agency of the State Council to take measures such as admonishment meetings for early warning; Article 64 stipulates that non-bank payment institutions that implement monopolistic behaviors shall be punished by the antitrust enforcement agency of the State Council in conjunction with the PBC in accordance with relevant laws and regulations. ([More](#))

市场监管总局附条件批准思科收购阿卡夏股权案（两次撤回/450天/行为性救济）

2021年1月19日，市场监管总局发布了关于附加限制性条件批准思科系统公司收购阿卡夏通信公司股权案反垄断审查决定的公告。该交易于2019年10月22日开始申报。受法定审查时限影响，申报方两次申请撤回并重新提交申报，最终于2021年1月14日获附条件批准。所附条件包括，交易双方和集中后实体应按照公平、合理、无歧视的原则，继续向中国客户供应相干数字信号处理器等。（[查看更多](#)）

SAMR Clears Acquisition of Acacia by Cisco, Subject to Conditions

On January 19, 2021, SAMR announced that it has approved the acquisition of Acacia Communications, Inc. by Cisco Systems, Inc. subject to conditions. This deal was filed to SAMR on October 22, 2019. Due to the statutory review time limit, the applicant applied twice for withdrawal and refiling and was finally granted conditional approval on January 14, 2021. Both parties and the concentrated entity shall continue to supply relevant digital signal processors to Chinese customers in accordance with the principles of fairness, rationality and non-discrimination, and observe other commitments. ([More](#))

全国市场监管工作会议在京召开，要求加强反垄断和反不正当竞争，坚持“三个并重”

2021年1月18日，全国市场监管工作会议在北京召开。会议要求，加强反垄断和反不正当竞争，坚持支持和规范并重、治“果”和治“因”并重、监管执法和制度建设并重，切实提高维护市场公平竞争的能力。 ([查看更多](#))

SAMR to Strengthen Antitrust and Anti-Unfair Competition Enforcement

On January 18, 2021, the National Market Regulation Meeting was held in Beijing. At the meeting, SAMR stressed that it is necessary to strengthen antitrust and anti-unfair competition enforcement, attach equal importance to support and regulation, results and causes, and regulatory enforcement and institutional improvement, so as to effectively enhance the ability to maintain fair market competition. ([More](#))

海口中院开庭审理药企价格管控协议纠纷，经销商曾向反垄断执法机构举报

2021年1月18日，海南省海口市中级人民法院公开开庭合并审理并在线直播了（2020）琼01知民初32号、33号、34号、35号案件，原告均为海南伊顺药业有限公司（“伊顺公司”），被告分别为湖北昊邦药业有限公司（“昊邦公司”）、山东万吉药业有限公司、广西联华药业有限公司和山西精诚药业有限公司。庭审中，原告伊顺公司主张四被告未经原告同意，擅自在网上低价销售了莲芝消炎滴丸，严重违反《价格管控协议书》的约定，损害了原告权益，要求被告支付低价销售的罚款并支付违约金。昊邦公司等认为，《价格管控协议书》含有限制最低转售价格条款并约定了罚款、停止供货等惩罚措施，违反了《反垄断法》第14条的规定。此外，被告昊邦公司还在庭审中提到曾向海南省市场监督管理局就原告涉嫌垄断行为进行举报。 ([查看更多](#))

Hainan Court Hears Dispute over Drug Price Control Agreement

On January 18, 2021, the Haikou Intermediate People's Court of Hainan Province heard four cases together. The plaintiff in all four cases is Hainan Yishun Pharmaceutical Co., Ltd. (“Yishun”), and the defendants are Hubei Haobang Pharmaceutical Co., Ltd. (“Haobang”), Shandong Wanji Pharmaceutical Co., Ltd., Guangxi Lianhua Pharmaceutical Co., Ltd. and Shanxi Jingcheng Pharmaceutical Co., Ltd. During the trial, Yishun claimed that the four defendants sold Lianzhi Xiaoyan Diwan (drug name) online at low prices without its consent, which seriously violated the provisions of the *Price Control Agreement* and harmed its rights and interests and required the defendants to pay fines for low prices and breach of contract. Haobang and others believe that the *Price Control Agreement* contains a clause

restricting the minimum resale price and stipulates penalties such as fines and suspension of supply, which violated Article 14 of the *Anti-Monopoly Law*. Besides, during the trial, Haobang also mentioned that it had filed an antitrust complaint with Hainan Provincial Market Regulation Administration against Yishun. ([More](#))

近6000万反垄断罚单落地！四川省水泥协会与5家公司遭罚，1公司适用宽大制度免罚

近日，四川省市场监督管理局网站发布了四川省水泥行业垄断案7份行政处罚决定书的基本信息，对四川省水泥协会组织达成垄断协议的行为处以50万元的顶格罚款，对四川西南水泥有限公司等五家水泥企业达成并实施垄断协议的行为处以没收违法所得和2016年度销售额1%、2%不等的罚款，罚没款合计近6000万元。此外，本案中，四川双马水泥股份有限公司因适用宽大制度（《反垄断法》第46条第2款）而免于处罚。（[查看更多](#)）

Sichuan Cement Association, 5 Companies Fined Approx. 60m for Collision

Recently, the Administration for Market Regulation of Sichuan Province published the basic information of 7 administrative penalty decisions. The Sichuan Cement Association was imposed a maximum fine of CNY 500,000 for organizing cement suppliers to reach a monopoly agreement. 5 cement companies including Sichuan Southwest Cement Co., Ltd., due to reaching and implementing the monopoly agreement, were imposed with confiscation of illegal gains and fines ranging from 1% to 2% of their 2016 annual sales, with a total fine of nearly CNY 60 million. In addition, Sichuan Shuangma Cement Co., Ltd. was exempt due to the application of the leniency system. ([More](#))

全国人大常委会执法检查组建议研究优化国务院反垄断委员会、公平竞争审查部际联席会议职能配置

近日，中国人大网公布了《全国人民代表大会常务委员会执法检查组关于检查<中华人民共和国反不正当竞争法>实施情况的报告》。报告第五部分“对进一步贯彻实施反不正当竞争法的意见建议”中提到，加强对竞争政策实施的统筹协调，适应市场监管综合执法体制，研究优化国务院反垄断委员会、公平竞争审查部际联席会议及反不正当竞争部际联席会议的职能配置，加强统筹协调机制建设。（[查看更多](#)）

China's Anti-Monopoly Committee May Face Optimization

Recently, the website of China's National People's Congress released the *Report of the Enforcement Inspection Team of the Standing Committee of the National People's Congress on the Inspection of the Implementation of the Anti-Unfair Competition Law of the People's Republic of China*. In the fifth part, the report underlines that it is necessary to (i)strengthen the co-ordinance of the implementation of competition policy, (ii)adjust to the comprehensive market regulation and law enforcement system, (iii) study and optimize the functional allocation of the Anti-Monopoly Committee of the State Council, the Inter-ministerial Joint Conference on Fair Competition Review and the Inter-Ministerial Joint Confer-

ence on Anti-Unfair Competition, and (iv) strengthen overall planning and coordination mechanisms. ([More](#))

海外动态 Overseas News

拜登任命丽贝卡·凯莉·斯劳特担任美国联邦贸易委员会代理主席

2021年1月21日，美国联邦贸易委员会（Federal Trade Commission，“FTC”）发布新闻称，美国总统拜登已任命丽贝卡·凯莉·斯劳特（Rebecca Kelly Slaughter）为FTC代理主席。斯劳特自2018年5月起任FTC委员，在此之前，她担任纽约州参议员、参议院多数党领袖查尔斯·舒默（Charles Schumer）的首席顾问。FTC表示，作为一名委员，斯劳特一直主张为FTC提供更多资源，促进公平和包容，支持积极动用FTC的权力。在打击系统性的种族主义、日益加剧的竞争威胁以及对消费者数据的广泛滥用方面，她直言不讳。 ([查看更多](#))

FTC Commissioner Rebecca Kelly Slaughter Designated Acting Chair of the Agency

On January 21, 2021, the Federal Trade Commission (“FTC”) issued a press release saying that President Joseph R. Biden designated Rebecca Kelly Slaughter as Acting Chair of the FTC. Slaughter has served as a Commissioner since May 2018. As a Commissioner, Slaughter has been an advocate for greater resources for the FTC and promoted equity and inclusion efforts. She has championed aggressive use of the FTC’s authorities. She has also been particularly outspoken about combatting systemic racism, growing threats to competition, and the broad abuse of consumers’ data. Before joining the FTC, Chairwoman Slaughter served as Chief Counsel to Senator Charles Schumer of New York, the Senate Majority Leader. ([More](#))

欧盟对Valve和5家游戏发行商“锁区”行为开出780万欧元反垄断罚单

2021年1月20日，欧盟委员会宣布已对拥有全球最大电子游戏平台Steam的Valve公司和五家游戏发行商Bandai Namco、Capcom、Focus Home、Koch Media、ZeniMax合计开出780万欧元的反垄断罚单。欧盟委员会表示，基于欧洲经济区用户所处的地理位置，Valve公司和这些游戏发行商限制了约100款不同类型的PC游戏的跨境销售，这种行为被称为“锁区”（geo-blocking）。欧盟委员会于2017年2月2日对本案启动正式调查。调查过程中，五家游戏发行商选择与欧盟委员会合作，分别获得10%、15%不等的罚款减免，而Valve公司则选择了不予合作，最终被罚162.4万欧元。 ([查看更多](#))

EU Fines Valve and Five Publishers of PC Video Games € 7.8 Million for “Geo-Blocking” Practices

On January 20, 2021, the European Commission announced that it has fined Valve, owner of the online PC gaming platform “Steam”, and the five publishers Bandai Namco, Capcom, Focus Home, Koch Media and ZeniMax € 7.8 million for breaching EU antitrust rules. Valve and the publishers restricted cross-border sales of certain PC video games on the basis of the geographical location of users within the European Economic Area, entering into, the so called “geo-blocking” practices. The fines for the publish-

ers, totalling over €6 million, were reduced due to the companies' cooperation with the Commission. Valve chose not to cooperate with the Commission and was fined over €1.6 million. ([More](#))

美国司法部加入斯坦福法学院“计算反垄断”项目

2021年1月19日，美国司法部宣布将加入由斯坦福大学CodeX法律信息学中心主持、Thibault Schrepel教授创立的“计算反垄断”（Computational Antitrust）项目。该项目汇集了来自法律、计算机科学和经济学的学者，以及来自世界各地的开发者、政策制定者和反垄断机构，讨论技术和自动化如何改善反垄断执法。作为该项目的一部分，反垄断局的代表将参加有关如何将尖端的计算技术发展整合到反垄断法律和政策中的定期研讨会和对话。（[查看更多](#)）

US DOJ Joins Computational Antitrust Project at Stanford Law School

On January 19, 2021, the U.S Department of Justice (“DOJ”) announced that it will participate in the Computational Antitrust project, hosted by the Stanford University CodeX Center and created by Professor Thibault Schrepel. The project brings together academics from law, computer science, and economics as well as developers, policymakers, and antitrust agencies from around the world to discuss how technology and automation can improve antitrust enforcement. As part of the Computational Antitrust project, representatives from the DOJ Antitrust Division will participate in regular workshops and dialogs about how to integrate cutting-edge computational developments into antitrust law and policy. ([More](#))

拜登就任前夕，美国联邦贸易委员会主席宣布辞职

2021年1月19日，在拜登于当地时间20日宣誓就任美国第46任总统前夕，FTC主席约瑟夫·J·西蒙斯（Joseph J. Simons）宣布辞职，1月29日生效。西蒙斯于2018年5月1日宣誓就职FTC主席，在此之前，他曾于2001年至2003年之间担任FTC竞争局局长一职，并于上个世纪80年代在该局担任其他一些高级职位。宣布辞职的同时，西蒙斯还宣布了一些其他FTC高级官员的离任，包括总法律顾问Alden F. Abbott，竞争局局长Ian Conner、副局长Gail Levine、Daniel Francis，消费者保护局局长Andrew Smith，经济局局长Andrew Sweeting，公共事务办公室主任Cathy MacFarlane 和政策规划办公室主任Bilal Sayyed。（[查看更多](#)）

FTC Chairman Simons Announces his Resignation and the Departure of Senior Staff

On January 19, 2021, FTC Chairman Joseph J. Simons announced his resignation from the FTC, effective January 29, 2021. Simons was sworn in as Chairman of the FTC on May 1, 2018, having previously served as Director of the agency's Bureau of Competition between 2001 and 2003 and in other senior positions in the Bureau during the 1980s. Simons also announced the departure of a number of other senior staff from the FTC: General Counsel Alden F. Abbott; Bureau of Competition Director Ian Conner; Bureau of Competition Deputy Directors Gail Levine and Daniel Francis; Bureau of Consumer Protection Director Andrew Smith; Bureau of Economics Director Andrew Sweeting; Office of Public Affairs Director Cathy MacFarlane; and Office of Policy Planning Director Bilal Sayyed. ([More](#))

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