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2021年2月5日，国家市场监督管理总局（“市场监管总局”）发布《焕发新气象，展现新作为——2020年反垄断工作综述》一文，全面回顾了支持疫情防控和复工复产、规范平台经济竞争秩序、深化民生领域反垄断执法、维护全国统一大市场、持续完善反垄断法律体系、切实强化竞争政策顶层设计等各个方面的工作。其中提到，2020年，全国办结垄断案件108件，罚没金额3.91亿元；经营者集中案件立案481件，审结473件，附加限制性条件批准4件经营者集中案件。（[查看更多](#)）

SAMR Releases 2020 Antitrust Annual Review

On February 5, 2021, China's State Administration for Market Regulation ("SAMR") released a thorough review of the antitrust work in 2020, which summarised various aspects including supporting the prevention and control of the COVID-19 pandemic and resumption of work and production, regulating the order of platform economic competition, deepening antitrust enforcement in the field of people's livelihood, maintaining a unified national market, continuing to improve the antitrust legal system, and effectively strengthening the top-level design of competition policies. According to the review, in 2020, Chinese antitrust regulators concluded 108 monopoly cases and fined CNY 391 million. Besides, SAMR accepted 481 merger filing cases, concluded 473 cases, and approved 4 cases with conditions. ([More](#))

中国建筑玻璃与工业协会就市场监管总局反垄断调查发表声明

2021年2月5日，针对市场监管总局的反垄断调查，中国建筑玻璃与工业玻璃协会发表声明，承诺将积极配合市场监管总局的相关调查，接受行业和社会各界监督；立即停止，并不再参与或组织会员企业开展任何违反《反垄断法》的价格协调、减产、限产等活动；加强《反垄断法》相关法律法规学习，按照法律法规要求，修改或废止其制定的任何涉嫌违反《反垄断法》的文件，确保工作合规合法；利用自身优势，组织会员企业制定反垄断相关的自律制度，提高反垄断意识，自主决策开展生产经营。（[查看更多](#)）

China Architectural and Industrial Glass Association Cooperating with SAMR's Antitrust Investigation

On February 5, 2021, in response to SAMR's antitrust investigation, the China Architectural and Industrial Glass Association issued a statement, undertaking to (i) actively cooperate with SAMR in relevant investigations and accept the supervision of the industry and all sectors of society, (ii) immediately stop, and no longer participate in or organize members to carry out any activities such as price coordination, production reduction, production restriction that violate the *Anti-Monopoly Law* ("AML"), (iii) strengthen the study of antitrust rules, modify or abolish the documents suspected of violating the AML, and ensure compliance, and (iv) use its advantages to organize members to formulate antitrust-related self-discipline systems, enhance antitrust awareness, and make independent operating decisions. ([More](#))

阿里巴巴：正全力配合市场监管总局反垄断调查

2021年2月2日，阿里巴巴公布了2021财年第三季度的财报。财报中提到，阿里巴巴于2020年12月24日收到市场监管总局对其启动反垄断调查的通知。此项调查目前仍在进行中，阿里巴巴正全力配合市场监管总局。阿里巴巴已组成由相关业务部门领导组成的专项工作组开展内部审计。阿里巴巴将继续与市场监管总局就合规要求进行积极沟通。（[查看更多](#)）

Alibaba Fully Cooperating with SAMR's Antitrust Investigation

On February 2, 2021, Alibaba issued its 2021 Q3 financial statement. It mentioned that on December 24, 2020, Alibaba received a notice from SAMR, stating that it had commenced an investigation pursuant to the AML. The investigation is ongoing and Alibaba is fully cooperating with SAMR. Alibaba has established a special taskforce with leaders from relevant business units to conduct internal reviews. Alibaba will continue to actively communicate with SAMR on compliance with regulatory requirements. ([More](#))

中办、国办印发方案：全面完善公平竞争制度，加强和改进反垄断与反不正当竞争执法

2021年1月31日，据新华社报道，近日，中共中央办公厅和国务院办公厅印发了《建设高标准市场体系行动方案》（“《方案》”）。《方案》提出，全面完善公平竞争制度，增强公平竞争审查制度刚性约束，加强和改进反垄断与反不正当竞争执法，破除区域分割和地方保护。制定原料药等专项领域反垄断指南、豁免制度适用指南，出台实施企业境外反垄断合规指引。推动完善平台企业垄断认定、数据收集使用管理、消费者权益保护等方面的法律规范。加强平台经济、共享经济等新业态领域反垄断和反不正当竞争规制。（[查看更多](#)）

China to Fully Improve Fair Competition System and Enhance Competition Enforcement

On January 31, 2021, the General Office of the CPC Central Committee and the General Office of the State Council jointly issued the *Action Plan for Building a High Standard Market System* (“Plan”). According to the Plan, China will fully improve the fair competition system, strengthen the rigid constraints of the fair competition review system, strengthen and improve antitrust and anti-unfair competition enforcement, and eliminate regional division and local protection. It will formulate antitrust guidelines for specific sectors, e.g., active pharmaceutical ingredients and the exemption guidelines, and issue guidelines for overseas antitrust compliance. It will promote the improvement of legal standards in platform enterprise monopoly identification, data collection and use management, and consumer rights protection. It will also strengthen antitrust and anti-unfair competition regulations in new business fields such as platform economy and the sharing economy. ([More](#))

江西开展专项行动，治理印章市场行政垄断等突出问题

近日，江西省公安厅和江西省市场监督管理局印发工作方案，决定在江西全省范围内，开展为期三个月的印章市场突出问题专项治理行动。本次专项治理行动的治理重点之一为滥用行政权

力排除、限制竞争行为，包括行业协会、章材企业利用信息优势或借助地方管理部门行政权力，明示或暗示刻章店购买特定企业、品牌的章材、刻章机及其配套产品，以及明示或暗示用章单位到指定刻章店刻章等问题。（[查看更多](#)）

Jiangxi Regulators Launch Campaign against Prominent Problems in Company Seal Market

Recently, the Jiangxi Provincial Public Security Department and the Jiangxi Provincial Administration of Market Regulation jointly issued a work plan and launched a three-month-long special law enforcement campaign against prominent problems in company seal market. According to the plan, one of the main tasks is to tackle abuses of administrative power to eliminate or restrict competition, including the industry associations and seal material companies use their information advantage or administrative power of local authorities to tell or imply the seal shops to purchase seal materials, seal machines and supporting products from specific companies or brands, or, to tell or imply the buyers to purchase the seals at designated seal shops. ([More](#))

海外动态 Overseas News

美国参议员公布反垄断执法改革法案草案，拟增加执法资源，加强对反竞争行为和并购的执法力度

2021年2月4日，美国参议院司法委员会反垄断、竞争政策与消费者权益小组委员会主席、参议员艾米·克罗布彻（Amy Klobuchar）提出了一项全面的立法——《竞争和反垄断执法改革法案》（Competition and Antitrust Law Enforcement Reform Act of 2021）草案，以重振美国反垄断法，恢复美国市场的竞争。该法案草案拟为美国联邦反垄断执法机构提供更多的资源，以帮助他们履行使命，加强对反竞争行为和并购的执法力度，进行进一步改革，提高执法水平。部分措施包括：1）增加执法资源，授权为联邦反垄断执法机构增加年度预算；2）加强对反竞争并购的禁止，包括在特定情况下，将证明并购未违反法律的举证责任转移给并购方；3）防止具有市场支配企业的有害行为；4）组建一个新的、独立的联邦贸易委员会（Federal Trade Commission，“FTC”）部门开展市场研究和并购回顾；5）开展进一步改革以加强反垄断执法。（[查看更多](#)）

Senator Klobuchar Introduces Sweeping Bill to Promote Competition and Improve Antitrust Enforcement

On February 4, 2021, U.S. Senator, the lead Democrat on the Judiciary Subcommittee on Antitrust, Competition Policy and Consumer Rights, Amy Klobuchar introduced sweeping new legislation, i.e., the *Competition and Antitrust Law Enforcement Reform Act*, to reinvigorate America's antitrust laws and restore competition to American markets. This bill proposes to give federal enforcers the resources they need to do their jobs, strengthen prohibitions on anticompetitive conduct and mergers, and make additional reforms to improve enforcement. Specifically, it proposes to (i) increase enforcement resources, e.g., authorize increases to federal antitrust agencies' annual budget, (ii) strengthen prohibitions against anticompetitive mergers, e.g., shift the legal burden from the government to the merging companies to prove their merger will not violate the law under certain situations, (iii) prevent harmful domi-

nant firm conduct, (iv) establish a new, independent Federal Trade Commission (“FTC”) division to conduct market studies and merger retrospectives, and (v) implement additional reforms to enhance antitrust enforcement. ([More](#))

经FTC反垄断审查，钛白粉巨头特诺放弃收购Tizir钛铁业务

2021年1月29日，FTC发布新闻称，鉴于特诺（Tronox）已宣布放弃对Tizir 钛铁业务（TiZir Titanium and Iron, “TTI”）的收购，FTC已终止对该拟议收购的反垄断审查。FTC称，特诺是全球最大的二氧化钛（钛白粉的主要成分）颜料生产商之一，而TTI则是全球为数不多的氯化渣生产商之一，其生产的氯化渣是二氧化钛颜料的一种关键原料。FTC审查人员对该拟议收购进行了全面的审查，重点关注该笔交易可能造成的纵向损害。此前，FTC审查人员已得出结论并向委员会建议对该起交易发起挑战。在对该拟议收购的审查中，FTC和英国竞争与市场管理局开展了密切的合作。（[查看更多](#)）

Following FTC Staff Recommendation to Challenge Transaction, Tronox Abandons Proposed Acquisition of Tizir Titanium and Iron

On January 29, 2021, the FTC announced that given Tronox’s announcement that it has abandoned its acquisition of TiZir Titanium and Iron (“TTI”), the FTC has closed its investigation into the proposed acquisition. According to the FTC, Tronox is one of the largest producers of titanium dioxide pigment and TTI is one of the few producers globally of chloride slag, a key input used to make titanium dioxide pigment. FTC staff thoroughly investigated the proposed acquisition, particularly the potential for vertical harm. As a result, FTC staff had recommended that the Commission challenge the transaction. FTC staff cooperated closely with staff of the U.K. Competition and Markets Authority throughout the investigation. ([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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