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国内要闻 Domestic News

《中国市场监管报》发布系列反垄断文章

2021年3月24日，《中国市场监管报》发布系列反垄断相关文章。文章提到，“十三五”期间，市场监管部门共查处垄断协议案件66件，累计罚没款15.41亿元；全国查处滥用行政权力案件274件；全国查处滥用市场支配地位案件54件，对41件做出行政处罚，罚没金额约12.18亿元；调查涉嫌违法实施集中案件90多件，对其中59件案件公开做出行政处罚，全国共收到经营者集中申报2316件，立案2130件，审结2147件，涉及交易额23万亿元。市场监管部门积极参与国际交流合作，已与33个国家和地区的反垄断执法机构签署了55份合作文件。 ([查看更多](#))

China Market Regulation News Publishes Series of Antitrust Articles

On March 24, 2021, *China Market Regulation News* published series of antitrust articles. The articles mentioned that during the 13th Five-Year Plan period, the market regulation authorities investigated 66 monopoly agreement cases, with a total fine and confiscation of CNY 1.541 billion; investigated 274 cases involving abuse of administrative power; investigated 54 cases of abuse of dominant market position, and imposed administrative penalties in 41 cases, with a fine and confiscation of approximately CNY 1.218 billion; investigated more than 90 suspected gun-jumping cases, and publicly imposed administrative penalties in 59 cases. The authorities received a total of 2,316 concentration notification cases nationwide, with 2,130 cases filed and 2,147 cases closed, involving a transaction volume of CNY 23 trillion. At the meantime, the market regulation authorities actively participated in international cooperation and signed 55 cooperation documents with antitrust law enforcement agencies in 33 countries and regions. ([More](#))

甘肃省市场监管局举办全省系统反垄断业务培训

2021年3月22日，甘肃省市场监督管理局（“甘肃省市监局”）举办了全省系统反垄断业务培训班。培训设置了“垄断协议和滥用市场支配地位反垄断执法理论与实践”、“公平竞争审查和滥用行政权力排除、限制竞争理论与实践”、“公平竞争审查制度解读”、“违反公平竞争审查标准及滥用行政权力排除、限制竞争案例解读”、“强化竞争政策基础地位 建设高标准市场体系”、“如何组织开展公平竞争审查第三方评估”等课程。 ([查看更多](#))

Gansu AMR Organizes A Provincial System Antitrust Training

On March 22, 2021, the Gansu Provincial Administration for Market Regulation (“Gansu AMR”) organized a provincial system antitrust training course. The training set up courses such as “Antitrust law enforcement theory and practice against monopoly agreements and abuse of market dominance”, “Theory and practice on fair competition review and abuse of administrative power to exclude, restrict competition”, “Interpretation of fair competition review system”, “Review standards for violation of fair competition and the case review of the abuse of administrative power to exclude and restrict competition”, “Strengthen the fundamental position of competition policy and build a high-standard market system”, “How to organize and carry out third-party evaluation of fair competition review”. ([More](#))

市场监管总局发布2020法治政府建设年度报告

2021年3月19日，国家市场监督管理总局（“市场监管总局”）发布2020年法治政府建设年度报告。报告指出2020年，市场监管总局促进了公平竞争，强化了反垄断和反不正当竞争执法，及时查处了平台企业3起未依法申报集中案件，依法对阿里巴巴集团“二选一”等涉嫌垄断行为立案调查，办结垄断案件108件，查处一批重大案件，首发中国反垄断执法年度报告，大力实施公平竞争审查制度，清理废除6000多件政策文件。（[查看更多](#)）

SAMR Issues 2020 Annual Report on Construction of A Rule of Law Government

On March 19, 2021, the State Administration for Market Regulation (“SAMR”) released the 2020 annual report on the construction of a rule of law government. The report pointed out that in 2020, SAMR promoted fair competition and strengthened antitrust and anti-unfair competition enforcement, promptly investigated 3 gun-jumping cases violated by platform companies, filed investigations against Alibaba Group for its suspected monopoly behaviors such as “either-or”, closed 108 monopoly cases, investigated and dealt with a batch of important cases, published the China first annual antitrust enforcement report, vigorously implemented the fair competition review system and, cleared and annulled over 6,000 policy-related documents. ([More](#))

重庆开展“双反促公平”专项执法行动

2021年3月18日，重庆市市场监督管理局（“重庆市市监局”）印发了2021年专项执法行动工作方案，部署了以下反垄断执法工作：一是查处在水电气等领域拒绝交易、限定交易、附加不合理交易条件等滥用市场支配地位行为。二是围绕建材、日常消费品、工程建设、房地产开发、医药、汽车等重点产品和领域，查处限制竞争、协同涨价、分割市场、固定转售价格等行为。三是重点针对“二选一”、霸王条款、低价倾销、大数据杀熟、虚假宣传等互联网领域垄断行为。四是聚焦限定交易、妨碍生产要素和商品自由流动等典型行为和招标投标、政府采购中的排除限制竞争行为。（[查看更多](#)）

Chongqing AMR Launches Enforcement Campaign of Antitrust and Anti-competition

On March 18, 2021, Chongqing Municipal Administration for Market Regulation (“Chongqing AMR”) issued the 2021 enforcement working plan, and deployed the following antitrust enforcement work: the first is to investigate behaviors of abuse of market dominance in the fields of water, electricity and gas, such as refusing transactions, restricting transactions and imposing unreasonable trading terms. The second is to focus on crucial products and fields such as building materials, daily consumer goods, engineering construction, real estate development, pharmaceutical industry, automobiles and so on, and to investigate behaviors such as competition restriction, price collusion, markets division and resale price maintenance. The third is to focus on monopolistic behaviors in internet filed, such as “either-or”, overlord clauses, low-price dumping, using big data to discriminate customers and false advertising etc. The fourth is to focus on typical behaviors such as restricting transactions, obstructing the free flow of production factors and commodities, and behaviors eliminating and restricting competition in bidding and governmental procurement. ([More](#))

海外动态 Overseas News

美国联邦贸易委员会发布2020年度回顾

2021年3月25日，美国联邦贸易委员会（Federal Trade Commission, “FTC”）发布了FTC2020年度回顾，强调了机构为保护消费者和促进竞争所做的努力。回顾指出，FTC持续通过规制反竞争合并和伤害消费者的商业行为促进竞争。2020年有7起交易被FTC予以禁止，11起交易在FTC的调查下由企业主动中止。FTC还和其他48个州和区域的执法者一道，对Facebook提起了开创性垄断诉讼，指控Facebook非法维持其在个人社交市场的垄断地位，并寻求撤销Facebook对Instagram和Whatsapp的收购。（[查看更多](#)）

FTC Releases 2020 Annual Highlights

On March 25, 2021, Federal Trade Commission (“FTC”) released FTC’s 2020 Annual Highlights, emphasizing the agency’s efforts to protect consumers and promote competition. The Highlights also note that the agency continued to promote competition by challenging anticompetitive mergers and business conduct that harms consumers. FTC blocked or unwound seven mergers, and another eleven deals were abandoned as a result of FTC’s investigations. FTC, along with 48 states and territorial enforcers, brought a groundbreaking monopolization case against Facebook for illegally maintaining its personal social networking monopoly, and seeks to unwind Facebook’s acquisitions of Instagram and WhatsApp. ([More](#))

美国司法部反垄断局发布2021年度新闻稿

2021年3月24日，美国司法部反垄断局发布了2021年度新闻稿。新闻稿重点回顾了部门近期在反垄断民事和刑事执法、多元化措施、国际合作和竞争倡导方面举办的活动和取得的成就。代理助理检察长理查德·鲍尔斯表示：“有赖于部门员工们的奉献精神，尽管新冠疫情给我们造成了危机，但我们仍在代表美国消费者、工人和纳税者们继续努力。”（[查看更多](#)）

DOJ Antitrust Division Issues 2021 Annual Newsletter

On March 24, 2021, the Department of Justice’s Antitrust Division issued the 2021 edition of its annual Spring Newsletter. The newsletter highlights the division’s recent activities and successes on civil and criminal enforcement, diversity initiatives, international cooperation, and competition advocacy. “Thanks to the dedication of the division’s employees, we’ve continued our efforts on behalf of American consumers, workers, and taxpayers despite the crisis posed by COVID-19,” said Acting Assistant Attorney General Richard Powers. ([More](#))

欧盟委员会附条件批准眼镜巨头依视路收购连锁眼镜零售商GrandVision

2021年3月23日，欧盟委员会附条件批准了依视路（EssilorLuxottica）对GrandVision的收购。依视路是欧洲乃至全球最大的镜片和眼镜供应商，同时还积极参与眼镜类产品的零售市场，在意大利和英国尤为活跃。GrandVision是一家全球连锁眼镜零售商，在欧洲拥有最大的眼镜连锁

店。欧盟委员会担心这一收购行为将会导致依视路在眼镜类产品（例如镜片和眼镜）批发供应方面的强势市场地位与GrandVision在这些产品的零售经销方面的领先地位相结合。为解决竞争关切，依视路承诺，将在比利时出售GrandOptical及其旗下的35家商店；在意大利剥离174家门店，其中包括整个VistaSi连锁品牌及GrandVision by品牌旗下的72家门店；在荷兰出售EyeWish连锁品牌旗下的142家门店。除此以外，整体救济方案还包括保障剥离资产平稳转移给买家的保障措施。（[查看更多](#)）

EU Commission Conditionally Clears Acquisition of GrandVision by EssilorLuxottica

On March 23, 2021, the European Commission approved the proposed acquisition of GrandVision by EssilorLuxottica. EssilorLuxottica is the largest supplier of ophthalmic lenses and eyewear, both worldwide and in Europe. Additionally, EssilorLuxottica is active in the retail sale of optical products, notably in Italy and the UK. GrandVision is a globally active eyewear retailer, which operates some of the largest optical chains throughout Europe. The Commission's in-depth investigation focused in particular on competition concerns that could arise from the combination of EssilorLuxottica's strong market position in the wholesale supply of optical products (i.e., lenses and eyewear) and GrandVision's leading presence in the retail distribution of these products. To address the competition concerns, EssilorLuxottica offered that: in Belgium, the GrandOptical chain and its 35 stores will be sold; in Italy, the merged entity will divest a total of 174 stores, which includes the whole of EssilorLuxottica's VistaSi chain together with 72 stores from the "GrandVision by" chain; in the Netherlands, 142 stores from the EyeWish chain will be sold. The remedy package also contains additional safeguards to ensure the smooth transfer of the divestment business to the purchaser. ([More](#))

美国总统拜登提名Lina Khan为FTC委员

2021年3月22日，美国总统拜登提名反垄断教授Lina Khan为FTC委员。此前，拜登还任命了来自哥伦比亚大学的法学教授Tim Wu加入国家经济委员会。这两位法学教授都主张彻底修改使得美国科技巨头得以积聚支配地位的法律。Khan此前曾担任众议院司法委员会法律顾问，该委员会对苹果、亚马逊、脸书、谷歌进行了长达16个月的调查并认定四家公司构成垄断并建议对这些公司进行“结构性拆分”。此消息表明，在联邦和各州执法机构准备对亚马逊、苹果、脸书和谷歌进行调查和提起诉讼的同时，白宫或打算与科技行业进行正面对决。（[查看更多](#)）

US President Biden Nominates Lina Khan to the Federal Trade Commission

On March 22, 2021, President Biden nominated an antitrust scholar Lina Khan as the Federal Trade Commissioner. Previously, Biden has nominated Columbia Law School professor Tim Wu to join the National Economic Council. The two professors are calling for an overhaul of laws that have allowed American tech giants to amass their dominance. Khan previously was counsel to a House Judiciary Committee panel whose sweeping 16-month investigation of Apple, Amazon, Facebook and Google declared them monopolies and suggested "structural separations" of the companies. The news suggests the White House is preparing for a showdown with the tech industry at a time when federal and state regulators are already pursuing investigations and lawsuits challenging the dominance of Amazon, Apple, Facebook and Google. ([More](#))

土耳其竞争机构就联合利华滥用市场支配地位行为开出6100万美元罚单

2021年3月22日，土耳其竞争机构宣布，因滥用在冰激凌市场的支配地位，对联合利华土耳其分公司处以4.8亿里拉（约合6100万美元）的罚款。土耳其竞争机构宣布其已于近日完成对该跨国公司涉嫌违反竞争法指控的调查，认定联合利华公司通过各种方式阻止其竞争对手的产品在销售点销售，构成事实上的排他性。土耳其竞争机构还认为联合利华公司阻碍了在100平方米范围内的销售竞争并试图决定给与其竞争对手产品的冰柜容量。（[查看更多](#)）

Turkey's Competition Authority Fines Unilever USD 61 Million for Market Abuse

On March 22, 2021, Turkey's Competition Authority announced that it fined the Turkish division of Unilever some 480 million lira (USD 61 million) for abusing its dominant position in the ice cream sector. Turkey's competition authority said it had completed an investigation into allegations that the multinational violated competition law by creating de facto exclusivity by preventing the sale of rival products at sales points through various practices. It added the company hindered competition in sales areas 100 square meters, saying that it tried to dictate the fridge capacity given to products of rival companies. ([More](#))

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