



NEWSLETTER

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By Lifang & Partners

Domestic News

Shaanxi AMR Opens Formal Investigation Against Local Cement Companies for Collusion

SAMR Conditionally Approves JV Deal Between Garden Biochemical and DSM

SAMR Fines BAIC Motor, Hyundai Capital and Hyundai China for Gun-jumping

China to Launch a New Round of Supervision and Examination on FCRS

SPC Rejects Alibaba's Jurisdiction Objection Appeal Regarding the "Either-or Restriction" Dispute Brought by JD.com

Overseas News

EU Imposes Interim Measures on Broadcom in TV and Modem Chipset Markets

Google's Fight Against EU Antitrust Fine to be Heard February 12-14 at EU Court

KFTC Imposes Corrective Measures on 15 Medical Institutions for Price-Fixing of Visa Medical Examination Fee

Domestic News

Shaanxi AMR Opens Formal Investigation Against Local Cement Companies for Collusion

On 18 October 2019, it was reported on *HSW.cn* that Shaanxi Administration for Market Regulation (“**Shaanxi AMR**”) opened a formal investigation against several local cement companies for collusion. These cement suppliers were suspected of engaging in 13 collusive price increases. Up to now, the Chinese antitrust authorities have imposed fines totaled up to CNY 200m in at least 18 antitrust cases relating to the construction material industry. ([More](#))

SAMR Conditionally Approves JV Deal Between Garden Biochemical and DSM

On 16 October 2019, China’s State Administration for Market Regulation (“**SAMR**”) conditionally approved the proposed joint venture deal between Zhejiang Garden Biochemical High-Tech Co., Ltd. (“**Garden Biochemical**”) and Royal DSM N.V. (“**DSM**”). According to relevant agreement, Garden Biochemical and DSM planned to set up a joint venture in Zhejiang Province to produce 7-Dehydrocholesterol. ([More](#))

SAMR Fines BAIC Motor, Hyundai Capital and Hyundai China for Gun-jumping

On 16 October 2019, SAMR announced its sanction decision in which it fined BAIC Motor Corporation., Ltd. (“**BAIC Motor**”), Hyundai Capital Services, Inc. (“**Hyundai Capital**”) and Hyundai Motor Group (China) Ltd. (“**Hyundai China**”) CNY 300,000 each for Gun-jumping. On 29 December 2018, the parties signed an agreement to set up a joint venture. The parties failed to make notification filing regarding the deal before obtaining a business license for the joint venture in January of 2019, which violated the provisions on the concentration of undertakings under Article 21 of the *Anti-Monopoly Law*. ([More](#))

China to Launch a New Round of Supervision and Examination on FCRS

On 14 October 2019, the Administration for Market Regulation of Jiangxi Province (“**Jiangxi AMR**”) held a meeting on the implementation of the Fair Competition Review System (“**FCRS**”). During the meeting, Jiangxi AMR mentioned that SAMR would recently launch a new round of supervision and examination on the implementation of FCRS around China with the National Development and Reform Commission, the Ministry of Finance and the Ministry of Commerce. ([More](#))

SPC Rejects Alibaba's Jurisdiction Objection Appeal Regarding the "Either-or Restriction" Dispute Brought by JD.com

Recently, the Supreme People's Court ("SPC") rejected Alibaba's appeal of the jurisdiction decision issued by the Beijing High People's Court ("BHC"). Before then, JD.com sued Alibaba for abusing of dominant market position by forcing vendors to enter exclusive sales contracts with the platform, i.e. either-or restriction and claimed for a compensation of CNY 1bn. Alibaba raised the jurisdiction objection in BHC and claimed that this case should be transferred to the Zhejiang High People's Court, which was rejected by BHC. ([More](#))

Overseas News

EU Imposes Interim Measures on Broadcom in TV and Modem Chipset Markets

On 16 October 2019, the European Commission announced that it had ordered Broadcom to stop applying certain provisions contained in agreements with six of its main customers. This would prevent serious and irreparable harm to competition likely to be caused by Broadcom's conduct, the Commission said. The decision orders Broadcom to refrain from agreeing the same provisions or provisions having an equivalent object or effect in other agreements with these customers, and refrain from implementing punishing or retaliatory practices having an equivalent object or effect. ([More](#))

Google's Fight Against EU Antitrust Fine to be Heard February 12-14 at EU Court

On 15 October 2019, *Reuters* reported that Google's fight against an EUR 2.4bn EU antitrust fine would be played out over three days on February 12-14, 2020 at the General Court, according to parties involved in the case. Since 2017, the European Commission has imposed three antitrust fines on Google, totaling about EUR 8.25bn. The other two fines were related to Google's Android and AdSense. Google appealed all three fines. ([More](#))

KFTC Imposes Corrective Measures on 15 Medical Institutions for Price-Fixing of Visa Medical Examination Fee

On 14 October 2019, the Korea Fair Trade Commission ("KFTC") announced that it had imposed corrective measures (orders restraining further violations) on 15 medical institutions (17 hospitals) which agreed to fix the price of visa medical examination required for issuing immigration and student visas in five countries (Canada, Australia, New Zealand, the United States, and China). KFTC found that, from January 2002 to May 2006, the designated hospitals for visa medical examination in five countries met to fix the price of examination and carried out their agreements. As for China, eleven designated hospitals agreed to increase the examination fee from 140,000 won to 170,000 won in May 2006. ([More](#))

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