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By Lifang & Partners

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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](#))

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](#))

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](#))

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](#))

Overseas News

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](#))

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](#))

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](#))

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](#))

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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