



# NEWSLETTER

LIFANG & PARTNERS 立方观评



关注更多精彩内容

No.250

2021.06

---

## Weekly Competition Law News

NO.120

By Lifang & Partners

### Domestic News

The State Council Issues the Key Tasks for Deepening the Reform of the Medical and Health System in 2021

The Medical Security Law (Draft for Comments) Issued to Prohibit Pharmaceutical Enterprises from Bidding through Anti-competitive Ways

### Overseas News

U.S. House Judiciary Committee Passes Six Antitrust Acts

CCI Orders an Investigation into Google's Monopoly in Smart Television Market

EU Opens an Antitrust Investigation into Google's Monopoly for its Online Displaying Advertising Business

Bundeskartellamt Starts Apple Antitrust Probe on New Rules for Large Digital Players

## Domestic News

---

### **The State Council Issues the *Key Tasks for Deepening the Reform of the Medical and Health System in 2021***

On June 17, 2021, the General Office of the State Council issued a circular on the issuance of the *Key Tasks for Deepening the Reform of the Medical and Health System in 2021* (“*Tasks*”), stating that it is necessary to strictly monitor and manage, improve the comprehensive regulation and inspection system of the medical and health industry, and formulate the antitrust guideline for APIs industry. The *Tasks* clarifies the departments responsible for the various reform tasks, and emphasizes that all relevant departments in all regions should effectively strengthen the organization and leadership, continue to deepen the medical reform, strengthen publicity and guidance, and build consensus on the reform. ([More](#))

### **The Medical Security Law (Draft for Comments) Issued to Prohibit Pharmaceutical Enterprises from Bidding through Anti-competitive Ways**

On June 15, 2021, the National Healthcare Security Administration issued the *Medical Security Law (Draft for Comments)* (“*Draft for Comments*”) and invite comments on the document. The *Draft for Comments* stipulates that pharmaceutical enterprises shall not bid at quotation lower than cost or bid through fraud, collusion or abuse of dominant market position. The *Draft for Comments* also points out that it is necessary to intensify the punishment for illegal tendering and procurement. ([More](#))

## Overseas News

---

### **U.S. House Judiciary Committee Passes Six Antitrust Acts**

On June 24, 2021, the U.S. House Judiciary Committee passed a package of bipartisan legislation to enhance antitrust enforcement and restore competition online. The six acts include: (1) the *Merger Filing Fee Modernization Act of 2021*, which ensures higher merger fees; (2) the *State Antitrust Enforcement Venue Act of 2021*, which ensures that state attorneys general who bring antitrust cases in federal court do not face delays or higher costs due to the transfer of such cases to a different venue; (3) the *Augmenting Compatibility and Competition by Enabling Service Switching (ACCESS) Act of 2021*, which gives the Federal Trade Commission new authority and enforcement tools to establish pro-competitive rules for interoperability and data portability online; (4) the *Platform Competition and Opportunity Act of 2021*, which prohibits the largest online platforms from engaging in mergers that would eliminate competitors, or potential competitors; (5) the *American Choice and Innovation Online Act*, which prevents dominant online platforms from using their market power to distort the marketplace; (6) the *Ending Platform Monopolies Act*, which authorizes authorities to take action preventing dominant online platforms from leveraging their monopoly power to distort or destroy competition in markets that rely on that platform. ([More](#))

### **CCI Orders an Investigation into Google’s Monopoly in Smart Television Market**

On June 22, 2021, The Competition Commission of India (“CCI”) ordered an investigation into Google’s monopoly in the country’s smart television market. After preliminary analysis, CCI concluded that the relevant markets in this case were the market for licensable smart TV device operating systems in India and the market for app store for Android smart TV operating systems in India. Google has more than 65% and 90% market share in the two markets respectively. Further investigation will focus on

Google's conduct of "refusal to deal" and "compulsory tying" by abusing its market power. ([More](#))

## **EU Opens an Antitrust Investigation into Google's Monopoly for its Online Displaying Advertising Business**

On June 22, 2021, the European Commission has opened a formal antitrust investigation to assess whether Google has violated EU competition rules by favouring its own online display advertising technology services in the so called "ad tech" supply chain. Online advertising services are at the heart of how Google and publishers monetise their online services. Google collects data to be used for targeted advertising purposes, it sells advertising space and also acts as an online advertising intermediary. So Google is present at almost all levels of the supply chain for online display advertising. What Google has done may cause the detriment of competing providers of advertising technology services, advertisers and online publishers. The Commission will focus on reviewing six specific acts involving Google, including exclusive dealing and self-preference, if proven, the practices may breach EU competition rules on anticompetitive agreements between companies (Article 101 TFEU) and/or on the abuse of a dominant position (Articles 102 TFEU). ([More](#))

## **Bundeskartellamt Starts Apple Antitrust Probe on New Rules for Large Digital Players**

June 21, 2021, the Bundeskartellamt has today initiated a probe against the technology company Apple based on the new competition law rules for large digital companies. Previously, the Bundeskartellamt has already initiated similar investigations against Facebook, Amazon and Google. A new provision enables the authority to intervene earlier and more effectively against the practices of large digital companies, and in a two-step procedure the Bundeskartellamt can prohibit companies which are of paramount significance for competition across markets from engaging in anti-competitive practices. Currently, the Bundeskartellamt has initiated the first step against Apple to determine whether the company is of paramount significance across markets. A main focus of the investigations will be on whether the App Store of Apple would influence the business activities of third parties. ([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。

This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.



Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”和“竞争法视界”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国  
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea