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立方要闻周报

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市场监管总局发布重庆市丰都县2家商砼生产企业垄断协议案的处罚决定

2021年7月16日，国家市场监督管理总局（“市场监管总局”）发布了重庆江都建材有限公司（“江都公司”）、重庆建典混凝土有限公司（“建典公司”）垄断协议的处罚决定。经查，具有竞争关系的江都公司和建典公司达成了“固定或者变更商品价格、分割销售市场或者原材料采购市场”的垄断协议。从2014年开始，当事人实施此垄断协议，损害了公平竞争的市场秩序，使区域内建筑企业失去对商砼的议价权和选择权。（[查看更多](#)）

SAMR Issues Penalty Decision against Two Commercial Concrete Producers in Chongqing

On July 16, 2021, SAMR issued a penalty decision on the monopoly agreement between Chongqing Jiangdu Building Materials Co., Ltd (“**Jiangdu**”) and Chongqing Jiandian Concrete Co., Ltd (“**Jiandian**”). It was found that Jiangdu Company and Jiandian Company, which have a competitive relationship, entered into a monopoly agreement to "fix commodity prices and divide the sales market". The parties had been implementing this monopoly agreement since 2014, which undermined the market order of fair competition and deprived regional construction enterprises of their bargaining power and choice of commercial concrete. ([More](#))

阿里、腾讯、字节等33家互联网平台签署反垄断自律公约

21年7月13日，在中国互联网大会“创新和知识产权发展论坛”上，阿里巴巴、腾讯、字节跳动、华为、百度、京东等33家互联网企业，成为首批签署《互联网平台经营者反垄断自律公约》（“《公约》”）的企业。《公约》主要以维护市场公平竞争、提升消费者福利、激励自主创新为原则，倡议各互联网企业积极推进行业自律，共同创造良好行业竞争环境。（[查看更多](#)）

Ali, Tencent, Byte and Other Internet Platforms Sign Anti-monopoly Self-regulatory Convention

On July 13, 2021, at the "Innovation and Intellectual Property Development Forum" of the Internet Conference of China, 33 Internet enterprises, including Alibaba, Tencent, Byte, Huawei, Baidu and Jingdong, became the first batch of enterprises to sign the *Anti-Monopoly Self-regulatory Convention for Internet Platform Operators* ("**Convention**"). The *Convention* is mainly based on the principles of maintaining fair competition in the market, enhancing consumer welfare and stimulating independent innovation, advocating that all Internet enterprises should actively promote industry self-regulation and jointly create a good competitive environment in the industry. ([More](#))

市场监管总局无条件批准腾讯收购搜狗公司股权

2021年7月13日，根据市场监管总局官网显示，市场监管总局无条件批准了腾讯收购搜狗公司股权案。交易完成之后，搜狗将成为腾讯的全资子公司。一周之前，腾讯曾因2013年收购部分搜

狗股权达到申报标准而未向反垄断机构申报，被市场监管总局处以50万行政处罚。（[查看更多](#)）

SAMR Unconditionally Approves Tencent's Acquisition of Sogou's Equity

On July 13, 2021, the official website of SAMR showed that it has unconditionally approved Tencent's acquisition of Sogou's equity. After the transaction is completed, Sogou will become a wholly-owned subsidiary of Tencent. A week earlier, Tencent had been imposed an administrative penalty of RMB 500,000 by the SAMR for failing to notify SAMR with its 2013 acquisition of part of Sogou's equity. ([More](#))

市场监管总局依法禁止虎牙与斗鱼合并

2021年7月10日，市场监管总局作出决定，依法禁止了腾讯申报的虎牙与斗鱼合并。经审查，本案相关市场为中国境内网络游戏运营服务市场和游戏直播市场。腾讯在上游网络游戏运营服务市场份额超过40%，排名第一；虎牙和斗鱼在下游游戏直播市场份额分别超过40%和30%，排名第一、第二，合计超过70%。如斗鱼和虎牙合并，同时使腾讯有能力和动机在上下游市场实施闭环管理和双向纵向封锁，具有或者可能具有排除、限制竞争效果，不利于市场公平竞争、可能减损消费者利益。因此，市场监管总局禁止了该项经营者集中。（[查看更多](#)）

SAMR Prohibits the Merger of Huya and Douyu

On July 10, 2021, the State Administration of Market Regulation (“SAMR”) made a decision to prohibit the merger of Huya and Douyu, which was declared by Tencent. Upon review, the relevant markets in this case are the online game operation service market and the game live-streaming market in China. Tencent ranks first in the upstream online game operation service market, with the share of over 40%, while Huya and Douyu ranked first and second in the downstream game live-streaming market with the share of over 40% and 30% respectively. The combined market share would be over 70%. The merger of Douyu and Huya would also empower Tencent with the ability and incentive to implement closed-loop management and two-way vertical foreclosure in the upstream and downstream markets, which has or may have the effect of excluding or restricting competition and would do harm to fair competition in the market and may detract from consumer interests. Therefore, SAMR prohibited this concentration. ([More](#))

反垄断局派员参加联合国第19届竞争法与竞争政策会议

2021年7月7日，市场监管总局反垄断局派员参加了联合国贸发会议组织召开的第19届竞争法与竞争政策政府间专家组线上会议。反垄断局徐乐夫副局长在“数字时代的竞争法律、政策和法规”圆桌会上分享了中方在应对数字平台竞争问题方面的政策举措和执法经验。此次会议主要讨论了针对跨境卡特尔的竞争法执法方面的国际经验和最佳做法、竞争法和竞争政策方面的能力建设和技术援助、数字时代的竞争法律、政策和法规、新冠疫情期间和之后的竞争倡导等。（[查看更多](#)）

Anti-monopoly Bureau Attends the 19th UN Conference on Competition Law and Policy

On July 7, 2021, the representatives of the Anti-Monopoly Bureau of SAMR participated in the online meeting of the 19th Intergovernmental Group of Experts on Competition Law and Policy organized by UNCTAD. Xu Leifu, the Deputy Director of the Anti-Monopoly Bureau, attended a roundtable on "Competition Law, Policy and Regulation in the Digital Era" to share China's policy initiatives and enforcement experience in addressing competition issues on digital platforms. The conference focused on international experience and best practices in competition law enforcement against cross-border cartels, capacity building and technical assistance in competition law and policy, competition law, policy and regulation in the digital age, and the competition advocacy during and after the new crown epidemic. ([More](#))

美国司法部要求丹佛斯和伊顿进行资产剥离以消除收购的竞争风险

2021年7月14日，美国司法部（“DOJ”）就丹弗斯（Danfoss）收购伊顿（Eaton）部分资产交易向法院起诉。诉状称，丹佛斯和伊顿是美国最大的两家移动越野设备用轨道电机供应商，也是最大的两家液压转向装置供应商。拟议交易可能导致产品价格上涨、交付和服务质量下降以及创新减少。司法部同时提交了一份和解协议，要求交易双方进行资产剥离，以保持在上述市场中的竞争，维护设备制造商和消费者的利益。 ([查看更多](#))

DOJ Requires Danfoss and Eaton to Divest to Eliminate Competitive Risks of Acquisition

On July 14, 2021, the U.S. Department of Justice ("DOJ") filed a court complaint in connection with the transaction in which Danfoss acquired certain assets of Eaton. The complaint alleges that Danfoss and Eaton are the two largest suppliers of track motors for mobile off-road equipment and the two largest suppliers of hydraulic steering units in the United States. The proposed transactions could lead to higher product prices, lower quality of delivery and service, and less innovation. The DOJ also filed a settlement agreement requiring the parties to engage in divestitures to maintain competition in the aforementioned markets and safeguard the interests of equipment manufacturers and consumers. ([More](#))

英国工会起诉亚马逊疫情期间滥用市场支配地位以牟取暴利

2021年7月13日，英国工会正式向英国竞争与市场管理局（“CMA”）起诉亚马逊，指控其在新冠疫情期间滥用市场支配地位，操控商品价格，损害消费者利益。经英国工会调查，2020年3月到2020年11月间，亚马逊网站上至少50件商品的价格是正常市价的两倍以上，包括肥皂、口罩、一次性手套、罐头食品等，涉嫌借疫情牟取暴利，因此向CMA提起诉讼。 ([查看更多](#))

The UK Trade Union Sues Amazon for Abuse of Dominant Market Position for Profiteering during Epidemic

On July 13, 2021, the UK Trade Union formally sued Amazon to the UK Competition and Markets Authority ("CMA") for allegedly abusing its dominant market position and manipulating the prices of goods to the detriment of consumers during the COVID-19 epidemic. The lawsuit was filed with the

CMA after the UK Trade Union investigated that between March 2020 and November 2020, at least 50 items on Amazon's website were priced at more than twice the normal market price through the epidemic, including soap, masks, disposable gloves, and canned food. ([More](#))

欧盟公布《相关市场界定通知》评估结果

2021年7月12日，欧盟委员会发布一份工作文件，总结了在欧盟竞争法中使用《相关市场界定通知》（“《通知》”）的评估结果。评估结果表明，《通知》有效地为市场界定的关键问题和欧盟委员会的界定方法提供了正确、全面和清晰的指引。但同时，评估还表明，《通知》未能充分反映数字经济下市场界定的演变，其中不完全体现当前发展的领域包括：（1）SSNIP（假定垄断者测试）的使用和目的；（2）数字市场，尤其是与零货币价格产品或服务相关的市场以及“数字生态”市场；（3）在全球化以及进口竞争条件下的相关地域市场评估；（4）定量技术；（5）市场份额计算；（6）非价格竞争（包括创新）。([查看更多](#))

The EU Publishes the Results of the Assessment of the *Relevant Market Definition Notice*

On July 12, 2021, the European Commission published a working paper summarizing the results of an evaluation of the use of the *Relevant Market Definition Notice* ("Notice") in EU competition law. The evaluation showed that the *Notice* effectively provides correct, comprehensive and clear guidance on the key issues of market definition and the European Commission's approach to the definition. However, the assessment also shows that the *Notice* does not adequately reflect the evolution of market definition in the digital economy, with areas that do not fully reflect current developments including (1) the use and purpose of the SSNIP (hypothetical monopolist test); (2) digital markets, in particular those related to zero-currency-price products or services and "digital eco" markets; (3) assessments of relevant territory market under conditions of globalization as well as import competition; (4) quantitative techniques; (5) calculations of market share; and (6) non-price competition (including innovation). ([More](#))

拜登签署总统行政命令 将采取措施应对大型互联网平台引发的垄断问题

2021年7月9日，拜登签署一项行政命令，旨在促进美国经济中的竞争。该行政命令共包含72项行政措施，覆盖范围广泛。其中引人注意的是，该行政命令特别强调将利用反垄断相关法律应对大型互联网平台通过系列并购、收购新兴竞争者、数据累积、不公平竞争、用户监控以及网络效应所带来的垄断。([查看更多](#))

Biden Signs Presidential Executive Order to Take Steps to Address Monopoly Issues Raised by Large Internet Platforms

On July 9, 2021, Biden signed an executive order designed to promote competition in the U.S. economy. The executive order contains a total of 72 administrative measures covering a wide range of areas. Notably, the executive order places special emphasis on the use of antitrust-related laws to address monopolies created by large Internet platforms through a series of mergers and acquisitions, acquisitions of emerging competitors, data accumulation, unfair competition, user monitoring, and network effects. ([More](#))

网络安全与数据合规 Cybersecurity and Data Protection

网信办等七部门进驻滴滴出行科技有限公司开展网络安全审查

2021年7月16日，国家互联网信息办公室（“网信办”）网络安全审查办公室有关负责同志表示，按照网络安全审查工作安排，7月16日，国家网信办会同公安部、国家安全部、自然资源部、交通运输部、税务总局、市场监管总局等部门联合进驻滴滴出行科技有限公司，开展网络安全审查。（[查看更多](#)）

CAC and Other Six Departments Issue a Cybersecurity Review on Didi Chuxing

On July 16, 2021, offers of the Cyber Security Review Office of the Cyberspace Administration of China (“CAC”) announced, CAC, together with the Ministry of Public Security, the Ministry of State Security, the Ministry of Natural Resources, the Ministry of Transport, the State Taxation Administration, the State Administration of Market Regulation and other departments to jointly conduct a onsite cyber security review on Didi Chuxing Technology Co., Ltd. according to the work assignment of cybersecurity review. ([More](#))

工信部：将出台数据安全管理制度

2021年7月16日，国新办举行上半年工业和信息化发展情况发布会。会上，工业和信息化部（“工信部”）发言人表示：下一步，工信部将在国家相关法律和机制框架下，出台数据安全管理制度，承接《数据安全法》在行业的实施落地；建立数据安全认证体系；开展数据安全监督检查，督促企业落实数据安全保护义务；促进数据安全产业发展，通过发展重点实验室、创新中心等措施，支持数据安全关键技术攻关。（[查看更多](#)）

MIIT: Data Security Management Systems will be Introduced

On July 16, 2021, the State Council Office held the press conference of industry and information in the first half of the year. In the conference, the spokesman of the [Ministry](#) of Industry and Information Technology (“MIIT”) expressed that, in the next step, MIIT would, under the framework of relevant national laws and mechanisms, introduce a series of data security management systems to undertake the implementation of the *Data Security Law*; establish the data security certification system; carry out data security supervision and inspection, and urge enterprises to fulfill their obligations of data security protection; promote the development of the data security industry, and support key technologies of data security through developing key laboratories and innovative technology centers, etc. ([More](#))

工信部部署下一步APP治理工作

2021年7月16日，国新办举行上半年工业和信息化发展情况发布会。就记者提问的APP治理问题，工信部发言人指出，以往工信部针对APP的治理行动总体效果比较明显，下一步将结合现状继续加大工作力度：一是加强制度和标准建设，拟会同相关部门联合出台针对性更强的《移动互联网应用程序个人信息保护管理暂行规定》；二是开展“服务感知提升”行动，对用户体验

差的APP进行筛选，将用户举报投诉多的APP作为检查重点；三是在常态化监管的基础上，对以往问题进行回溯，就反复出现的、违反信息收集必要原则的调用通讯录、用户位置信息等问题加大处罚力度。（[查看更多](#)）

MIIT Deploys the Next Step of Apps Regulation

On July 16, 2021, the State Council Office held the press conference of industry and information in the first half of the year. To response the questions of Apps Regulation by reporters, the spokesman of the MIIT answered that, the previous work of MIIT on Apps Regulation achieved a relatively obvious effect as a whole, in the next step, MIIT would continue to intensify its work based on the status qua: first, strengthen the construction of system and standards, and plan to jointly work with relevant departments to issue the further targeted *Interim Regulations on the Management of Personal Information Protection for Mobile Internet Applications*; second, carry out the "Service Sense Improvement" action, dig out Apps with poor user experience, and take Apps with frequent complaints as the focus of inspection; third, on the basis of normal supervision, review previous problems, and impose stricter sanctions on recurring problems in violation of the principle of necessity, such as the unauthorized calling of the address book and user's location information. ([More](#))

三部委联合印发《网络产品安全漏洞管理规定》

2021年7月13日，工信部、网信办和公安部联合发布关于印发《网络产品安全漏洞管理规定》（“《规定》”）的通知。《规定》第4条规定任何组织或者个人不得利用网络产品安全漏洞从事危害网络安全的活动，不得非法收集、出售、发布网络产品安全漏洞信息。第9条则针对网络产品安全漏洞信息的发布进行了规定，指出从事网络产品安全漏洞发现、收集的组织或者个人通过网络平台、媒体、会议、竞赛等方式向社会发布网络产品安全漏洞信息的，应当遵循必要、真实、客观以及有利于防范网络安全风险的原则。（[查看更多](#)）

Three Ministries Jointly Issue the Administrative Provisions on Security Vulnerabilities of Cyber Products

On July 13, 2021, MIIT, CAC and the Ministry of Public Security jointly issue the *Notice on Promulgation of the Administrative Provisions on Security Vulnerabilities of Cyber Products* (“**Provisions**”). The Article 4 of *Provisions* stipulates that “No organization or individual may engage in activities endangering cybersecurity by taking advantage of security vulnerabilities of cyber products, or illegally collect, sell or release information about security vulnerabilities of cyber products”. And the Article 9 rules the release of security vulnerability information of cyber products, which points out that “To release security vulnerabilities information of cyber products to the public through cyber platforms, media, conferences, contests or otherwise, any organization or individual that discovers or collects security vulnerabilities of cyber products shall follow the principles of necessity, authenticity, objectivity and being conducive to preventing cybersecurity risks”. ([More](#))

工信部通报下架48款侵害用户权益APP

2021年7月12日，工信部向社会通报了48款侵害用户权益的APP名单。其中18款为经工信部委托第三方机构核查仍未完成整改；另有30款则为经上海、安徽、广东、四川省（市）通信管理局开展手机应用软件监督检查认定存在问题且未完成整改。依据《网络安全法》《电信和互联网用户个人信息保护规定》和《移动智能终端应用软件预置和分发管理暂行规定》等法律法规要求，工信部组织对上述48款APP进行下架。（[查看更多](#)）

MIIT Requires Forty-eight Apps to be Removed for Infringing Users' Rights and Interests

On July 12, 2021, MIIT exposed 48 apps infringing users' rights. Among them, 18 apps failed to carry out rectification during the course of verification of third-party agencies commissioned by MIIT; the other 30 apps were held problematic by the Communications Administration of Shanghai, Anhui, Guangdong and Sichuan during the inspection of mobile phone application softwares and had not yet completed the rectification. In accordance with the *Cybersecurity Law*, the *Provisions on Protecting the Personal Information of Telecommunications and Internet Users*, the *Interim Provisions on the Administration of the Pre-Installation and Distribution of Application Software for Smart Mobile Terminals*, and other laws and regulations, MIIT required those 48 apps to be removed from the relevant app stores. ([More](#))

工信部就《网络安全产业高质量发展三年行动计划（2021-2023年）（征求意见稿）》公开征求意见

2021年7月12日,工信部发布《网络安全产业高质量发展三年行动计划（2021-2023年）（征求意见稿）》并就此公开征求意见。该行动方案提出：要加快传统安全产品升级，推动防火墙、抗拒绝服务系统、安全网关等传统防护类产品安全能力集约化发展；加强5G、云计算、人工智能等重点领域网络安全供给；强化数据安全技术研究与应用，以回应数据防泄露、防篡改、防窃取等传统数据安全保障需求；创新安全服务模式，推动云化安全产品应用，发展集约化安全服务。（[查看更多](#)）

MIIT Seeks Public Advice on the Three-year Action Plan for the High-quality Development of the Cybersecurity Industry 2021-2023 (Exposure Draft)

On July 12, 2021, MIIT released its *Three-year Action Plan for the High-quality Development of the Cybersecurity Industry 2021-2023 (Exposure Draft)* and seeks public advise thereof. In particular, the action plan recommends the upgrading of traditional security products and the intensive development of the security capabilities of traditional protection products such as firewalls, anti-denial-of-service systems, and security gateways; suggests strengthening cybersecurity supply in key areas including 5G, cloud computing, artificial intelligence; recommends strengthening the research and application of data security technology, in response to traditional data security requirements such as anti-leakage, anti-tampering, as well as anti-theft; suggests innovating the patterns of security service, promoting the application of cloud security products, and developing intensive security services. ([More](#))

深圳人大常委就《深圳经济特区人工智能产业促进条例（草案）》公开征求意见

2021年7月14日，深圳市人大常委就《深圳经济特区人工智能产业促进条例（草案）》（“《草案》”）公开征求意见。《草案》分为七章，共计八十三条，其搭建的人工智能治理框架主要体现为：一是确立人工智能产业多元主体协调共治的治理机制，规定各类主体的规范管理职责。二是设立人工智能伦理委员会。三是明确行为底线，明确规定开展人工智能研究和应用活动中禁止侵犯个人隐私和个人信息保护、损害国家安全和社会公共利益、算法歧视等一系列行为，并明确禁止相关组织和个人实施垄断和不正当竞争等行为。（[查看更多](#)）

NPC Standing Committee of Shenzhen Seeks Public Advice on the Regulations of AI Industrial Promotion of Shenzhen Special Economic Zone (Draft)

On July 14, 2021, the NPC Standing Committee of Shenzhen seeks public advice on the *Regulations of AI Industrial Promotion of Shenzhen Special Economic Zone (Draft)* (“*Draft*”). The *Draft* is divided into seven chapters and a total of 83 articles, in which the framework of artificial intelligence improvement is mainly as follows: the first is to establish a coordinately co-governance mechanism of multiple principals in the AI industry, and stipulate the standardized management responsibilities of them; the second is to establish an AI ethics committee; the third is to clarify the bottom line of the behavior, and to clearly stipulate that a series of behaviors are prohibited in the course of AI research and application activities, such as infringement of personal privacy and personal information protection, damage to national security and social public interests, algorithm discrimination, etc., and clearly prohibit related organizations and individuals from implementing illegal actions like monopoly and unfair competition. ([More](#))

EDPB发布紧急约束性决定，要求爱尔兰对Facebook进行法定调查

2021年7月15日，应德国汉堡监管机构请求，EDPB发布了第一个根据GDPR 66（2）条做出的具有约束力的紧急决定。在Facebook更新欧洲用户的使用条款和隐私政策后，EDPB下令禁止Facebook为谋私利处理WhatsApp用户数据。基于现有证据，EDPB认为Facebook有极大可能已经作为（共同）控制者，为WhatsApp和其他Facebook旗下公司安全、安保和整合的共同目的，以及为了改进Facebook旗下公司产品的共同目的，处理WhatsApp用户的数据。然而，面对众多不确定性，EDPB认为证明侵犯及其紧迫性存在的条件尚未满足，因此其决定在本案中爱尔兰监管机构无需对Facebook采取最终措施，但需要将其作为优先事项进行法定调查，以查明上述的信息处理活动是否发生，以及在发生情况下，Facebook的行为根据GDPR第5（1）和6（1）条是否有适法性。（[查看更多](#)）

EDPB Adopts an Urgent Binding Decision to Require the IE SA to Carry Out a Statutory Investigation on Facebook

On July 15, 2021, the European Data Protection Board (“EDPB”) adopted its first urgent binding decision pursuant to Art. 66(2) GDPR following a request from the Hamburg supervisory authority (“DE-HH SA”). The DE-HH SA ordered a ban on processing WhatsApp user data by Facebook IE for their own purposes following a change in the Terms of Service and Privacy Policy applicable to European

users of WhatsApp Ireland Ltd. Based on the evidence provided, the EDPB concluded that there is a high likelihood that Facebook IE already processes WhatsApp IE user data as a (joint) controller for the common purpose of safety, security and integrity of WhatsApp IE and the other Facebook Companies, and for the common purpose of improvement of the products of the Facebook Companies. However, in the face of the various uncertainties, the EDPB concluded that the conditions to demonstrate the existence of an infringement and an urgency are not met. Therefore, the EDPB decided that no final measures need to be adopted by the Ireland supervisory authority (“IE SA”) against Facebook IE in this case, however, the IE SA is required to carry out, as a matter of priority, a statutory investigation to determine whether such processing activities are taking place or not, and if it is the case, whether they have a proper legal basis under Article 5(1)(a) and Article 6(1) GDPR. ([More](#))

EDPB将协助德国调查数据跨境传输

2021年7月13日，EDPB表示将协助德国调查公司数据跨境传输的合规性。目前，德国各数据保护监管机构正在全国范围内对公司的数据跨境传输的合规性进行评估，目的旨在执行欧洲法院去年6月作出的Schrems II判决中的要求。该判决指出，不允许再根据《欧美隐私盾》充分性决定向美国传输数据；此外，如果数据出口国的评估表明接收国无法确保对个人数据进行基本同等水平的保护，那么只有在采取额外有效措施时，才能使用向第三国传输数据的标准数据保护条款。EDPB意识到欧洲法院作出的Schrems II判决给德国和欧洲的公司带来了特殊的挑战，其承诺将力所能及地在今后的检查过程中解答相关疑问。（[查看更多](#)）

EDPB Coordinates German investigation of International Data Transfers

On July 13, 2021, the EDPB said that it would coordinates Germany in investigating companies' compliance about international data transfers. Currently, there is a nationwide assessment of companies' compliance about international data transfers by numerous German data protection supervisory authorities on a purpose of enforcing the requirements of the European Court of Justice (“EJC”) in its Schrems II decision of July 16, 2020. There, the Court ruled that data transfers to the U.S. can no longer be made on the basis of the Privacy Shield adequacy decision. Furthermore, if the data exporter's assessment has shown that an essentially equivalent level of protection for the personal data cannot be ensured in the recipient state, the use of the standard data protection clauses for data transfers to third countries is only valid if additional effective measures are taken. The EDPB is aware of the particular challenges that the ECJ ruling on Schrems II poses for companies in Germany and Europe. So the authority promises it will be also available to answer questions of understanding in the further course of the examination procedure, within its capacity. ([More](#))

欧盟消费者保护组织起诉Whatsapp侵害消费者合法权益

2021年7月12日，欧盟消费者保护组织（“BEUC”）及其八名成员对WhatsApp提起诉讼，称因后者更新使用条款和隐私政策而损害了欧盟消费者的合法权益。BEUC称，特别是WhatsApp就政策更新进行通知的内容、性质、时间和重复出现给用户施加了不适当的压力，损害了其选择自由，违反了不公平商业行为指令（指令 (EU)2005/29/EC）。此外，BECU还认为，更新后使用

条款的语言表达让消费者无法清晰理解这些改变的重要性，尤其是在“将个人数据传输至 Facebook 等第三方主体”方面。 ([查看更多](#))

BEUC Files Complaint against Whatsapp for Breaches of EU Consumer Rights

On July 12, 2021, the European Consumer Organisation (“BEUC”) and eight of its members filed a complaint against WhatsApp LLC for breaches of EU consumer rights stemming from its updated terms of use and privacy policy. In particular, the BEUC alleged that the content, nature, timing, and recurrence of the notifications sent to users in relation to the policy updates put undue pressure on users and compromised their freedom of choice, in breach of the Directive on Unfair Commercial Practices (Directive (EU) 2005/29/EC). Furthermore, the BEUC claimed that the language used in the updated terms of use makes it impossible for consumers to get a clear understanding of the consequences of the changes being made, particularly in relation to the transfer of personal data to Facebook Inc., and other 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。



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