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市场监管总局公布3起经营者集中未依法申报案件，今年已公布13起

2019年10月11日，国家市场监督管理总局（“市场监管总局”）集中公布了三起经营者集中未依法申报案件，对广西柳州钢铁集团有限公司处以35万元罚款，对西藏德锦企业管理有限责任公司、苏州全亿健康药房连锁有限公司各处30万元罚款。市场监管总局调查发现，三起收购交易均达到了申报标准，但未提前申报，违反了《反垄断法》第21条的规定。截至目前，市场监管总局已在2019年公布了13起未依法申报案件。（[查看更多](#)）

SAMR Announces 3 Gun-jumping Cases

On 11 October 2019, China's State Administration for Market Regulation (“SAMR”) announced three sanction decisions in which it fined Guangxi Liuzhou Iron and Steel Group Company Limited CNY 350,000, Tibet Dejin Enterprise Management Co., Ltd. and Suzhou Quanyi Health Pharmacy Chain Co., Ltd CNY 300,000 each for gun-jumping. In these three cases, the buyers failed to make notification filing regarding their acquisitions with SAMR in advance, which violated the provisions on the concentration of undertakings under Article 21 of the *Anti-Monopoly Law*. Up to now, SAMR has announced 13 gun-jumping cases in 2019. ([More](#))

国务院办公厅：加大对原料药垄断等违法行为的执法力度

2019年10月11日，国务院办公厅发布了《国务院办公厅关于进一步做好短缺药品保供稳价工作的意见》，其中提到，“加大对原料药垄断等违法行为的执法力度。建立市场监管、公安、税务、药品监督管理等部门协同联动工作机制，开展多部门联合整治，整治结果及时向社会公布。以最严的标准依法查处原料药和制剂领域垄断、价格违法等行为，坚持从重从快查处；构成犯罪的依法追究刑事责任，坚决处置相关责任人，形成有效震慑”。（[查看更多](#)）

China to Strengthen APIs-related Antitrust Enforcement

On 11 October 2019, the General Office of the State Council issued the *Opinions of the General Office of the State Council on Further Stabilizing the Supply and Price of Drugs in Short Supply* (“**Opinions**”). According to the *Opinions*, China will strengthen the antitrust enforcement related to Active Pharmaceutical Ingredients (“APIs”). A coordinate mechanism among the departments of market supervision, public security, taxation and medical product supervision will be established, in which multi-department collaboration will be carried out and the results will be released publicly in a timely manner. Meanwhile, the antitrust and price-related violations in connection with APIs and drugs will be tracked down and the responsible individuals will be punished. ([More](#))

今年第4起建材行业垄断案，山西5家混凝土企业受处罚

2019年10月8日，市场监管总局公布了由山西省市场监督管理局查处的永济市部分混凝土企业垄断协议案，5家涉案企业因达成但未实施垄断协议的行为分别被处以5万元罚款。调查发现，涉

案5家混凝土企业以环保治理、原材料价格大幅上涨为由共同协商调整价格，但至执法机关开展核查时，垄断协议并未实施。该案也是市场监管总局今年公开处罚决定的第4起建材行业垄断案件。（[查看更多](#)）

Shanxi AMR Fines 5 Concrete Companies for Collusion

On 8 October 2019, SAMR published the sanction decisions in which the Administration for Market Regulation of Shanxi Province (“**Shanxi AMR**”) fined 5 local concrete companies CNY 50,000 each for collusion. Shanxi AMR found that these 5 companies colluded to adjust the price with the excuse of environment protection and dramatic price increase of raw material. This collusion, however, had not been implemented when Shanxi AMR conducted the investigation. This is the fourth antitrust case in the field of construction material published by SAMR this year. ([More](#))

山东省市监局公开举行首次反垄断案件听证会

2019年10月8日，根据当事人的申请，山东省市场监督管理局（“**山东省市监局**”）对一起涉嫌垄断案件依法公开举行听证会。该案中，当事人系某行业协会，因涉嫌组织本行业的经营者达成垄断协议，山东省市监局对其立案调查。听证程序是行政处罚程序的特殊环节，是保障当事人陈述权和申辩权的重要形式。此次听证会也是山东省市监局组建以来举行的首次反垄断案件听证会。（[查看更多](#)）

Shandong AMR Holds an Open Hearing on Antitrust Case

On 8 October 2019, according to the application of the industry association under investigation, the Administration for Market Regulation of Shandong Province (“**Shandong AMR**”) held an open hearing on an antitrust case where the industry association was alleged to organize business operators to reach a monopoly agreement. The hearing, as a special procedure in administrative investigations, is an important form of protecting the party’s right to statement and defense. In addition, this hearing is the first antitrust case hearing held by Shandong AMR since its establishment. ([More](#))

南京中院开庭审理原料药垄断纠纷，扬子江药业索赔1亿

近日，南京市中级人民法院（“**南京中院**”）开庭审理了原告扬子江药业集团广州海瑞药业有限公司、扬子江药业集团有限公司（以下合称“**扬子江药业**”）诉被告合肥医工医药股份有限公司、合肥恩瑞特药业有限公司、南京海辰药业股份有限公司滥用市场支配地位垄断纠纷一案。本案中，扬子江药业主张被告实施了不公平高价、无正当理由限定交易、搭售及附加不合理交易条件的滥用市场支配地位行为，并索赔1亿元。法庭未当庭宣判。（[查看更多](#)）

Nanjing Court Hears an APIs-related Antitrust Case

Recently, Nanjing Intermediate People’s Court (“**Nanjing Court**”) heard an abuse of dominance case in relation to APIs. In this case, the plaintiffs are Yangtze River Pharmaceutical Group Guangzhou Hairui Pharmaceutical Co., Ltd and Yangtze River Pharmaceutical Group, while the defendants are Hefei Medical and Pharmaceutical Co., Ltd., Hefei Enret Pharmaceutical Co., Ltd and Nanjing Hicin Pharmaceutical Co., Ltd. The plaintiffs claimed that the defendants abused their market dominance to charge unfair high prices, restrict trade, tie products and impose unreasonable transaction terms without justifiable cause. The plaintiffs claimed 100m CNY for damages and the court did not make the decision during the trial. ([More](#))

海外动态 Overseas News

英国竞争与市场管理局就分割市场行为向三家药企发出异议声明

近日，英国竞争与市场管理局就南非最大药企Aspen与Amilco、Tiofarma两家公司达成分割市场协议的行为发布异议声明。调查发现，Aspen于2016年与Amilco、Tiofarma达成相关协议，以确保这两家公司不进入英国醋酸氟氢可的松药片市场，从而巩固其在英国的独家供应商地位。作为交换，Tiofarma成为了在英国销售该药的独家生厂商，而Amilco可以分到该药上涨价格中的30%。随后，醋酸氟氢可的松药片的价格上涨到1800%。（[查看更多](#)）

UK: 3 Drug Firms Accused of Illegal Market Sharing

Recently, the UK's Competition and Markets Authority ("CMA") announced that it had provisionally found that, in 2016, pharmaceutical company Aspen unlawfully agreed to pay 2 other firms, Amilco and Tiofarma, to stay out of the UK market for fludrocortisone acetate tablets. This alleged illegal agreement protected Aspen's UK monopoly in relation to the supply of the drug to the NHS and gave the firm the opportunity to increase prices by up to 1,800%. In exchange, it is alleged that Tiofarma was made the sole manufacturer of fludrocortisone for direct sale in the UK, and Amilco received a 30% share of the increased prices that Aspen was able to charge. ([More](#))

韩国对四家日本汽车零部件厂商开出92.5亿韩元反垄断罚单

近日，韩国公平贸易委员会公布了对四家日本汽车零部件厂商分割市场等垄断行为的处罚情况，对三菱电机、日立汽车系统、电装和金刚石电机合计罚款92.5亿韩元（约合人民币5515万元）。其中，对三菱电机一家的处罚高达近81亿韩元。调查发现，涉案企业在向汽车制造商提供交流发电机（三菱电机、日立汽车系统、电装）以及点火线圈（三菱电机、电装、金刚石电）时，实施了分割市场等行为，部分行为持续达十年之久。（[查看更多](#)）

KFTC Sanctions International Cartel of Four Auto Parts Makers

Recently, the Korea Fair Trade Commission ("KFTC") announced that it had decided to impose a total of KRW 9.2bn in penalty surcharges against four auto parts suppliers, including Mitsubishi Electric, Hitachi Automotive Systems, Denso Corporation and Diamond Electric, for agreeing to allocate their automaker clients in advance when selling alternators and ignition coils. Among them, Mitsubishi Electric was fined nearly KRW 8.1bn. Some of the violations lasted for 10 years from 2004 to late 2014. ([More](#))

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