



NEWSLETTER

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两年同时涨价13次，陕西省市监局对多家水泥企业展开反垄断调查

2019年10月18日，据《华商报》报道，陕西省市场监督管理局（“陕西省市监局”）相关工作人员介绍，针对陕西多家水泥企业两年内同时涨价13次涉嫌垄断一事，该局高度重视，并且已经正式立案，目前案件还在推进中。截至目前，中国反垄断执法机构已在至少18起建材行业垄断案件中开出了总计近2亿元的反垄断罚单。（[查看更多](#)）

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](#))

市场监管总局附条件批准花园生物与帝斯曼新设合营企业案

2019年10月16日，国家市场监督管理总局（“市场监管总局”）附加限制性条件批准了浙江花园生物高科股份有限公司（“花园生物”）与皇家帝斯曼有限公司（“帝斯曼”）新设合营企业案。根据协议，花园生物和帝斯曼拟在浙江省设立一家合营企业，从事7-脱氢胆固醇（英文为7-Dehydrocholesterol）生产。（[查看更多](#)）

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](#))

因设立合营企业未依法申报，北汽、现代金融与现代中国各被罚30万元

2019年10月16日，市场监管总局公布了对北京汽车股份有限公司（“北汽”）、现代金融株式会社（“现代金融”）和现代汽车（中国）投资有限公司（“现代中国”）设立合营企业未依法申报案的处罚决定书，对三家企业各处罚款30万元。2018年12月29日，三家企业签署合资经营企业合同。今年1月，合营企业取得营业执照。该交易达到了中国经营者集中申报标准但未依法申报，违反了《反垄断法》第二十一条的规定。（[查看更多](#)）

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](#))

市场监管总局将会同三部委对各地公平竞争审查工作进行督查

2019年10月14日，江西省市场监督管理局（“**江西省市监局**”）牵头召开公平竞争审查工作相关会议。会上透露，根据市场监管总局通知，市场监管总局近期将会同国家发展和改革委员会、财政部、商务部，对各地2019年公平竞争审查工作开展情况进行督查。会议要求，各地各部门要高度重视此次督查工作，做好迎接督查准备工作。 ([查看更多](#))

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](#))

京东诉阿里“二选一”垄断案，最高院驳回阿里管辖权异议上诉

近日，最高人民法院（“**最高院**”）裁定驳回了阿里巴巴集团控股有限公司（“**阿里**”）等针对北京市高级人民法院（“**北京高院**”）作出的关于管辖权异议裁定的上诉。此前，北京京东世纪贸易有限公司（“**京东**”）等在北京高院起诉阿里（包括旗下的天猫），认为阿里的“二选一”行为属于滥用市场支配地位行为，并索赔10亿元。就此，阿里提出管辖权异议，认为该案应移送浙江省高级人民法院。北京高院一审裁定驳回了阿里的管辖权异议。 ([查看更多](#))

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 objec-

tion in BHC and claimed that this case should be transferred to the Zhejiang High People's Court, which was rejected by BHC. ([More](#))

海外动态 Overseas News

反垄断调查正酣，欧盟对芯片巨头博通发出临时禁令

2019年10月16日，欧盟委员会发布新闻称，其已下令博通暂停与六家电视机顶盒和调制解调器制造商的某些业务交易。欧盟委员会指出，此举是为了防止博通的行为对竞争对手造成可能的严重且不可挽回的损害。根据该临时禁令的要求，博通须停止履行与六家制造商协议中的排他性条款且不得再签署或履行具有同样排他性效果的其他条款。 ([查看更多](#))

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](#))

谷歌不服欧盟24亿欧元反垄断罚单，法院将于明年2月开庭审理

2019年10月15日，据路透社报道，参与案件的相关方披露，谷歌针对欧盟委员会在比较购物服务（Google Shopping）垄断案中开出的24亿欧元反垄断罚单而提起的行政诉讼将于2020年2月12日至14日在欧盟普通法院进行为期三天的开庭审理。2017年以来，欧盟委员会对谷歌共开出三张反垄断罚单，罚款总计约82.5亿欧元。另两张罚单分别涉及谷歌安卓操作系统和互联网广告服务。日前，针对三张罚单，谷歌均已提起行政诉讼，另两案审理日期待定。 ([查看更多](#))

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](#))

韩国查处15家医疗机构移民、留学签证体检卡特案

2019年10月14日，韩国公平贸易委员会发布新闻称，其已对15家医疗机构（17家医院）达成横向垄断协议，固定涉及签发移民和留学签证医疗体检价格的行为采取纠正措施，要求停止违法

行为。案件涉及的签证体检的国家有加拿大、澳大利亚、新西兰、美国和中国。调查发现，涉案医院自2002年1月至2006年5月串通涨价、固定签证体检费用。其中，涉及中国签证的11家医院达成协议自2006年5月起将体检费用从14万韩元提高至17万韩元。（[查看更多](#)）

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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