



NEWSLETTER

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国内要闻 Domestic News

国务院发布《优化营商环境条例》，加快建立竞争有序的现代市场体系

2019年10月23日，国务院发布了《优化营商环境条例》（“《条例》”），于2020年1月1日起施行。《条例》规定，国家加快建立统一开放、竞争有序的现代市场体系，依法促进各类生产要素自由流动，保障各类市场主体公平参与市场竞争。政府有关部门应当加大反垄断和反不正当竞争执法力度，有效预防和制止市场经济活动中的垄断行为、不正当竞争行为以及滥用行政权力排除、限制竞争的行为，营造公平竞争的市场环境。（[查看更多](#)）

China Releases Regulation on Optimizing Business Environment

On 23 October 2019, China's State Council released the *Regulations on Optimizing the Business Environment* (“**Regulations**”) which will take effect on 1 January 2020. In accordance with the *Regulations*, China will accelerate in establishing an open, united and ordered modern market system, foster the free flow of different factors of production and guarantee the fair competition among different market entities. The competent authorities shall strengthen the antitrust and anti-unfair competition enforcement, prevent and curb relevant antitrust and anti-unfair competition violations (including administrative monopolies) and establish a healthy market environment for fair competition. ([More](#))

四川省市场监管系统举办竞争执法能力提升培训班

近日，为进一步强化反垄断与反不正当竞争执法，提升执法人员法律素养和执法办案能力，四川省市场监管系统举办了竞争执法能力提升培训班。培训班上，四川省市场监督管理局副局长苟小兰要求围绕竞争政策实施，稳步推进反垄断工作，全面贯彻落实公平竞争审查制度，扎实开展行政垄断行为专项执法行动，积极开展垄断线索排查，推动统一开放、竞争有序的市场体系建设，维护公平竞争的市场秩序和消费者合法权益。百名执法人员参加了此次培训。（[查看更多](#)）

Sichuan AMR Holds Internal Competition Enforcement Training

Recently, the Administration for Market Regulation of Sichuan Province (“**Sichuan AMR**”) held an internal competition enforcement training to further improve the law-executors' skills to strengthen the antitrust and anti-unfair competition enforcement. During the training, Gou Xiaolan, the Deputy Director-General of Sichuan AMR, required the officials to push forward antitrust enforcement in accordance with the competition rules, fully implement the Fair Competition Review System (“**FCRS**”), launch specific enforcement against administrative monopolies, investigate the clues of antitrust violations, establish untied and ordered market system and protect the fair competition and consumer's interests. 100 officials attended the training. ([More](#))

河南省市监局举办反垄断执法培训班，披露案件相关数据

据《郑州晚报》报道，近日，河南省市场监督管理局（“河南省市监局”）举办了反垄断执法和公平竞争审查工作培训班。国家市场监督管理总局（“市场监管总局”）反垄断局一级巡视员刘永娥、滥用行为调查处处长刘健等进行了授课。报道中提到，2019年以来，河南省市监局核实查处了市场监管总局督办的3起滥用市场支配地位案件，调查了1起行政垄断案件和1起垄断协议案件。（[查看更多](#)）

Henan AMR Holds Internal Antitrust Enforcement Training

Recently, the Administration for Market Regulation of Henan Province (“Henan AMR”) held an internal training on antitrust enforcement and FCRS, according to a Zhengzhou-based newspaper. Liu Yonge, the Level 1 Inspector of the State Administration for Market Regulation (“SAMR”), and Liu Jian, the Director of the Antitrust Investigation Division for Abuse of Dominance at the Anti-Monopoly Bureau of SAMR, lectured on the training. It was also reported that Henan AMR had investigated three abuse of dominance cases (supervised by SAMR), one administrative monopoly case and one monopoly agreement case within this year. ([More](#))

海外动态 Overseas News

因竞争顾虑，JFTC审查一起未达经营者集中申报标准收购交易

2019年10月24日，日本公平贸易委员会（Japan Fair Trade Commission, “JFTC”）发布新闻称，其已对M3公司收购Nihon Ultmarc公司股权案进行了经营者集中审查。M3公司于2019年4月1日完成对Nihon Ultmarc公司的股权收购并获得其全部表决权。该交易并未达到日本反垄断法所规定的经营者集中申报标准，但JFTC对该起收购交易存在限制竞争的顾虑，因而对该交易进行了审查。JFTC审查后认为，在交易各方将实施拟议的救济措施的前提下，该交易不会对竞争造成损害。（[查看更多](#)）

JFTC Reviews the Acquisition of Shares of Nihon Ultmarc by M3

On 24 October 2019, the Japan Fair Trade Commission (“JFTC”) announced that it reviewed the acquisition of shares of Nihon Ultmarc Inc. (“Nihon Ultmarc”) by M3, Inc. (“M3”). M3 acquired the shares of Nihon Ultmarc and obtained all Nihon Ultmarc’s voting rights on 1 April 2019. The acquisition of shares did not meet notification criteria stipulated in the Antimonopoly Act of Japan, but the JFTC had concerns about restraint of competition by the acquisition. Therefore, the JFTC reviewed the acquisition of shares. As a result of its review, based on the premise that the parties would implement their proposed remedies, the JFTC concluded that the acquisition would not substantially restrain competition in any particular fields of trade. ([More](#))

英国对三家混凝土排水管厂商开出3600万英镑反垄断罚单

2019年10月23日，英国竞争与市场管理局发布新闻称，其已对FP McCann等三家混凝土排水管厂商的卡特尔行为开出总计超3600万英镑（约合人民币3.28亿元）的反垄断罚单。其中，三家厂商中的两家于2018年承认实施了卡特尔行为、违反了竞争法，根据相关规定获得了罚款减免。调查发现，2006年7月至2013年3月期间，三家厂商实施了固定价格、分割市场和定期交换竞争性敏感信息的垄断行为。（[查看更多](#)）

CMA Fines 3 Construction Firms GBP 36m for Collusion

On 23 October 2019, the UK's Competition and Markets Authority ("CMA") announced that it had issued 3 firms with fines totaling more than GBP 36m for breaking competition law in supplying certain concrete drainage products for building projects. Last year, 2 of the 3 firms, Stanton Bonna Concrete Ltd and CPM Group Ltd, both accepted that they broke competition law by engaging in these arrangements. Accordingly, under the CMA's provisions for leniency and settlement processes, they received reductions to their fines. The CMA found that, from July 2006 to March 2013, the 3 firms agreed to fix or coordinate their prices, shared the market by allocating customers and regularly exchanged competitively sensitive information. ([More](#))

英特尔对软银旗下投资公司发起反垄断诉讼

2019年10月23日，据路透社报道，美国芯片巨头英特尔近日在加州北部地区法院对软银集团旗下堡垒投资集团（Fortress Investment Group）提起反垄断诉讼，指控其囤积专利并通过大量诉讼，阻碍科技的发展。英特尔称，堡垒投资集团及其关联公司已对英特尔提起诉讼，称英特尔自2011年以来生产的几乎每一个处理器均侵犯了其自恩智浦半导体收购的专利，而“英特尔提起诉讼，是为制止堡垒投资集团及其关联公司反竞争的专利聚合行为”。（[查看更多](#)）

Intel Sues SoftBank-Backed Firm for Antitrust Violations

On 23 October 2019, *Reuters* reported that the US chipmaker giant Intel Corp had filed an antitrust lawsuit against a SoftBank Group Corp-owned investment company (Fortress Investment Group) alleging the firm stockpiled patents to hold up technology companies with numerous lawsuits. Intel said that Fortress and other companies it owns or controls filed lawsuits against the Santa Clara chipmaker claiming that nearly every Intel processor made since 2011 infringed patents the companies had obtained control of from NXP Semiconductors. Intel also mentioned that "Intel brings this complaint to end a campaign of anticompetitive patent aggregation by Fortress and a web of (patent assertion entities) that Fortress owns or controls." ([More](#))

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