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国内要闻 Domestic News

湖南省市监局查处一起瓶装液化石油气垄断协议案

2019年12月11日，国家市场监督管理总局（“市场监管总局”）发布了由湖南省市场监督管理局（“湖南省市监局”）查处的张家界市永定区瓶装液化气垄断协议案行政处罚决定书，7家瓶装液化石油气经营者因达成并实施垄断协议合计被罚约41万元。湖南省市监局调查发现，涉案公司曾达成为期10年的《合作协议》，并明确了7家公司营业收入的核算比例和统一的销售价格，违反了《反垄断法》的相关规定。（[查看更多](#)）

Hunan AMR Fines 7 Local Bottled LPG Companies for Collusion

On 11 December 2019, China's State Administration for Market Regulation (“SAMR”) published the sanction decisions in which the Administration for Market Regulation of Hunan Province (“Hunan AMR”) fined 7 local bottled liquefied petroleum gas (“LPG”) companies around CNY 410,000 in total for collusion. Hunan AMR found that the companies involved reached a decade-long *Cooperation Agreement* and specified the accounting proportion of operating income and the uniform sale prices, which violated the relevant provision of the *Anti-Monopoly Law* (“AML”). ([More](#))

山西省市监局查处8起垄断案件

2019年12月11日，山西省市场监督管理局（“山西省市监局”）反垄断和反不正当竞争处处长原源在一场新闻发布会中提到，今年以来，山西省市监局重点围绕公章刻制、建材、公用事业、原料药等民生领域组织专门力量，加强线索排查，查处了一批具有典型性的垄断案件，立案查处垄断案件8起。同时，在原料药反垄断专项行动中，按照市场监管总局反垄断局的安排，协查和核查线索9起。（[查看更多](#)）

Shanxi AMR Concludes 8 Antitrust Cases

On 11 December 2019, in a press conference held by the Administration for Market Regulation of Shanxi Province (“Shanxi AMR”), Yuan Yuan, the director of the Anti-Monopoly and Anti-Unfair Competition Division, said that Shanxi AMR had organized specialized forces to probe the possible antitrust violations in the fields of official seals, building materials, public utilities, active pharmaceutical ingredients (“APIs”), etc., and concluded 8 cases this year. Meanwhile, in the special action against APIs-related monopolies, Shanxi AMR had investigated 9 clues to potential violations under the arrangement of SAMR. ([More](#))

贵州高院拟于12月17日开庭审理一起燃气行业垄断纠纷上诉案件

中国庭审公开网显示，贵州省高级人民法院拟于2019年12月17日上午开庭审理上诉人六盘水裕民液化石油气有限公司和被上诉人六盘水诚达商贸有限公司、六盘水瑞安液化石油气有限公

司、百江西南燃气有限公司水城气库垄断纠纷一案（（2019）黔民终898号）。庭审直播链接为：<http://tingshen.court.gov.cn/live/9615356>。（[查看更多](#)）

Guizhou High People's Court to Hear a Gas Company's Antitrust Appeal on Dec. 17

Recently, the Guizhou High People's Court announced that it would hear a gas company's antitrust appeal on 17 December 2019. The appellant is Liupanshui Yumin LPG Co., Ltd, while the appellees include Liupanshui Chengda Trading Co., Ltd., Liupanshui Ruian LPG Co., Ltd., and Baijiang Southwest Gas Co., Ltd. Shuicheng Gas Storage (Case No.: (2019) Qin Min Zhong No. 898). The hearing will stream live at <http://tingshen.court.gov.cn/live/9615356>. ([More](#))

市场监管总局就竞争政策实施进展情况及下一步工作安排答复全国人大代表

近日，市场监管总局公布了对全国人大代表蔡玲有关建议的答复。市场监管总局表示，近年来，反垄断执法机构积极开展反垄断执法，不断完善市场竞争规则，深入实施公平竞争审查制度，深化了竞争政策基础研究，大力开展竞争政策宣传倡导，深入推进相关改革和监管工作。下一步，市场监管总局将会同有关部门进一步强化竞争政策顶层设计，推进重大案件查办，深入实施公平竞争审查，完善反垄断规则，培育公平竞争文化，推动相关改革和监管工作。（[查看更多](#)）

SAMR Replies to a NPC Deputy over Competition Policy

Recently, SAMR published a response to the suggestion of a deputy to the National People's Congress ("NPC"), indicating that, in recent years, the antitrust authorities had actively carried out the antitrust enforcement, continually improved the market competition rules, deeply implemented the *Fair Competition Review System* ("FCRS"), deepened basic research on competition policy, strengthened competition policy advocacy and deeply promoted the reformation and supervision. As for the further arrangement, SAMR would accompany with the relevant departments to further strengthen the top design of the competition policy, press ahead with the investigation of major cases, deeply implement the FCRS, improve the antitrust rules, foster the culture of fair competition and promote the reformation and supervision. ([More](#))

海外动态 Overseas News

德国对蒂森克虏伯等三家钢铁公司开出6.46亿欧元反垄断罚单

2019年12月12日，德国联邦卡特尔局宣布，其已对萨尔茨吉特（Salzgitter）子公司 Ilsenburger Grobblech GmbH、蒂森克虏伯钢铁欧洲公司（thyssenkrupp Steel Europe AG）和奥钢联中厚板公司（voestalpine Grobblech GmbH）及3名参与四开板补充费和附加费信息交换、固定价格的相关责任人开出了总计约6.46亿欧元（约合人民币50.59亿元）的反垄断罚单。同样涉案的迪林格钢铁公司（Dillinger Hüttenwerke）因率先与德国联邦卡特尔局进行合作而被免于处罚。（[查看更多](#)）。

Germany: Steel Manufacturers Fined EUR 646m for Agreeing on Prices of Quarto Plates

On 12 December 2019, Germany's antitrust watchdog, the Bundeskartellamt, announced that it had imposed fines totaling around EUR 646m on Ilseburger Grobblech GmbH, thyssenkrupp Steel Europe AG and voestalpine Grobblech GmbH as well as three individuals responsible for exchanging information on and agreeing certain price supplements and surcharges for quarto plates in Germany. Dillinger Hüttenwerke, a public limited company which also participated in the agreement, was the first company to cooperate with the Bundeskartellamt and so was granted full immunity from fines. ([More](#))

退群、删聊天记录，荷兰一企业因阻碍反垄断调查遭罚184万欧元

2019年12月11日，荷兰消费者与市场管理局（Authority for Consumers and Markets, “ACM”）宣布，其已就一家企业阻碍反垄断调查的行为开出了184万欧元（约合人民币1441万元）的罚单。ACM表示，其在对这家涉嫌违反反垄断法律规定的企业进行突袭搜查的过程中，该企业的员工退出了多个WhatsApp群并删除了相关的聊天记录，而这些聊天记录可能包含与调查有关的证据。 ([查看更多](#))

Netherlands' Competition Watchdog Imposes a Fine of EUR 1.84m for Obstructing Antitrust Investigation

On 11 December 2019, the Netherlands Authority for Consumers and Markets (“ACM”) announced that it had imposed a fine of EUR 1.84m on a company for obstructing an ACM investigation. During the recent dawn raid on the company suspected of violating the Dutch Competition Act, the company's employees left WhatsApp groups and deleted chats. These chats could have contained evidence related to the investigation. ([More](#))

专利侵权诉讼“停火”，诺基亚寻求调解解决与戴姆勒的许可费争端

2019年12月9日，据路透社报道，诺基亚已暂停对德国汽车巨头戴姆勒提起的专利侵权诉讼，希望通过调解的方式解决技术许可费争端。诺基亚周一表示，建设性的谈判是解决问题的最佳方式，为确保有足够的时间进行调解，其已单方面决定推迟原定于12月10日在德国举行的庭审。 ([查看更多](#))

Nokia Halts Legal Action Against Daimler with Mediation Offer in Patent Row

On 9 December 2019, *Reuters* reported that Finnish telecoms equipment maker Nokia had suspended legal action against German carmaker Daimler in the hope that mediation will resolve their dispute over technology licensing fees. Nokia said on Monday that constructive negotiation was the best way to resolve matters. And to ensure there was time for this mediation to be successful, Nokia had unilaterally chosen to postpone the pending hearing on 10 December in Germany. ([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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