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立方竞争法周报

Weekly Competition Law News

国内要闻 Domestic News

浙江省市监局查处13家混凝土企业垄断协议案，罚款共415万元

Zhejiang AMR Fines 12 Concrete Companies CNY 4.15m for Reaching Monopoly Agreement

疫情防控期间经营者集中反垄断审查工作改由非现场方式进行

SAMR Adjusts Merger Review Documents Sending and Receiving Mode Affected by the 2019-nCoV Coronavirus Outbreak

海外动态 Overseas News

欧盟对高通5G芯片业务启动反垄断调查

EU Opens Antitrust Investigation into Qualcomm 5G Modem Chipset Business

英国政府委托反垄断执法机构发布定期竞争状况报告

UK Government Commissions the CMA to Produce a Regular State of Competition Report

美国DOJ和FTC宣布将就新版纵向并购指南草案举行研讨会并延长征求意见期限

DOJ and FTC Announce Workshops on Draft Vertical Merger Guidelines, Extend Comment Period

美国DOJ助理司法部长Makan Delrahim因潜在利益冲突退出谷歌反垄断调查

Top Antitrust Official Is Said to Recuse Himself From Google Inquiry

欧盟最高法院就葛兰素史克反向支付案作出裁定

CMA Welcomes EU Court Ruling in Pay-for-Delay Drug Case

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浙江省市监局查处13家混凝土企业垄断协议案，罚款共415万元

2020年2月7日，国家市场监督管理总局（“市场监管总局”）公布了由浙江省市场监督管理局（“浙江省市监局”）作出的对13家混凝土企业垄断协议案的处理决定，对其中12家企业罚款共计415万元，一家企业因参与达成垄断协议行为轻微而免受处罚。浙江省市监局调查发现，自2015年7月以来，涉案13家企业多次召开会议并达成协议，自行划定经营边界、限制产量，违反了《反垄断法》第13条的相关规定。另查明，本案中，垄断协议未能实施。（[查看更多](#)）

Zhejiang AMR Fines 12 Concrete Companies CNY 4.15m for Reaching Monopoly Agreement

On 7 February 2020, China's State Administration for Market Regulation ("SAMR") published the decisions in which the Zhejiang Administration for Market Regulation ("Zhejiang AMR") fined 12 local concrete companies CNY 4.15m for reaching monopoly agreement, another company involved was exempted from administrative penalty because the offense is minor. Zhejiang AMR found that from July 2015 these companies held several meetings and reached agreements to allocate market and restrict output, which violated the relevant provision under Article 13 of the *Anti-Monopoly Law*. The regulator also found that the agreements had not been implemented for various reasons. ([More](#))

疫情防控期间经营者集中反垄断审查工作改由非现场方式进行

2020年2月6日，市场监管总局发布公告称，受新型冠状病毒疫情影响，在疫情防控期间，经营者集中反垄断审查工作改由非现场方式进行。申报人将经营者集中申报材料及补充问题回复电子版发送至反垄断局邮箱fldj@samr.gov.cn进行网上申报与提交。不方便网上办理的，将相关材料邮寄至反垄断局。受理通知、补充文件清单、立案通知及各审查决定将通过申报人在申报材料中填写的联系人电子邮箱或传真送达。（[查看更多](#)）

SAMR Adjusts Merger Review Documents Sending and Receiving Mode Affected by the 2019-nCoV Coronavirus Outbreak

On 6 February 2020, SAMR announced to adjust the documents sending and receiving mode of the review of concentration of undertakings during the control and prevention of the 2019-nCoV coronavirus outbreak. The merger filing documents and supplemental materials should be sent to the email address of the Anti-Monopoly Bureau fldj@samr.gov.cn for online notification and submission. For those who are inconvenient to submit online, relevant documents can also be submitted via mail. Notice of acceptance, list of supplementary documents, filing notice and various decisions will be sent to the applicant via email or fax address filled in the notification materials. ([More](#))

海外动态 Overseas News

欧盟对高通5G芯片业务启动反垄断调查

2020年2月5日，美国芯片巨头高通公司（Qualcomm）发布了其2020财年（2019年10月1日至2020年9月30日）第一季度财报。在财报中，高通披露已于2019年12月3日收到来自欧盟委员会的问题清单，称正在调查其是否利用了射频前端5G基带处理器领域的市场地位在欧洲经济区从事了反竞争行为。对此，高通表示正在回应相关问题。如果最终被欧盟认定垄断行为成立，则高通将面临最高达年度收入10%的天价罚单，并有可能限制某些商业模式。（[查看更多](#)）

EU Opens Antitrust Investigation into Qualcomm 5G Modem Chipset Business

On 5 February 2020, the US Chipmaker Qualcomm said that on December 3, 2019, it received a Request for Information from the European Commission (“EC”) notifying that it is investigating whether Qualcomm engaged in anti-competitive behavior in the European Union/European Economic Area by leveraging its market position in 5G baseband processors in the Radio Frequency Front Ends space. Qualcomm is in the process of responding. If a violation is found, a broad range of remedies is potentially available to the EC, including imposing a fine (of up to 10% of our annual revenues) and/or injunctive relief prohibiting or restricting certain business practices. ([More](#))

英国政府委托反垄断执法机构发布定期竞争状况报告

2020年2月5日，英国竞争与市场管理局（Competition and Markets Authority, “CMA”）发布新闻称，英国商业、能源和产业战略部和财政部向其发来委托信，委托其发布定期的竞争状况报告，对整个经济领域的竞争情况进行研究和分析，以推动经济长期稳定增长。据悉，CMA将于2020年夏季发布一份初步报告。（[查看更多](#)）

UK Government Commissions the CMA to Produce a Regular State of Competition Report

On 5 February 2020, the UK’s Competition and Markets Authority (“CMA”) announced that the Department for Business, Energy and Industrial Strategy and the HM Exchequer had commissioned the CMA to produce a regular state of competition report to research and analyze the level and nature of competition across the UK economy, aiming at driving productivity and long-run economic growth. The CMA will publish a preliminary report in Summer 2020. ([More](#))

美国DOJ和FTC宣布将就新版纵向并购指南草案举行研讨会并延长征求意见期限

2020年2月3日，美国司法部（Department of Justice, “DOJ”）发布新闻称，其将与联邦贸易委员会（Federal Trade Commission, “FTC”）举行两场公开研讨会（3月11日、18日），就1月10日发布的《2020年纵向并购指南（草案）》征求公众意见。研讨会将对指南草案进行动态讨

论，以对公众提出的关于指南草案的书面意见进行补充，并免费向公众开放。此外，DOJ和FTC还宣布将原定于2月11日的征求意见期限延至2月26日。（[查看更多](#)）

DOJ and FTC Announce Workshops on Draft Vertical Merger Guidelines, Extend Comment Period

On 3 February 2020, the Department of Justice (“DOJ”) and the Federal Trade Commission (“FTC”) announced two public workshops, on March 11, 2020 and March 18, 2020, to solicit public dialogue on the draft vertical merger guidelines released on January 10, 2020. The two half-day workshops will allow for a dynamic discussion about the proposed guidelines to complement any written public comments about the draft guidelines that are submitted to the agencies. Both workshops are free and open to the public. The agencies also announced that they will extend the deadline for submitting public comments. The new final deadline for submitting comments is February 26, 2020. ([More](#))

美国DOJ助理司法部长Makan Delrahim因潜在利冲突退出谷歌反垄断调查

2020年2月3日，据《纽约时报》报道，在针对谷歌的反垄断调查逐渐升温之际，DOJ助理司法部长Makan Delrahim因一项潜在的利益冲突问题决定对该调查进行回避。知情人士称，2007年，当时尚在律所工作的Delrahim曾与谷歌签订合同，为谷歌收购DoubleClick进行游说。据悉，随着针对科技领域的调查的推进，Delrahim与司法部道德操守办公室重新审视了其之前的工作可能带来的潜在利益冲突，认为应对谨慎行事，遂作出回避决定。（[查看更多](#)）

Top Antitrust Official Is Said to Recuse Himself From Google Inquiry

On 3 February 2020, the *New York Times* reported that Makan Delrahim, the head of the antitrust division at the DOJ, had recused himself from investigating Google, even as the agency’s examination of the largest tech companies ramps up. In 2007, Mr. Delrahim, who was in private law practice at the time, had a contract to lobby for Google’s acquisition of the ad-technology company DoubleClick, according to the people, who spoke on the condition of anonymity. As the technology review progressed, Mr. Delrahim revisited potential conflicts with previous work with the DOJ’s ethics office. He and the ethics office decided that he should recuse himself from a matter within the tech review in an abundance of caution. ([More](#))

欧盟最高法院就葛兰素史克反向支付案作出裁定

近日，CMA发布新闻，对欧洲法院就葛兰素史克（GlaxoSmithKline）等企业反向支付一案作出的裁定表示欢迎。2016年，CMA对葛兰素史克等药企开出了总计4500万英镑的反垄断罚单。葛兰素史克等公司不服处罚决定，向英国竞争上诉法庭（Competition Appeal Tribunal, “CAT”）提起了行政诉讼。随后，CAT就该案中的各类反向支付协议的系列法律适用问题移交欧洲法院裁决，欧洲法院支持了CMA的主张，认定涉案企业违反了竞争法。（[查看更多](#)）



CMA Welcomes EU Court Ruling in Pay-for-Delay Drug Case

Recently, the CMA announced that it welcomed a ruling from the EU Court of Justice (“ECJ”) in relation to the case that GlaxoSmithKline and other pharmaceutical companies reaching “pay-for-delay” agreements broke the law. In 2016, the CMA imposed fines of GBP 45m on the companies involved. GlaxoSmithKline and other companies challenged that decision at the Competition Appeal Tribunal (“CAT”), which sought guidance from the ECJ. The ECJ backed the CMA’s decision that they had broken competition law. ([More](#))

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