



NEWSLETTER

LIFANG & PARTNERS **立方观评**



关注更多精彩内容

No. 120

2020.03

立方竞争法周报

Weekly Competition Law News

国内要闻 Domestic News

市场监管总局附条件批准丹纳赫收购通用电气医疗生命科学生物制药业务案

SAMR Conditionally Approves Danaher's Acquisition of GE Healthcare Life Sciences' Biopharma Business

市场监管总局反垄断局发布政策研究课题征集公告

SAMR Launches New Research Program on Competition Policy

指定学生缴费平台及发卡银行，南昌市教育局行政垄断行为被纠正

Jiangxi AMR Corrects Administrative Monopoly Conducts in Education Sector

陕西省市监局公布2019年反垄断工作成绩单

Shaanxi AMR Releases Antitrust Enforcement Data for 2019

海外动态 Overseas News

美国司法部指责谷歌在反垄断调查中怠于提交证据，暗示可能采取法律行动

DOJ Faults Google for Turning Over Evidence Too Slowly in Antitrust Probes, Hinting at Possible Legal Action

西屋制动、克诺尔同意就“互不挖角”反垄断集体诉讼支付4895万美元和解金

Knorr and Wabtec Agree to Pay USD 48.95m of Settlements for Employee No-Poach Antitrust Class Action

差别对待不同国家消费者，美利亚酒店集团遭欧盟罚款667.8万欧元

Commission Fines Hotel Group Meliá EUR 6.7m for Discriminating Between Customers

国内要闻 Domestic News

市场监管总局附条件批准丹纳赫收购通用电气医疗生命科学生物制药业务案

2020年2月28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丹纳赫公司（“丹纳赫”）收购通用电气医疗生命科学生物制药业务（“目标业务”）案。本案中，丹纳赫和目标业务在25个相关市场存在横向重叠，市场监管总局经审查认为，此项集中对其中的10个相关市场具有或可能具有排除、限制竞争效果。就此，丹纳赫承诺剥离部分业务并最终获得批准。（[查看更多](#)）

SAMR Conditionally Approves Danaher's Acquisition of GE Healthcare Life Sciences' Biopharma Business

On 28 February 2020, China's State Administration for Market Regulation (“SAMR”) conditionally approved the proposed acquisition of General Electric's Healthcare Life Sciences Biopharma Business (“GE Biopharma”) by Danaher Corporation (“Danaher”). Danaher and GE Biopharma have overlap in 25 relevant markets and the SAMR believed that this concentration has or may have the effect of eliminating or restricting competition in 10 relevant markets. In this regard, Danaher offered to divest several businesses and finally obtained the clearance. ([More](#))

市场监管总局反垄断局发布政策研究课题征集公告

2020年2月26日，市场监管总局反垄断局发布政策研究课题征集公告。该研究拟通过对世界贸易组织所收到的自由贸易协定进行文本分析，全面深入研究自由贸易协定中竞争政策条款的内容规定、实践运用、发展演变，分析梳理下一阶段推进中国多双边自由贸易协定竞争政策条款谈判面临的机遇和挑战，提出符合国际通行规则、市场经济规律和中国发展阶段的竞争政策条款谈判工作思路和措施建议。课题申报截止时间为3月20日。（[查看更多](#)）

SAMR Launches New Research Program on Competition Policy

On 26 February 2020, the Anti-Monopoly Bureau under SAMR issued a notice to launch a new research program on competition policy. Based on the free trade agreements received by the World Trade Organization, this program will undertake deep research on the content, practice and development of the competition policy provisions stipulated in these agreements; analyze the challenges and opportunities that China may encounter during the negotiation of competition policy provision in multilateral and bilateral free trade agreements; and propose proper competition policy provision negotiation approaches and suggestions which should be in compliance with international rules and norms, market economic rules and in line with China's stage of development. The deadline for application is by March 20. ([More](#))

指定学生缴费平台及发卡银行，南昌市教育局行政垄断行为被纠正

2020年2月25日，江西省市场监督管理局发布新闻称，2019年9月，其对南昌市教育局涉嫌滥用行政权力排除、限制竞争行为展开调查。经查，2019年8月，南昌市教育局学校后勤与产业管理办公室要求南昌市各级各类学校、幼儿园统一启用南昌市教育智慧后勤管理云平台用于学生在校缴费，并要求西湖、东湖、高新区等区只能绑定一张指定银行的银行卡用于缴费。调查过程中，南昌市教育局主动采取措施停止了上述行为，并进行了整改。（[查看更多](#)）

Jiangxi AMR Corrects Administrative Monopoly Conducts in Education Sector

On 25 February 2020, the Administration for Market Regulation of Jiangxi Province (“Jiangxi AMR”) announced that it had closed the investigation against the Nanchang Education Bureau over administrative monopolistic conducts. The Jiangxi AMR found that the School Logistics and Estate Management Office of Nanchang Education Bureau required different-level schools and kindergartens in Nanchang to uniformly use the Nanchang Education Smart Logistics Management Cloud Platform for charging tuition fees and required students and/or their parents to pay relevant fees by bank card of one designated bank. The Nanchang Education Bureau corrected its [misconduct](#) and made proper rectifications during the investigation. ([More](#))

陕西省市监局公布2019年反垄断工作成绩单

2020年2月24日，陕西省市场监督管理局（“陕西省市监局”）发布了《陕西省市场监督管理局关于2019年法治政府建设工作情况的报告》（陕市监字〔2020〕24号）。报告中指出，2019年，陕西省市监局集中力量开展民生领域反垄断执法，办理行政垄断案件1件，经营者实施横向垄断协议案件2件，涉嫌滥用市场支配地位案件2件。（[查看更多](#)）

Shaanxi AMR Releases Antitrust Enforcement Data for 2019

On 24 February 2020, the Administration for Market Regulation of Shaanxi Province (“Shaanxi AMR”) published a report saying that Shaanxi AMR strengthened antitrust enforcement in people’s livelihood areas in 2019. According to the report, in 2019, Shaanxi AMR launched investigation in 1 administrative monopoly case, 2 horizontal monopoly agreement cases and 2 abuse of dominance cases. ([More](#))

海外动态 Overseas News

美国司法部指责谷歌在反垄断调查中怠于提交证据，暗示可能采取法律行动

2020年2月27日，据《华盛顿邮报》报道，美国司法部（Department of Justice, “DOJ”）本周罕见地私下对谷歌进行了指责，称其在反垄断调查中未能及时向执法人员提交关键信息。据两名知情人士透露，DOJ在本周一发出的一封信中表示，谷歌自去年10月收到提交一批涉及反垄断调查的证据的命令以来一直在进行“不可接受的”的拖延。DOJ将3月2日设定为谷歌的最后期限，如果谷歌仍不及时回复，其将“被迫寻求其他机制”。（[查看更多](#)）

DOJ Faults Google for Turning Over Evidence Too Slowly in Antitrust Probes, Hinting at Possible Legal Action

On 27 February 2020, *The Washington Post* reported that the U.S. Department of Justice (“DOJ”) issued a rare, private rebuke of Google this week, faulting the tech giant for failing to promptly turn over critical information to government officials who were investigating the search and advertising company for potential antitrust violations. In a letter sent Monday, the DOJ said Google had engaged in “unacceptable” delays since it received legal orders starting in October to turn over a tranche of evidence, according to two people familiar with the missive. The DOJ gave Google a March 2 deadline and it would be “compelled to pursue other mechanisms” if Google does not respond on time. ([More](#))

西屋制动、克诺尔同意就“互不挖角”反垄断集体诉讼支付4895万美元和解金

2020年2月25日，据Business Wire报道，全球轨道交通装备巨头西屋制动（Wabtec）、克诺尔（Knorr -Bremse）已就约8396名员工提起的“互不挖角”（No-Poach）反垄断集体诉讼与原告方达成4895万美元的和解协议。其中，西屋制动同意支付3695万美元，克诺尔同意支付1200万美元。据悉，该集体诉讼于2018年4月在美国宾夕法尼亚州西部地区法院提起，此前，该案所涉“互不挖角”协议还曾遭到DOJ的调查，最后达成和解协议。（[查看更多](#)）

Knorr and Wabtec Agree to Pay USD 48.95m of Settlements for Employee No-Poach Antitrust Class Action

On 25 February 2020, *Business Wire* reported that a total of USD 48.95m in settlements were reached in order to resolve employee no-poach antitrust claims of a class of approximately 8,396 employees of Westinghouse Air Brake Technologies Corporation and certain subsidiaries (“Wabtec”) and Knorr-Bremse AG and certain subsidiaries (“Knorr”). Knorr had agreed to pay USD 12m, and Wabtec had agreed to pay USD 36.95m. The class action was filed in April 2018 in the Western District of Pennsylvania. Earlier, the “no-poach” agreement was also investigated by the DOJ, and finally they reached settlements. ([More](#))

差别对待不同国家消费者，美利亚酒店集团遭欧盟罚款667.8万欧元

近日，欧盟委员会宣布，其已对西班牙酒店集团美利亚（Meliá）的差别待遇行为开出了667.8万欧元的反垄断罚单。欧盟委员会指出，美利亚与4家旅游运营商的协议中包含了限制性条款，这些条款对欧洲经济区（European Economic Area）内的消费者根据其住所地进行了差别待遇，违反了欧盟反垄断法规。考虑到美利亚明确承认其违法事实并积极配合提供证据的行为超出了其法定义务，欧盟委员会最终给予美利亚30%的罚款减免。（[查看更多](#)）

Commission Fines Hotel Group Meliá EUR 6.7m for Discriminating Between Customers

Recently, the European Commission announced that it had fined Spanish hotel group Meliá EUR 6,678,000 for including restrictive clauses in its agreements with four tour operators. These clauses discriminated consumers within the European Economic Area based on their place of residence, in breach of EU antitrust rules. As Meliá cooperating with the Commission beyond its legal obligation to do so, the Commission granted Meliá a 30% fine reduction in return for this cooperation. ([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。



This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.





Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”和“竞争法视界”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea

 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261