



NEWSLETTER

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青海省市场监管局告诫医疗药品经营者严格遵守《价格法》《反垄断法》

2020年3月4日，青海省市场监督管理局（“青海省市监局”）公布了一份《价格政策提醒告诫书》，告诫青海省内医疗药品用品生产经营者严格遵守《价格法》《反垄断法》等法律法规。青海省市监局在告诫书中提到，在市场竞争中，严禁经营者达成垄断协议、滥用市场支配地位违法涨价等行为；行业协会要积极引导企业合法经营，共同维护市场价格秩序，不得组织经营者串通涨价、联合涨价、操纵市场价格。（[查看更多](#)）

Qinghai AMR Warns Local Medical Enterprises Against Antitrust Violations

On 4 March 2020, the Administration for Market Regulation of Qinghai Province (“Qinghai AMR”) published a reminder and warning notice on price policy in which it urged the local medical enterprises to behave strictly in accordance with the *Price Law*, *Anti-Monopoly Law*, and other relevant laws and regulations. In this notice, Qinghai AMR indicated that medical enterprises are strictly prohibited from antitrust violations, such as entering into monopoly agreements, raising prices by abusing dominant market position; relevant industry associations should guide enterprises to operate legally and should not organize enterprises to collude in price increases, jointly increase prices, or manipulate market prices. ([More](#))

安徽合肥开展公用企业垄断行为专项执法行动

2020年3月3日，安徽省合肥市市场监督管理局（“合肥市市监局”）发布新闻称，合肥市市监局将从3月至12月在全市范围内开展整治公用企业垄断行为突出问题专项执法行动，对供电、供水、供气、供热等公共服务行业存在的市场垄断和行政垄断行为开展集中整治和纠正，并将重点查处公共企业达成并实施垄断协议、限定交易、拒绝交易、搭售、附加不合理交易条件等垄断违法行为。（[查看更多](#)）

Hefei AMR Launches Special Actions Against Public Utility Enterprises' Monopolistic Behaviors

On 3 March 2020, the Hefei Municipal Administration for Market Regulation of Anhui Province (“Hefei AMR”) announced that it would launch special actions to rectify the prominent issues of monopolistic behaviors of the local public utility enterprises from March to December this year. The Hefei AMR would carry out centralized rectification and correction of market monopoly and administrative monopolistic behaviors in public service industries such as power supply, water supply, gas supply and heat supply, and would focus on investigating public utility enterprises on reaching and implementing monopoly agreements, restricting trade, refusing to deal, tying and imposing unreasonable conditions. ([More](#))

海外动态 Overseas News

英国政府将严查新冠疫情期间过高定价、误导性宣传等违法行为

2020年3月5日，英国竞争与市场管理局（Competition and Markets Authority, “CMA”）发表声明称，新冠疫情爆发以来，CMA一直在密切关注有关销售和定价行为方面的动态的报告，CMA将考虑任何有关企业实施违反竞争法或消费者保护法行为（如过高定价、对防护用品效果的误导性宣传）方面的证据并将在适当情况下直接采取执法行动。此外，CMA还将评估是否需要建议英国政府考虑采取直接的价格管控措施。（[查看更多](#)）

CMA Issues Statement on Sales and Pricing Practices During Coronavirus Outbreak

On 5 March 2020, the UK’s Competition and Markets Authority (“CMA”) announced that it had been monitoring reports of changes to sales and pricing practices during the coronavirus outbreak. It would consider any evidence that companies may have broken competition or consumer protection law, for example by charging excessive prices or making misleading claims about the efficacy of protective equipment. Besides, the CMA would assess whether it should advise the UK government to consider taking direct action to regulate prices. ([More](#))

因分割市场、信息交换行为，四家制药公司遭英国反垄断机构调查并处340万英镑罚款

2020年3月4日，CMA宣布，其已对四家制药公司分割市场以及信息交换行为开出了总计340万英镑（约合人民币3034万元）的反垄断罚单。CMA调查发现，四家公司主要涉及两项违法行为，第一，King Pharmaceuticals（“King”）和Auden Mckenzie公司合谋固定抗抑郁药物去甲替林的价格和销量，并分割该药品的供应市场；第二，King、Lexon (UK) 以及Alissa Healthcare Research交换商业敏感信息试图在成本降低的情况下维持药品的高价。（[查看更多](#)）

Over GBP 3m in Fines and GBP 1m for NHS in CMA Pharma Probe

On 4 March 2020, the CMA announced that it had issued 4 pharmaceutical firms with fines totaling GBP 3.4m for sharing markets and exchanging competitively sensitive information. This investigation exposed 2 breaches of competition law: (1) the CMA found that, King Pharmaceuticals (“King”) and Auden Mckenzie (Pharma Division) shared out between them the supply of nortriptyline, a drug to relieve symptoms of depression, to a large pharmaceutical wholesaler. The 2 firms also colluded to fix quantities and prices. (2) the CMA also fined King, Lexon (UK) and Alissa Healthcare Research for illegally sharing commercially sensitive information when the cost of nortriptyline was falling, to try to keep the drug prices up. ([More](#))

仿制药巨头山德士就反垄断刑事指控认罪，同意支付1.95亿美元罚金

2020年3月2日，美国司法部（Department of Justice, “DOJ”）发布新闻称，总部位于美国新泽西州的仿制药巨头山德士公司（Sandoz Inc.）已在反垄断刑事指控中认罪，同意支付1.95亿美元的刑事罚金。在该起案件中，山德士被控于2013年到2015年期间参与了共谋分配仿制药客户、串通投标及固定价格的垄断行为。在DOJ与山德士达成的延缓起诉协议中，山德士同意支付1.95亿美元的刑事罚金并全面配合DOJ反垄断局正在进行中的反垄断调查。（[查看更多](#)）

Major Generic Pharmaceutical Company Admits to Antitrust Crimes

On 2 March 2020, the US Department of Justice (“DOJ”) announced that Sandoz Inc. (“Sandoz”), a generic pharmaceutical company headquartered in New Jersey, admitted to antitrust crimes and agreed to pay USD 195m criminal penalty. It was charged for conspiring to allocate customers, rig bids, and fix prices for generic drugs during 2013 and 2015. The DOJ also announced a deferred prosecution agreement resolving the charges against Sandoz, under which the company agreed to pay the criminal penalty and cooperate fully with the Antitrust Division’s ongoing criminal investigation. ([More](#))

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