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市场监管总局发布2020年立法工作计划

2020年3月26日，国家市场监督管理总局（“市场监管总局”）发布了2020年立法工作计划。根据工作计划，市场监管总局将在2020年起草包括《反垄断法》（修订草案）在内的7部法律、行政法规的送审稿；制修订《经营者集中审查暂行规定》等48部部门规章；继续积极配合立法机关推进的立法项目。与此同时，市场监管总局将着力提升立法质量，推动构建科学系统完备的市场监管法律体系。（[查看更多](#)）

SAMR Releases Legislative Work Plan for 2020

On 26 March 2020, China's State Administration for Market Regulation ("SAMR") released its legislative work plan for 2020. In 2020, 7 draft laws and administrative regulations, including the *Amendment to the Anti-Monopoly Law*, will be proposed for deliberation to the Ministry of Justice. Additionally, 48 rules of departments, including the *Interim Provisions on the Review of Concentration of Undertakings*, will be formulated or amended. The SAMR will continually cooperate with the legislatures in legislation projects. In the meantime, the SAMR will improve the quality of legislation and promote the construction of a scientific market regulation law system. ([More](#))

市场监管总局解除日月光收购矽品股权案限制性条件

2020年3月25日，日月光半导体制造股份有限公司（“日月光”）发布公告称，其已接到市场监管总局反垄断局的通知，解除日月光收购矽品精密工业股份有限公司（“矽品”）股权案所附的限制性条件。据悉，商务部曾于2017年附条件批准了该交易，要求日月光和矽品在限制期内履行保持两者作为独立竞争者的法人地位不变、集中后的日月光行使有限股东权利、不歧视地向客户提供服务、不限制客户选择其他供应商等义务。（[查看更多](#)）

SAMR Lifts Restrictive Conditions on ASE's Acquisition of SPIL

On 25 March 2020, ASE Technology Holding Co., Ltd. ("ASE") announced that it was notified by the Anti-Monopoly Bureau of SAMR that the Anti-Monopoly Bureau had lifted the restrictive conditions on its acquisition of Siliconware Precision Industries Co., Ltd. ("SPIL"). ASE's acquisition of SPIL was conditionally approved by the Ministry of Commerce in 2017. As part of the restrictive conditions, ASE and SPIL had to adopt measures such as maintaining operational independence for matters including corporate management, finance, human resources, pricing, sales, capacity and procurement in order to ensure ASE and SPIL operated as independent entities for a specified period of time. ([More](#))

江西省市监局发布反垄断合规八项指引

2020年3月25日，江西省市场监督管理局（“江西省市监局”）发布《护航市场主体全面恢复生产经营竞争秩序反垄断合规八项指引》。该指引从避免达成垄断协议、防止滥用市场支配地位、依法实施经营者集中、监督滥用行政权力排除限制竞争、自觉加强行业自律、主动加强反垄断合规管理、积极开展反垄断风险识别处置、全力共同维护竞争环境等八个方面对市场经营

主体进行了提示。 ([查看更多](#))

Jiangxi AMR Issues Guidelines on Antitrust Compliance

On 25 March 2020, the Administration for Market Regulation of Jiangxi province (“**Jiangxi AMR**”) issued the *Eight-point Guidelines on Antitrust Compliance for Promoting Market Entities to Fully Restore Order In Production, Operation and Competition* (“**Guidelines**”). The *Guidelines* outlines the main points of antitrust compliance regarding monopoly agreement, industry self-discipline, concentration of undertakings, administrative monopolistic behaviors, antitrust compliance management, antitrust risk identification, and fair competition environment. ([More](#))

新疆市监局发布2020年市场监督管理工作要点

2020年3月23日，新疆维吾尔自治区市场监督管理局（“**新疆市监局**”）公布了2020年市场监督管理工作要点。其中提到，2020年，新疆市监局将着力维护公平竞争环境，强化竞争政策基础地位。全面落实公平竞争审查制度，对2019年年底出台的政策措施进行全面清理。加大公平竞争执法力度，加强反垄断执法，依法查处垄断协议、滥用市场支配地位、滥用行政权力排除限制竞争行为。 ([查看更多](#))

Xinjiang AMR Releases Working Plan for 2020

On 23 March 2020, the Administration for Market Regulation of Xinjiang Uygur Autonomous Region (“**Xinjiang AMR**”) released its working plan for market regulation for 2020. In 2020, Xinjiang AMR will see to it that the fair competition environment is maintained and the fundamental position of competition policy is strengthened. It will also fully implement the Fair Competition Review System, conduct a detailed review of the policies and measures issued before the end of 2019, strengthen the enforcement of fair competition and antitrust, and investigate monopoly agreements, abuse of dominance and administrative monopoly. ([More](#))

海外动态 Overseas News

美国FTC和DOJ宣布对企业联合抗疫相关合作加快反垄断审查

2020年3月24日，美国联邦贸易委员会（Federal Trade Commission, “**FTC**”）与司法部（Department of Justice, “**DOJ**”）发布了《关于2019冠状病毒病的联合反垄断声明》，详细介绍了一种加速的反垄断审查程序，并为疫情期间致力于保护人民健康和安全的企业之间的协作提供指引。根据该加速程序，FTC和DOJ将在收到所有反垄断审查所需信息后7日内对与疫情有关的请求作出回应，并解决涉及公共卫生与安全的请求。 ([查看更多](#))

FTC and DOJ Announce Expedited Antitrust Procedure and Guidance for Coronavirus Public Health Efforts

On 24 March 2020, the Federal Trade Commission (“**FTC**”) and the U.S. Department of Justice (“**DOJ**”) Antitrust Division issued joint statement detailing an expedited antitrust procedure and providing guidance for collaborations of businesses working to protect the health and safety of Americans during the COVID-19 pandemic. Under the expedited procedure for COVID-19 public health projects, the

agencies will respond to all COVID-19-related requests, and resolve those addressing public health and safety, within seven calendar days of receiving all information necessary to vet these proposals. ([More](#))

欧盟委员会决定延长班轮运输联盟集体豁免至2024年

2020年3月24日，欧盟委员会发布新闻称，其已决定将针对班轮运输业的《联盟集体豁免条例》的有效期再延长四年。欧盟法律一般禁止公司间限制竞争的协议，而该条例允许在一定条件下，市场份额合计小于30%的班轮公司签订合作协议，提供联合班轮运输服务。当然，这些协议不能包括价格操纵或分割市场的内容。据悉，现行的《联盟集体豁免条例》于2009年通过，并于2014年延长了5年的有效期，原定于2020年4月25日有效期满。 ([查看更多](#))

EU Commission Prolongs the Validity of Block Exemption for Liner Shipping Consortia

On 24 March 2020, the European Commission announced that it had prolonged the *Consortia Block Exemption Regulation* (“**Regulation**”) for another four years till 25 April 2024. EU law generally bans agreements between companies that restrict competition. However, the *Regulation* allows, under certain conditions, liner shipping operators with a combined market share of below 30% to enter into cooperation agreements to provide joint liner shipping services. These agreements, however, cannot include price-fixing or market-sharing. The current *Regulation* was adopted in 2009 and prolonged in 2014 by five years, and was due to expire on 25 April 2020. ([More](#))

亚马逊在美遭反垄断集体诉讼

近日，据彭博社报道，亚马逊19日在美国华盛顿西区法院遭到反垄断集体诉讼。原告诉称，亚马逊仍在执行事实上的“最惠国”定价条款，尽管其曾于去年向FTC承诺停止此种做法。原告指称，亚马逊重新构建了这一规则，将其作为与第三方卖家签订的“公平定价”协议中的一项要求。该条款明确要求，任何在亚马逊上销售的商品，其“价格必须与卖家在其他网站上销售的同类产品的价格相等或更低”。 ([查看更多](#))

Amazon Accused of Monopolization, Massive Price-Fixing Scheme

Recently, *Bloomberg* reported that Amazon was hit with antitrust claims in Seattle federal court. The suit accused Amazon of continuing to enforce de facto “most favored nation” pricing terms against third-party sellers, despite promising the FTC last year that it would stop. Amazon allegedly reframed the same rule as a requirement of its “fair pricing” agreements with third-party sellers. The provision explicitly required any product sold on Amazon to “have a price that is equal to or lower than the price of the same item being sold by the seller on other sites,” according to the complaint. ([More](#))

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