



# NEWSLETTER

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## 国内要闻 Domestic News

### 吉林省市监厅发布经营者反垄断合规“五项提示”

2020年4月1日，为促进企业依法经营，维护市场公平竞争秩序，吉林省市场监督管理局（“吉林省市监厅”）发布了《关于经营者反垄断合规“五项提示”》，提示内容主要包括：1）慎重联合，规避“风险协议”；2）合法经营，防止滥用市场支配地位行为；3）履行申报手续，合法进行经营者集中；4）学习政策措施，研判滥用行政权力排除限制竞争行为；5）依法经营，培育公平竞争合规文化。（[查看更多](#)）

### Jilin AMR Releases “Five Tips” on Antitrust Compliance

On 1 April 2020, the Administration for Market Regulation of Jilin Province (“Jilin AMR”) issued the “Five Tips” on Antitrust Compliance of Operators to promote enterprises to operate in accordance with the law and maintain the order of fair competition in the market. The tips mainly include: (i) avoid “risk agreements”; (ii) prevent the abuse of dominant market position; (iii) conduct concentration of undertakings legally; (iv) identify the abuse of administrative power to exclude or restrict competition; and (v) foster a culture of fair competition and compliance. ([More](#))

### 甘肃省市监局选聘竞争政策专家库成员

2020年3月31日，甘肃省市场监督管理局（“甘肃省市监局”）发布选聘公告，公开选聘竞争政策专家库成员。参加选聘的人员应具备在反垄断或竞争政策领域具有较高的理论水平或者较丰富的实践经验等条件。专家库成员将受甘肃省市监局委托，开展重要事项咨询、重大案件论证、重点课题研究、第三方评估等相关工作。报名截止日期为5月31日。（[查看更多](#)）

### Gansu AMR to Set Up Competition Policy Expert Panel

On 31 March 2020, the Administration for Market Regulation of Gansu Province (“Gansu AMR”) issued a recruitment announcement to recruit competition policy experts to set up an expert panel. The candidates should have a high theoretical level or rich practical experience in such fields as antitrust and competition policy. The members of the expert panel will be commissioned by Gansu AMR to carry out important matters consultation, sophisticated case demonstration, hotspot subject research, third party assessment, and other related work. The deadline for application is May 31. ([More](#))

### 江西省市监局公布2020年反垄断工作要点

2020年3月30日，江西省市场监督管理局（“江西省市监局”）公布了《2020年全省执法稽查和反垄断工作要点》。2020年，江西省市监局将研究制定反垄断合规指引，聚焦原料药、公用事业等涉及民生的重点领域，加大力度查处垄断协议和滥用市场支配地位行为，建立省级反垄断执法人才库，增强反垄断执法力量，构建运行高效、执行有力的全省反垄断监管体系。（[查看更多](#)）

## Jiangxi AMR Releases Antitrust Enforcement Priorities for 2020

On 30 March 2020, the Administration for Market Regulation of Jiangxi Province (“**Jiangxi AMR**”) released its antitrust enforcement priorities for 2020. In 2020, the Jiangxi AMR will formulate the anti-trust compliance guidelines, strengthen the investigation on monopoly agreement and abuse of dominance in the key areas related to people’s livelihood, such as active pharmaceutical ingredients and public utilities, set up a talent pool for antitrust enforcement, and establish an effective antitrust supervision system. ([More](#))

## 海外动态 Overseas News

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### FTC诉请撤销烟草巨头奥驰亚对JUUL的128亿美元投资

2020年4月1日，美国联邦贸易委员会（Federal Trade Commission, “**FTC**”）发布新闻称，其已就奥驰亚（Altria）与JUUL达成的包括收购JUUL35%股份在内的一系列协议提起诉讼。FTC认为这些协议可能严重削弱相关市场上的竞争，涉嫌违反反垄断法。2018年末，JUUL超越奥驰亚成为美国电子烟市场的新领导者。为了应对这一情况，奥驰亚与JUUL达成协议，奥驰亚将成为JUUL的大股东，而JUUL将获得超过120亿美元的资金及一系列支持性服务。同时，奥驰亚还承诺6年内不与JUUL在相关市场展开竞争。 ([查看更多](#))

### FTC Sues to Unwind Altria’s USD 12.8bn Investment in Competitor JUUL

On 1 April 2020, the Federal Trade Commission filed an administrative complaint alleging that Altria Group, Inc. (“**Altria**”) and JUUL Labs, Inc. (“**JUUL**”) entered a series of agreements, including Altria’s acquisition of a 35% stake in JUUL, that eliminated competition in violation of federal antitrust laws. By late 2018, JUUL vaulted past Altria to become the leading e-cigarette company in the country. To deal with this competitive threat, Altria and JUUL announced an agreement that made Altria JUUL’s largest shareholder. JUUL received over USD 12bn, an agreement that Altria would not compete with JUUL for six years, and a range of support services. ([More](#))

### 欧盟竞争总司官网增设“反垄断法规与疫情”专栏

近日，欧盟委员会竞争总司在其官网“反垄断”板块中增加“反垄断规定与疫情”专栏，并且由欧盟委员会、欧洲经济联盟监督局及国家竞争主管机构组成的欧洲竞争网络发布了《关于疫情期间适用反垄断规定的联合声明》，为疫情期间致力于抗疫并保护消费者权益的企业之间的协作提供指引。对于为了有效处理疫情问题而需要快速推进的企业协作事宜，在存在合规不确定性的情况下，欧盟竞争总司设立了专用邮箱，为企业、协会及其法律顾问提供非正式指引。 ([查看更多](#))

### European Commission Adds a Column of “Antitrust Rules and Coronavirus” on Its Website

Recently, the Directorate-General for Competition (“**DG Competition**”) of European Commission added a column of “Antitrust rules and coronavirus” in the “Antitrust” section of its official website. The

European Commission, the EFTA Surveillance Authority and the National Competition Authorities that together form the European Competition Network had issued a *Joint Statement on the Application of the Antitrust Rules During the Current Coronavirus Crisis*, to guide companies which needed to cooperate with each other in order to overcome the crisis to the ultimate benefit of consumers. For specific cooperation initiatives with an EU dimension, that needed to be swiftly implemented in order to effectively tackle the coronavirus pandemic, and where there was still uncertainty about whether such initiatives were compatible with EU competition law, the DG Competition was ready to guide companies, associations and their legal advisors. For that purpose, it had set up a dedicated mailbox that could be used to seek informal guidance on specific initiatives. ([More](#))

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