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中共中央、国务院发布《关于构建更加完善的要素市场化配置体制机制的意见》

2020年4月9日，中共中央、国务院发布了《关于构建更加完善的要素市场化配置体制机制的意见》（“《意见》”）。《意见》指出，完善要素市场化配置是建设统一开放、竞争有序市场体系的内在要求。加强要素领域价格反垄断工作，维护要素市场价格秩序。强化竞争政策基础地位，打破行政性垄断、防止市场垄断，清理废除妨碍统一市场和公平竞争的各种规定和做法，进一步减少政府对要素的直接配置。（[查看更多](#)）

China to Promote Market-Based Allocation of Production Factors

On 9 April 2020, the Communist Party of China and the State Council issued the *Opinions on Improving the Market-Based Allocation Mechanism of Production Factors* (“**Opinions**”). The Opinions underlined promoting the market-based allocation of production factors is an inherent requirement for the construction of a united, open, competitive and orderly market system. China will strengthen the price-related antitrust enforcement and maintain the order of prices in the field of production factors. It will also strengthen the fundamental position of competition policy, curb administrative monopolies, prevent market monopolies, clean up and abolish various regulations and practices that hinder unified markets and fair competition, and further reduce the government’s direct allocation of production factors. ([More](#))

市场监管总局附条件批准英飞凌收购赛普拉斯股权案

2020年4月8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英飞凌科技公司（“英飞凌”）收购赛普拉斯半导体公司（“赛普拉斯”）股权案。本案中，英飞凌和赛普拉斯在车规级微控制器等4个商品市场存在横向重叠。市场监管总局经审查认为，此项集中对全球车规级微控制器市场具有或者可能具有排除、限制竞争效果，因此附条件批准了该案。（[查看更多](#)）

SAMR Conditionally Approves Infineon’s Acquisition of Cypress

On 8 April 2020, China’s State Administration for Market Regulation (“**SAMR**”) conditionally approved Infineon Technologies AG (“**Infineon**”)’s acquisition of Cypress Semiconductor Corporation (“**Cypress**”). Infineon and Cypress have overlap in the automotive microcontroller market and other 3 markets. SAMR believed that this concentration has or may have the effect of eliminating or restricting competition in the global automotive microcontroller market and therefore conditionally approved this deal. ([More](#))

因收购深圳中农网股权未依法申报，卓尔发展被罚30万元

2020年4月8日，市场监管总局公布了对卓尔发展（BVI）控股有限公司（“卓尔发展”）收购深圳市中农网有限公司（“中农网”）股权未依法申报案作出行政处罚决定，对卓尔发展处以30万元罚款。2016年10月28日，集中各方签署协议，卓尔发展收购中农网60.49%股权。该交易达

到了申报标准但未进行申报，违反《反垄断法》第二十一条，构成未依法申报的经营者集中。
([查看更多](#))

Zall Fined CNY 300,000 for Gun-Jumping

On 8 April 2020, SAMR released its sanction decision in which Zall Development (BVI) Holding Company Limited (“Zall”) was fined CNY 300,000 for gun-jumping. On 28 October 2016, the parties signed agreements upon which Zall acquired 60.49% stake in Shenzhen Sinoagri E-Commerce Co., Ltd. This deal met the thresholds of merger filing but had not been approved by SAMR, which violated Article 21 of the *Anti-Monopoly Law*. ([More](#))

市场监管总局发布关于支持疫情防控和复工复产反垄断执法的公告

2020年4月4日，市场监管总局发布了《关于支持疫情防控和复工复产反垄断执法的公告》（“《公告》”）。《公告》称，市场监管总局将：（1）依法加快审查涉疫情防控和复工复产的经营者集中案件；（2）依法豁免涉疫情防控和复工复产的经营者合作协议；（3）依法从严从重从快查处妨碍疫情防控和复工复产的垄断行为；（4）加强公平竞争审查政策支持；（5）积极做好对经营者的反垄断合规指导；（6）及时响应疫情防控和复工复产反垄断诉求。（[查看更多](#)）

SAMR Announces COVID-19 Related Antitrust Enforcement Policy

On 4 April 2020, SAMR issued the *Announcement on Antitrust Enforcement Supporting Pandemic Prevention and Control and Resumption of Production* (“**Announcement**”). The Announcement points out that SAMR will: (i) expedite the review of merger filings involving pandemic prevention and control and resumption of production; (ii) exempt the corporation agreements between operators involved in pandemic prevention and control and resumption of production; (iii) quickly and strictly investigate monopolistic behaviors that impede pandemic prevention and control and resumption of production; (iv) strengthen the support on fair competition review policies; (v) actively provide antitrust compliance guidance to operators; (vi) promptly response to antitrust demands for pandemic prevention and control and resumption of production. ([More](#))

扬子江药业诉合肥医工、恩瑞特垄断案一审胜诉，南京中院判赔6800余万元

近日，南京市中级人民法院（“南京中院”）就扬子江药业集团广州海瑞药业有限公司、扬子江药业集团有限公司（以下合称“扬子江药业”）诉合肥医工医药股份有限公司（“合肥医工”）、合肥恩瑞特药业有限公司（“恩瑞特”）、南京海辰药业股份有限公司滥用市场支配地位垄断纠纷案作出判决。经审理，南京中院认定合肥医工和恩瑞特滥用了在涉案原料药市场上的支配地位，判决赔偿扬子江药业经济损失6800余万元。（[查看更多](#)）

Nanjing Court Orders CNY 68m in Damages in An API-related Antitrust Dispute

Recently, the Nanjing Intermediate People’s Court (“**Nanjing Court**”) concluded an abuse of dominance case in relation to active pharmaceutical ingredient (“API”). In this case, the plaintiffs are Yangtze River Pharmaceutical Group Guangzhou Hairui Pharmaceutical Co., Ltd. and Yangtze River Phar-

maceutical Group (collectively referred to as “Yangtze River Pharmaceutical”), while the defendants are Hefei Industrial Pharmaceutical Institute Co., Ltd. (“HIPI”), Hefei Enruite Pharmaceutical Co., Ltd. (“Enruite”) and Nanjing Hicin Pharmaceutical Co., Ltd. The Nanjing Court ruled that HIPI and Enruite had abused their dominant position in the API market involved and should compensate Yangtze River Pharmaceutical over CNY 68m in damages. ([More](#))

被诉滥用市场支配地位，中国移动北京公司一审胜诉

近日，北京知识产权法院就王希彬诉中国移动通信集团北京有限公司（“中国移动北京公司”）差别待遇纠纷案作出判决，驳回原告全部诉讼请求。法院经审理认为，原告未能提供证据证明被告在相关市场具有市场支配地位，因此被诉行为不可能构成任何滥用市场支配地位的行为。据此，被告中国移动北京公司无需承担赔偿责任。（[查看更多](#)）

China Mobile Defeats the Plaintiff in An Antitrust Dispute

Recently, the Beijing Intellectual Property Court concluded a differential treatment dispute between Wang Xibin and China Mobile Group Beijing Co., Ltd. (“China Mobile”) and rejected the plaintiff’s claims. The Court held that the plaintiff failed to prove that the defendant had a dominant position in the relevant market, so the defendant’s conduct could not constitute an abuse of dominance. Accordingly, China Mobile does not need to bear the liability for compensation. ([More](#))

海外动态 Overseas News

德国联邦卡特尔局对11家建筑技术服务提供商开出1.1亿欧元反垄断罚单

近期，德国联邦卡特尔局宣布，其已就Caverion Deutschland GmbH、DS Elektrotherm GmbH等11家建筑技术服务提供商的串谋投标行为开出了总计1.1亿欧元的反垄断罚单。据悉，2014年11月，该局收到其中一家公司适用宽大制度的申请，由此对案件展开了调查。该案调查历时5年，德国联邦卡特尔局表示，11家涉案公司中，对8家公司的处罚决定已生效，其中6家公司因积极配合调查并与该局进行合作而适用宽大制度。另外3家公司已提出上诉，其中一家公司因已过诉讼时效而被予以驳回。（[查看更多](#)）

Bundeskartellamt Finalizes Fines Proceedings Against Providers of Technical Building Services

Recently, the German antitrust authority Bundeskartellamt announced that it had finalized the fines proceedings against eleven technical building service providers. The authority imposed fines totaling approx. EUR 110m for colluding on bids for major contracts. The proceeding was initiated in November 2014 following a leniency application. After investigation for 5 years, the Bundeskartellamt imposed fines on eleven companies, including fines against eight companies which were already legally binding. In setting the fine, the Bundeskartellamt took account of the fact that six companies had cooperated with the authority in uncovering the agreements within the scope of the leniency programme. Another three companies had each appealed the decisions to the Düsseldorf Higher Regional Court. On appeal by Karl Lausser, Heizungsbau- und Sanitär GmbH, the Court had closed the proceeding against the company for lapse of time. ([More](#))

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