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No. 134

2020.04

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市场监管总局附条件批准英伟达收购迈络思股权案

2020年4月16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伟达公司（“英伟达”）收购迈络思科技有限公司（“迈络思”）股权案。市场监管总局经审查认为，此项集中对全球和中国GPU加速器、专用网络互联设备和高速以太网适配器市场具有或者可能具有排除、限制竞争效果，最终附条件批准了该交易。（[查看更多](#)）

SAMR Conditionally Approves NVIDIA's Acquisition of Mellanox

On 16 April 2020, China's State Administration for Market Regulation (“SAMR”) conditionally approved NVIDIA's acquisition of Mellanox Technologies (“Mellanox”). Upon review, SAMR held that this concentration had or may have the effect of eliminating or restricting competition in the global and China GPU acceleration, private internetworking device and high-speed Ethernet adapter markets and therefore conditionally approved this deal. ([More](#))

最高院知产法庭发布2019年度报告，总结反垄断司法工作

2020年4月16日，最高人民法院知识产权法庭（“最高院知产法庭”）发布了自2019年1月1日成立之后的首份年度报告。其中提到，2019年，最高院知产法庭共受理9件垄断纠纷民事二审实体案件。针对反垄断领域突出问题，最高院知产法庭成立调研小组，开展专项调研活动。与此同时，最高院知产法庭还加强了与国务院反垄断执法部门的合作，就反垄断相关问题提供意见和建议。（[查看更多](#)）

China's Supreme Court Accepts 9 Antitrust Appeals in 2019

On 16 April 2020, the Intellectual Property Tribunal of the Supreme People's Court (“SPC IP Tribunal”), established on 1 January 2019, released its first annual report. In 2019, the SPC IP Tribunal accepted 9 antitrust appeals. Targeting at the prominent antitrust issues, it had established several research groups to carry out special research activities. Besides, the SPC IP Tribunal had strengthened cooperation with SAMR and actively provided comments and suggestions on antitrust issues. ([More](#))

市场监管总局发布《〈反垄断法〉修订草案（公开征求意见稿）》意见采纳情况的说明

2020年4月14日，市场监管总局发布了《〈反垄断法〉修订草案（公开征求意见稿）》社会公众意见采纳情况的说明。征集意见期间，市场监管总局共收到75位社会公众提出的265条反馈意见。意见主要集中在立法目的、竞争政策实施、公平竞争审查、垄断协议、滥用市场支配地位、经营者集中申报制度、滥用行政权力排除限制竞争，对涉嫌违法行为的调查与强化反垄断法律责任等方面。市场监管总局对征集到的意见进行了认真梳理和研究论证并采纳了大部分合理建议。（[查看更多](#)）

SAMR Receives 265 Comments on the Draft Amendment to the Anti-Monopoly Law

On 14 April 2020, SAMR issued a statement on the adoption of the public opinion on the *Draft Amendment to the Anti-Monopoly Law*. During the period of consultation, SAMR received 265 comments and suggestions from 75 individuals and entities. The opinions mainly focused on legislative purposes, the implementation of competition policy, fair competition review, monopoly agreement, abuse of dominant position, the concentration of undertakings, administrative monopoly, investigation of suspected violations, strengthening of antitrust legal liability, etc. After the review and demonstration, SAMR had adopted most of these reasonable suggestions. ([More](#))

市场监管总局发布《经营者反垄断合规指南（公开征求意见稿）》意见采纳情况说明

2020年4月14日，市场监管总局发布了《经营者反垄断合规指南（公开征求意见稿）》社会公众意见采纳情况的说明。征集意见期间，市场监管总局共收到17位社会公众提出的150条反馈意见。意见主要集中在反垄断合规建设、合规风险重点领域、合规风险评估与处置、反垄断合规保障措施等方面。市场监管总局对征集到的意见进行了认真梳理和研究论证，采纳了大部分合理建议。 ([查看更多](#))

SAMR Receives 150 Comments on the Draft Antitrust Compliance Guidelines

On 14 April 2020, SAMR issued a statement on the adoption of the public opinion on the *Antitrust Compliance Guidelines for Undertakings (Draft for Public Comment)*. During the period of consultation, SAMR received 150 comments and suggestions from 17 individuals and entities. The opinions mainly focused on antitrust compliance construction, key areas of compliance risk, compliance risk assessment and control, antitrust compliance safeguards, etc. After the review and demonstration, SAMR had adopted most of these reasonable suggestions. ([More](#))

市场监管总局对三家葡萄糖酸钙原料药经销商开出3.255亿元反垄断罚单

2020年4月14日，市场监管总局公布了对山东康惠医药有限公司（“康惠医药”）、潍坊普云惠医药有限公司（“普云惠医药”）和潍坊太阳神医药有限公司滥用市场支配地位案的行政处罚决定，三家葡萄糖酸钙原料药经销企业分别被处以上一年度销售额10%、9%和7%的罚款，并处没收违法所得，罚没款合计3.255亿元。经查，涉案当事人滥用在中国注射用葡萄糖酸钙原料药销售市场上的支配地位实施了以不公平的高价销售商品、附加不合理交易条件的垄断行为。 ([查看更多](#))

SAMR Fines Three Calcium Gluconate API Suppliers CNY 325.5m for Abuse of Dominance

On 14 April 2020, SAMR released its sanction decision against three Shandong-based suppliers of calcium gluconate API, Shandong Kanghui Pharmaceutical Co., Ltd. (“Kanghui Pharmaceutical”), Weifang Puyunhui Pharmaceutical Co., Ltd. (“Puyunhui Pharmaceutical”) and Weifang Apollo Pharma-

ceutical Co., Ltd. The three API distributors were respectively fined 10%, 9%, and 7% of their turnover in the preceding year and confiscated the illegal gains. The total amount of fines and confiscations is CNY 325.5m. SAMR found that the three companies had abused their dominant position in the sales market of calcium gluconate API for injection in China by charging unfairly high prices and imposing unreasonable trading conditions. ([More](#))

因阻碍反垄断调查，康惠医药、普云惠医药及相关人员被罚253万元

2020年4月14日，市场监管总局公布了对康惠医药、普云惠医药及相关人员拒绝、阻碍反垄断调查违法行为的行政处罚决定，对康惠公司、普云惠公司及其相关人员处罚共计253万元。其中，康惠公司和普云惠公司因暴力抗拒执法调查，性质恶劣、情节严重，分别被处以100万元的顶格罚款，康惠公司和普云惠公司的法定代表人分别被处以10万元的顶格罚款，其他12名涉案员工则分别被处以2-5万元不等的罚款。 ([查看更多](#))

SAMR Slaps Record Fines on Calcium Gluconate API Suppliers and Executives for Impeding Antitrust Investigation

On 14 April 2020, SAMR released its sanction decisions in which it fined Kanghui Pharmaceutical, Puyunhui Pharmaceutical, and their executives and employees CNY 2.53m for refusing and impeding the antitrust investigation. Kanghui Pharmaceutical and Puyunhui Pharmaceutical were respectively fined CNY 1m, the maximum fine imposed on a company for impeding an antitrust investigation, for violently and severely impeding the investigation. The legal representatives of these two companies were respectively fined CNY 100,000, the maximum fine imposed on an individual for impeding an antitrust investigation, and the other 12 employees involved were also fined CNY 20,000 – 50,000. ([More](#))

山东省市监局发布经营者、行业协会反垄断合规指引

2020年4月14日，山东省市场监督管理局（“山东省市监局”）发布《山东省经营者反垄断合规指引》（“《经营者指引》”）以及《山东省行业协会反垄断合规指引》（“《行业协会指引》”）。《经营者指引》共19条，提示经营者注意垄断协议行为风险、滥用市场支配地位行为风险以及未依法申报风险。《行业协会指引》共12条，介绍了行业协会需要关注的垄断风险。 ([查看更多](#))

Shandong AMR Unveils Antitrust Compliance Guidelines for Undertakings and Industry Associations

On 14 April 2020, the Administration for Market Regulation of Shandong Province (“Shandong AMR”) released the *Antitrust Compliance Guidelines for Undertakings of Shandong Province* (“Undertakings Guidelines”) and *Antitrust Compliance Guidelines for Industry Associations of Shandong Province* (“Industry Associations Guidelines”). The Undertakings Guidelines, with 19 Articles, reminds undertakings of the risks of monopoly agreement, abuse of dominance and gun-jumping. The Industry Associations Guidelines, with 12 Articles, underlines the risks that industry associations should pay attention to. ([More](#))

海外动态 Overseas News

美国DOJ和FTC联合发布关于新冠疫情期间保护劳动力市场竞争性的声明

2020年4月13日，美国司法部（Department of Justice, “DOJ”）和联邦贸易委员会（Federal Trade Commission, “FTC”）发布联合声明，肯定竞争对美国劳动者的重要性，同时表示将保护抗疫前线劳动者的合法权益，严厉打击利用新冠疫情损害劳动力市场竞争的行为。两家机构认为，为保护人民的健康和安全，政府、企业和个人之间可能需要进行一些合作，与此同时，执法机构仍对雇主、招聘公司、招聘人员进行的串谋等损害劳动者权益的反竞争行为保持警惕。公司和个人如果签订了“裸定薪”和“互不挖角”协议，可能会受到刑事起诉。此外，参与雇佣、招募等行为的公司和个人应意识到反竞争行为存在的民事和/或刑事责任风险。（[查看更多](#)）

DOJ & FTC Jointly Issue Statement on COVID-19 and Competition in U.S. Labor Markets

On 13 April 2020, the Department of Justice’s (“DOJ”) Antitrust Division and the Federal Trade Commission’s (“FTC”) Bureau of Competition jointly released a statement affirming the importance of competition for American workers. The agencies also announced that they will protect competition for workers on the frontlines of the Coronavirus Disease 2019 (COVID-19) response in the United States by enforcing the antitrust laws against those who seek to exploit the pandemic to engage in anticompetitive conduct in labor markets. The agencies acknowledged that some cooperation between government, business, and individual actors may be necessary in order to protect the health and safety of Americans. At the same time, the agencies informed the public that they are on alert for employers, staffing companies, and recruiters who might engage in collusion or other anticompetitive conduct that harms workers. Companies and individuals who enter into naked wage-fixing and no-poach agreements may be criminally prosecuted by the division. Companies and individuals involved in the hiring, recruiting, retention, or placement of workers should be aware that anticompetitive conduct runs the risk of civil and/or criminal liability. ([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。



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