



# NEWSLETTER

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## 国内要闻 Domestic News

### 广西某供水公司被诉垄断案入选2019年中国法院50件典型知识产权案例

2020年4月21日，最高人民法院发布了2019年中国法院50件典型知识产权案例。其中，由广西壮族自治区南宁市中级人民法院审理的吴宗区与永福县供水公司滥用市场支配地位纠纷案成为唯一一起入选的垄断纠纷案件。该案中，法院认定被告凭借在永福县所辖地域范围内的城市公共自来水供水服务市场上的支配地位，实施了无正当理由的搭售行为。 ([查看更多](#))

### An Antitrust Case Selected in the “50 Typical Intellectual Property Cases Decided by Chinese Courts in 2019”

On 21 April 2020, China’s Supreme People’s Court released the “50 Typical Intellectual Property Cases Decided by Chinese Courts in 2019”. *Wu Zongqu vs. Yongfu Water Supply Co., Ltd.* tried by Nanning Intermediate People’s Court of Guangxi Zhuang Autonomous Region was selected as the only antitrust case among the list. In this case, the Court concluded that the defendant had a dominant position in the urban public water supply service market in Yongfu County and abused its market dominance by tying. ([More](#))

### 市场监管总局发布《关于〈经营者集中审查暂行规定（征求意见稿）〉公开征求意见的反馈》

近日，国家市场监督管理总局（“市场监管总局”）发布了《关于〈经营者集中审查暂行规定（征求意见稿）〉社会公众意见的反馈》。征集意见期间，市场监管总局共收到160条意见建议，主要涉及经营者集中审查执法机构、经营者集中的定义、营业额计算、申报前商谈、申报义务人、申报文件资料、立案、简易案件、审查期限及程序、竞争评估、附加限制性条件确定及监督执行、违法实施经营者集中的认定及调查处理、保密义务及现行规定废止等方面。 ([查看更多](#))

### SAMR Receives 160 Comments on the Draft Interim Provisions on Review of Concentration of Undertakings

Recently, China’s State Administration for Market Regulation (“SAMR”) issued the *Feedback on the Public Solicitation of Opinions on the Interim Provisions on Review of Concentration of Undertakings (Exposure Draft)*. During the period of consultation, SAMR received 160 comments and suggestions. The opinions mainly focused on the authority in charge of merger control, the definition of concentration of undertakings, calculation of turnover, pre-consultation, notification obligor, documentation, case acceptance, simple cases, period and procedures, competition assessment, determination of restrictive conditions and supervision of implementation, the investigation against illegal concentration, confidential obligation, the abolishment of current rules and regulations, etc. ([More](#))

## 江苏省市监局发布反垄断工作指引

近日，江苏省市场监督管理局（“江苏省市监局”）发布了《支持常态化疫情防控全面恢复生产生活秩序的反垄断工作指引》（“《工作指引》”）。根据《工作指引》安排，江苏省市监局将加大妨碍疫情防控和复工复产垄断行为查处力度，提升公平竞争审查政策效果，依法降低经营者反垄断法律风险并积极开展反垄断行政指导与服务。（[查看更多](#)）

## Jiangsu AMR Issues Antitrust Guidelines

Recently, the Administration for Market Regulation of Jiangsu Province (“**Jiangsu AMR**”) issued the *Guidelines on Antitrust Work in Support of the Regular Pandemic Prevention and Control to Resume the Order of Production and Life* (“**Guidelines**”). The Guidelines underlined that Jiangsu AMR will strengthen the investigation against monopolistic behaviors impeding pandemic prevention and control and resumption of production, improve the effect of fair competition review policy, lower undertakings’ antitrust risks and actively provide antitrust administrative guidance and services. ([More](#))

## 九江市市监局告诫机动车检测行业遵守反垄断法等法律法规

近日，江西省九江市市场监督管理局（“九江市市监局”）召开机动车检测行业价格行为约谈会，12家机动车检测机构负责人参加会议。会上，九江市市监局发放并宣读了《关于规范机动车检测行业价格行为提醒告诫书》，告诫各机动车检测机构经营者应当遵守价格、反不正当竞争及反垄断等方面的法律法规。（[查看更多](#)）

## Jiujiang AMR Warns Vehicle Safety Inspection Industry Against Antitrust Violations

Recently, the Administration for Market Regulation of Jiujiang (“**Jiujiang AMR**”) held a price warning meeting for the local vehicle safety inspection industry. 12 vehicle safety inspection companies attended this meeting. During the meeting, Jiujiang AMR distributed a reminder and warning notice on price behaviors of the vehicle safety inspection industry in which it required vehicle safety inspection companies to obey relevant provisions in the *Anti-Monopoly Law*. ([More](#))

## 海外动态 Overseas News

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### 欧盟重启对波音与巴西航空交易的反垄断审查

2020年4月22日，据路透社报道，欧盟委员会当日公布的一份文件显示，欧盟已恢复对波音收购巴西航空工业公司旗下飞机制造部门的反垄断审查，并将在8月7日前作出决定。该审查在2月24日暂停以等待交易方提供文件和信息。消息人士称，近几个月来，交易方已提交了数百万份文件。去年10月，欧盟曾就这笔42亿美元的交易表示过担忧，称这将使巴西航空工业公司失去在高度集中的商用飞机行业（尤其是单通道商用飞机行业）中全球第三大竞争者的地位。（[查看更多](#)）

## EU Antitrust Regulators Resume Probe into Boeing & Embraer Deal

On 22 April 2020, *Reuters* reported that EU antitrust regulators had resumed their investigation into Boeing's bid to buy the jet-making arm of Embraer, with a decision due by August 7, a European Commission filing showed on the same day. The EU executive halted its probe on February 24 while waiting for the companies to provide information it had requested. Sources said millions of documents had been provided in recent months. The EU competition enforcer in October last year expressed concerns about the USD 4.2bn deal, saying it would remove Embraer as the third largest global competitor in the highly concentrated commercial aircraft industry, especially in single-aisle commercial planes. ([More](#))

## 英国反垄断机构就礼来动保出售其部分业务展开反垄断调查

2020年4月20日，英国竞争和市场管理局（Competition and Markets Authority, “CMA”）发布新闻称，其将对英国兽药公司Dechra Pharmaceuticals收购礼来动保（Elanco Animal Health）犬用外耳炎药物业务的交易展开第一阶段的反垄断调查。据悉，礼来动保为促使其76亿美元收购拜耳公司动物保健业务的交易获得审批，于2020年1月同意将其全部犬用外耳炎药物业务以1.35亿美元的价格出售给Dechra Pharmaceuticals。对此，CMA表示该交易可能会导致英国相关市场的竞争大幅度减少。（[查看更多](#)）

## UK Regulator Probes Elanco Asset Sale To Dechra

On 20 April 2020, the UK's Competition and Markets Authority (“CMA”) announced that it was opening a formal phase 1 investigation into Elanco Animal Health's anticipated sale of its Osurnia product portfolio to Dechra Pharmaceuticals. Animal-health company Elanco in January agreed to sell Osurnia, a treatment for otitis externa in dogs, to UK veterinary medicines company Dechra for USD 135m in cash. The deal was part of Elanco's efforts to gain regulatory clearance for its USD 7.6bn acquisition of Bayer AG's animal-health business. The CMA announced it was considering whether the deal might be expected to hurt competition in the UK. ([More](#))

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