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河南省市场监管局发布经营者和行业协会反垄断合规指引

2020年4月29日，河南省市场监督管理局（“河南省市监局”）发布了《河南省经营者反垄断合规指引》（“《经营者指引》”）和《河南省行业协会反垄断合规指引》（“《行业协会指引》”）。《经营者指引》共16条，介绍了经营者需要密切关注的各类垄断风险和违反《反垄断法》所需承担的法律风险。《行业协会指引》共14条，介绍了行业协会需要重点关注的各类垄断违法行为法律风险和法律风险。（[查看更多](#)）

Henan AMR Releases Antitrust Compliance Guidelines for Undertakings and Industry Associations

On 29 April 2020, the Administration for Market Regulation of Henan Province (“Henan AMR”) released the *Antitrust Compliance Guidelines for Undertakings of Henan Province* (“**Undertakings Guidelines**”) and *Antitrust Compliance Guidelines for Industry Associations of Henan Province* (“**Industry Associations Guidelines**”). The Undertaking Guidelines, with 16 articles, reminds undertakings of the antitrust risks and legal liabilities. The Industry Associations Guidelines, with 14 articles, underlines the risks that industry associations should pay attention to. ([More](#))

黑河中院二审判决车检公司平均分配收入协议因违反反垄断法无效

2020年4月28日，中国裁判文书网发布了[黑龙江省黑河市](#)中级人民法院于2020年1月7日作出的嫩江县洪运机动车检测有限责任公司、嫩江县誉龙机动车检测有限责任公司合伙协议纠纷二审民事判决书，判决维持一审判决。本案中，三家检测站约定将经营收入累加之后平均分配，且在实际履行协议时还统一固定了检车价格。两审法院认为，涉案的平均分配收入协议违反了《反垄断法》第13条规定，判决协议无效。（[查看更多](#)）

Partnership Agreement between Vehicle Safety Inspection Companies Ruled Invalid for Violating AML

On 28 April 2020, [wenshu.court.gov.cn](#) published the second instance judgment of the partnership agreement dispute of vehicle safety inspection companies issued by Heihe Intermediate People’s Court of Heilongjiang Province in which it upheld the first instance judgment. In this case, three inspection companies reached a partnership agreement that the operating income would be accumulated and distributed evenly, and the inspection price was fixed when the agreement was implemented. The courts regarded the partnership agreement as an monopoly agreement and therefore concluded that this agreement was invalid for violating the *Anti-Monopoly Law* (“AML”). ([More](#))

市场监管总局解除科力远、丰田中国等设立合营企业经营者集中限制性条件

近日，国家市场监督管理总局（“市场监管总局”）发布了关于解除科力远、丰田中国、PEVE、新中源、丰田通商设立合营企业经营者集中限制性条件的公告。2014年7月，商务部附条

件批准了该项经营者集中。市场监管总局经评估认为，相关市场竞争状况已经发生了实质性变化，解除限制性条件不会对市场竞争产生排除、限制的影响。（[查看更多](#)）

SAMR Lifts Restrictive Conditions on the Joint Venture by Corun, Toyota and Others

Recently, China's State Administration for Market Regulation ("SAMR") announced that it had lifted the restrictive conditions imposed by the Ministry of Commerce in July of 2014 on the joint venture set up by Hunan Corun New Energy Co., Ltd. ("Corun"), Toyota Motor (China) Investment Co., Ltd. ("Toyota") and others. SAMR believed that the competition situation in the relevant market had substantially changed and the lift of relevant restrictive conditions would not cause eliminative or restrictive effects on market competition. ([More](#))

山东省市监局召开反垄断合规指引座谈会

近日，山东省市场监督管理局（“山东省市监局”）召开了反垄断合规指引座谈会，山东省水泥行业协会、盐业协会、医药行业协会等5家协会，国网山东省电力公司、山东港口集团有限公司、山东齐鲁制药集团有限公司等6家企业参会。会上，山东省市监局介绍了山东省内反垄断执法情况，进一步介绍了此前出台的两个反垄断合规指引的出台背景和主要内容并对参会协会和企业进行了提醒和告诫。（[查看更多](#)）

Shandong AMR Holds a Meeting on Antitrust Compliance Guidelines

Recently, the Administration for Market Regulation of Shandong Province ("Shandong AMR") held a meeting on antitrust compliance guidelines. Five local industry associations, including cement industry association, salt industry association and pharmaceutical industry association, and six companies, including State Grid Shandong Electric Power Company, Shandong Port Group Co., Ltd. and Qilu Pharmaceutical Co., Ltd., attended this meeting. During the meeting, Shandong AMR introduced its antitrust enforcement, further clarified the backgrounds and contents of the *Antitrust Compliance Guidelines for Undertakings of Shandong Province* and *Antitrust Compliance Guidelines for Industry Associations of Shandong Province*, and reminded industry associations and companies of avoiding antitrust violations. ([More](#))

海外动态 Overseas News

欧盟委员会就博通提出的承诺方案公开征求意见

2020年4月27日，欧盟委员会宣布就博通为解决其在电视机机顶盒和调制解调器芯片市场上的竞争关切而提出的承诺方案，向相关各方征求意见。据悉，2019年6月，欧盟委员会对博通涉嫌的反竞争行为启动调查，同时发表异议声明并寻求采取临时措施。为解决欧盟委员会的竞争关切，博通作出承诺，将在全球以及欧洲经济区范围内采取一些救济措施，期限为五年。（[查看更多](#)）

European Commission Seeks Feedback on Commitments Offered by Broadcom

On 27 April 2020, the European Commission announced a consultation on commitments offered by Broadcom to address competition concerns in relation to Broadcom's conduct in various TV set-top box and modem chipset markets. In June 2019, the Commission initiated proceedings into alleged anti-competitive practices by Broadcom and at the same time issued a Statement of Objections seeking the imposition of interim measures. To address the Commission's competition concerns, Broadcom had offered a series of commitments at worldwide level and European Economic Area level. The commitments would apply for a period of five years. ([More](#))

麦当劳在美遭反垄断集体诉讼

近日，美国伊利诺伊州北区联邦地区法院东部分院裁定驳回了麦当劳关于撤销针对该公司的反垄断集体诉讼的动议。2019年8月，原告 Stephanie Turner 等人因麦当劳在与加盟商的《特许经营协议》中设置不雇佣条款，使其工资降低，违反《谢尔曼法》为由提起反垄断诉讼。原告称，麦当劳要求加盟商不互相雇佣彼此的在职或离职不超过6个月的员工，这一规定使其工资减少。法院裁定显示，麦当劳以原告未受到实际损失，没有事实上的损害，从而不具有美国宪法及《谢尔曼法》项下的原告资格，以及起诉超过诉讼时效为由，要求驳回原告的起诉。但法院认为，原告遭受的工资损失即为事实上的损害，且原告起诉未超过诉讼时效，并据此驳回了被告麦当劳的动议。 ([查看更多](#))

McDonald's Facing Antitrust Class Action in the US

Recently, the United States District Court for the Northern District of Illinois Eastern Division denied McDonald's motion to dismiss an antitrust class action lawsuit. In this case, plaintiff Stephanie Turner (like plaintiff Leinani Deslandes before her) alleged that McDonald's violated the Sherman Act by agreeing with franchisees not to hire each other's employees or each other's former employees for a period of six months after employment. Plaintiff alleged that the no-hire clause caused her wages to be depressed such that she was paid less than she would have been paid absent the no-hire clause in the franchise agreements. The Defendants argued that plaintiff lacks Article III standing as well as antitrust standing and that plaintiff's claim was barred by the statute of limitations. However, Defendants' motion to dismiss was denied because the Court agreed with courts that had concluded plaintiffs have standing to pursue antitrust claims based on no-hire agreements when they alleged their wages were depressed by such agreements. ([More](#))

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