



# NEWSLETTER

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## 国内要闻 Domestic News

### 江苏省市监局开展保市场主体公平竞争专项治理行动

2020年5月7日，江苏省市场监督管理局（“江苏省市监局”）发布新闻称，其将于2020年5月至9月期间开展保市场主体公平竞争专项治理行动。江苏省各级市场监管部门将聚焦市场主体在疫情防控 and 复工复产中遇到的政策壁垒和制度障碍，广泛收集排除、限制市场公平竞争的问题线索，结合市场主体对公平竞争的诉求，开展妨碍统一市场和公平竞争政策措施清理工作，督促指导政策制定机关自查整改。（[查看更多](#)）

### Jiangsu AMR Launches a Campaign to Protect Fair Competition

On 7 May 2020, the Administration for Market Regulation of Jiangsu Province (“**Jiangsu AMR**”) said in a press release that it will launch a campaign to protect fair competition among market entities from May to September of 2020. The market regulators will focus on the policy barriers and institutional obstacles encountered by market entities during the prevention and control of pandemic and work resumption, broadly collect problems and clues indicating the elimination and restriction of market fair competition, clean up policies and measures that impede the single market and fair competition in consideration of the demand of market entities, and supervise and guide the policy-makers to conduct self-inspection and rectification. ([More](#))

### 河南省市监局印发《关于发挥反垄断职能服务全省经济平稳健康发展的通知》

近日，河南省市场监督管理局（“河南省市监局”）印发《关于发挥反垄断职能服务全省经济平稳健康发展的通知》，从4个方面提出13条充分发挥反垄断监管职能的举措措施，全力营造公平竞争的市场环境，加快推进全面复工复产，助推经济平稳健康发展。河南省市监局将加大执法力度，严厉查处垄断违法行为，创新工作理念，加强公平竞争审查政策支持，做好合规指导，降低经营者反垄断法律风险。（[查看更多](#)）

### Henan AMR to Exert Antitrust Enforcement Functions to Boost Economic Recovery

Recently, the Administration for Market Regulation of Henan Province (“**Henan AMR**”) released the *Notice on Exerting Antitrust Enforcement Functions to Serve the Stable and Healthy Development of the Province's Economy*, purposing 13 measures to exert antitrust enforcement functions from 4 aspects to create a fair market environment for competition, accelerate the resumption of work and production, and promote the steady and healthy development of the economy. Henan AMR will strengthen the antitrust enforcement, severely investigate antitrust violations, strengthen the support of fair competition review policy, provide compliance guidance to reduce the antitrust risks of undertakings. ([More](#))

## 海外动态 Overseas News

### 仿制药公司Apotex因固定价格行为被罚2410万美元

2020年5月7日，美国司法部（Department of Justice, “DOJ”）发布新闻称，其已向美国费城宾夕法尼亚东区地方法院提起诉讼，指控包括Apotex在内的几家仿制药公司达成合意，在2013年5月至2015年12月期间实施了提高并维持普伐他汀（pravastatin）价格的垄断行为。DOJ表示，其已与Apotex达成暂缓起诉协议（deferred prosecution agreement），Apotex同意支付2,410万美元的刑事罚金，并承认与其他仿制药公司合谋提高普伐他汀的价格。（[查看更多](#)）

### Apotex Corp. Agrees to Pay a USD 24.1m Criminal Penalty

On 7 May 2020, the U.S. Department of Justice (“DOJ”) announced that Apotex Corp. was charged with fixing the price of the generic drug pravastatin. According to the charge filed in the U.S. District Court for the Eastern District of Pennsylvania in Philadelphia, Apotex and other generic drug companies agreed to increase and maintain the price of pravastatin. The conspiracy began in May 2013 and continued through December 2015. The DOJ Antitrust Division also announced a deferred prosecution agreement resolving the charge against Apotex. The company agreed to pay USD 24.1m criminal penalty and admit that it conspired with other generic drug sellers to artificially raise the price of pravastatin. ([More](#))

### 严重损害竞争，英国反垄断机构阻止JD Sports收购Footasylum

2020年5月6日，英国竞争和市场管理局（Competition and Markets Authority, “CMA”）发布新闻称，在完成更为深入的第二阶段调查之后，CMA认为JD Sports收购Footasylum的交易将会对英国国内相关市场的竞争造成实质性的损害并会导致顾客更加难以享受到折扣或被迫接受低质量的服务。CMA调查组组长Kip Meek表示，调查分析显示，JD Sports与Footasylum互为紧密的竞争对手，该项交易将会导致JD Sports在相关市场少去一个直接竞争对手，因此阻止该项交易将会是唯一的选项。（[查看更多](#)）

### CMA Blocks JD Sports' Purchase of Close Competitor Footasylum

On 6 May 2020, the UK's Competition and Markets Authority (“CMA”) announced that following an in-depth Phase 2 investigation, it had concluded that the acquisition of Footasylum by JD Sports would lead to a substantial lessening of competition nationally. This would leave shoppers with fewer discounts or receiving lower quality customer service. Kip Meek, chair of the CMA inquiry group, said that JD Sports and Footasylum are close competitors, and blocking the deal is the only way to protect competition and customers. (More)

### 美国第二、三大教材出版商因DOJ竞争顾虑放弃合并计划

2020年5月4日，DOJ发布新闻称，在获悉DOJ对拟议合并计划产生了严重的竞争顾虑，认为拟议交易将在结构上损害竞争之后，美国第二、三大教材出版商圣智（Cengage）和麦格劳-希尔

(McGraw-Hill) 已决定放弃合并计划。DOJ称，美国教材出版市场长期由三大主要出版商控制，拟议交易将使得市场中的二、三名合二为一。执法机构相关负责人表示，放弃交易的决定在保护了教科书出版市场竞争的同时也保护了创新。 ([查看更多](#))

## **Cengage and McGraw-Hill Terminate Merger Agreement in Response to Antitrust Concerns**

On 4 May 2020, DOJ said in a press release that Cengage Learning Holdings II Inc. and McGraw-Hill Education Inc. mutually agreed to abandon their plans to merge after DOJ informed the companies it had serious concerns that the proposed transaction, as structured, would harm competition. DOJ stated that the merger would have combined the second and third largest publishers of textbooks in the United States in a market long dominated by three major textbook publishers. DOJ said that the decision to abandon this merger would preserve competition in the market for textbook publishing and also preserve innovation, as the two firms compete aggressively in the development of courseware technology. ([More](#))

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