



NEWSLETTER

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2020年5月20日, 国家市场监督管理总局(“市场监管总局”)发布了由青海省市场监督管理局(“青海省市监局”)就青海省民和川中石油天然气有限责任公司(“川中公司”)滥用市场支配地位行为作出的处罚决定书, 对川中公司罚款446万余元。调查发现, 2009年至2018年期间, 川中公司滥用了其在民和县主城区城镇居民民用管道天然气服务市场的支配地位, 没有正当理由地搭售壁挂炉、报警器等商品, 限制了相关市场的竞争并损害了消费者的利益。([查看更多](#))

Qinghai AMR Fines A Gas Supplier CNY 4.46m for Tying

On 20 May 2020, China's State Administration for Market Regulation (“SAMR”) released a sanction decision made by the Administration for Market Regulation of Qinghai Province (“Qinghai AMR”) in which Qinghai AMR fined Qinghai Minhe Chuanzhong Gas & Oil Co., Ltd. (“Chuanzhong”) over CNY 4.46m for abuse of dominance. Qinghai AMR found that from 2009 to 2018, Chuanzhong abused its dominant market position in the civil pipeline natural gas service market for urban residents in the main urban area of Minhe County by tying gas boilers and detectors without justification, which restricted the competition in the relevant market and harmed the interests of consumers. ([More](#))

焚烧涉案资料三小时, 青海一燃气公司因阻碍反垄断调查被重罚70万元

2020年5月20日, 市场监管总局发布了由青海省市监局就川中公司阻碍反垄断调查的行为作出的处罚决定书, 对川中公司处以70万元罚款。青海省市监局指出, 在调查川中公司滥用市场支配地位案期间, 当事人拒不配合调查, 其相关人员为销毁相关证据, 将与案件密切相关的原始资料焚毁, 焚烧时间长达三个小时, 导致其滥用市场支配地位垄断行为牟取违法所得的主要证据全部灭失。([查看更多](#))

Qinghai AMR Fines A Gas Supplier CNY 0.7m for Obstructing Investigation

On 20 May 2020, SAMR released a sanction decision made by Qinghai AMR in which Qinghai AMR fined Chuanzhong CNY 0.7m for obstructing the antitrust investigation. Qinghai AMR pointed out that during the investigation on Chuanzhong's suspected antitrust violations, Chuanzhong refused to cooperate with the competition regulator by burning and destroying the relevant documents, which result in failure to calculate the illegal gains from its abusive conduct. ([More](#))

中共中央国务院就自然垄断行业改革、公平竞争审查、反垄断等工作发布重磅意见

2020年5月18日, 中共中央国务院发布《关于新时代加快完善社会主义市场经济体制的意见》(“《意见》”)。《意见》提出, 要稳步推进自然垄断行业改革, 严格监管自然垄断环节;

全面落实公平竞争审查制度，完善竞争政策框架，建立健全竞争政策实施机制，强化竞争政策基础地位；健全反垄断审查制度，修订《反垄断法》，维护公平竞争市场环境。（[查看更多](#)）

China to Further Promote Competition Policy

On 18 May 2020, China's State Council issued the *Opinions on Accelerating the Improvement of the Socialist Market Economy System in the New Era* (“Opinions”). The Opinions points out that China will (i) steadily advance the reform of natural monopoly industries and strictly supervise natural monopoly sectors; (ii) fully implement the Fair Competition Review System, optimize the competition policy framework, establish a sound implementation mechanism for competition policy, and strengthen the fundamental position of competition policy; and (iii) improve antitrust review system, revise the *Anti-Monopoly Law* and maintain a level playing field. ([More](#))

市场监管总局附条件批准采埃孚收购威伯科股权案

近日，市场监管总局附条件批准采埃孚股份公司（“采埃孚”）收购威伯科控股公司（“威伯科”）股权案。市场监管总局经审查认为，该项集中对全球和中国机械式自动变速箱控制器市场（上游）和机械式自动变速箱市场（下游）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 ZF's Acquisition of WABCO

Recently, SAMR conditionally approved ZF Friedrichshafen AG (“ZF”)’s acquisition of WABCO Holdings, Inc. (“WABCO”). Upon review, SAMR believed that this concentration had or may have the effect of eliminating or restricting competition in the global and China market of automated mechanical transmission controller (upstream) and automated mechanical transmission (downstream) and therefore conditionally approved this concentration. ([More](#))

海外动态 Overseas News

美国第九巡回上诉法院认定NCAA设置运动员助学金上限违反反垄断法

2020年5月19日，据福布斯报道，美国第九巡回上诉法院对全国大学生体育协会（National Collegiate Athletic Association, “NCAA”）助学金上限（Grant-In-Aid Cap）案做出重要判决，支持了一审法院对NCAA限制大学运动员教育相关福利的做法违反《谢尔曼法》的认定。这一判决符合许多经济和法律文献对这一问题的认识，即NCAA所指“业余”规则不在反垄断审查中享有特别豁免。NCAA暗示其有意向国会求助，寻求立法层面上的反垄断豁免。（[查看更多](#)）

Ninth Circuit Upholds NCAA Violated Antitrust Law for Limiting College Athletes' Education-Related Benefits

On 19 May 2020, *Forbes* reported that the U.S. Court of Appeals for the Ninth Circuit issued an important ruling in the National Collegiate Athletic Association (“NCAA”) Grant-In-Aid Cap Litigation case, unanimously upholding an earlier court finding that the NCAA rules limiting college athletes' education-related benefits violate the *Sherman Antitrust Act*. The decision comports with a growing body

of legal and economics literature that recognizes that what the NCAA calls its “amateurism” rules do not enjoy a special exemption from antitrust scrutiny. The NCAA has been hinting at a desire to turn to Congress for help and seek a legislative antitrust exemption. ([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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 www.lifanglaw.com
 Email: info@lifanglaw.com

 Tel: +8610 64096099
 Fax: +8610 64096260/64096261