



# NEWSLETTER

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## 国内要闻 Domestic News

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### 市场监管总局公布广东茂名19家混凝土企业垄断协议案，罚款约765万元

2020年6月24日，国家市场监督管理总局（“市场监管总局”）发布了由广东省市场监督管理局（“广东省市监局”）查处的茂名市部分混凝土企业垄断协议案，19家涉案企业因达成并实施统一上调价格的横向垄断协议分别被处以2016年度销售额1%到2%的罚款，合计约765万元。该案也是市场监管总局今年公布的第二起混凝土行业垄断案件。（[查看更多](#)）

### Guangdong AMR Fines 19 Concrete Companies for Collusion

On 24 June 2020, China's State Administration for Market Regulation (“SAMR”) published the sanction decisions in which the Administration for Market Regulation of Guangdong Province (“Guangdong AMR”) fined 19 local concrete companies for price-fixing. These companies were fined 1% to 2% of their turnovers in 2016, around CNY 7.65m in total. This case is the second monopoly case announced by SAMR in the concrete industry this year. ([More](#))

### 中欧同意将尽最大努力尽快就相关公平竞争规则达成共识

2020年6月22日，国务院总理李克强以视频方式同欧洲理事会主席米歇尔、欧盟委员会主席冯德莱恩共同主持第二十二次中国—欧盟领导人会晤。关于中欧投资协定，中欧领导人注意到谈判取得的进展，重申致力于在2020年达成协定。双方领导人期待达成高雄心水平的协定，同意将尽最大努力尽快就公平竞争方面的规则达成共识。（[查看更多](#)）

### China and EU Agree to Reach Consensus on Rules Concerning Fair Competition

On 22 June 2020, Chinese Premier Li Keqiang held the 22nd China-EU leaders' meeting with the President of the European Council Charles Michel and the President of the European Commission Ursula von der Leyen via video link. Premier Li and the EU leaders noticed the progress made in the negotiations and reaffirmed that both sides were committed to concluding the comprehensive China-EU investment agreement in 2020. The leaders of both sides looked forward to reaching an ambitious agreement and agreed to make all efforts to reach consensus on rules concerning fair competition as soon as possible. ([More](#))

## 海外动态 Overseas News

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### 欧盟就1997年《相关市场界定通知》公开征求意见

2020年6月26日，欧盟委员会发布新闻称，其于当天启动了针对1997年发布的《关于为欧洲共同体竞争法界定相关市场的委员会通知》（Commission Notice on the Definition of Relevant Market for the Purposes of Community Competition Law，“《相关市场界定通知》”）的公开征求意见工作。欧盟委员会指出，本次公开征求意见将帮助其评估《相关市场界定通知》是否需要修订。利益相关方可在2020年10月9日之前提交意见。欧盟委员会计划在2021年公布评估结果。（[查看更多](#)）

## European Commission Consults Stakeholders on the Market Definition Notice

On 26 June 2020, the European Commission announced that it had published a public consultation on the *Commission Notice on the Definition of Relevant Market for the Purposes of Community Competition Law* (“**Market Definition Notice**”) dates from 1997. The open questionnaire will contribute to the Commission’s evaluation of the Market Definition Notice to assess whether it requires updating. Stakeholders can submit their views and respond to the open public consultation until 9 October 2020. The Commission aims at publishing the results of the evaluation in 2021. ([More](#))

## 美国司法部就《反垄断刑事处罚强化与改革法》获国会再授权

2020年6月26日，美国司法部发布新闻称，美国国会参众两院已于6月25日通过了具有一致内容的议案，以废除《反垄断刑事处罚强化与改革法》（*Antitrust Criminal Penalty Enhancement and Reform Act*, “**ACPERA**”）中的“日落条款”（sunset provision）。如获总统签署，ACPERA将继续减轻由适用宽大制度的申请人所承担的民事损害赔偿风险：只要申请人向民事诉讼中的原告提供及时且符合要求的合作，那么申请人承担的损害赔偿责任将从“三倍赔偿”降至实际损害赔偿。美国司法部表示，尽管三倍赔偿可以对反竞争行为起到重要的威慑作用，但高额的民事损害赔偿风险也可能阻却针对犯罪行为的自首。因此，司法部支持国会对ACPERA的再授权以及废除其中的日落条款。 ([查看更多](#))

## DOJ Applauds Congressional Passage of Reauthorization of the Antitrust Criminal Penalty Enhancement and Reform Act

On 26 June 2020, the US Department of Justice (“**DOJ**”) released a news saying that the U.S. House of Representatives and Senate passed identical bills on June 25 to repeal the sunset provision of the *Anti-trust Criminal Penalty Enhancement and Reform Act* (“**ACPERA**”). If the legislation is signed by the President, ACPERA will continue to mitigate a successful leniency applicant’s civil damages exposure from treble damages to actual damages if the company provides civil plaintiffs with timely and satisfactory cooperation. While treble damages liability can be an important deterrent for engaging in anti-competitive behavior, civil exposure also can deter self-reporting of criminal wrongdoing. Therefore, the DOJ supported the reauthorization of ACPERA and the repeal of its sunset provision. ([More](#))

## 德国最高法院裁定Facebook相关数据处理行为构成垄断

2020年6月23日，据路透社报道，德国联邦最高法院日前发布了一份临时命令，裁定Facebook未经用户同意收集用户信息的行为属于滥用市场支配地位，支持了德国反垄断监管机构禁止Facebook相关用户数据收集行为的决定。该临时命令同时中止了下级法院的裁决。据悉，德国反垄断监管机构强烈反对Facebook收集第三方应用程序（包括其自有的WhatsApp和Instagram）用户的数据，以及通过Facebook的“点赞”或“分享”按钮在线跟踪没有Facebook账户的其他公民。 ([查看更多](#))

## Top German Court Rules Facebook Abused Market Dominance over Data Collection

On 23 June 2020, it was reported by *Reuters* that a top German Court had ruled that Facebook must comply with an order by Germany's antitrust watchdog to curb data collection from users. The Court's interim order, which suspended a decision by a lower court, backed the Federal Cartel Office's original view that Facebook had abused its market dominance to gather information about users without their consent. The country's antitrust watchdog had objected in particular to how Facebook pools data on people from third-party apps - including its own WhatsApp and Instagram - and online tracking of people who do not have accounts via Facebook "like" or "share" buttons. ([More](#))

## 美国司法部反垄断局与证券交易委员会签署谅解备忘录，强化证券业竞争监管合作

2020年6月22日，美国司法部发布新闻称，其反垄断局与美国证券交易委员会（Securities and Exchange Commission, "SEC"）签署了一份跨部门谅解备忘录，旨在加强双方的沟通合作，促进证券业竞争。在谅解备忘录建立的合作框架之下，反垄断局将与SEC继续进行定期沟通，并对影响证券业竞争秩序的执法工作和监管事宜（包括机构之间官员开展定期会议的制度）进行审查。根据谅解备忘录，在适当、合法且符合保密规范的情况下，双方机构可就其认为可能对其监管和执法职责具有帮助的相关信息和专业知识进行交流。据悉，这是反垄断局与SEC签署的第一份谅解备忘录。（[查看更多](#)）

## DOJ Antitrust Division and the Securities and Exchange Commission Sign Historic Memorandum of Understanding

On 22 June 2020, the DOJ announced that its Antitrust Division and the Securities and Exchange Commission ("SEC") had signed an interagency Memorandum of Understanding ("MOU") to foster cooperation and communication between the agencies with the aim of enhancing competition in the securities industry. The MOU establishes a framework for the Antitrust Division and the SEC to continue regular discussions and review law enforcement and regulatory matters affecting competition in the securities industry, including provisions to establish periodic meetings among the respective agencies' officials. The MOU also provides for the exchange of information and expertise the agencies believe to be potentially relevant and useful to their oversight and enforcement responsibilities, as appropriate and consistent with applicable legal and confidentiality restrictions. It was reported that this is the first-ever MOU between the Antitrust Division and the SEC. ([More](#))

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 [www.lifanglaw.com](http://www.lifanglaw.com)  
 Email: [info@lifanglaw.com](mailto:info@lifanglaw.com)

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