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2020.07

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上海市市监局发布地方标准《经营者竞争合规指南（征求意见稿）》

2020年7月3日，上海市市场监督管理局（“上海市市监局”）发布了地方标准《经营者竞争合规指南（征求意见稿）》。该征求意见稿规定了经营者依据反垄断法相关规定参与市场竞争的基本要求，包括经营者竞争合规的基本要求、经营者领导层竞争合规的管理职责、合规组织机制、风险识别与合规措施、合规保障机制、评价与改进模式等。意见反馈截止日期为2020年8月3日。（[查看更多](#)）

Shanghai AMR Invites Comments on Draft Competition Compliance Guidance for Business Operators

On 3 July 2020, the Shanghai Municipal Administration for Market Regulation (“Shanghai AMR”) released a draft provincial standard: the *Competition Compliance Guidance for Business Operators (Exposure Draft)*. The draft standard underlines the basic requirements for business operators to participate in market competition in accordance with the relevant provisions of the *Anti-Monopoly Law*, including the basic requirements of business operators’ competition compliance, competition compliance management responsibilities for the managers of undertakings, compliance cooperation mechanism, compliance risk identification and compliance measures, compliance guarantee mechanism, assessment and improvement mechanism, etc. The deadline for submitting comments is 3 August 2020. ([More](#))

上海高院提审国网上海电力诉VISCAS垄断协议案

2020年7月2日，中国裁判文书网发布了上海市高级人民法院（“上海高院”）决定提审国网上海市电力公司与VISCAS株式会社垄断协议纠纷一案的民事裁定书。本案系上海知识产权法院受理的首例境内企业根据国际组织的处罚决定提起的垄断民事纠纷案件和首例横向垄断协议纠纷案，案情较为复杂，审理难度较大，对于同类案件审理具有参考价值。因此，原审理法院上海知识产权法院经审查后于2020年3月6日报请上海高院提级审理并于2020年3月27日获得批准。（[查看更多](#)）

The Monopoly Agreement Dispute Concerning SMEPC and VISCAS Moved to Shanghai High Court

On 2 July 2020, wenshu.court.gov.cn released a procedural ruling made by the Shanghai High People’s Court (“Shanghai High Court”), in accordance with which the monopoly agreement case concerning State Grid Shanghai Municipal Electric Power Company (“SMEPC”) and VISCAS Corporation (“VISCAS”) had been moved to the jurisdiction of the Shanghai High Court as the request by the Shanghai Intellectual Property Court (“Shanghai IP Court”). This case is the first civil monopoly dispute and the first horizontal monopoly agreement dispute raised by a Chinese company based on the sanction decision of an oversea antitrust regulator accepted and reviewed by Shanghai IP Court. As complication and difficulties are commonly involved in hearing this case and the judgment of this case can be referred in hearing similar cases, the Shanghai IP Court requested the Shanghai High Court to hear this case, which was accepted by the latter on 27 March 2020. ([More](#))

行政机关主导下划分燃气市场，湖南一公司被罚176万，另一公司适用宽大制度免罚

2020年7月2日，国家市场监督管理总局（“市场监管总局”）发布了由湖南省市场监督管理局查处的怀化市瓶装液化气企业垄断协议案。根据调查，在怀化市燃气主管部门的主导下，两家涉案企业达成并实施划分瓶装液化气销售市场的份额和区域的横向垄断协议。因此，一家公司被处以2018年度销售额3%的罚款（约合人民币176万元），另一家公司因适用宽大政策免除处罚。（[查看更多](#)）

Hunan AMR Fines Two Bottled Gas Companies for Collusion

On 2 June 2020, China's State Administration for Market Regulation (“SAMR”) published the sanction decisions in which the Administration for Market Regulation of Hunan Province (“Hunan AMR”) fined one local bottled gas company 3% of its turnover in 2018 (around CNY 1.76m), and exempted the other one bottled gas company from sanction under the leniency programme. Upon the investigation, the Hunan AMR found that these two companies divided the shares and regions of the bottled gas market by reaching and implementing horizontal monopoly agreement under the instruction of the local gas authority. ([More](#))

浙江省市监局开展省内重点企业反垄断辅导工作

2020年6月30日，浙江省市场监督管理局（“浙江省市监局”）发布新闻称，为帮助企业在疫情常态化下防范和化解反垄断法律风险，其决定在全省继续实施500家重点企业反垄断辅导工作，邀请资深导师实施反垄断辅导培训，提出针对性的解决方案并指导落实，帮助企业健全竞争合规体系，进一步促进浙江省企业增强合规竞争意识。（[查看更多](#)）

Zhejiang AMR to Provide Antitrust Compliance Training for 500 Key Enterprises

On 30 June 2020, the Administration for Market Regulation of Zhejiang Province (“Zhejiang AMR”) announced that it had decided to continue to provide antitrust compliance training for 500 key enterprises in Zhejiang province, helping them to prevent and settle antitrust risks under regular epidemic prevention. The Zhejiang AMR pointed out that it would invite antitrust experts to carry out the training, provide specific solutions and guide the implementation, help enterprises to improve the competition compliance system, and further enhance the competition compliance awareness of enterprises. ([More](#))

海外动态 Overseas News

美国发布新版《纵向并购指南》

2020年6月30日，美国联邦贸易委员会（Federal Trade Commission, “FTC”）和司法部（Department of Justice）联合发布了新版《纵向并购指南》（Vertical Merger Guidelines）。新版指南规定了美国联邦反垄断机构应当如何评估纵向并购可能导致的反竞争效果，以及纵向并购是否符合美国反垄断法，旨在帮助执法机构识别和禁止具有反竞争效果的纵向并购。FTC称，新

版指南将提高执法机构评估纵向并购时主要分析工具、实践和执行政策的透明度。（[查看更多](#)）

FTC and DOJ Issue New Vertical Merger Guidelines

On 30 June 2020, the Federal Trade Commission (“FTC”) and Department of Justice issued new *Vertical Merger Guidelines* (“**Guidelines**”) that outlines how the federal antitrust agencies evaluate the likely competitive impact of vertical mergers and whether those mergers comply with U.S. antitrust law. A primary goal of the Guidelines is to help the antitrust agencies identify and challenge competitively harmful vertical mergers. The FTC said that the Guidelines will increase transparency into the antitrust agencies’ principal analytical techniques, practices, and enforcement policies for evaluating vertical transactions. ([More](#))

乐器生产巨头罗兰和科音因实施转售价格维持行为被英国反垄断执法机构处罚550万英镑

2020年6月29日，英国竞争和市场管理局（Competition and Markets Authority）宣布，其已对两大乐器制造商罗兰（Roland）和科音（Korg）处以总计550万英镑（约合人民币4785万元）的罚款。调查发现，罗兰自2011年1月至2018年4月对其生产的电子鼓乐器实施了转售价格维持行为（Resale Price Maintenance, “RPM”），而科音自2015年6月至2018年4月同样对其生产的高科技乐器设备实施了RPM行为，限制了乐器产品的最低销售价格。（[查看更多](#)）

CMA Fines Musical Instrument Firms Roland and Korg for RPM

On 29 June 2020, the UK’s Competition and Markets Authority (“CMA”) released that it had fined 2 musical instrument makers, Roland and Korg, a total of GBP 5.5m for implementing resale price maintenance (“RPM”) by restricting online discounting of musical instruments. The CMA found that Roland required its electronic drum kits, related components and accessories to be sold at or above a minimum price between 7 January 2011 and 17 April 2018, while Korg did the same for its hi-tech music equipment and synthesizers, from 9 June 2015 to 17 April 2018. ([More](#))

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