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山东省市监局纠正荣成市海洋发展局保险领域行政垄断行为

2020年9月28日，山东省市场监督管理局（“山东省市监局”）公布纠正荣成市一起保险行业行政垄断行为。根据调查，2020年以来，荣成市海洋发展局将购买指定经营者的渔船船东雇主责任险作为捕捞许可证年审审批的前提条件，排除了其他同类经营者的竞争，损害了当地保险市场的竞争秩序，构成滥用行政权力排除、限制竞争的行为。调查过程中，荣成市海洋发展局向执法机构提交了整改报告，对上述违法行为予以纠正。（[查看更多](#)）

Shandong AMR Corrects the Administrative Monopolies in the Insurance Industry

On September 28, 2020, the Administration for Market Regulation of Shandong Province (“Shandong AMR”) announced that it had corrected the administrative monopolies related to Rongcheng City’s insurance market. The Shandong AMR found that the Rongcheng Municipal Marine Development Bureau abused its administrative authority in annual renewal of fishing licenses by forcing fishing vessel owners to purchase employers’ liability insurance from insurance companies designated by the Marine Bureau. Shandong AMR found it eliminated competition from other insurance providers, and harmed competition order of the local insurance market, which constituted the abuse of administrative power to eliminate and restrict competition. During the investigation, the Rongcheng Municipal Marine Development Bureau submitted the rectification report to the Shandong AMR and corrected the abovementioned illegal behaviors. ([More](#))

湖北省市监局发布《湖北省经营者反垄断合规指引》

2020年9月27日，湖北省市场监督管理局（“湖北省市监局”）发布《湖北省经营者反垄断合规指引》（“《指引》”）。《指引》共十七条，其中，第七条重点规定了经营者可以申请湖北省市监局协助其向国家市场监督管理总局进行经营者集中申报。此外，《指引》还要求经营者主动加强反垄断合规管理、积极开展反垄断风险监控识别处置、参与垄断行为社会监督等。《指引》适用于湖北省行政区域内各类经营者市场经营活动。（[查看更多](#)）

Hubei AMR Releases Antitrust Compliance Guidelines for Undertakings of Hubei Province

On September 27, 2020, the Administration for Market Regulation of Hubei Province (“Hubei AMR”) released the *Antitrust Compliance Guidelines for Undertakings of Hubei Province* (“Undertakings Guidelines”). The Undertakings Guidelines consists of 17 articles and the Article 7 underlines that undertakings may seek assistance from Hubei AMR in merger filing to the State Administration for Market Regulation (“SAMR”). Moreover, the *Undertakings Guidelines* requires undertakings to strengthen anti-monopoly compliance managements in advance, proactively promote abilities of monitoring, identifying and disposing anti-monopoly risk and participate in public scrutiny of monopolistic behaviors, etc. The *Undertakings Guidelines* are applicable to all sorts of business operations by undertakings in Hubei Province. ([More](#))

市场监管总局派员参加APEC自贸协定或经济协定竞争相关条款政策对话视频会

近日，国家市场监督管理总局（“市场监管总局”）反垄断局派员参加亚太经合组织（Asia-Pacific Economic Cooperation, “APEC”）自由贸易协定或经济伙伴关系协定竞争相关条款政策对话视频会。此次会议议题包括从企业界视角看自贸协定或者经济协定竞争条款对于促进公平竞争的重要性，各经济体实施竞争政策面临的挑战和障碍，以及竞争条款对于保证平等对待各类经营者，促进包容性发展的重要意义等。（[查看更多](#)）

SAMR Attends Webinar of APEC Policy Dialogue on Competition-Related Provisions in FTAs/EPAs

Recently, the officials of the Anti-Monopoly Bureau of SAMR attended the webinar of APEC Policy Dialogue on Competition-Related Provisions in Free Trade Agreements or Economic Partnership Agreements (“FTAs/EPAs”) Asia-Pacific Economic Cooperation (“APEC”). The topics of this webinar included the importance of competition related provisions in FTAs/EPAs to fair competition promotion from a business perspective, the issues and challenges surrounding the implementation of competition policies in respective economies and the significance of competition related provisions that ensure equal opportunity for all types of enterprises and foster inclusiveness. ([More](#))

海外动态 Overseas News

美国国会发布《关于数字市场竞争的调查》

2020年10月6日，美国国会众议院司法委员会反垄断、商业与行政法小组委员会发布《关于数字市场竞争的调查》（Investigation of Competition in Digital Markets, “《调查》”）。《调查》共分为引言、数字市场竞争调查、背景、市场调查、主导性在线平台、建议、附录（主导性在线平台的并购）七章。《调查》认为脸书、谷歌、亚马逊和苹果在各自相关市场上具有市场支配地位。《调查》提出应通过恢复数字经济竞争、完善反垄断法和加强反垄断法执行，规制垄断行为。（[查看更多](#)）

US Congress Issues Investigation of Competition in Digital Markets

On October 6, 2020, the US House Judiciary Subcommittee on Antitrust, Commercial and Administrative Law issued the *Investigation of Competition in Digital Markets* (“Investigation”). The Investigation consists of 7 chapters: introduction, the investigation of competition in digital markets, background, markets investigated, dominant online platforms, recommendations and appendix (mergers and acquisitions by dominant platforms). The Investigation underlines that Facebook, Google, Amazon and Apple have market dominance respectively in the relevant markets. The Investigation proposes that it is necessary to regulate antitrust behaviors by restoring competition in the digital economy, strengthening the antitrust laws and strengthening antitrust enforcement. ([More](#))

英国竞争和市场管理局就脱欧过渡期后的职能调整征求公众意见

2020年10月2日，英国竞争和市场管理局（Competition and Market Authority, “CMA”）发布《关于脱欧过渡期后CMA职能的指南（草案）》（Draft Guidance on the Functions of the CMA

after the end of the Transition Period, “《草案》”), 并征求公众意见。《草案》解释了2020年12月31日脱欧过渡期结束后CMA的职能变化, 涉及《2002年企业法》中的并购案件、《1998年竞争法》中的卡特尔等反垄断案件以及在《脱欧协议》项下欧盟委员会有权继续调查的案件等。 ([查看更多](#))

CMA Issues Draft Guidance on the Functions of the CMA after the End of the Transition Period

On October 2, 2020, the UK's Competition and Market Authority (“CMA”) issued the *Draft Guidance on the Functions of the CMA after the end of the Transition Period* (“Draft”) for public comments. The Draft explains the function changes of CMA on December 31, 2020, when the Transition Period ends, in relation to merger cases under the Enterprise Act 2002, antitrust cases under the Competition Act 1998 including cartels and cases over which the European Commission has continued competence under the terms of the Withdrawal Agreement, etc. ([More](#))

因参与汽车闭锁系统供应卡特尔, 欧盟委员会对凯毅德和博泽处罚1819.6万欧元

2020年9月29日, 欧盟委员会发布新闻称, 其已就汽车闭锁系统供应商凯毅德 (Kiekert)、博泽 (Brose) 分别与麦格纳 (Magna) 在欧洲经济区协调定价、交换商业敏感信息的卡特尔行为开出1819.6万欧元 (约合人民币1.46亿元) 的罚单。其中, 麦格纳因首先向欧盟委员会披露上述两项卡特尔行为而免于处罚, 凯毅德和博泽因积极配合欧盟委员会的调查, 并与欧盟委员会达成和解, 而被减轻处罚。 ([查看更多](#))

European Commission Fines Cars Closure Systems Suppliers Kiekert and Brose of EUR 18.196m in Cartel Settlement

On September 29, 2020, European Commission announced that it had fined suppliers of closure systems for cars, Brose and Kiekert, a total of EUR 18.196m (around CNY 146m) for taking part in two cartels respectively with Magna, where they coordinated their pricing behaviors and exchanged commercially sensitive information in the European Economic Area. Magna was not fined as it first revealed both cartels to the European Commission. Brose and Kiekert benefited from reductions of their fines for cooperating with the European Commission in the investigation and reaching a settlement with the latter. ([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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