



# NEWSLETTER

LIFANG & PARTNERS **立方观评**



关注更多精彩内容

No. **186**

2020.11

## 立方竞争法周报

### Weekly Competition Law News

NO.89

#### 国内要闻 Domestic News

市场监管总局发布《经营者集中审查暂行规定》，12月1日起施行

SAMR Issues Interim Provisions on the Review of Concentration of Undertakings

2020“网剑行动”通知：严厉打击排除、限制竞争行为

China to Crack Down on the Restrictions of Competition in Online Markets

市场监管总局反垄断局与欧盟竞争总司共同召开第二十届中欧竞争周研讨会

20th EU-China Competition Week Held Online

#### 海外动态 Overseas News

FTC失利！美国上诉法院拒绝重审高通反垄断案

Ninth Circuit Declines to Rehear FTC's Qualcomm Suit

## 国内要闻 Domestic News

### 市场监管总局发布《经营者集中审查暂行规定》，12月1日起施行

2020年10月27日，国家市场监督管理总局（“市场监管总局”）发布了《经营者集中审查暂行规定》（“《暂行规定》”），自12月1日起施行。《暂行规定》全文共65条，分属7章，包括总则、经营者集中申报、经营者集中审查、限制性条件的监督和实施、对违法实施经营者集中的调查、法律责任和附则。《暂行规定》第二条规定，市场监管总局根据工作需要，可以委托省、自治区、直辖市市场监管部门实施经营者集中审查。（[查看更多](#)）

### SAMR Issues Interim Provisions on the Review of Concentration of Undertakings

On October 27, 2020, China's State Administration for Market Regulation ("SAMR") issued the *Interim Provisions on the Review of Concentration of Undertakings* ("Interim Provisions") which will come into force as of December 1, 2020. There are 65 articles in the Interim Provisions, which are divided into 7 chapters, including general provisions, notification of concentration of undertakings, review of concentration of undertakings, supervision and implementation of restrictive conditions, investigation of illegal implementation of concentration of undertakings, legal liability, and supplementary provisions. Article 2 of the Interim Provisions stipulates that SAMR may, according to the needs of work, entrust the administrations for market regulation of provinces, autonomous regions and centrally-administered municipalities to review concentration of undertakings. ([More](#))

### 2020“网剑行动”通知：严厉打击排除、限制竞争行为

近日，市场监管总局等十四部门联合印发《2020网络市场监管专项行动（网剑行动）方案》，决定于10—12月联合开展2020网剑行动。根据方案，本次网剑行动的重点任务包括按照《反垄断法》《反不正当竞争法》《电子商务法》等法律规定，严厉打击排除、限制竞争及妨碍、破坏其他经营者合法提供的网络产品或者服务正常运行行为；依法查处电子商务平台经营者对平台内经营者进行不合理限制或者附加不合理条件等行为。（[查看更多](#)）

### China to Crack Down on the Restrictions of Competition in Online Markets

Recently, SAMR, together with other 13 departments issued the *Special Action Plan for Cyber-market Regulation (Action of Cyber-sword) in 2020* and decided to jointly carry out the Action of the Cyber-sword from October to December. According to the plan, competent authorities will severely crack down on excluding, restricting competition and hindering or disrupting the normal operation of network products or services legally provided by other operators; investigate and punish e-commerce platform operators who impose unreasonable restrictions or attach unreasonable conditions on online sellers. ([More](#))

### 市场监管总局反垄断局与欧盟竞争总司共同召开第二十届中欧竞争周研讨会

近日，市场监管总局反垄断局与欧盟竞争总司联合举办第20届中欧竞争周研讨会（线上视频会议）。会议重点围绕中国公平竞争审查制度、欧盟委员会竞争总司外国补贴白皮书、中国《反

垄断法》及《经营者集中审查暂行规定》的修订、合并救济实施中以及卡特尔案件调查的国际合作、经营者集中申报标准等议题展开深入而充分的交流与探讨。 ([查看更多](#))

## 20th EU-China Competition Week Held Online

Recently, the 20th EU-China Competition Week was held online by the Anti-Monopoly Bureau of SAMR and the European Commission Directorate-General for Competition. During the meeting, the officials and experts discussed a broad range of topics, including the Chinese Fair Competition Review System, the European Commission's *White Paper on Foreign Subsidies*, the proposed amendments to the *Anti-Monopoly Law* and merger control regime, international cooperation in the implementation of merger remedies and cartel investigations, notification thresholds. ([More](#))

## 海外动态 Overseas News

---

### FTC失利！美国上诉法院拒绝重审高通反垄断案

2020年10月29日，据路透社报道，在当天的一份简短命令中，美国第九巡回上诉法院表示不会重新审理美国联邦贸易委员会（Federal Trade Commission，“FTC”）诉高通反垄断案。此前，FTC曾于9月25日向第九巡回上诉法院提出申请，申请以全体法官共同审理的方式，重新审理此案。2017年1月17日，FTC起诉高通采用反竞争策略以维持在主要芯片和元件市场上的垄断地位。2019年5月21日，加州北区地方法院法官高惠兰（Lucy H. Koh）支持了FTC的诉求，认定高通垄断行为成立。2020年8月11日，第九巡回上诉法院一个由三名法官组成的合议庭推翻了前述判决。 ([查看更多](#))

### Ninth Circuit Declines to Rehear FTC's Qualcomm Suit

On October 29, 2020, *Reuters* reported that, in a brief order, the United States Court of Appeals for the Ninth Circuit said it would not rehear the U.S. Federal Trade Commission (“FTC”)’s antitrust case against Qualcomm. Previously, the FTC filed a petition with the Ninth Circuit requesting rehearing *en banc* on September 25. In a complaint filed on January 17, 2017, the FTC charged Qualcomm with using anticompetitive tactics to maintain monopolies in markets for the supply of modem chips, components that facilitate cellular communications in cellphones and other consumer products. On May 21, 2019, Judge Lucy H. Koh of the U.S. District Court for the Northern District of California ruled in favor of the FTC, finding that the company violated U.S. antitrust law. On August 11, 2020, that decision was reversed by a three-judge panel of the Ninth Circuit. ([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。



This Newsletter has been prepared for clients and professional associates of Lifang & Partners. Whilst every effort has been made to ensure accuracy, no responsibility can be accepted for errors and omissions, however caused. The information contained in this publication should not be relied on as legal advice and should not be regarded as a substitute for detailed advice in individual cases.





Subscribe to our WeChat community

扫码关注公众号“立方律师事务所”和“竞争法视界”

北京 | 上海 | 武汉 | 广州 | 深圳 | 韩国  
Beijing | Shanghai | Wuhan | Guangzhou | Shenzhen | Korea

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

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