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市场监管总局发布“十三五”反垄断工作综述

2021年3月18日，国家市场监督管理总局（“市场监管总局”）发布了“十三五”时期反垄断工作综述。在“十三五”期间，市场监管总局改革了反垄断机构，初步建立了反垄断执法体制，出台一系列反垄断指南，制定公平竞争政策，强化对原料药、平台经济领域的反垄断执法，办理多起反垄断典型案件，改进经营者集中反垄断审查流程，加强国际反垄断执法合作。（[查看更多](#)）

SAMR Issues Antitrust Work Review During the 13th Five-Year Plan Period

On March 18, 2021, the State Administration for Market Regulation (“SAMR”) issued the antitrust work review during the 13th Five-Year Plan period. During this period, SAMR reformed the antitrust agency, preliminarily established antitrust enforcement system, published a series of antitrust guidelines, formulated fair competition policies, strengthened antitrust enforcement in the field of active pharmaceutical ingredients and platform economy, handled several typical antitrust cases, improved the antitrust review process for concentration of undertakings, and reinforced international cooperation regarding antitrust enforcement. ([More](#))

四川省市监局公布四川水泥协会及企业垄断协议案处罚决定书全文

2021年3月16日，四川省市场监督管理局（“四川省市监局”）公布了对四川省水泥协会及六家水泥企业垄断协议案的处罚决定书全文。2021年1月，四川省市监局公布了该案处罚决定的基本信息。决定书全文详细披露了水泥协会和相关企业的协议行为细节，以及四川省市监局在决定处罚时的考虑因素。本案中，四川省水泥协会及相关企业因实施横向垄断协议，被合计罚款人民币近6000万元。（[查看更多](#)）

Sichuan AMR Releases the Full Text of the Sanction Decisions against Sichuan Cement Association and Six Cement Companies

On March 16, 2021, the Sichuan Provincial Administration for Market Regulation (“Sichuan AMR”) released the full text of the sanction decisions against the Sichuan Cement Association and six cement companies in a monopoly agreement case. In the January of 2021, Sichuan AMR published the basic information of the penalty decision of the case. The full text of the decisions disclosed in detail the agreement between the Cement Association and related companies, as well as the considering factors of Sichuan AMR when deciding penalties. In this case, the Sichuan Cement Association and six involved companies were fined nearly CNY 60 million in total for implementing horizontal monopoly agreement. ([More](#))

市场监管总局公布十起互联网领域未依法申报案

2021年3月12日，市场监管总局发布了十起互联网领域违法实施经营者集中案的行政处罚决定，涉及腾讯、百度、滴滴等多家知名互联网企业。8件案件为取得收购企业控制权但未依法申报，2件案件为设立合营企业但未依法申报。经评估，10起案件均不具有排除、限制竞争的效果。市

场监管总局根据《反垄断法》，对涉事12家企业分别处以人民币50万元的顶格处罚。（[查看更多](#)）

SAMR Releases 10 Gun-Jumping Cases in the Internet Field

On March 12, 2021, SAMR released administrative sanction decisions of 10 gun-jumping cases in the internet field, involving many well-known internet companies such as Tencent, Baidu, and Didi. In eight cases, the companies involved obtained control of the acquired enterprises but failed to notify, and in the rest cases, the companies involved established joint ventures but failed to notify. After evaluation, none of these cases had the effect of eliminating or restricting competition. According to the *Anti-Monopoly Law*, SAMR imposed a maximum penalty of CNY 500,000 on each of the twelve companies involved. ([More](#))

海外动态 Overseas News

英国竞争与市场管理局发布2021《合并评估指南》

2021年3月18日，英国反垄断执法机构竞争与市场管理局（Competition & Market Authority, “CMA”）发布了2021《合并评估指南》（“新版《指南》”），新版《指南》在参考此前《解锁数字竞争，数字竞争专家小组报告》和《数字市场合并控制执法事后评估》报告的基础上，新增了对数字合并的评估内容。在评估数字合并是否会导致竞争大幅减少时，CMA将考虑未来竞争可能性、创新以及其他非价格因素。同时，新版《指南》还参考了CMA最新的经验及案例。（[查看更多](#)）

CMA Publishes 2021 Merger Assessment Guidelines

On March 18, 2021, the Competition & Market Authority (“CMA”) published *2021 Merger Assessment Guidelines* (“**2021 Guidelines**”). the *2021 Guidelines* are built on the basis of *Unlocking Digital Competition: Report from the Digital Competition Expert Panel* and *Ex-post Assessment of Merger Control Decisions in Digital Markets* reports, supplementing the content on digital merger evaluation. When evaluating whether digital merger would significantly limit the competition, CMA will focus on the potential for future competition, innovation and other non-price related effects. Meanwhile, *2021 Guidelines* also update to take account of the CMA’s recent experience and case law. ([More](#))

欧盟委员会对希腊公共电力公司开展反垄断调查

2021年3月16日，欧盟委员会宣布已对公共电力公司（Public Power Corporation, “PPC”）涉嫌在希腊电力批发市场滥用市场地位的行为展开调查。PPC是希腊电力批发和零售市场上最大的供应商，主要由希腊国家持股。PPC控制了所有褐煤和水力发电，还拥有部分天然气和可再生能源发电站。在面向零售和企业消费者的能源供应市场中，PPC非常活跃，拥有超过三分之二的市场份额。欧盟委员会担心PPC在希腊电力批发市场的竞标行为可能限制了市场竞争，PPC可能采取了掠夺性的竞标策略，阻碍了其竞争对手在批发和相关电力市场与之竞争。（[查看更多](#)）

EU Commission Opens an Antitrust Investigation Against Greece PPC

On March 16, 2021, the EU Commission announced that it opened an investigation to assess possible abusive behavior by Public Power Corporation (“PPC”) in the wholesale Greek electricity sector. PPC is the largest supplier of retail and wholesale electricity in Greece. PPC is majority owned by the Greek State. It controls all lignite and hydro as well as some of the natural gas and renewable power generation plants. It is also active in the supply of energy to retail and business consumers where it still has more than two-thirds market share. The Commission is concerned that PPC may have restricted competition in the Greek wholesale electricity markets with its bidding behavior. PPC may have adopted predatory bidding strategies hindering the ability of PPC rivals to compete in the wholesale and related electricity markets. ([More](#))

各大反垄断执法机构成立联合工作组应对制药行业并购

2021年3月16日，各大竞争执法机构宣布将联合成立联合工作组，以更新对制药类并购案件竞争影响分析的方法。该工作组由美国联邦贸易委员会牵头，包括欧盟委员会竞争总司、英国公平与竞争委员会、加拿大竞争局，美国司法部反垄断处以及美国各州总检察长办公室都将参与。工作组将致力于识别出确定具体、可执行的分析步骤以便对制药行业并购案件的分析方法进行审查和更新，并利用各机构的专业知识和经验，确定在这些重要市场中最有效的执行方法。最终确保各执法机构能够采用最新的分析方法，以分析和解决制药行业并购引发的竞争关切。
([查看更多](#))

Antitrust Authorities Form a Multilateral Working Group on Pharmaceutical Mergers

On March 16, 2021, several antitrust authorities announced that they will launch a multilateral working group to update their approach to analyzing the competition effects of pharmaceutical mergers. Initiated by the Federal Trade Commission, the working group will include the Canadian Competition Bureau, the European Commission Directorate General for Competition, the UK’s Competition & Markets Authority, the U.S. Department of Justice Antitrust Division, and Offices of State Attorneys General. The goal of the working group is to identify concrete and actionable steps to review and update the analysis of pharmaceutical mergers. This joint project taps expertise and experiences from competition authorities to ensure the most effective enforcement in these crucial markets. The project will ensure that the authorities include fresh approaches that fully analyze and address the varied competitive concerns that these pharmaceutical mergers raise. ([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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