



NEWSLETTER

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甘霖出席金砖国家反垄断政策协调委员会视频会议

2021年6月3日，国家市场监督管理总局（“市场监管总局”）发布公告称，副局长甘霖于5月27日出席了金砖国家反垄断政策协调委员会视频会议。会议就进一步深化金砖国家竞争领域合作交换了意见，讨论并原则通过《金砖国家竞争机构在审查全球并购中适用弃权声明示范模板》。（[查看更多](#)）

Gan Lin Attends the Video Conference of BRICS Antitrust Policy Coordination Committee

On June 3, 2021, the State Administration for Market Regulation (“SAMR”) released a statement, stating that the deputy director of SAMR, Gan Lin, attended the video conference of BRICS Antitrust Policy Coordination Committee on May 27. On the meeting, opinions on further deepening the BRICS countries’ cooperation in the field of competition were exchanged and the *Model Template for the Application of Waiver Statements by the BRICS Competition Agency in the Review of Global Mergers and Acquisitions* were also discussed and approved. ([More](#))

甘肃省市监局依法处理三地滥用行政权力排除、限制竞争行为

2021年6月2日，甘肃省市场监督管理局（“甘肃省市监局”）公布了对张掖市甘州区人力资源和社会保障局、天水市财政局和嘉峪关市财政局滥用行政权力排除、限制竞争行为的处理公告。经调查，三地行政机关均通过行政文件设定了歧视性资质要求，排除限制外地经营者参与招投标活动。以上三机关的行为均违反了《反垄断法》第三十四条和《公平竞争审查制度实施细则（暂行）》的相关规定。在调查过程中，三机关认识到了行为的违法性并进行及时纠正，甘肃省市监局按程序结束调查。（[查看更多](#)）

Gansu AMR Deals with Three Authorities Abusing Administrative Power to Eliminate and Restrict Competition

On June 2, 2021, the Gansu Provincial Administration for Market Regulation (“Gansu AMR”) announced the decisions regarding the Human Resources and Social Security Bureau of Ganzhou District, Zhangye City, the Finance Bureau of Tianshui City and the Finance Bureau of Jiayuguan City abusing administrative power to eliminate and restrict competition. According to investigation, all these three administrative authorities had set discriminative qualification requirements in the administrative documents to exclude and restrict foreign operators from participating in the bidding activities. The behaviors of these three authorities violated Art. 34 of the *Anti-monopoly Law* and the relevant provisions of the *Detailed Rules for the Implementation of the Fair Competition Review System (Interim)*. During the investigation, three authorities realized the illegality of their behaviors and corrected timely. Therefore, Gansu AMR concluded the investigation in accordance with the procedures. ([More](#))

市场监管总局：深入推进反垄断执法，助力个体工商户发展

2021年6月1日，国务院新闻办公室举行支持小微企业和个体工商户发展国务院政策例行吹风会。会上，市场监管总局相关负责人表示，将深入推进反垄断、反不正当竞争执法，严禁具有优势地位的企业为抢占市场份额挤压各类市场主体生存空间的不正当竞争行为，禁止和打击平台强制经营者二选一。（[查看更多](#)）

SAMR: Promoting the Anti-Monopoly Law Enforcement and Assisting the Development of Individual Businesses

On June 11, 2021, the Information Office of the State Council held a policy briefing regarding supporting the development of small and micro enterprises and individual businesses. On the meeting, relevant officers from SAMR stated that it will further promote the enforcement of antitrust and anti-unfair competition, strictly prohibit the companies with dominant positions from conducting unfair competition behaviors for seizing market shares and squeezing the living space of various market entities and prohibit and regulate platforms' "either-or" behaviors. ([More](#))

浙江省市监局召开全省平台企业行政指导会

2021年6月1日，浙江省市场监督管理局（“浙江省市监局”）召开了全省平台企业行政指导会，全省平台企业主要负责人、省局相关部门负责人和各地相关市场监管局主要负责人参加了会议。会上，浙江省市监局通报了近期查处的平台企业典型案例，提出要推动全省310余家平台企业对照十四个方面共116项整改事项，进行全面自查，并书面报送情况，发现问题应立即整改。会议还要求各地市场监管部门组建评估督导组，强化监管部门的属地责任，确保企业整改落实到位。（[查看更多](#)）

Zhejiang AMR Holds an Administrative Guidance Meeting for Provincial Platform Companies

On June 1, 2021, the Zhejiang Provincial Administration for Market Regulation (“Zhejiang AMR”) held an administrative guidance meeting for provincial platform companies. The officers in charge of platform companies across the province and the main directors of relevant provincial bureaus and local administrations for market regulation attended the meeting. On the meeting, Zhejiang AMR notified recent typical investigated cases of platform companies and proposed to promote more than 310 platform companies across the province to conduct comprehensive self-inspections according to the 116 rectification items in 14 different aspects. The companies are required to submit a written report of the inspections and correct immediately once the problems are found. Zhejiang AMR also required all local agencies to establish evaluation and supervision teams, strengthen the territorial responsibilities of the regulating departments and ensure that the companies complete the rectification. ([More](#))

海外动态 Overseas News

因为日元利率衍生品卡特尔交易提供便利，欧盟对毅联汇业罚款645万欧元

2021年5月28日，欧盟委员会发布新闻称，针对毅联汇业（ICAP，现为NEX）违反欧盟反垄断法在日元利率衍生品交易市场为多个卡特尔提供便利的行为，其决定重新采纳对毅联汇业的处罚决定并纠正了此前程序上的错误，包括对罚款的详细计算等。根据最新的处罚决定，欧盟委员会将对毅联汇业的三个实体处以共计645万欧元的罚款。（[查看更多](#)）

Competition Commission Fines ICAP EUR 6.45 Million for Facilitating Several Cartels in the Yen Interest Rate Derivatives Trading Market

On May 28, 2021, the European Commission released a statement, stating that it had re-adopted a cartel decision against ICAP (now called NEX) for having breached EU antitrust rules by facilitating several cartels in the area of the Yen Interest Rate Derivatives trading market and corrected former procedural error, including a detailed reasoning on the fine calculation. According to the latest decision, the European Commission imposed a total EUR 6.45 million fine on three ICAP entities. ([More](#))

欧盟委员会发布关于《汽车行业集体豁免条例》的评估结果

2021年5月28日，欧盟委员会发布了关于《汽车行业集体豁免条例》评估结果的评估报告和员工工作文件。委员会从汽车分销市场、汽车维修和保养市场以及零部件销售市场对竞争状况进行了分析。评估显示，汽车行业的竞争环境自2010年委员会进行评估以来并未发生显著变化，但行业面临着适应环保化和数字化转型的巨大压力。目前的竞争制度是合理且具有适应性的，但仍有一些规定和政策目标可能需要进行修订。委员会将启动评估中的政策制定程序，从而可在2023年5月31日前决定是否将延长或修订现有的《汽车行业集体豁免条例》体系。（[查看更多](#)）

Commission Publishes Findings of Evaluation on the Motor Vehicle Block Exemption Regulation

On May 28, 2021, the European Commission published the Evaluation Report and Staff Working Document summarizing the findings of its evaluation of the *Motor Vehicle Block Exemption Regulation*. The Commission analyzed the competitive landscape in vehicle distribution market, vehicle repair and maintenance market and sale of spare parts market. The evaluation shows that, overall, the competitive environment in the motor vehicle markets has not significantly changed since the Commission last evaluated in 2010, but that the sector is now under intense pressure to adapt in line with the green and digital transformation. The current regime has shown itself to be suitable and adapted to diverse situations. Nevertheless, some provisions and policy objectives may need updating in the light of the report. Next, the Commission will start the policy-making stage of the review, in order to decide by 31 May 2023 whether to renew the current *Motor Vehicle Block Exemption* regime, revise it or let it lapse. ([More](#))

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