



NEWSLETTER

LIFANG & PARTNERS **立方观评**



关注更多精彩内容

No.246

2021.06

立方竞争法周报

Weekly Competition Law News

NO.118

国内要闻 Domestic News

银泰投资因未依法申报被罚人民币50万元

SAMR Fines Yintai CNY 500,000 for Gun-Jumping

市场监管总局附条件批准丹佛斯公司收购伊顿股份部分业务

SAMR Conditionally Clears Acquisition of Part of Eaton's Business by Danfoss

《湖南省经营者反垄断合规指引》发布

Hunan Province Anti-Monopoly Compliance Guidelines for Business Operators Published

贵州省市监局开展全省反垄断合规培训

Guizhou AMR Organizes a Provincial Anti-Monopoly Compliance Training

海外动态 Overseas News

法国竞争管理局对谷歌滥用市场支配地位罚款2.2亿欧元

FCA Fines Google EUR 220 Million for Abuse of Dominant Position

欧盟与英国正式对Facebook滥用市场支配地位开展反垄断调查

The European Commission and CMA Open Antitrust Investigations into Possible Abuse of Dominant Position of Facebook

国内要闻 Domestic News

银泰投资因未依法申报被罚人民币50万元

2021年6月10日，国家市场监督管理总局（“市场监管总局”）发布对中国银泰投资有限公司（“银泰投资”）收购杭银消费金融股份有限公司（“杭银消金”）股权未依法申报行为的行政处罚决定书。2019年1月，银泰投资和杭银消金签署《股份认购协议》，收购杭银消金34.92%股权并取得共同控制权，后者于同年8月7日完成股权变更登记。经查，该行为构成未经申报违法实施经营者集中，但不具有排除、限制竞争的效果。因此，市场监管总局对银泰投资罚款人民币50万元。（[查看更多](#)）

SAMR Fines Yintai CNY 500,000 for Gun-Jumping

On June 10, 2021, the State Administration for Market Regulation (“SAMR”) released the administrative penalty decision on Yintai Investment & Finance Group (“Yintai”) for acquiring the shares of Bank of Hangzhou Consumer Finance Company (“BHCFC”) without notification. In January 2019, Yintai signed a *Share Subscription Agreement* with BHCFC to acquire 34.92% of the shares of BHCFC and obtain joint control of the latter. BHCFC completed the equity change registration on August 7, 2019. Upon investigation, this conduct constituted a gun-jumping behavior but would not have the effect of eliminating or restricting competition. Therefore, SAMR decided to fine Yintai CNY 500,000. ([More](#))

市场监管总局附条件批准丹佛斯公司收购伊顿股份部分业务

2021年6月7日，市场监管总局宣布附条件批准丹佛斯公司收购伊顿股份部分业务。2020年1月21日，丹佛斯公司与伊顿液压签署协议，丹佛斯拟取得对伊顿公司液压业务的单独控制权。本案相关商品市场为移动领域液压产品。经分析，市场监管总局认为此项集中对中国摆线马达市场可能具有排除、限制竞争效果。经多轮商谈，丹佛斯公司承诺，剥离丹佛斯动力系统（江苏）有限公司的摆线马达业务。市场监管总局经审查通过此方案并附条件批准集中。（[查看更多](#)）

SAMR Conditionally Clears Acquisition of Part of Eaton’s Business by Danfoss

On June 7, 2021, SAMR issued a statement, conditionally clearing the acquisition of part of Eaton’s business by Danfoss. On January 21, 2020, Danfoss and Eaton Hydraulics signed an agreement under which Danfoss would obtain sole control of Eaton’s hydraulic business. The relevant product market in this case is hydraulic products in the mobile field. According to analysis, SAMR believed that this concentration may have the effect of eliminating and restricting competition on the Chinese cycloid motor market. After several rounds of negotiations, Danfoss promised to divest Danfoss Power Systems (Jiangsu) Co., Ltd.’s cycloid motor business. After review, SAMR approved this plan and cleared the concentration conditionally. ([More](#))

《湖南省经营者反垄断合规指引》发布

2021年6月7日，为宣传反垄断法律法规，营造公平竞争的市场环境，增强经营者反垄断合规意识，促使经营者依法合规经营，湖南省市场监督管理局发布了《湖南省经营者反垄断合规指引》（“《指引》”）。《指引》共分六章，包括总则、风险识别与防范、法律责任风险、风险处置与应对、合规管理和附则。（[查看更多](#)）

Hunan Province Anti-Monopoly Compliance Guidelines for Business Operators Published

On June 7, 2021, in order to promote anti-monopoly laws and regulations, create a fairly-competit market environment, enhance operators' awareness of anti-monopoly compliance and encourage operators to operate in compliance with laws and regulations, the Hunan Provincial Administration for Market Regulation issued the *Hunan Province Anti-Monopoly Compliance Guidelines for Business Operators* (“*Guidelines*”). The *Guidelines* contains six chapters, including general principles, risk identification and prevention, legal liability risks, risk handling and response, compliance management and supplementary regulations. ([More](#))

贵州省市监局开展全省反垄断合规培训

2021年6月4日，贵州省市场监督管理局（“贵州省市监局”）发布公告称，该局在贵阳市组织开展全省反垄断合规培训。部分中央在黔企业、省属国有企业和平台企业贵州分支机构及省级行业协会共60余家单位参加培训。培训宣讲了《反垄断法》和《贵州省行业协会和经营者反垄断合规指引》，讲解了反垄断执法领域典型案例。通过互动交流，贵州省市监局分析了相关协会、企业合规经营存在的问题，指导其查找竞争合规短板，帮助建立反垄断合规机制，提升反垄断合规水平。（[查看更多](#)）

Guizhou AMR Organizes a Provincial Anti-Monopoly Compliance Training

On June 4, 2021, Guizhou Provincial Administration for Market Regulation (“**Guizhou AMR**”) issued an announcement, stating that it organized a provincial anti-monopoly compliance training in Guiyang City. More than 60 entities attended the training, including some central enterprises located in Guizhou, some provincial state-owned enterprises, some Guizhou branches of platform enterprises and provincial industry associations. During the training, Guizhou AMR introduced the *Anti-Monopoly Law* and the *Guizhou Anti-Monopoly Compliance Guidelines for Industry Associations and Operators*, and explained typical cases in the field of anti-monopoly law enforcement. Through interactive communication, Guizhou AMR analyzed the existing operating compliance problems of relevant associations and enterprises, guided them to find the weak links in competition and compliance and helped them to establish an anti-monopoly compliance mechanism and improve the level of anti-monopoly compliance. ([More](#))

海外动态 Overseas News

法国竞争管理局对谷歌滥用市场支配地位罚款2.2亿欧元

2021年6月7日，法国竞争管理局（“FCA”）发布公告，称其就谷歌滥用网络和移动应用广告市场支配地位对谷歌罚款2.2亿欧元。FCA指出，谷歌对其广告管理品牌提供的专有技术给予了特殊优待，这些做法损害了谷歌在供应方平台市场的竞争对手和移动网站及应用程序的发布者的利益。谷歌对相关事实并无争议并同时向FCA提出了承诺，随后FCA接受了谷歌提出承诺并将其纳入处罚决定之中。FCA的这一决定是全球首例关注在线广告业务复杂算法拍卖程序的处罚决定。（[查看更多](#)）

FCA Fines Google EUR 220 Million for Abuse of Dominant Position

On June 7, 2021, the French Competition Authority (“FCA”) issued a statement, stating that it fined Google for up to EUR 220 million for abuse of dominant position in the advertising server market for website and mobile applications publishers. FCA noted that Google granted preferential treatment to its proprietary technologies offered under the Google Ad Manager brand to the detriment of its competitors in the Sale-Side Platform market and publishers of mobile sites and applications. Google did not dispute the facts, only proposed commitments to FCA. FCA accepted these commitments and made them binding in its decision. This particular decision is the first decision in the world to look into complex algorithmic auctions processes through which online display advertising works. ([More](#))

欧盟与英国正式对Facebook滥用市场支配地位开展反垄断调查

2021年6月4日，欧盟委员会发布公告称其已对Facebook开展正式反垄断调查，以评估Facebook是否利用其从客户处（尤其是广告商们）收集的广告数据与客户在Facebook活跃的市场中竞争，例如分类广告市场。该调查还将评估Facebook是否将其在线分类广告服务Facebook Marketplace与其社交网络捆绑。同日，英国竞争与市场管理局（“CMA”）也宣布其已开展调查，以确认Facebook是否通过收集与使用特定数据，为其提供在线分类广告服务与在线约会服务获取不正当竞争优势。（[查看更多](#)）

The European Commission and CMA Open Antitrust Investigations into Possible Abuse of Dominant Position of Facebook

On June 4, 2021, the European Commission issued a statement, stating that it had opened a formal antitrust investigation to assess whether Facebook used advertising data gathered in particular from advertisers in order to compete with them in markets where Facebook is active such as classified ads. This investigation will also assess whether Facebook ties its online ads service “Facebook Marketplace” to its social network. At the same day, UK’s Competition and Market Authority (“CMA”) also announced that it launched a probe into whether Facebook has gained unfair advantage in providing services for online classified ads and online dating, through how it gathers and uses certain data. ([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