



# NEWSLETTER

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## 国内要闻 Domestic News

### 中国将在竞争政策顶层设计上实现突破

2019年6月12日，据《经济参考报》报道，为创造公平竞争环境、更大程度激发市场活力，中国将在竞争政策顶层设计上实现突破。据悉，国家市场监督管理总局（“市场监管总局”）正抓紧研究出台实施竞争政策的指导意见。推动竞争政策在自贸区先行落地，探索创新性制度措施，细化分行业竞争制度规则，建立竞争中性评估体系。此外，作为关键配套的《反垄断法》修订正紧锣密鼓推进，业界关注的汽车反垄断指南等也即将发布。（[查看更多](#)）

### China to Achieve Breakthroughs in the Design of Competition Policy

On 12 June 2019, the *Economic Information Daily* reported that, in order to create a fair competition environment and stimulate market vitality to a greater extent, China will achieve breakthroughs in the design of competition policy. It is reported that the State Administration for Market Regulation (“SAMR”) is speeding up research and development of guidance on the implementation of competition policy, promoting competition policy in the free trade zone, exploring innovative institutional measures, refining the rules of competition systems in different industries, and establishing a neutral competitive evaluation system. In addition, the revision of the *Anti-Monopoly Law* is in full swing, and the antitrust guidelines for the automotive industry will be released soon. ([More](#))

### 湖南长沙药品生产企业集体发出反垄断倡议

2019年6月12日，针对2018年以来部分原料药、成品药出现供应紧张及价格持续上涨的现象，湖南省长沙市药品和保健食品生产行业协会联合尔康制药等多家医药企业，向长沙市各药品生产企业发出反垄断倡议，希望通过协会全体成员企业的努力，有效遏制市场垄断，构建公平、和谐的市场环境，保障成品药、原料药的价格透明稳定。（[查看更多](#)）

### Hunan Pharma Companies Announce An Antitrust Initiative

On 12 June 2019, an antitrust initiative was announced, in response to the supply shortage and price increase of some active pharmaceutical ingredients (“APIs”) and medicines since 2018, by Changsha Pharmaceutical and Health Food Production Industry Association of Hunan Province, together with several local pharmaceutical companies, such as Er-Kang Pharmaceutical. It aims to effectively curb market monopoly through the efforts of all members of the association, to build a fair and harmonious market environment, and to ensure the transparent and stable prices of medicines and APIs. ([More](#))

### 市场监管总局反垄断局发布6月1日-9日无条件批准经营者集中案件列表

2019年6月10日，市场监管总局反垄断局发布了6月1日-9日无条件批准经营者集中案件列表（“案件列表”），共包含5起案件。值得注意的是，反垄断局还曾于5月28日、6月6日分别发布了2019年4月、5月的案件列表，一改此前持续多年的按季度集中发布案件列表的惯例。（[查看更多](#)）

## SAMR Grants Unconditional Approval to 5 Deals in Early June

On 10 June 2019, the Anti-Monopoly Bureau (“AMB”) of SAMR issued a list of unconditional approval of undertakings concentration cases (“List of Cases”) from June 1st to 9th, including a total of five cases. It is worth noting that AMB also issued the List of Cases of April and May 2019 on May 28 and June 6 respectively, changing the practice of publishing the List of Cases on a quarterly basis. ([More](#))

## 海外动态 Overseas News

### 美国司法部相关负责人提出最新反垄断论据，以重点审查各科技巨头

2019年6月11日，美国司法部助理司法部长麦坎·德拉希姆（Makan Delrahim）在以色列特拉维夫举办的一场反垄断会议上发表演讲，聚焦对大型科技公司的反垄断调查案件。目前，美国司法部正在调查谷歌母公司Alphabet以及苹果公司，德拉希姆就对这些科技巨头的调查提出了一些论点，同时他认为，现有的反垄断法律足以对科技领域进行监管。德拉希姆说：“对于涉及数字技术的案件，我们已具有执行反垄断法律所需的工具。” ([查看更多](#))

### DOJ Antitrust Chief Lays Out Argument for Cases Against Tech Giants

On 11 June 2019, the Department of Justice’s (“DOJ”) assistant attorney general Makan Delrahim brought the case against big tech into focus in a new speech delivered at the *Antitrust New Frontiers Conference* in Tel Aviv. Delrahim laid out some possible arguments against the tech giants as his office is reportedly taking the lead on investigating Google parent company Alphabet and a potential probe into Apple. Delrahim’s speech argues existing antitrust laws are strong enough to regulate tech. “We already have in our possession the tools we need to enforce the antitrust laws in cases involving digital technologies,” Delrahim said. ([More](#))

### 欧盟否决印度塔塔钢铁与德国蒂森克虏伯设立合营企业交易

2019年6月11日，欧盟委员会宣布其已否决了两家钢铁企业印度塔塔钢铁（Tata Steel）和德国蒂森克虏伯（ThyssenKrupp）的设立合营企业的交易。欧盟委员会认为，该交易将导致钢铁价格上涨以及限制该行业的竞争。两家公司未能提出足以消除竞争担忧的救济措施。据悉，蒂森克虏伯是欧洲经济区内第二大扁平碳钢生产商，而塔塔钢铁是第三大生产商。两家公司均为包装应用所需的金属涂层和层压钢以及汽车工业所需的镀锌扁平碳钢的重要生产商。 ([查看更多](#))

### European Commission Prohibits Proposed Merger Between Tata Steel and ThyssenKrupp

On 11 June 2019, the European Commission announced that it has prohibited the creation of a joint venture by Tata Steel and ThyssenKrupp under the EU Merger Regulation. The merger would have reduced competition and increased prices for different types of steel. The parties did not offer adequate remedies to address these concerns. ThyssenKrupp is the second largest producer of flat carbon steel in the EEA while Tata Steel is the third largest. Both companies are significant producers of metallic coated and laminated steel for packaging applications and of galvanized flat carbon steel for the automotive industry. ([More](#))

## 高通寻求上诉期间停止执行反垄断判决，美国联邦贸易委员会提出反对意见

2019年6月11日，美国联邦贸易委员会表示，在高通公司就反垄断判决提起上诉期间，法院不应允许暂停执行该判决。美国法院的判决将彻底改变高通的商业模式，给智能手机行业带来巨大变化，高通从每部手机获取的专利费可能从几美元降低到几美分。5月28日，高通提出司法动议，要求法院在高通上诉期间暂时执行判决内容。而美国联邦贸易委员会指出，高通上诉期间，法院判决应当保持不变，并且立即执行，迅速执行判决符合公众利益。（[查看更多](#)）

## FTC Opposes Qualcomm's Effort to Put Antitrust Ruling on Hold

On 11 June 2019, the U.S. Federal Trade Commission (“FTC”) said in a court filing that mobile chip supplier Qualcomm Inc should not be allowed to put a sweeping antitrust ruling against it on hold as it pursues an appeal. Koh’s decision would require Qualcomm to license its patents to rival chip makers instead of phone makers, which could potentially slice its patent royalties from several dollars per phone to pennies. Qualcomm on May 28 asked Koh to set aside her decision while it pursues an appeal. In its filing on June 11, the FTC argued that Koh’s ruling should stay in place while Qualcomm appeals, saying that a prompt enforcement of the Court’s order is in the public interest. ([More](#))

## 美国司法部对佳能收购东芝医疗未依法申报案罚款500万美元

2019年6月10日，美国司法部发布公告称，佳能和东芝已同意就佳能收购东芝医疗未依法申报案与其达成和解协议，将分别支付250万美元和解金。同时，协议还规定了两家公司需实施合规计划，遵守检查和报告要求，以及其他应尽义务。此前，中国反垄断执法机构曾于2016年12月16日就该起案件对佳能罚款30万元，认定“分步骤实施”的行为构成未依法申报；欧盟委员会则暂未公布对该案的调查结论。（[查看更多](#)）

## Canon and Toshiba Agree to Pay USD 5m for Gun-Jumping

On 10 June 2019, DOJ announced that Canon Inc. and Toshiba Corporation have agreed to settle federal charges that the companies violated the premerger notification and waiting period requirements of the Hart-Scott-Rodino Act (“HSR Act”), when Canon acquired Toshiba Medical Systems Corporation from Toshiba in 2016. The companies will pay \$2.5 million each to settle the charges. The settlement also requires the companies to implement HSR compliance programs and comply with inspection and reporting requirements, among other obligations imposed under the consent order. Previously, the Chinese antitrust authority fined Canon CNY 300,000 for failure to notify this acquisition on 16 December 2016. The acquisition also attracted the attention of the European Commission, and the conclusion has not yet been announced. ([More](#))

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