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海南在全国率先开展强化竞争政策试点

2019年6月26日，据海南日报报道，国家市场监督管理总局（“市场监管总局”）近期批复同意中国（海南）自由贸易试验区实施强化竞争政策试点和有关方案，海南成为全国第一个强化竞争政策试点实施省份，率先开展强化竞争政策试点。据悉，海南将组建公平竞争审查和反垄断委员会及其专家咨询组，彻底清理废除妨碍统一市场和公平竞争的规定和做法，加快建立竞争政策与产业政策的协调机制，强化公平竞争执法。（[查看更多](#)）

Hainan to Strengthen Competition Policy

On 26 June 2019, the *Hainan Daily* reported that, China's State Administration for Market Regulation (“SAMR”) recently approved the implementation plan of a pilot program in the China (Hainan) Free Trade Pilot Zone. Hainan became the first province in the country to strengthen the pilot competition policy and took the lead in launching the pilot program. A provincial fair competition review and anti-monopoly commission and its expert advisory group are to be established to thoroughly clean up and abolish the rules and practices that hinder the market and fair competition, accelerate the establishment of a coordination mechanism between competition policy and industrial policy, and strengthen fair competition enforcement. ([More](#))

国务院反垄断委员会专家咨询组赴上海调研

2019年6月26日，据中国市场监管报报道，近日，国务院反垄断委员会专家咨询组（“咨询组”）组长郎胜、市场监管总局反垄断局局长吴振国带领咨询组成员赴上海调研反垄断工作。上海市副市长许昆林会见了咨询组一行。调研期间，咨询组从执法和司法机构层面、行业协会层面、企业层面分别召开3场座谈会，就上海市当前反垄断法执行过程中的主要问题、案件查处情况、《反垄断法》修订建议等，与参会单位和企业进行了交流。（[查看更多](#)）

China's Leading Antitrust Experts Visit Shanghai

On 26 June 2019, the *China Market Regulation News* reported that, the Expert Advisory Group of the Anti-Monopoly Commission of the State Council (“Expert Advisory Group”), led by Lang Sheng, the leader of the Expert Advisory Group and Wu Zhenguo, the general director of the Anti-Monopoly Bureau within the SAMR, visited Shanghai recently. Xu Kunlin, deputy mayor of Shanghai, met with the Expert Advisory Group. During the visit, the Expert Advisory Group held three symposiums with authorities, industry associations and enterprises respectively to discuss the main issues and cases in the implementation of the *Anti-Monopoly Law* (“AML”) in Shanghai. ([More](#))

最高院首次认可转售价格维持行为“禁止+豁免”反垄断执法分析路径

2019年6月24日，微信公众号“竞争法微网”发布了最高人民法院（“最高院”）于2018年12月18日作出的对海南省裕泰科技饲料有限公司（“裕泰公司”）因诉海南省物价局行政处罚一案，不服海南省高级人民法院二审判决而提起的再审申请裁定书，裁定驳回了裕泰公司的再审

申请。在裁定书中，最高院详细阐释了《反垄断法》对转售价格维持行为的规制规则，并首次认可了反垄断执法机构长期以来采取的“禁止+豁免”的分析路径。（[查看更多](#)）

China's Supreme Court Endorses the “Prohibition + Exemption” Approach in RPM Enforcement

On 24 June 2019, a WeChat public platform issued the Supreme People's Court's ruling on a retrial application filed by Yutai Technology and Feed Co., Ltd. (“Yutai”). The ruling rejected Yutai's retrial application. Previously, Yutai was sanctioned for resale price maintenance (“RPM”) and brought an administrative action against Hainan Provincial Price Bureau. In the ruling, the Supreme People's Court elaborated the rules of the AML on RPM and for the first time endorsed the ‘prohibition + exemption’ approach adopted by China's antitrust authorities for a long time. ([More](#))

海外动态 Overseas News

继中、美之后，佳能收购东芝医疗未依法申报案再遭欧盟重罚2800万欧元

2019年6月27日，欧盟委员会发布新闻称，其已就佳能收购东芝医疗未依法申报案对佳能公司罚款2800万欧元。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30万元人民币，美国司法部则于2019年6月10日宣布佳能和东芝就该起案件与其达成了和解协议，将分别支付250万美元和解金。（[查看更多](#)）

European Commission Fines Canon EUR 28m for Gun-Jumping

On 27 June 2019, the European Commission announced that it has fined Canon EUR 28m for implementing its acquisition of Toshiba Medical Systems Corporation before notification to and approval by the Commission. Previously, for the same reason, the Chinese antitrust authority fined Canon RMB 300,000 on 16 December 2016, while the US Department of Justice announced Canon and Toshiba would pay a separate payment of USD 2.5m on 10 June 2019. ([More](#))

欧盟正式对芯片巨头博通开展反垄断调查

2019年6月26日，欧盟委员会发表声明称，其已正式对芯片巨头博通（Broadcom）展开反垄断调查，以评估该公司是否通过一系列排他性措施限制了市场公平竞争。博通是世界上最大的有线通信设备集成电路设计、开发和提供商，是若干市场的全球领先者。欧盟委员会收集的资料表明，博通可能正在对这些产品实施一系列排他性做法。正是出于对博通这些做法的担忧，欧盟委员会决定展开正式调查。（[查看更多](#)）

European Commission Opens Formal Antitrust Investigation into Broadcom

On 26 June 2019, the European Commission announced that it has opened a formal antitrust investigation into Broadcom to assess whether it may be restricting competition through exclusivity practices. Broadcom is the world's largest designer, developer and provider of integrated circuits for wired communication devices and it is a global leader in a number of markets. The Commission has gathered information indicating that Broadcom may be implementing a range of exclusionary practices in relation

to these products. As a result of concerns relating to these alleged practices by Broadcom, the Commission has decided to open a formal investigation. ([More](#))

日本反垄断罚款新纪录呼之欲出

2019年6月25日，根据日本每日新闻社报道，日本公平贸易委员会于2017年对涉嫌达成卡特尔协议以抬高沥青价格的8家道路建设公司展开了反垄断调查并拟开出日本反垄断史上最大罚单。近日，由于日本反垄断法相关条款的修改，这笔“计划中”的最大罚单的金额有望减少近200亿日元（约合人民币12.77亿元），降低至400亿日元左右（约合人民币25.53亿元），但仍将创造日本反垄断罚款的新纪录。（[查看更多](#)）

Japanese Road Builders to Face Record Price-fixing Fines

On 25 June 2019, according to *Mainichi*'s report, the Japan Fair Trade Commission (“JFTC”) launched an investigation against 8 road builders in 2017 on the suspicion that they had formed a cartel to raise the price of asphalt. JFTC is going to impose a historical fine on these companies. The fines, to be reduced to around JPY 40bn (USD 373.3m) in total due to a recently revised antitrust law, are still expected to be the largest combined amount imposed by the antitrust watchdog. ([More](#))

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