



No. **99**

2019.09

立方竞争法周报

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市场监管总局公布两起经营者集中未依法申报案件

2019年9月27日，国家市场监督管理总局（“市场监管总局”）发布了两起经营者集中未依法申报案件，对当事人分别罚款40万元和30万元。市场监管总局调查发现，中邮资本管理有限公司收购成都我来啦网格信息技术有限公司股权和高顺发展有限公司收购哈尔滨地利生鲜农产品企业管理有限公司100%股权两起交易均达到了申报标准，但未提前申报，违反了《反垄断法》第21条规定。截至目前，市场监管总局已在2019年公布了10起未依法申报案件。（[查看更多](#)）

SAMR Announces Two Gun-jumping Cases

On 27 September 2019, China's State Administration for Market Regulation (“SAMR”) announced that it had imposed a fine of CNY 400,000 on China Post Capital Management Co., Ltd. (“CPCM”) and a fine of CNY 300,000 on Gaoshun Development Co., Ltd. (“Gaoshun”) for gun-jumping. In these two cases, CPCM and Gaoshun did not notify their acquisitions, which violated the provisions regarding the concentration of undertakings under Article 21 of the *Anti-Monopoly Law*. So far, SAMR has announced 10 gun-jumping cases in the first three quarters of 2019. ([More](#))

市场监管总局副局长甘霖率团参加第六届金砖国家竞争大会

2019年9月17日至24日，市场监管总局副局长甘霖率团参加俄罗斯主办的第六届金砖国家竞争大会并访问俄罗斯、白俄罗斯，与两国竞争执法机构开展竞争政策和反垄断执法交流。参会期间，甘霖发表了主旨演讲并与金砖国家竞争执法机构负责人共同签署金砖国家竞争领域合作“莫斯科宣言”。据悉，第七届金砖国家竞争大会将于2021年在中国举办。（[查看更多](#)）

Vice Minister of SAMR Gan Lin Attends the VI BRICS International Competition Conference

On September 17-24, 2019, Gan Lin, the vice minister of SAMR, led a delegation to attend the VI BRICS International Competition Conference held in Moscow, and visited Russia and Belarus to discuss competition policy and antitrust enforcement issue with the competition authorities thereof. During the Conference, Gan Lin delivered a keynote speech and signed the Moscow Declaration with her counterparts. It is reported that the next summit will be held in China in 2021. ([More](#))

最高院知产法庭首次公开开庭审理反垄断“飞跃上诉”案件

2019年9月24日下午，最高人民法院（“最高院”）知识产权法庭（“知产法庭”）公开开庭审理并在线直播了黄文得与滴滴出行科技有限公司（“滴滴公司”）滥用市场支配地位纠纷一案。该案也是2018年年底最高院确立知识产权及反垄断相关案件的“飞跃上诉”制度后，最高

院知识产权法庭首次公开开庭审理的反垄断“飞跃上诉”案件。庭审临近结束时，滴滴公司代理律师明确表示不接受调解。法庭未当庭宣判。 ([查看更多](#))

China's Supreme Court Hears the Didi Chuxing Antitrust Case

On 24 September 2019, the Intellectual Property Tribunal (“IP Tribunal”) of the Supreme People’s Court of China (“SPC”) held an open hearing on an antitrust case in which a consumer sued Didi Chuxing, a China-based ride-hailing giant for abuse of dominance. This is the first antitrust “leapfrog appeal” case heard openly by the IP Tribunal of SPC after the establishment of the “leapfrog appeal” mechanism in intellectual property and antitrust adjudicating process. At the end of this hearing, the attorney of Didi Chuxing clearly refused to settle this case. No judgment was delivered on the spot. ([More](#))

行政垄断执法风暴席卷五大重点领域

近日，为进一步强化竞争政策基础性地位，清理废除妨碍统一市场和公平竞争的各种规定和做法，根据市场监管总局的统一部署，四川、江西、湖南三省市场监督管理局决定于2019年9月至2020年1月开展滥用行政权力排除、限制竞争行为专项执法行动。专项执法行动将重点关注医药、建筑、交通、招投标和政府采购、公章刻制等五大领域的行政垄断行为。 ([查看更多](#))

China to Crack-down Administrative Monopolies

Recently, in order to further strengthen the implementation of competition policy and eliminate the inconsistent regulations and practices undermining the unified market and fair competition, the Administration for Market Regulation of Sichuan, Jiangxi and Hunan provinces decided to launch special campaigns under the direction of SAMR, which target at abusing administrative power to eliminate or restrict competition. These authorities would strictly crack-down on the administrative monopolies in the areas of pharmaceuticals, building, transportation, bidding and governmental procurement, and seal engraving. ([More](#))

市场监管总局附条件批准高意公司收购菲尼萨公司股权案

2019年9月23日，市场监管总局发布了附条件批准高意股份有限公司（“高意公司”）收购菲尼萨股份有限公司（“菲尼萨公司”）股权案的反垄断审查决定公告。2018年11月7日，高意公司与菲尼萨公司签订协议，以支付现金和换股的方式收购菲尼萨公司100%股权。市场监管总局认为，该项收购对波长选择开关市场可能具有排除、限制竞争效果，因此决定附加限制性条件批准此项收购。 ([查看更多](#))

SAMR Conditionally Approves II-VI’s Acquisition of Finisar

On 23 September 2019, SAMR announced that it had conditionally approved II-VI Incorporated (“II-VI”)’s acquisition of Finisar Corporation (“Finisar”). On 7 November 2018, II-VI signed an agreement with Finisar to acquire Finisar’s 100% equity in cash and through equity swap. SAMR found that this deal may eliminate or restrict competition in the wavelength selector switch market. ([More](#))

上海市市场监管局拟选聘23名反垄断执法专家

2019年9月23日，上海市市场监督管理局（“上海市市监局”）发布反垄断执法专家库成员选聘公告，拟选聘23名反垄断执法专家以进一步加强上海市反垄断执法水平，提升反垄断执法的科学化、专业化、规范化水平。选聘条件显示，报名人员应在反垄断法、反垄断经济学或者相关行业领域具备较高的理论水平或者较丰富的实务经验且具有较高的学术声誉或者业界声望。报名截止日期为2019年10月11日。（[查看更多](#)）

Shanghai AMR to Recruit External Antitrust Jurists and Economists

On 23 September 2019, Shanghai Municipal Administration for Market Regulation (“Shanghai AMR”) announced that it would recruit 23 external councils including antitrust jurists, economists and industry experts so as to further strengthen antitrust enforcement and improve the reasonableness, specialization and standardization of enforcement. The recruitment notice indicates that candidates should be highly experienced in the antitrust law, economics or relevant industries theoretically or practically and highly recognized in such areas. The deadline for application is 11 October 2019. ([More](#))

海外动态 Overseas News

欧盟委员会就蔬菜罐头卡特尔案开出3164.7万欧元反垄断罚单

2019年9月27日，欧盟委员会发布新闻称，其已对蔬菜罐头生产商Coroos和Groupe CECAB开出总计3164.7万元的反垄断罚单，Bonduelle因向欧盟委员会揭发了该项卡特尔而免遭处罚。欧盟委员会调查发现，Bonduelle、Coroos和Groupe CECAB在向欧洲经济区的零售商和食品服务公司供应某些类型的蔬菜罐头时，实施了超过13年的卡特尔行为，具体包括固定价格、分割市场、串通投标、交换商业敏感信息等。（[查看更多](#)）

EU Fines Coroos and Groupe CECAB EUR 31.6m for Canned Vegetables Cartel

On 27 September 2019, the European Commission announced that it had fined Coroos and Groupe CECAB, two canned vegetables suppliers, a total of EUR 31.647 m for breaching EU antitrust rules. Bonduelle was not fined as it revealed the existence of the cartel to the Commission. The Commission found that Bonduelle, Coroos and Groupe CECAB participated for more than 13 years in a cartel for the supply of certain types of canned vegetables to retailers and/or food service companies in the European Economic Area. To achieve their illegal aims, the companies set prices, agreed on market shares and volume quotas, allocated customers and markets, coordinated their replies to tenders, and exchanged commercially sensitive information. ([More](#))

竞争局局长就数字技术领域竞争问题在美国参议院作证

2019年9月24日，美国联邦贸易委员会（Federal Trade Commission，“FTC”）发布新闻称，FTC竞争局局长布鲁斯·霍夫曼（Bruce Hoffman）当日在参议院反垄断、竞争政策和消费者权利小组委员会组织的听证会上就数字技术领域的竞争问题作证。霍夫曼提到，占主导地位的公司收

购新兴或潜在的竞争对手的行为可能是反竞争的。为应对数字工业可能带来的挑战，竞争局最近成立了一个技术特别工作组，目前正在积极开展相关的调查工作。（[查看更多](#)）

FTC Testifies Before Senate on Competition in Digital Technology Markets

On 24 September 2019, the Federal Trade Commission (“FTC”) released a piece of news saying that FTC Bureau of Competition Director Bruce Hoffman testifies before Senate Subcommittee on Antitrust, Competition Policy and Consumer Rights on Competition in Digital Technology Markets. Hoffman stated that the acquisition by dominant firms of nascent or potential competitors could be anticompetitive. To address the potential challenges posed by digital industries, the Bureau of Competition recently formed a Technology Task Force, which is actively conducting investigations. ([More](#))

欧盟发布谷歌安卓垄断案328页处罚决定全文

近日，欧盟委员会发布了谷歌安卓垄断案的处罚决定书全文，就调查过程中的程序和实体问题进行了详细的探讨和说明。处罚决定书分为20个部分，长达328页。此前，欧盟委员会曾于2018年7月就该案对谷歌开出高达43.4亿欧元（约合人民币340亿元）的创纪录反垄断罚单。除该案外，欧盟委员会还在2017年和今年初就谷歌在其比较购物服务和互联网广告服务中的垄断行为分别开出24.2亿欧元和14.9亿欧元的罚单，三张罚单合计约82.5亿欧元。（[查看更多](#)）

EU Releases Full Google Android Decision

Recently, the European Commission released the full-text Commission decision on Google Android case. In the decision, the Commission illustrated and discussed the relevant procedural and substantial issues in detail. The decision is divided into 20 parts and is 328-page long. On July 2018, the Commission fined Google a record EUR 4.34bn for the Android case. In addition, in 2017 and early this year, the Commission hit Google with other two big antitrust fines, EUR 2.42bn on the Google Shopping case and EUR 1.49bn on the AdSense case. The three fines totaled EUR 8.25bn. ([More](#))

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