

中国反垄断法律资讯

China Monthly Antitrust Update

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立法动态 Legislation

河北、辽宁、北京、宁夏、贵州等省区出台公平竞争审查制度实施意见

2016年9月22日，河北省政府发布《河北省关于在市场体系建设中建立公平竞争审查制度的实施意见》，以规范政府有关行为，防止出台排除、限制竞争的政策措施，营造公平竞争的市场环境；¹10月9日，辽宁省政府发布《辽宁省人民政府关于在市场体系建设中建立公平竞争审查制度的实施意见》，对建立公平竞争审查制度做出具体安排，明确审查事项、实施步骤、保障措施等内容；²10月21日，北京市政府发布《北京市人民政府关于在市场体系建设中建立公平竞争审查制度的实施意见》，规范政府有关行为，切实防止出台排除、限制竞争的政策措施。³此外，宁夏回族自治区⁴和贵州省⁵政府也于近日出台了建立公平竞争审查制度的实施意见，要求切实落实公平竞争审查制度。自今年6月14日国务院发布《国务院关于在市场体系建设中建立公平竞争审查制度的意见》以来，包括江苏、湖南、河北、辽宁、北京、宁夏、贵州在内的多个省区已陆续发布了落实公平竞争审查制度的实施意见。

Provincial Governments of Hebei, Liaoning, Beijing, Ningxia, Guizhou, etc. Publish Opinions on Implementing the Fair Competition Review System

On 22 September 2016, Hebei Province published the *Opinions of Hebei Provincial Government on Implementing the Fair Competition Review System in Development of Market System* to regulate government's activities in enacting policies that restrict or eliminate competition.¹ On 9 October, Liaoning Province published the *Opinions of Liaoning Provincial Government on Implementing the Fair Competition Review System in Development of Market System*, in which specific arrangements, review targets, enforcement procedures, safeguard mechanism are laid down.² On 21 October, Beijing published the *Opinions of Beijing Municipal Government on Implementing the Fair Competition Review System in Development of Market System* to regulate government's activities in enacting policies that restrict or eliminate competition.³ Ningxia⁴ and Guizhou⁵ published similar opinions recently as well. Since the State Council published the *Opinions on Establishment of Fair Competition Review System in Development of Market System* on

¹<http://info.hebei.gov.cn/eportal/ui?pagelId=1962757&articleKey=6664570&columnId=329982>

²http://www.ln.gov.cn/zfxx/zfwj/szfwj/zfwj2011_111254/201610/t20161010_2542599.html

³<http://www.bjfbz.gov.cn/html/fzb/153/content/3933.html>

⁴http://www.gov.cn/xinwen/2016-10/18/content_5120727.htm

⁵http://www.gzgov.gov.cn/xwzx/djfb/201611/t20161102_655168.html

14 July 2016, several provinces including Jiangsu, Hunan, Hebei, Liaoning, Beijing, Ningxia, Guizhou have subsequently published their respective opinions.

执法机构 Authorities

中国三大反垄断执法机构官员出席 2016 中国竞争政策论坛

2016 年 10 月 27 日，国家工商行政管理总局（“国家工商总局”）王江平副局长⁶、国家发展和改革委员会价格监督检查与反垄断局（“国家发改委价监局”）张汉东局长⁷、商务部反垄断局吴振国局长⁸出席 2016 中国竞争政策论坛开幕式，并分别围绕“供给侧结构性改革中的竞争政策实施”发言。在论坛之后的议程中，吴振国局长、国家工商总局反垄断与反不正当竞争执法局任爱荣局长、陆万里副局长、国家发改委价监局李青副局长、商务部反垄断局韩春霖副局长等反垄断执法机构官员分别就“竞争政策实施中的程序和透明度”、“信息交换”、“跨国交易的多法域申报与审查异同”等话题与与会嘉宾展开探讨。

Officials from SAIC, NDRC and MOFCOM Attend 2016 China Competition Policy Forum

On 27 October 2016, Deputy Director-General of the State Administration for Industry and Commerce of the People's Republic of China (“SAIC”) Wang Jiangping⁶, Director-General of Price Supervision Anti-Monopoly Bureau (“PSAMB”) of the National Development and Reform Commission (“NDRC”) Zhang Handong⁷ and Director-General of the Anti-Monopoly Bureau (“AMB”) of the Ministry of Commerce (“MOFCOM”) Wu Zhenguo⁸ attended 2016 China Competition Policy Forum and delivered speeches respectively on the topic of “Implementation of Competition Policy in Supply-side Structural Reform”. In the subsequent sessions, Director-General Wu Zhenguo, Director-General of the Anti-Monopoly and Anti-Unfair Competition Enforcement Bureau (“CEB”) of SAIC Ren Airong and Deputy Director-General Lu Wanli, Deputy Director General of the PSAMB of NDRC Li Qing, Deputy Director-General of the AMB of MOFCOM Han Chunlin participated in panel discussions on the topic of “Due procedure and transparency in the enforcement of competition policy”, “Information exchange”, “Differences and similarities in the inspection of merger filing of cross-border acquisitions in different legal systems”.

⁶http://www.saic.gov.cn/ywdt/gsyw/zjyw/xxb/201611/t20161102_172030.html

⁷http://jjs.ndrc.gov.cn/gzdt/201610/t20161027_824346.html

⁸<http://fldj.mofcom.gov.cn/article/xxfb/201611/20161101564812.shtml>

国家发改委价监局张汉东局长会见美国、加拿大反垄断执法机构代表

10月27日上午，国家发改委价监局张汉东局长会见了美国司法部副部长、反垄断局局长雷娜塔·海西（Renata Hesse）和联邦贸易委员会委员莫林·奥赫豪森（Maureen Ohlaussen）一行。⁹下午，张汉东局长会见了加拿大竞争局高级副委员珍妮·普拉特（Jeanne Pratt）一行。¹⁰双方介绍了各自竞争政策与反垄断工作最新进展，并就公平竞争审查制度、反垄断指南、加强国际合作与交流交换了意见。

Director-General of the PSAMB of NDRC Zhang Handong Meets with Representatives of US and Canada Antitrust Enforcement Agencies

In the morning of 27 October 2016, Director-General of the PSAMB of NDRC Zhang Handong met with Acting Assistant Attorney General of the United States Department of Justice (“DOJ”), Director-General of the Antitrust Division of DOJ Renata Hesse, and commissioner of the Federal Trade Commission (“FTC”) Maureen Ohlaussen and their teams.⁹ Director General Zhang Handong also met with Senior Deputy Commissioner of the Canadian Competition Bureau Jeanne Pratt and her team in the afternoon.¹⁰ Both sides introduced their latest progress in competition policy and anti-monopoly enforcement, and exchanged opinions on fair competition review system, anti-monopoly guidelines and cooperation in law enforcement.

商务部反垄断局负责人会见新加坡、美国、加拿大反垄断执法机构代表

10月26日，商务部反垄断局吴振国局长会见了美国联邦贸易委员会委员莫林·奥赫豪森（Maureen Ohlaussen）、司法部反垄断局国际交流处主任琳达·马歇尔（Lynda Marshall），¹¹韩春霖副局长会见了来访的加拿大竞争局高级副委员珍妮·普拉特（Jeanne Pratt）¹²。10月31日，吴振国局长会见了新加坡竞争委员会首席执行官杜汉立（Toh Han Li）。¹³会见中双方就经营者集中反垄断执法进展、加强案件执法合作等议题交换了意见。

Officials of the AMB of MOFCOM Meet with Representatives of Singapore, US and Canada Antitrust Enforcement Agencies

On 26 October, Director-General of AMB of MOFCOM Wu Zhenguo met with FTC

⁹http://www.ndrc.gov.cn/fzgggz/jgdyfld/jjszhdt/201610/t20161027_824350.html

¹⁰http://jjs.ndrc.gov.cn/gzdt/201610/t20161027_824340.html

¹¹<http://fldj.mofcom.gov.cn/article/xxfb/201610/20161001489876.shtml>

¹²<http://fldj.mofcom.gov.cn/article/xxfb/201610/20161001489871.shtml>

¹³<http://fldj.mofcom.gov.cn/article/xxfb/201610/20161001542545.shtml>

Commissioner Maureen Ohlaussen, Director of the International Exchange Office of the Antitrust Division of DOJ Lynda Marshall.¹¹ Deputy Director-General Han Chunlin met with Senior Deputy Commissioner of the Canada's Competition Bureau (“CCB”) Jeanne Pratt.¹² On 31 October, Wu Zhenguo met with Chief Executive of Competition Commission of Singapore (“CCS”) Toh Han Li.¹³ Both sides exchanged opinions on anti-monopoly law enforcement in concentration of undertakings, cooperation of law enforcement, etc.

第十三届“中欧竞争政策周”研讨会在海口举办

10月24日至27日，第十三届“中欧竞争政策周”在海南省海口市举办。国家发改委价监局、商务部反垄断局、国家工商总局竞争执法局的负责人，来自欧盟委员会、德国、意大利的竞争执法官员，以及二十五个省、自治区、直辖市工商机关反垄断执法部门负责人和执法骨干参加了本次研讨会。本届竞争周研讨会围绕“法律法规的竞争效果评估”、“汽车行业竞争法的实施”、“双边市场”和“横向合作协议”等多个前沿议题进行研讨。¹⁴

The 13th EU-China Competition Policy Forum Held in Haikou

From October 24th to 27th, the 13th EU-China Competition Policy Forum was held in Haikou, Hainan Province. Officials of the PSAMB of NDRC, the AMB of MOFCOM and the CEB of SAIC as well as officials of European Commission, Germany and Italy competition authorities attended the forum. Officials and executive staffs of anti-monopoly enforcement agencies in the industry and commerce system from 25 provinces, autonomous regions and province-level municipalities attended as well. This year's topics include “Analysis of Competition Effect of Laws and Regulations”, “Competition Law in Automobile Industry”, “Bilateral Market”, and “Horizontal Cooperation Agreement”, etc.¹⁴

商务部反垄断局韩春霖副局长出席 2016 年反垄断法培训班并致辞

10月20日至21日，由国务院反垄断委员会办公室、国务院国有资产监督管理委员会政策法规局和中华全国工商业联合会法律部联合举办的反垄断法培训班在北京举行，商务部反垄断局韩春霖副局长出席开幕式并致辞。来自国有企业、民营企业 and 行业协会的近百名代表参加培训。¹⁵

¹⁴http://jjs.ndrc.gov.cn/qzdt/201610/t20161027_824337.html

¹⁵<http://fldj.mofcom.gov.cn/article/xxfb/201610/20161001478211.shtml>

Deputy Director-General of the AMB of MOFCOM Han Chunlin Attends 2016 Anti-Monopoly Training Program and Delivers Speech

From October 20th to 21th, a training program jointly organized by Office of State Council's Anti-Monopoly Commission ("AMC"), Policy and Regulation Bureau of State-Owned Assets Supervision and Administration Commission and Legal Division of All China Federation of Industry and Commerce was held in Beijing. Deputy Director-General of the AMB of MOFCOM Han Chunlin attended the commencement ceremony and delivered a speech. Near one hundred representatives from state-owned enterprises, private enterprises and industry associations attended the training program.¹⁵

国家发改委价监局举办公平竞争审查制度培训班

10月9日，国家发改委价监局在北京举办价格监管系统公平竞争审查制度培训班。张汉东局长出席培训班并对下一步工作作出部署。李青副局长主持培训班。来自全国共47个价格监督检查与反垄断机构主要负责同志参加培训，各地汇报交流了公平竞争审查制度的贯彻落实情况，提出了做好下一步工作的意见建议。国家发改委价监局相关负责同志介绍了公平竞争审查制度主要内容和工作进展。¹⁶

PSAMB of NDRC Organizes a Fair Competition Review System Training Program

On 9 October, the PSAMB of NDRC organized a fair competition review system training program in Beijing. Director-General Zhan Handong attended the program and made arrangements for future work plan. Deputy Director-General Li Qing hosted the training program. Officials from 47 price supervision and anti-monopoly agencies attended the program, exchanged information regarding the latest progress in enforcing the system and proposed suggestions for the future work. Officials of the PSAMB of NDRC introduced the contents and enforcement progress of the fair competition review system.¹⁶

吴振国出任商务部反垄断局局长

据商务部官网9月30日消息，吴振国出任商务部反垄断局局长。吴振国局长，山东省烟台市人，毕业于山东大学法律系，法学博士，曾在纺织工业部、国家经贸委工作。历任商务部条约法律司处长、副司长，商务部反垄断局副局长，2016年8月起任商务部反垄断局局长兼

¹⁶http://jjs.ndrc.gov.cn/qzdt/201610/t20161011_822198.html

国务院反垄断委员会办公室主任。¹⁷

Wu Zhenguo Takes up the Post of Director-General of the AMB of MOFCOM

According to MOFCOM's press release on 30 September, then Deputy Director-General Wu Zhenguo was promoted to Director-General of the AMB of MOFCOM. Wu is originally from Yantai, Shandong Province, graduated from Shandong University with a Ph.D. in Law. He has worked in the erstwhile Ministry of Textile Industry and State Economic and Trade Commission. He has also served in the Department of Treaty and Law of MOFCOM. Since August 2016 Wu has served as Deputy Director-General of the AMB of MOFCOM and director of the AMC of the State Council.¹⁷

国家工商总局王江平副局长赴四川省调研

9月30日，国家工商总局王江平副局长在四川省展开调研。王江平副局长听取了四川省工商局党组的工作汇报及德阳市、达州市工商局开展集中整治公用企业限制性竞争和垄断行为专项行动执法行动的汇报。8月底以来，全国工商系统查处相关案件超过900件，结案300件，案值过亿元。¹⁸

Deputy Director-General of SAIC Wang Jiangping Conducts Survey in Sichuan Province

On 30 September, Deputy Director-General of SAIC Wang Jiangping conducted survey regarding public utilities in Sichuan Province. Wang was briefed by Sichuan Administration of Industry and Commerce ("AIC") of its work progress. Deyang and Dazhou AICs reported to Wang of their special enforcement action against public utilities' monopolistic activities. Since August, China AICs have investigated more than 900 cases, closed 300, with a total value of more than CNY 100 million involved.¹⁸

¹⁷<http://fldj.mofcom.gov.cn/article/gywm/201102/20110207406162.shtml>

¹⁸http://www.saic.gov.cn/ywdt/gsyw/zjyw/xxb/201610/t20161012_171613.html

行政调查 Public Enforcement

中塑协就 TDI 价格异常波动向国家发改委提出反垄断调查申请

2016 年 10 月 24 日，中国塑料加工工业协会就 TDI（甲苯二异氰酸酯）价格异常波动向国家发改委提出反垄断调查申请。申请信息显示，作为生产海绵的主要原料的 TDI 近三年国内价格在 12000-17000 元/吨之间波动。但是进入今年 10 月份，国内 TDI 价格却突然暴涨至 48000-50000 元/吨，涨幅高达近 400%。¹⁹

CPPIA Requests an Anti-Monopoly Investigation to be Initiated by the NDRC

On 24 October 2016, China Plastics Processing Industry Association (“CPPIA”) requested an anti-monopoly investigation to be initiated by the NDRC due to irregular fluctuation in the price of toluene diisocyanate (“TDI”), a raw material for sponge production. According to the request, the price of TDI has been fluctuating between CNY 12,000 to 17,000 per ton for the past three years. However, since October the price of TDI has been raised to CNY 48,000 to 50,000 per ton, with an increase rate of nearly 400%.¹⁹

¹⁹http://www.sspi.com.cn/news_content.aspx?nt=24&nid=HYTU20161025091206814078&n

经营者集中 Merger Control

商务部 10 月公布 19 起简易案件

截至 2016 年 10 月 31 日，商务部十月份在其网站上公布的简易案件数量达到 19 起，简易案件总量达 543 起。²⁰

MOFCOM Releases 19 Streamlined Cases in October

Up to 31 October 2016, MOFCOM has released 19 streamlined cases in October on its website, with a total amount reaching 543 so far.²⁰

商务部公布 2016 年第三季度无条件批准经营者集中案件列表

10 月 10 日，商务部在其网站上公布了 2016 年第三季度无条件批准经营者集中案件列表，共计 85 起案件。²¹

MOFCOM Releases Unconditionally Cleared Cases in the 3rd Quarter of 2016

On 10 October, MOFCOM released on its website a list of unconditionally cleared cases in the third quarter of 2016, which includes 85 cases in total.²¹

泛林半导体设备公司撤回经营者集中申报

10 月 5 日，泛林半导体设备公司（“泛林”）宣布放弃收购科天公司（“科天”），之后于 10 月 8 日向商务部申请撤回经营者集中申报。此前，商务部曾于 2015 年 12 月 23 日收到该交易的经营集中申报，2016 年 4 月 21 日立案审查，目前该案处于进一步审查延长阶段。2015 年，泛林和科天分别为全球第二和第五大半导体制造设备企业，交易后企业将成为全球第一。经审查，商务部认为该项集中可能具有排除、限制竞争效果，并向当事方提出了竞争关注，要求其予以解决。在审查过程中，商务部与美国、韩国等反垄断执法机构进行了密切合作，多次就审查进展、竞争关注等交换意见。²²

²⁰ <http://fldj.mofcom.gov.cn/article/jyzizjyajs/>

²¹ <http://fldj.mofcom.gov.cn/article/zcfb/201610/20161001405824.shtml>

²² <http://fldj.mofcom.gov.cn/article/zcfb/201610/20161001405824.shtml>

Lam Research Withdraws Merger Filing

On 5 October, Lam Research Corporation (“**Lam Research**”) declared that it has terminated the proposed acquisition of KLA-Tencor Corporation (“**KLA-Tencor**”) and subsequently withdrew the merger filing at MOFCOM on 8 October. Earlier MOFCOM received the notification of this transaction on 23 December 2015 and initiated the inspection of the transaction on 21 April 2016. By 2015 Lam Research and KLA-Tencor were the second and fifth largest manufacturer of semiconductors. The proposed acquisition would have created the world’s largest semiconductors manufacturer. During the review, MOFCOM discovered that the proposed transaction could result in restriction or exclusion of competition and therefore issued such concerns to the parties to demand remedies. In its inspection MOFCOM cooperated closely with antitrust agencies of US and South Korea and exchanged information on competition concerns and work progress on a number of occasions.²²

民事诉讼 Private Actions

中国石油系统首例反垄断案重审宣判改判原告败诉

2016 年 10 月 8 日，云南省昆明市中级人民法院对云南盈鼎生物科技能源股份有限公司诉中石化销售有限公司云南石油分公司拒绝交易纠纷案做出重审判决，判决驳回原告全部诉讼请求。该案为中国石油系统首例反垄断案件。²³

Retrial of the First Anti-monopoly Case in the China's Oil System Revokes the First Instance Ruling, Finding against Plaintiff

On 8 October 2016, Kunming Intermediate People's Court has rejected private company Yunnan Yingding Bio-energy's refusal-to-deal lawsuit against Sinopec Sales Co and its Yunnan branch. This is the first anti-monopoly case in China's oil system.²³

全国首例针对消费领域垄断行业公益诉讼在江苏启动

9 月 12 日，江苏省消费者协会就南京水务集团有限公司供用水格式合同约定违约金过高问题提起消费民事公益诉讼。该案例是全国首例针对消费领域垄断行业提起的公益诉讼，也是江苏省第一起公益诉讼。9 月 19 日，江苏省南京市中级人民法院正式受理此案。²⁴

The First Public Interest Litigation against Monopolistic Industry in the Consumer Area Initiates in Jiangsu

On 12 September, Jiangsu Consumer Association brought a case against Nanjing Water Service Group Co Ltd. for unreasonably high liquidated damage stipulated in the water service standard clause. This is the first public interest litigation against monopolistic industry in the consumer area and the first public interest litigation in Jiangsu Province. On 19 September, the complaint was accepted by Nanjing Intermediate People's Court.²⁴

广州知识产权法院一审判决格力经销商维持转售价格行为不构成纵向垄断协议

8 月 30 日，广州知识产权法院对原告东莞市横沥国昌电器商店诉被告东莞市晟世欣兴格力贸

²³<http://www.chinanews.com/cj/2016/10-31/8048889.shtml>

²⁴<http://www.cicn.com.cn/zggsb/2016-10/20/cms91819article.shtml>

易有限公司（“晟世公司”）、东莞市合时电器有限公司纵向垄断协议纠纷一案做出一审判决，判决驳回原告全部诉讼请求。法院认为，原告和两被告签订的三方协议及相关证据显示被告晟世公司在东莞市实施了限定原告等交易相对人向消费者出售格力品牌电器最低价格的行为；但是，法院认为涉案三方协议不属于《反垄断法》定义的垄断协议，晟世公司被诉行为不构成该法所定义上的垄断行为。²⁵

Guangzhou Intellectual Property Court Rules RPM Adopted by Gree Distributors Does Not Constitute Vertical Monopoly Agreement

On 30 August, Guangzhou Intellectual Property Court reached a first instance decision in dismissing the lawsuit filed by a retailer of Gree electrical appliances, Dongguan Hengli Guochang Electrical Appliance Store (“Hengli”), against a wholesaler, Dongguan Shengshi Xinxing Gree Trading Ltd. (“Shengshi”) and a general distributor of the Gree brand of air conditioners, Dongguan Heshi Electrical Appliance (“Heshi”), alleging vertical monopoly agreements. The court ruled that although plaintiff’s three-party agreement (“agreement”) with the two defendants together with other evidence proved that Shengshi had adopted resale price maintenance (“RPM”), setting the minimum price of plaintiff’s resale of the Gree air conditioners, the agreement does not constitute vertical monopoly agreement stipulated under China’s Anti-Monopoly Law (“AML”) and Shengshi’s conducts do not constitute monopolistic activities according to the definition under the AML.²⁵

上海市第一中级人民法院一审判决松下电器及其经销商的行为不构成横向垄断协议

6月29日，上海市第一中级人民法院对原告上海日进电气有限公司（“日进公司”）诉被告上海青英自动化设备有限公司（“青英公司”）、温州市铭达自动化系统有限公司（“铭达公司”）、松下电器（中国）有限公司垄断纠纷一案作出一审判决，判决驳回原告全部诉讼请求。²⁶法院认为，本案中的被告青英公司、铭达公司系经营同一品牌的销售商，并非达成《反垄断法》第十三条横向垄断协议的适格主体，原告日进公司关于三被告构成《反垄断法》第十三条第一款第三项分割销售市场的垄断协议的主张没有事实和法律依据，法院不予认可。

Shanghai No.1 Intermediate People’s Court Rules Agreements between Panasonic and Its Distributors Do Not Constitute Horizontal Monopoly Agreements

On 29 June, Shanghai No.1 Intermediate People’s Court reached its decision in dismissing

²⁵<http://wenshu.court.gov.cn/content/content?DocID=f9d94f5a-c0b9-4720-8789-a7f50cf3eb9a&KeyWord=%25E6%25A0%25BC%25E5%258A%259B%7C%25E5%259E%2584%25E6%2596%25AD>

²⁶http://www.a-court.gov.cn/platformData/infoplat/pub/no1court_2802/cpws_32416/preview_nw.jsp?paper_code=21&orig_year=2014&orig_sort=2105111&orig_no=120&latws=21

the plaintiff, Rijing Electric's allegation that Panasonic and its two Chinese distributors, Shanghai Qingying Automation Equipment ("**Qingying**") and Wenzhou Mingda Automation System ("**Mingda**"), had violated 13(3) of the AML,²⁶ finding Qingying and Mingda are distributors in the same brand and therefore do not qualify as the implementing subjects of horizontal monopoly agreement under Art.13 of the AML.

学术动向 Academia

大型国际反垄断执法圆桌论坛于北京举办

2016 年 10 月 28 日，大型国际反垄断执法圆桌论坛于第五届中国竞争政策论坛第二日议程中开启。圆桌论坛由对外经济贸易大学竞争法中心主任黄勇教授主持，国家工商总局反垄断与反不正当竞争执法局局长任爱荣、商务部反垄断局副局长韩春霖、国家发改委价监局副局长李青、美国司法部副部长、反垄断局局长雷娜塔·海西（Renata Hesse）、美国联邦贸易委员会委员雷娜塔·海西（Renata Hesse）、欧盟竞争总司 E 部主任保罗·希萨（Paul Csiszar）、日本公平贸易委员会委员 Takashi Yamamoto、新加坡竞争委员会首席助理执行官 Lee Cheow Han、加拿大竞争局高级副委员珍妮·普拉特（Jeanne Pratt）和中国香港地区竞争事务委员会主席胡红玉参加了本次圆桌论坛，并分别就“竞争政策与公平竞争审查制度”、“竞争执法的最新发展和特点”等议题展开探讨。

The Mega Roundtable Forum of International Antitrust Enforcement Held in Beijing

On 28 October 2016, the Mega Roundtable Forum of International Antitrust Enforcement was held during the second day of the 5th China Competition Policy Forum. The forum was hosted by professor Huangyong from University of International Business and Economics (“UIBE”). Director-General of the CEB of SAIC Ren Airong, Deputy Director-General of the AMB of MOFCOM Han Chunlin, Deputy Director-General of the PSAMB of NDRC Li Qing, Acting Assistant Attorney General of DOJ Renata Hesse, FTC Commissioner Renata Hesse, Director of Directorate E of EU Directorate General for Competition Paul Csiszar, commissioner of Japan Fair Trade Committee (“JFTC”) Takashi Yamamoto, Chief Assistant Executive of CCS Lee Cheow Han, Senior Commissioner of CCB Jeanne Pratt and Hongkong SAR Competition Commission Hu Hongyu attended the forum. The topics included “Competition Policy and Fair Competition Review System”, “Latest Development and Characteristic of Competition Enforcement”, etc.

2016 中国竞争政策论坛于北京举办

10 月 27 日至 28 日，由国务院反垄断委员会专家咨询组主办、对外经济贸易大学竞争法中心承办的 2016 中国竞争政策论坛在北京开幕。本次论坛以“供给侧结构性改革中竞争政策的实施”为主题，来自国内外竞争执法机构、法院、高校及研究机构、企业、律师事务所、媒体等社会各界的近 400 位代表参与了此次论坛。论坛的议程包括“竞争政策实施中的程序和透明度”、“竞争政策在互联网行业中的应用”、“信息交换”、“跨国交易的多法域申报与审查异同”、“标准必要专利与反垄断”、“反垄断经济分析”、“关于竞争与创新的政策和实务讨论”、

“律所、企业与机构沟通及企业反垄断合规”、“中国竞争法人才培养”以及“大型国际反垄断执法机构圆桌论坛”（参见上条）。

2016 China Competition Policy Forum Held in Beijing

From 27 to 28 October, 2016 China Competition Policy Forum, hosted by Expert Advisory Committee of State Council's AMC, organized by Competition Law Center of UIBE, was held in Beijing. This year's theme was "Implementation of Competition Policy in Supply-side Structural Reform". More than 400 representatives of competition law enforcement agencies, courts, universities, academic institutions, enterprises, law firms and medias from home and abroad attended the forum, covering a wide range of topics including "Due Process and Transparency in the Implementation of Competition Policy", "Competition Policy's Application in the Internet Industry", "Information Exchange", "Differences and Similarities in the Inspection of Merger Filing of Cross-border Acquisitions in Different Legal Systems", "SEPs and Antitrust", "Economic Analysis in Antitrust Enforcement", "Discussion on Policies and Practices in Competition and Innovation", "Communication System between Law Firms, Enterprises and Enforcement Agencies & Enterprises' Antitrust Compliance", "Education of Competition law professionals" and "Mega Roundtable Forum of International Antitrust Enforcement" (see above).

上海交通大学设立知识产权与竞争法研究院

10月16日，首届上海科创法治论坛暨上海交通大学知识产权与竞争法研究院成立仪式举行。论坛以“全球科创中心建设的法治保障”为主题，近200名来自学术界、实务界与产业界的重量级专家学者出席了本次论坛。与会人员围绕当前上海加快建设全球科创中心的改革部署，聚焦全球科创中心建设的法学前沿和热点问题，进行对话交流。²⁷

Intellectual Property & Competition Law Institute Established at Shanghai Jiao Tong University

The first Shanghai Scientific Innovation and Legal Forum & Commencement Ceremony of the Intellectual Property & Competition Law Institute was held on 16 October. The forum was focused on "Rule of Law Safeguarding the Construction of Global Scientific Innovation Center". Nearly 200 scholars from academic, practice and industry field attended the forum and discussed reform and future arrangements regarding Shanghai's construction of global scientific innovation center as well as the legal issues in this process.²⁷

²⁷ <http://news.sjtu.edu.cn/info/1021/1179022.htm>

大成团队 Dentons Team

大成荣登 IFLR 2017 年度竞争法领域律师事务所榜单

《国际金融法律评论》(IFLR1000) 最新公布了 2017 年度金融和公司业务律师事务所指南, 大成反垄断团队荣登竞争法领域榜单, 获得“知名律师事务所”称号。大成反垄断团队已连续两年上榜, 邓志松律师还入选了 2017 年度 IFLR1000 的竞争法领域“领军律师”(Leading Lawyers) 榜单, 彰显了大成在反垄断与竞争法专业领域的卓越表现及优良的客户口碑。

Dentons Recognized in IFLR 2017 Financial and Corporate Guide

IFLR 1000 recently released its 2017 Financial and Corporate Guide. Dentons China Antitrust Team has been recognized as “Notable Law Firm” for two consecutive years. Senior partner Jet Deng was also recognized as one of the “Leading Lawyers” in competition law.

戴健民律师参加亚洲竞争法学会 2016 年年会并发言

10 月 29 日, 亚洲竞争法学会 (Asia Competition Association, ACA) 2016 年年会在韩国济州岛召开, 来自中国、韩国、日本及新加坡的多名竞争法官员及专家学者参加了此次年会。大成反垄断团队戴健民律师在“卡特尔的规制趋势”单元中为与会者介绍了中国的相关情况, 并结合自身参与调查案件的实践经验, 提出中国未来在卡特尔规制方面的趋势。

Ken Dai Attends ACA Annual Conference and Delivers Speech

On 29 October, Asia Competition Association 2016 Annual Conference was held in Cheju, South Korea. Competition law officials and legal experts from China, South Korea, Japan and Singapore attended the conference. In the “Trend of Cartel Regulation” session, Ken Dai, co-chair of Dentons China Antitrust Team, introduced practices in China and pointed out the future trend of cartel regulation combined with his experience in participating in the cartel investigation.

邓志松律师参加 2016 中国竞争政策论坛并发言

10 月 27 日晚, 2016 中国竞争政策论坛进入“竞争政策与法律沙龙”环节, 由对外经贸大学黄勇教授主持。国家发改委价监局李青副局长、国家工商总局反垄断与反不正当竞争执法局陆万里副局长出席沙龙, 与来自学术界、反垄断法律实务界和企业等专业人士共同探讨“律

所、公司与机构沟通及企业反垄断合规”相关话题。与来自业内的同行一道，大成反垄断团队邓志松律师结合自身参与调查实践经验及国际交流体会，提出有效的沟通机制应当考虑反垄断专业领域的特点以及中国固有的行政调查法律框架及实践。

Jet Deng Attends 2016 China Competition Policy Forum and Delivers Speech

In the evening of 27 October, 2016 China Competition Policy Forum entered into the “Competition Policy & Law Salon” session. The salon was held by professor Huangyong from UIBE. Deputy Director-General of the PSAMB of NDRC Li Qing, Deputy Director-General of the CEB of SAIC Lu Wanli attended the salon to discuss the topic of “Communication System between Law Firms, Enterprises and Enforcement Agencies & Enterprises’ Antitrust Compliance” with scholars, lawyers and representatives of enterprises. Together with fellow members of antitrust practices, Jet Deng, co-chair of Dentons China Antitrust Team, shared his view on the issue of communication and pointed out that an effective communication system should reflect the professional characteristics of antitrust and China’s inherent framework and practices of administrative investigation.

戴健民律师参加英诺思维亚洲峰会并发言

10月25日，英诺思维亚洲峰会（InnoXcell Asia Symposium）北京站会议正式召开，来自企业、律师事务所和执法机构的人员就企业合规、尽职调查、白领犯罪、反垄断调查与执法和数据保护等议题进行讨论与分享。大成反垄断团队戴健民律师出席了峰会，主持“反垄断与调查”环节并参与发言。戴律师结合中国反垄断法的规定及其丰富的实践经验，向与会嘉宾介绍了中国在宽大制度的适用、反垄断法上的个人责任问题、合规制度的建立是否可以减免反垄断罚款、反垄断执法过程中的证据收集以及执法机构的国际交流方面的实践与尝试。10月27日，戴律师亦参加了英诺思维亚洲峰会上海站会议。

Ken Dai Attends InnoXcell Asia Symposium and Delivers Speech

On 25 October, InnoXcell Asia Symposium (Beijing) was commenced. Various professionals from enterprises, law firms and law enforcement agencies attended the symposium, discussing a wide range of topics including compliance program, due diligence investigation, white-collar crime, antitrust investigation and law enforcement, data protection, etc. Ken Dai attended the symposium, hosted and joined the discussion of “Antitrust Investigation and Law Enforcement”. Combined with his knowledge of China’s AML and his experience as an antitrust lawyer, Dai introduced to the audience issues including the leniency program under China’s AML system, individual liability, compliance program, collection of evidence during the investigation and international law enforcement. On 27 October, Ken also attended the InnoXcell Asia Symposium (Shanghai).

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