

中国反垄断法律资讯

China Monthly Antitrust Update

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联合负责人 Co-Chairs

邓志松/Jet Deng

合伙人/Partner

北京办公室/Beijing Office

电话/Tel.: 010 - 5813 7038

邮箱/Email: zhisong.deng@dentons.cn

戴健民/Ken Dai

合伙人/Partner

上海办公室/Shanghai Office

电话/Tel.: 021 - 5878 1965

邮箱/Email: jianmin.dai@dentons.cn

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立法动态 Legislation

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2016年7月28日，国家发改委发布《关于认定经营者垄断行为违法所得和确定罚款的指南（征求意见稿）》（“**《指南》**”）征求意见情况的通告。根据通告，征求意见期间，国外反垄断执法机构、国内外相关企业、行业协会、研究机构、律所等单位及个人通过电子邮件、来函的方式提出了近200条意见和建议，对指南的指导原则、基本框架、写作体例和主要内容给予了积极评价，普遍认为出台该项《指南》有利于提高反垄断行政处罚的透明度、增强法律确定性，有助于经营者更好地开展反垄断合规。有关方面也就相关概念界定、违法所得认定与罚款确定的方法等问题提出了具体的意见建议，国家发改委将进行认真研究，在继续完善《指南》时予以考虑。¹

NDRC Publishes Announcement Concerning Solicitation of Public Comments for the Guidelines on Determination of Illegal Gains and Amount of Fines Concerning Monopolistic Conduct by Undertakings (Draft for Comments)

On 28 July 2016, the National Development and Reform Commission (“**NDRC**”) published an announcement concerning the solicitation of public comments for the *Guidelines on Determination of Illegal Gains and Amount of Fines Concerning Monopolistic Conducts by Undertakings(Draft for Comments)*(“**Guidelines**”). Pursuant to the announcement, nearly 200 pieces of comments and suggestions had been raised by units and individuals from foreign antitrust enforcement agencies, domestic and foreign enterprises, industrial associations, research institutes and law firms via emails and letters, which gave positive appraise to the guiding principle, basic framework, writing style and main content of the Guidelines. It is also generally recognized that the enactment of the Guidelines will promote the transparency of administrative antitrust penalty, enhance the legal certainty as well as help the undertakings to establish better antitrust compliance. The relevant parties also provided specific suggestions regarding the concept and methods to determine the illegal gains and fines. NDRC will make thorough study and research on these suggestions and take them into consideration when perfecting the Guidelines.¹

¹http://jjs.ndrc.gov.cn/fjgld/201607/t20160728_812936.html

国务院部署知识产权强国建设重点任务分工强调完善知识产权反垄断制度

7月18日，国务院办公厅印发了《<国务院关于新形势下加快知识产权强国建设的若干意见>重点任务分工方案》（“**《方案》**”）的通知，要求各有关部门按照《方案》的要求，进一步细化涉及本部门的工作，抓紧制定具体措施。其中，《方案》“规制知识产权滥用行为”部分第36至38条，分别就完善有关知识产权反垄断法律制度、监管机制和标准必要专利许可政策等工作以及具体的负责部门进行了分工安排。²

State Council Deploys the Tasks Assignment Concerning the Establishment of IPR Powers and Stresses the Perfection of Antitrust System on IPRs

On 18 July, the State Council published the *Tasks Assignment Plan Concerning Several Opinions of the State Council on Accelerating the Establishment of Intellectual Property Right Powers under the New Situation* (“**Assignment Plan**”). The Assignment Plan requests relevant departments to make further specification concerning the tasks involving themselves and develop specific measures as soon as possible. Article 36, 37 and 38 in the part of “Regulating the conduct of Intellectual Property Rights Abuse” in the Assignment Plan respectively makes detailed assignment on perfecting the antitrust legal system and supervision system of intellectual property rights (“**IPRs**”) and the license policy of SEPs as well as the specific responsible departments.²

国家发改委解读公平竞争审查制度：为行政权力划定 18 个“不得”

7月7日，国务院新闻办公室举行新闻发布会，国家发改委副主任胡祖才介绍《关于在市场体系建设中建立公平竞争审查制度的意见》（“**《意见》**”）的建立和实施情况时表示，《意见》为行政权力划定了 18 个“不得”，有五项措施保障制度落实，是防止滥用行政权力排除、限制竞争的一项创新性的顶层设计，进一步厘清了政府与市场边界，也有利于新业态、新模式的发展。³

NDRC Analyses the Fair Competition Review System: Setting up 18 “Forbidden” Standards for Administrative Power

On 7 July, the State Council Information Office of the People’s Republic of China held a press conference. Mr. Hu Zucui, Deputy Director-General of NDRC, introduced the establishment and implementation situation of the *Opinions on Establishing the Fair Competition Review System in Market System Development* (“**Opinions**”). The Opinions sets up 18 “Forbidden” standards for administrative power with five guarantee measures

²http://www.gov.cn/zhengce/content/2016-07/18/content_5092397.htm

³<http://finance.people.com.cn/n1/2016/0708/c1004-28534990.html>

supporting its implementation, which is an innovative top level design preventing the elimination and restriction of competition by administrative power abuse. Such top level design clarifies the boundaries between government and market and will also benefit the development of new business forms and models.³

执法机构 Authorities

国家工商总局竞争执法局会见国家电网公司一行

2016年7月25日，国家工商总局反垄断与反不正当竞争执法局（“竞争执法局”）与来访的国家电网公司副总经理韩君一行座谈，竞争执法局对近期工商机关开展公用企业限制竞争和垄断行为专项执法行动的情况进行了介绍，国家电网公司也介绍了供电行业发展的有关情况，双方对目前电力行业可能存在的涉嫌垄断和不正当竞争问题进行了交流。国家电网公司表示将明确要求行业上下认真贯彻执行相关法律法规，规范经营，全力支持国家工商总局的专项执法行动，对经营者出现的不规范问题主动整改，坚决纠正。⁴

CEB of SAIC Meets a Delegation from the State Grid

On 25 July 2016, the Anti-Monopoly and Anti-Unfair Competition Enforcement Bureau (“CEB”) of the State Administration for Industry and Commerce (“SAIC”) met a delegation, led by Mr. Han Jun, Deputy General-Manager of the State Grid Corporation of China (“State Grid”). The CEB of SAIC introduced the enforcement situation against public enterprises which restricting competition and conducting monopolistic conduct implemented by Administrations for Industry and Commerce (“AICs”). The State Grid introduced the development situation in electricity supply industry. They also exchanged opinions on existing problems which are suspected of monopoly and anti-unfair competition in electricity supply industry. The State Grid expressed that they will explicitly require that anyone in the industry shall strictly regulate its business operation in accordance with the relevant laws and regulations, fully support the special enforcement activity conducted by SAIC and proactively correct and rectify any irregularities.⁴

广东省发改委举办医药价格专项检查执法培训班

为提高广东省价格执法人员的行政执法能力和业务水平，确保广东省医药价格专项检查工作顺利开展，广东省发改委价格监督检查与反垄断局于7月18日至20日举办全省医药价格专项检查执法培训班，各地价格监督检查部门的领导和医药价格检查骨干同志参加培训。培训班及时传达了国家药品价格专项检查业务培训会议精神，讲授了药品价格反垄断执法、药品市场价格监管等方面的知识。⁵

⁴http://www.saic.gov.cn/fldyfbzdz/gzdt/201607/t20160725_170017.html

⁵http://www.sdpc.gov.cn/dffqwdt/201607/t20160725_812002.html

Guangdong DRC Holds Law Enforcement Training Program of Special Inspection Activity on Drug Price

In order to enhance the administrative law enforcement ability and relevant professional skills of the price-related enforcers in Guangdong Province, guarantee the successful development of Guangdong special inspection activity on drug price, PSIAMB under Guangdong Development and Reform Commission (“**DRC**”) held a law enforcement training program regarding the special inspection activity on drug price from 18 to 20 July. The leaders and key personnel from relevant price supervision and inspection departments attended the training program. This training program timely conveyed the spirit of the national special inspection activity on drug price and shared the knowledge on antitrust enforcement of drug price and the price supervision in drug market, etc.⁵

国家工商总局竞争执法局派员参加湖南省工商局反垄断案件专题研讨会

7月15日，国家工商总局竞争执法局派员参加了湖南省工商局在长沙举行的反垄断案件专题研讨会。湖南省工商局相关人员以及来自湖南大学、长沙理工大学的专家学者就湖南省工商局查办的垄断案件相关法律问题进行了研讨。⁶

CEB of SAIC Sends Personnel to Attend the Antitrust Cases Seminar Held by Hunan AIC

On 15 July, CEB of SAIC sent personnel to attend the antitrust cases seminar held by Hunan Administration of Industry and Commerce (“**Hunan AIC**”) in Changsha City. The relevant personnel from Hunan AIC and the experts and scholars from Hunan University and Changsha University of Science and Technology studied and discussed the legal issues involved in the antitrust cases investigated by Hunan AIC.⁶

国家工商总局部署 2016 年下半年反垄断执法重点

7月15日，国家工商总局召开“全国工商和市场监管部门工作座谈会”。其中，针对2016年下半年的反垄断任务部署，国家工商总局提出要加强反垄断和反不正当竞争执法——深入开展集中整治公用企业限制竞争和垄断行为突出问题专项行动，推进公用企业问题的整改。积极查处密切关系社会民生行业领域中的限制、排除竞争行为，打破地区封锁和行业垄断。切实加强新行业新领域垄断和不正当竞争问题研究。⁷

⁶http://www.saic.gov.cn/fldyfbzdzjz/gzdt/201607/t20160717_169853.html

⁷http://www.saic.gov.cn/ywdt/gsyw/zjyw/xxb/201607/t20160717_169842.html

SAIC Deploys the Antitrust Enforcement Focus of the Second Half of 2016

On 15 July, SAIC held “Symposium of Nation-wide AICs and Market Supervision Departments”. During the symposium, SAIC expressed that strengthening the antitrust and anti-unfair competition enforcement, which means that deepening the special action concerning rectifying the public enterprises for their conduct of restricting competition and monopolistic conduct, promoting the rectification of public enterprises. Proactively investigating and punishing the conduct of restricting and eliminating competition existed in industries that closely related to people’s livelihood, breaking the district block and industry block, as well as promoting the study of issues on antitrust and anti-unfair competition in new industries and new areas.⁷

商务部投资促进事务局召开会议关注汽车行业反垄断问题

7月13日，商务部投资促进事务局汽车产业投资促进工作委员会2016年第二季度会在京举行，来自国家发改委、保监会的领导和专家，通用、捷豹路虎、大众、中国汽车技术研究中心等汽车公司和科研院所代表共40人参加了本次会议。国家发改委价格监督检查与反垄断局（“价监局”）副局长卢延纯、保监会财产保险监管部二处处长宣鸣分别就“反垄断法规对汽车行业的要求及影响”和“中国商业车险改革与监管工作”等话题进行了政策宣讲与解读，并与代表进行互动交流。⁸

Investment Promotion Agency of MOFCOM Convenes a Conference Focusing on Antitrust Issues in Auto Industry

On 13 July, the Second Quarter Conference of Investment Promotion Committee of Auto Industry under the Investment Promotion Agency of Ministry of Commerce (“**MOFCOM**”) in 2016 was held in Beijing. 40 representatives, including leaders and experts from NDRC and China Insurance Regulatory Commission (“**CIRC**”), representatives from auto enterprises, such as GM, Jaguar Land Rover, Volkswagen, etc. and institutes, for example, China Automotive Technology & Research Center, attended the conference. Mr. Lu Yanchun, Deputy Director-General of Price Supervision and Inspection and Anti-Monopoly Bureau (“**PSIAMB**”) of NDRC, and Ms. Xuan Ming, the Director of the Second Division of Property Insurance Regulatory Department under CIRC, respectively introduced and analyzed the issues of “Requirement and Influence of Antitrust Laws and Regulations on Auto Industry” and “Reform and Supervision Work of Commercial Auto Insurance in China” and exchanged opinions with representatives.⁸

⁸<http://tzswj.mofcom.gov.cn/article/c/201607/20160701361362.shtml>

行政调查 Public Enforcement

国家发改委查处艾司唑仑药品垄断协议案首次认定协同行为

2016年7月27日，国家发改委公布了三份行政处罚决定书，对三家医药公司达成并实施艾司唑仑原料药、片剂垄断协议案依法作出处罚。经查，华中药业、山东信谊、常州四药三家公司通过会议、会面、电话、短信、邮件等方式，在艾司唑仑原料药市场达成并实施联合抵制交易的垄断协议，在艾司唑仑片剂市场达成并实施固定或变更商品价格的垄断协议。根据垄断行为的性质、程度、持续时间，以及当事人在垄断协议中的不同作用、对调查的配合程度等因素，国家发改委依法责令当事人立即停止实施垄断协议，并对三家企业分别处以2015年度艾司唑仑销售额2.5%到7%不等的罚款，共计人民币260.38万元。本案中，三家医药企业并未就“联合抵制交易”和“统一涨价”订立书面协议。其中一家企业甚至未对是否参与上述行动给予口头承诺。但国家发改委认定，三家企业在进行过意思联络的前提下实施了协调一致的行为，依据《反价格垄断规定》第五条的相关规定，构成垄断协议行为。本案是“协同行为”被定性为垄断协议的首起实际案例，标志着我国反垄断执法的又一突破。⁹

NDRC Investigates and Punishes the Monopoly Agreements of Estazolam and Determines the Concerted Practice for the First Time

on 27 July, NDRC released three penalty decisions against three pharmaceuticals for reaching and implementing monopoly agreements of estazolam API and tablets. The investigation showed that Huazhong Pharmaceutical, Shandong Xinyi Pharmaceutical and Changzhou Siyao Pharmacy reached and implemented the jointly boycotting monopoly agreements in estazolam API market and reached and implemented the price-fixing or price-altering agreements in estazolam tablets market. NDRC ordered the parties concerned to cease the agreements immediately and fined from 2.5% to 7% of their respective turnovers of estazolam in 2015, in total of CNY 2,603,800, pursuant to the nature, degree and lasting period of the monopolistic conduct and their different roles played in the agreements as well as their respective cooperation situation. In this case, the three pharmaceuticals did not conclude any written agreement on “jointly boycott” or “price increase consensually”. One of the three pharmaceuticals even did not make oral commitment on joining in the above conduct. However, NDRC determined that the three pharmaceuticals implemented concerted practice on the condition that they had communication of intention and such conduct constituted monopoly agreements pursuant to the Article 5 of the *Provisions on*

⁹http://jjs.ndrc.gov.cn/gzdt/201607/t20160727_812589.html

Anti-Price Monopoly. This is the first case that the “concerted practice” has been determined as monopoly agreement in practice, which is a significant breakthrough in China’s antitrust enforcement practice.⁹

湖北省物价局对五家天然气公司价格垄断行为进行处罚

近日，在国家发改委指导下，湖北省物价局对中石油昆仑燃气有限公司咸宁分公司、仙桃中石油昆仑燃气有限公司、大冶华润燃气有限公司、江夏华润燃气有限公司、石首市天然气有限公司等 5 家天然气公司滥用市场支配地位，以不公平高价销售商品的价格垄断行为进行处罚，共计罚款 295.5 万元。对于天然气、自来水等公用事业领域存在的滥用市场支配地位的价格垄断行为，国家发改委及各级价格主管部门将保持高压态势，严厉打击，切实维护公平有序的市场竞争秩序，保护消费者的合法权益。¹⁰

Price Bureau of Hubei Province Fines Five Natural Gas Companies for Price Monopoly Conduct

Recently, under the guidance of NDRC, Price Bureau of Hubei Province imposed a total fine of CNY 2,955 thousand on five natural gas companies for their price monopoly conduct. The five companies, Xianning Branch of Petro China Kunlun Gas Co., Ltd, Xiantao Petro China Kunlun Gas Co., Ltd, Daye China Resources Gas Co., Ltd, Jiangxia China Resources Gas Co., Ltd and Shishou Natural Gas Co., Ltd, abused their dominant market positions by selling commodities at unfairly high prices. NDRC and price authorities at all levels will keep combating price monopoly conduct in public areas, including natural gas and water supply, etc., to protect a fair competition in the market and safeguard the interests of consumers.¹⁰

国家工商总局：2016年上半年全国工商系统限制竞争案件立案 478 件

截至 2016 年 6 月 30 日，全国工商机关依据《反不正当竞争法》对公用企业限制竞争行为已立案 478 件，结案 118 件，涉案金额达 2.7 亿元人民币，罚没金额达 2738 万元人民币。国家工商总局新闻发言人于法昌表示，2016 年上半年，全国工商系统以公用企业限制竞争和垄断行为为重点，加大反不正当竞争和反垄断执法力度。针对百姓反映比较突出的供水、供电、供气、交通运输等行业强制交易、滥收费用等问题，组织开展集中整治行动。¹¹

SAIC: China AICs Register 478 Cases of Restricting Competition in the First Half of 2016

Up to 30 June 2016, AICs in China had registered 478 cases and closed 118 cases against

¹⁰http://js.ndrc.gov.cn/fjld/201607/t20160712_811023.html?from=singlemessage&isappinstalled=0&sukey=3997c0719f151520833376e688bec89936bffde8fce2683764e484d297163342010b057ce183697ae170e42420ef92c6

¹¹<http://www.chinanews.com/cj/2016/07-22/7948727.shtml>

the public enterprises for the conduct of restricting competition pursuant to the *Anti-Unfair Competition Law of the People's Republic of China*, with a total value of CNY 270 million involved and a total value of CNY 27.38 million fined or confiscated. Mr. Yu Fachang, spokesperson for SAIC, stated that AICs in China focused primarily on the conduct of restricting competition and monopolistic conduct engaged by public enterprises, and stepped up the law enforcement efforts in unfair competition and antitrust enforcement in the first half of 2016. The authorities had organized the overhaul against forced transaction and arbitrary charges existed in sectors of water supply, electricity supply, gas supply and public transportation in which people expressed concerns.¹¹

四川集中整治公用企业限制竞争和垄断行为

自 2016 年 4 月集中整治公用企业限制竞争和垄断行为突出问题专项执法行动开展以来，四川省各级工商和市场监管部门引导公用企业自查自纠，并加大案件查处力度。截至 2016 年 6 月底，四川省共立案查处公用企业限制竞争案件 59 件，涉及供水、供电、供气、公共交通、殡葬等 10 个行业领域，案值 1246.5 万元，结案 24 件。¹²

Sichuan AIC Regulates Conduct of Restricting Competition and Monopoly against Public Enterprises

Since the special enforcement action to regulate the conduct of restricting competition and monopolistic conduct against public enterprises was launched in April 2016, AICs and market supervision departments at all levels in Sichuan Province had guided the relevant enterprises to conduct self-examination and self-correction and at the same time stepped up investigation and punishment efforts. Up to the end of June 2016, authorities in Sichuan Province had registered and investigated 59 cases relating to public enterprises restricting competition, which involves ten public sectors, including water supply, electricity supply, gas supply, public transportation and funeral service, etc., with a total value of CNY 12.465 million involved, 24 cases of which had been closed.¹²

¹²http://news.xinhuanet.com/politics/2016-04/14/c_128895051.htm

经营者集中 Merger Control

商务部七月份公布 22 起简易案件

截至 2016 年 7 月 31 日，商务部七月份在其网站上公布的简易案件数量达到 22 起，简易案件总量达 481 起。¹³

MOFCOM Releases 22 Streamlined Cases in July

Up to 31 July 2016, MOFCOM has released 22 streamlined cases in July on its website, with total amount reaching 481 so far.¹³

商务部公布 2016 年第二季度无条件批准经营者集中案件列表

2016 年 7 月 5 日，商务部在其网站上公布了 2016 年第二季度无条件批准经营者集中案件列表，共计 93 起案件。¹⁴

MOFCOM Releases Unconditionally Cleared Cases in the 2nd Quarter of 2016

On 5 July 2016, MOFCOM released a list of unconditionally cleared concentration of undertakings in the second quarter of 2016, which includes 93 cases in total.¹⁴

中国第二起“先行修正”案例：商务部附条件批准百威英博收购英国南非米勒股权

7 月 29 日，商务部附加限制性条件批准了百威英博啤酒集团（“百威英博”）收购英国南非米勒酿酒公司（“南非米勒”）股权一案。2015 年 11 月，百威英博与南非米勒达成《收购协议》，百威英博将收购南非米勒全部股权。该交易已在 23 个国家和地区获得批准，其中包括欧盟、南非与美国。百威英博在中国市场的主要品牌包括百威、哈尔滨和雪津等。南非米勒在中国市场除了持有华润雪花 49% 的股权之外，还销售少量麦芽酒。商务部在批准公告中要求百威英博和南非米勒履行如下义务：剥离南非米勒持有华润雪花 49% 的股权；向华润啤酒出售华润雪花 49% 的股权；确保剥离于百威英博收购南非米勒股权交易完成后 24 小时之内完成。本案是第二起采用“先行修正”方案获得商务部附条件批准的案件，第一起是 2015 年 11 月附

¹³<http://fldj.mofcom.gov.cn/article/jyzjzyaigs/>

¹⁴<http://fldj.mofcom.gov.cn/article/zcfb/201607/20160701353023.shtml>

条件批准的恩智浦收购飞思卡尔案。¹⁵

The Second Case Adopting “Fix It First” Approach in China: MOFCOM Conditionally Approves AB InBev’s Proposed Acquisition of SABMiller

On 29 July, MOFCOM conditionally approved the proposed acquisition of SABMiller by Anheuser-Busch InBev (“**AB InBev**”). In November 2015, AB InBev reached an Acquisition Agreement that AB InBev would acquire 100% shares of SABMiller. This transaction had been cleared in 23 countries and regions including EU, South Africa and US. AB InBev’s primary brands in China market include Budweiser, Harbin Beer, Sedrin Beer, etc.. Except holding 49% shares of China Resources Snow Breweries, SABMiller also sells a small amount of malt liquor in China market. In the approval announcement, MOFCOM required AB InBev and SABMiller to perform the following obligations: to divest SABMiller’s 49% shares in China Resources Snow Breweries; to sell such equity to China Resources Beer; such divestment has to be carried out within 24 hours of AB InBev completing its acquisition of SABMiller. This is the second case adopting “Fix It First” approach that having obtained the approval from MOFCOM, while the first case is the acquisition of Freescale by NXP in November 2015.¹⁵

商务部反垄断局对美年大健康涉嫌未依法申报经营者集中立案调查

7月26日，美年健康公司的子公司美年大健康产业（集团）有限公司（“**美年大健康**”）收到商务部反垄断局出具的《涉嫌未依法申报经营者集中立案调查通知》（“**《立案调查通知》**”）。

《立案调查通知》显示，2014年11月，美年大健康与慈铭体检股东签署《股份转让协议》，约定收购慈铭体检100%股份。2015年3月，美年大健康收购慈铭体检27.78%的股权完成工商变更登记。2015年11月，上海天亿资产管理有限公司收购慈铭体检68.4%的股权完成工商变更登记。2016年4月，上海维途投资中心从上海天亿资产管理有限公司收购慈铭体检36.11%股权完成工商变更登记。上述交易涉嫌构成未依法申报的经营者集中。商务部反垄断局根据《反垄断法》和《未依法申报经营者集中调查处理暂行办法》有关规定，对上述行为立案调查。¹⁶

MOFCOM Initiates Investigation against Meinian Onehealth Healthcare for Failure of Notification for Concentration of Undertakings

On 26 July, Meinian Onehealth Healthcare (Group) Co., Ltd (“**Meinian**”), a subsidiary of Meinian Onehealth Healthcare Holdings Co Ltd, received an Investigation Notice of Failing

¹⁵<http://fldj.mofcom.gov.cn/article/ztxx/201607/20160701369044.shtml>

¹⁶<http://kuaixun.stcn.com/2016/0726/12811157.shtml?sukey=3997c0719f151520fc06ac8803fffb083cc41e7ab0c1a0dd84a3ae395fa47286e6310096cdad4baf936800607deec0ba>

to Notify Transactions (“**Investigation Notice**”) from MOFCOM’s Anti-Monopoly Bureau (“**AMB**”). The Investigation Notice shows that in November 2014, Meinian signed an Equity Transfer Agreement with the shareholders of Ciming Health Checkup Management Group (“**Ciming**”) to acquire 100% equity of Ciming. In March 2015, Meinian acquired 27.78% shares of Ciming and completed the registration. In November 2015, Shanghai Tianyi Assets Management Co., Ltd acquired 68.4% equity of Ciming and completed the registration. In April 2016, Shanghai Weitu Investment Center acquired 36.11% shares of Ciming Health Checkup from Tianyi Assets Management Co., Ltd and completed the registration. The above-mentioned transactions are suspected of failing to notify to MOFCOM in accordance with relevant laws and regulations. AMB decided to initiate an investigation into these transactions pursuant to the *Anti-Monopoly Law of the People’s Republic of China* and *Provisional Measures on Investigation and Dealing with Undertakings for Failing to Notify Concentration of Undertakings Pursuant to the Law*.¹⁶

学术动向 Academia

价格监管与反垄断执法培训班在中国政法大学举办

2016年7月18日，由中国政法大学和国家发改委价监局共同举办的价格监管与反垄断执法培训班，在中国政法大学昌平校区举行了开班仪式。国家发改委价监局局长张汉东、副局长陈志江，中国政法大学校长黄进、副校长时建中、继续教育学院院长刘守仁出席了开班仪式，仪式由陈志江主持。¹⁷

Training Program of Price Supervision and Antitrust Enforcement Held at CUPL

On 18 July 2016, a commencement ceremony of training program of price supervision and antitrust enforcement, jointly organized by China University of Political Science and Law (“**CUPL**”) and PSIAMB of NDRC, was held in CUPL’s Changping campus. Mr. Zhang Handong, Director-General of PSIAMB, Mr. Chen Zhijiang, Deputy Director-General of PSIAMB, Mr. Huang Jin, President of CUPL, Mr. Shi Jianzhong, Deputy President of CUPL, and Mr. Liu Shouren, Dean of CUPL’s School of Further Education, attended the ceremony. And the ceremony was hosted by Mr. Chen Zhijiang.¹⁷

反垄断与知识产权国际研讨会在上海召开

7月9日，由上海交通大学竞争法律与政策研究中心、俄罗斯高等经济大学斯科尔科沃法律与发展研究院、英国伦敦大学学院法律、经济与社会中心主办的“反垄断与知识产权”国际研讨会在上海交通大学召开，来自国内外反垄断与知识产权方面40余位专家学者参会交流研讨。¹⁸

International Seminar on Antitrust and IPRs Held in Shanghai

On 9 July, the International Seminar on Antitrust and IPRs was held at Shanghai Jiao Tong University (“**SJTU**”). The seminar was jointly organized by Research Center for Competition Law and Policy of SJTU, Skolkovo Institute for Law and Development of National Research University - Higher School of Economics and UCL Centre for Law, Economics and Society. More than 40 experts and scholars in antitrust and IPRs fields at home and abroad attended the seminar.¹⁸

¹⁷<http://news.cupl.edu.cn/info/1011/21886.htm>

¹⁸http://www.cssn.cn/fx/fx_tpxw/201607/t20160711_3116626.shtml

大成团队 Dentons Team

邓志松律师在第十一届竞争与规制国际会议发表两项主题演讲

2016年6月30日至7月3日，“第十一届竞争与规制国际会议”在希腊罗德岛召开。本次会议的主题为“竞争政策与规制的分析进程”。来自美国、欧盟、俄罗斯、巴西、南非等国家和地区的执法机构代表、数十所大学和研究机构的学者与律师事务所、公司实务界人士参加了此次会议。大成高级合伙人邓志松律师作为中国反垄断实务界的唯一代表应邀做了两个重要的主题发言。其中，“金砖五国的反垄断、规制与产业政策：实施力度与制度绩效”环节，邓志松律师认为，建立公平竞争审查制度是中国政府发展市场经济的重要决策，对促进竞争政策发展、遏制行政垄断、维护全国统一市场和公平竞争秩序具有重要意义。在“金砖五国竞争与政策的近期发展”环节，邓志松律师以“一个国家，两部竞争法：中国大陆和香港地区竞争法的发展”为题进行发言。¹⁹

Jet Deng Delivers Two Keynote Speeches in the 11th International Conference on Competition and Regulation

The 11th International Conference on Competition and Regulation was held from 30 June to 3 July 2016 in Rhodes Island, Greece. The conference topic was “Advances in the Analysis of Competition Policy and Regulation”. Representatives of law enforcement authorities from US, EU, Russia, Brazil, South Africa, etc., scholars from dozens of universities and institutes and representatives of law firms and in-house counsels attended the conference. Jet Deng, Senior Partner of Beijing Dentons Law Offices, was invited to deliver two keynote speeches as the sole representative from antitrust legal practice in China. In the discussion of “Antitrust, Regulation and Industrial Policy in BRICS: Tensions and Institutional Performance”, Jet Deng pointed out that the establishment of Fair Competition Review System is one of the crucial decisions of Chinese government to develop market economy. The system also has a significant impact on promoting the development of competition policy, restricting administrative monopoly as well as protecting the fair competition in a unified national market. During the “Recent Developments in Competition Law and Policy in BRICS” session, Jet Deng delivered a keynote speech on “One Country, Two competition Laws: The Evolution of Competition Laws in Mainland China and Hong Kong”.¹⁹

¹⁹<http://www.dachengnet.com/cn/news/dachengNews/78921.html?sukey=3997c0719f1515205acb269da14295ad01e0af8bd0db3066ed28f3dec5910a52a4d250db3f67e247721ae9f401293fe8>

张炜律师为日本企业法务研究会作“如何正确应对商业贿赂调查”专题讲座

7月28日，应日本企业法务研究会邀请，大成反垄断团队张炜律师为众多日本企业法务及相关律师就“如何正确应对商业贿赂调查”进行了专题讲座。张炜律师结合自己多年的一线执法经验，从“执法机构线索的来源、如何发现被调查的迹象、正确应对案件调查”等方面对企业如何正确应对商业贿赂调查进行了分析。提问环节，张炜律师与参会人员进行了深入的交流，并分享了其对相关热点问题的看法。

Will Zhang Delivers a Lecture on “How to Cope with a Commercial Bribery Investigation” for In-house Institute of Japanese Companies

On 28 July, Will Zhang, associate of Dentons Antitrust Team, was invited by In-house Institute of Japanese Companies to deliver a lecture on “How to Cope with a Commercial Bribery Investigation” for in-house counsels from Japanese companies and relevant lawyers. In combination with years of frontline enforcement experience, Will Zhang analyzed the topic from following aspects: the source of clue for enforcement authorities, how to find out the indication of being investigated and how to cope with the investigation properly. During the Q & A section, Will Zhang had in-depth communication with attendees and shared his insights in regard to relevant hot issues.

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