

英國下議院正在二讀審查商業及貿易部提交之數位市場、競爭和消費者法案



英國商業及貿易部(Department for Business and Trade)於2023年4月25日向下議院提交《數位市場、競爭和消費者法案》(Digital Markets, Competition and Consumers Bill,以下稱DMCC法案),該法案提議對既有的企業競爭與消費者權益規範進行調整,以促進數位市場之競爭及創新。DMCC法案正在下議院進行二讀中,法案架構參考澳洲與歐盟相關制度規範,期望能藉政府干預而調解大型網路平台分別與小型媒體、消費者間議價能力失衡及資訊不對稱問題。

DMCC法案將授權英國競爭暨市場管理署(Competition and Markets Authority)及其轄下數位市場部(Digital Markets Unit)監管與確保數位市場之開放性,並強化消費者權益的保護。法案主要分為三部分:

- 一、更新數位市場制度:數位市場部將依據企業的商業模式、全球或英國營業總額與市場影響力等面向,判斷該企業是否具策略市場地位(Strategic Market Status,以下稱SMS),並為SMS企業設定行為準則,避免其策略或活動影響市場自由。
- 二、公平競爭: DMCC法案調整《競爭法》(Competition Act 1998)涵蓋範圍,自地域管轄擴張為對英國貿易產生直接、實質與可預見影響的境內、外行為;同時加強競爭暨市場管理署調查反競爭行為與執法權限,包含扣押文件及證據、面談案件任何關係人。
- 三、強化消費者保護: DMCC法案將替代部分《保護消費者免受不公平交易條例》(Consumer Protection from Unfair Trading Regulations 2008),且針對線上交易提供新的契約規則,賦予競爭暨市場管理署調查侵權行為之權力。

DMCC法案正在下議院審查中,但草案內容已引起各方關注,正式通過前仍可能因社會各方利益團體之遊說、磋商而修改條文內容。

相關連結

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- Digital Markets, Competition and Consumers Bill., UK Parliament (May 3, 2023)
- Department for Digital, Culture, Media & Sport and The Rt Hon Chris Philp MP, Government sets out plans for how tech regulator will tackle dominance of major firms., Gov. UK(May 6, 2023)
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上稿時間: 2023年07月

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Department for Business and Trade, Department for Science, Innovation and Technology, Kevin Hollinrake MP, and Paul Scully MP, New Bill to crack down on ripoffs, protect consumer cash online and boost competition in digital markets., Gov. UK(April 25, 2023), https://www.gov.uk/government/news/new-bill-to-crack-down-on-rip-offs-protect-consumer-cash-onlineand-boost-competition-in-digital-markets (last visited May 8, 2023).

Digital Markets, Competition and Consumers Bill., UK Parliament(May 3, 2023), https://bills.parliament.uk/bills/3453 (last visited May 9, 2023).

Department for Digital, Culture, Media & Sport and The Rt Hon Chris Philp MP, Government sets out plans for how tech regulator will tackle dominance of major firms., Gov. UK(May 6, 2023), https://www.gov.uk/government/news/government-sets-out-plans-for-how-tech-regulator-will-tackle-dominance-of-major-firms (last visited May 9, 2023).

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