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,但草案内容已引起各方關注,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

- Department for Business and Trade, Department for Science, Innovation and Technology, Kevin Hollinrake MP, and Paul Scully MP, New Bill to crack down on rip-offs, protect consumer cash online and boost competition in digital markets., Gov. UK(April 25, 2023)
- 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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