

出國報告（出國類別：開會）

出席「USC 全球競爭法思想領袖研討會」
報告

服務機關：公平交易委員會
姓名職稱：陳志民 副主任委員

派赴國家/地區：美國/洛杉磯
出國期間：111年6月2日至6月6日
報告日期：111年7月13日

摘要

本報告概述本會陳副主任委員於 111 年 6 月 3 日至 4 日出席由美國南加州大學「USC Gould 法學院跨國法律暨商學法學中心」(USC Gould School of Law's Center for Transnational Law and Business)以及「USC Marshall 數位競爭行動」(USC Marshall Initiative on Digital Competition)共同資助舉辦之「USC 全球競爭法思想領袖研討會」(USC Global Competition Law Thought Leadership conference)會議情形，其中含各場次議程摘要，以及本會陳副主任委員於會議中擔任專題演講人之報告情形，末對於本次會議參與情形提出心得及建議。

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壹、 會議目的

本會陳志民副主任委員獲美國南加州大學(University of Southern California, USC)邀請，出席於本(111)年6月3日至4日由「USC Gould 法學院跨國法律暨商學法學中心」(USC Gould School of Law's Center for Transnational Law and Business)以及「USC Marshall 數位競爭行動」(USC Marshall Initiative on Digital Competition)共同資助舉辦之「USC 全球競爭法思想領袖研討會」(USC Global Competition Law Thought Leadership conference)實體會議並擔任專題演講人(keynote speaker)。本研討會係針對當前熱門的競爭法議題進行研討，並邀請美國西岸及亞太地區學界、法界及政府官員參與，本屆會議為創始會議(inaugural meeting)，主辦單位期望本會議能成為美國及亞太地區年度具代表性的會議。

貳、 會議過程

- 一、陳副主委於6月2日啟程經美國舊金山轉機，並於美西時間6月3日抵達洛杉磯與會。途中，外交部駐舊金山辦事處協助通關轉機，駐洛杉磯辦事處則協助通關轉機、接機、入住飯店及安排離境PCR檢測等事宜。
- 二、研討會首日於洛杉磯當地時間6月3日上午8時30分舉行，首先由研討會主席USC Gould 法學院教授 Daniel Sokol 先生及共同主席加拿大 Analysis Group 經濟學家兼副總裁 Marissa Ginn 女士代表主辦單位歡迎與會講者，隨即進行當天之議程，略以：

(一) 第1場專題演講

由現任美國司法部刑事執法副助理檢察總長(Deputy Assistant Attorney General for Criminal Enforcement, United States Department of Justice) Richard Powers 先生進行專題演講，主題為「有效反托拉斯執法：未來即當下」(Effective Antitrust Enforcement: The Future Is Now)。演講內容首先強調有效執法(effective enforcement)的重要性與日俱增，美國司法部在此原則下，近年來對於市場勾結(collusion)的刑事追訴遍及各個產業，並佐以包含勞動市場、政府採購及針對國際卡特爾執法等以內的具體執法績效。演講最後以建立「透明、可預測及可近政策」(transparent, predictable and accessible policy)、「積極主動執法」(proactive enforcement)、「積極主動遵法」(proactive compliance)、「訴訟能力的提升」(increased litigation capacity)、「法定執法工具的充分運用」(full utilization of statutory tools)、「互補的民事與刑事執法」

(complementary civil and criminal enforcements) 等未來執法目標作為結束。

(二) 第 1 場次議題：「全球結合：我們將何去何從？」(Global mergers: Where do we go from here?)

本場次由 Pinterest 公司律師 Michele Lee 女士擔任主持人，從與談人（分別來自澳洲、美國、韓國及印度等國家）各自執法領域，來討論對結合案件的執法目的、要求及方法等的差異及問題。雖然各與談人所提論點不盡相同，但一個共同關切的主題即是全球結合審查及策略的不確定性，特別是中國的結合審查程序，不僅審查時間長，對於所附負擔是否有效，似乎也不是很在意。該不確定性將對結合事業產生相當衝擊，如結合誘因的降低，連帶也對市場競爭與創新帶來負面的影響。

(三) 第 2 場次議題：「卡特爾」(Cartels)

本場次討論的議題包括歐洲、美國及亞洲近來對於卡特爾行為的執法現況及比較。延續上一場次關於「結合」的討論，本場次與談人都強調執法原則透明性與確定性的重要，以及不確定執法對事業所可能帶來的負面影響。另外，與談人亦就美國於 2022 年 4 月所修正的寬恕政策處理原則 (leniency program guidance) 進行廣泛討論。此次修正的主要目的在提升該政策的明確性，提供事業更具體的申請原則，另外，也加重未來政策申請人的合作責任，包括支持政府在未來所提起的民事訴訟等。

(四) 第 2 場專題演講

本場次由本會陳副主委擔任專題演講人，以「數位時代下的競爭法執法：挑戰、對策與臺灣經驗」(Competition Law Enforcement in the Digital Age: Challenges, Countermeasures and Taiwan's Experience) 為題，發表了 30 分鐘的英文專題演講，並進行 10 分鐘的問題詢答。其首先以相關研究機構的統計分析數據為例，介紹我國高程度的數位化環境，如手機使用率、上網普及率等均名列全球前段班，以及政府如何有效利用此一數位化環境來控管 Covid-19 疫情，成為世界各國學習的典範之一，也讓全世界看到了我國傲人的科技實力。不過，身為國際村的一份子，各國所面臨因數位化及快速科技進展所帶來的競爭法問題，我國也無法置身事外，陳副主委接續以本研討會所設定的討論主題為軸，介紹並分析我國公平法及本會在這些議題上的最

新發展及執法作為。陳副主委特別就本會目前正在處理的電信事業結合案、花旗銀行的「不挖角協議」案及 Foodpanda 「店內外一致價」案等對我國公平法所帶來新的執法議題與挑戰，以及本會在各該案件的執法理論基礎詳加說明。演講最後並分享本會最近所完成的「數位經濟競爭政策白皮書」初稿。除擇要說明白皮書的議題及本會的執法經驗與未來執法方向外，也就白皮書最後所揭示本會對數位經濟競爭議題「在地連結」、「建構市場可競爭性」、「議題導向」(issue-driven) 執法原則、「強化國際合作與國內協作」及「提升數位執法能力」等執法立場加以說明。

(五) 第 3 場次議題：「反托拉斯智慧財產權議題的現在狀態與未來」(The Current State and Future of Antitrust IP Issues)

本場次主要探討反托拉斯法如何處理智財授權所產生之競爭議題，與談人多為執業律師與知名企業智財部門負責授權業務之高階經理人。雖然此一議題存在已久，但與會者均認為關鍵的爭點，如「標準必要專利」的制定過程及 FRAND 授權原則該如何判斷授權條件是否符合「公平」、「合理」及「非歧視」的要求等，都仍存在著分歧。與談人分別從自己的實務經驗提出此一見解的分歧會如何影響企業的創新與競爭，並提出可能的解決方法。

(六) 第 4 場次議題：「數位平臺：近期的反托拉斯案件及已研擬/頒布的法規」(Digital Platforms: Recent Antitrust Cases and Proposed/Enacted Legislation)

本場次針對近來各國針對科技巨擘所制定或正在研擬制定的相關管制法規進行意見交流及討論，包括歐盟的「數位市場法」及美國國會所提出且目前正在審議中的幾項法案。各與談人與談內容一再出現的關切議題即是這些立法所創造出來的高度執法不確定性，將對數位經濟下事業的創新發展與競爭產生相當大的影響。而在立法者對這些管制法規中的相關管制門檻規定，如「守門員」標準的選擇，尚無法從市場競爭的觀點提出具有說服力的理由之前，對這類的立法都應持較為謹慎保留的態度。

(七) 主辦單位於當日下午 5 時 30 分至晚間 8 時 30 分於南加大校園內設晚宴款待與會講者。

三、研討會第二天於 6 月 4 日上午 8 時 30 分開始，內容略以：

(一) 第 5 場次議題：「反托拉斯議題與政治的交錯」(The Intersection of Antitrust Issues and Politics)

本場次探討反托拉斯法執法與政治運作間之互動與緊張關係。與會者提到了最常受到討論的以反托拉斯法(競爭法)處理「價格哄抬」(price gouging)(美國與談人),以及將創設「國家隊」作為競爭法結合審查正面考量因素(墨西哥與談人)等對反托拉斯法所帶來的執法風險與問題。另外,對於近來受到關注的以反托拉斯法來處理勞工問題的主張,本場次與談人都認為這不是一項正面與值得肯定的發展,反托拉斯法應儘可能和非涉競爭法的政治議題脫勾。

(二) 第 6 場次議題：「媒體領域的競爭」(Competition in the Media Space)

本場次討論數位平台媒體市場中的競爭議題。麻省理工學院教授 Christopher Knittel 先生首先從競爭及競爭法的觀點切入,探討數位媒體與傳統媒體市場間的不同,包括「垂直整合」(vertical integration)的程度遠高於傳統媒體,另外,不同媒體服務間的替代性高。部分與會者則進一步指出,數位平台媒體間的「互補性」也有愈來愈高的趨勢,例如消費者為了看到不同電影製片公司所發行以及授權於不同平台的電影,同時訂閱 Netflix, Disney, Amazon 等數位影音平台服務的情況愈來愈普遍。與談人同時也談到,「觀念」或「想法」的分享與擴散對於民主發展雖具有重要性,但反托拉斯法或競爭法處理這類議題的切入點,仍應從「市場」的角度出發,重視競爭對創新誘因的重要性,「觀念市場」(market of idea)和「創新市場」(market of innovation)二者在競爭法下應等同對待。在此概念下,與談人分別就「自我偏好」、「隱私」、「數據(資料)分享」、「雙邊(多邊)市場理論」的運用等議題提出看法進行討論。

四、陳副主委於 6 月 5 日從洛杉磯搭機,經舊金山轉機並於臺灣時間 6 月 6 日返國。

參、心得與建議

此次會議邀請來自美國西岸及亞太地區學界、法界及政府官員等與競爭法有關人士參與,目標在成為美國及亞太地區在競爭法及競爭政策領域具有代表性的會議。本次陳副主委獲邀出席此會議並擔任專題演講人,除了可促進本會與上述地區競爭法主管機關、學術界及法律界從業人員間的實質交流,亦代表本會在競爭法執法上的努力與表現已深獲國際競爭法社群之肯定,對於提升我國在競爭法執法的能見度與影響力甚有助益。且自 2020 年新冠肺炎疫情爆發以來,各國為避

免疫情傳播之風險，相關交流活動多改以視訊會議方式舉行，陳副主委在兼顧拓展我國國際空間及國內防疫規定之考量下出席本次會議，實屬難能可貴。

本次會議係由主辦單位提供陳副主委機票及住宿補助，建議未來在時間及經費許可的前提下，本會同仁能持續參與此類國際研討會，擴大我國國際參與空間並與各國代表就最新競爭法議題進行深入交流。

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Agenda

Friday, June 3, 2022

7:30 - 8:30 AM

Registration and Breakfast

8:30 - 8:45 AM

Welcome and Opening Remarks by Co-Chairs

- **Marissa Ginn** (Analysis Group)
- **D. Daniel Sokol** (USC)

8:45 - 9:15 AM

Morning Keynote Address by **Richard A. Powers**, **Deputy Assistant Attorney General, Department of Justice**

9:15 - 10:45 AM

Global Mergers: Where Do We Go From Here? (Session I)

- **Michele C. Lee** (Deputy General Counsel, Pinterest) - Moderator
- **Elizabeth Avery** (Gilbert & Tobin)
- **David Emanuelson** (Associate General Counsel, Antitrust and Commercial Litigation Group, Intel)
- **Youngjin Jung** (Kim & Chang)
- **Rebecca Kirk Fair** (Analysis Group)

- **Shweta Shroff Chopra** (Shardul Amarchand Mangaldas)

10:45 - 11:15 AM

Coffee Break

11:15 - 12:45 PM

Cartels (Session II)

- **Eric P. Enson** (Jones Day) - Moderator
- **Beatriz Mejia** (Cooley)
- **Heather S. Nyong'o** (Cleary Gottlieb)
- **Brent Snyder** (Wilson Sonsini)
- **Michael Tubach** (O'Melveny)
- **Aaron Yeater** (Analysis Group)

12:45 - 2:00 PM

Lunch and Afternoon Keynote Address by **Andy Chen, Vice Chairperson, Taiwan Fair Trade Commission**

2:00 - 3:15 PM

The Current State and Future of Antitrust IP Issues (Session III)

- **James Kress** (Baker Botts) - Moderator
- **Kirti Gupta** (Vice President, Economic Strategy | Chief Economist, Qualcomm)
- **Dina Kallay** (Head of Antitrust IPR, Americas & Asia-Pacific, Ericsson)
- **Lauren R. Kindler** (Analysis Group)
- **Alexander Okuliar** (Morrison Foerster)

3:15 - 3:45 PM

Coffee Break

3:45 - 5:00 PM

Digital Platforms: Recent Antitrust Cases and Proposed/Enacted

Legislation (Session IV)

- **Rosanna Garza Lipscomb** (Director, Google) - Moderator
- **Kojiro Fujii** (Nishimura & Asahi)
- **Belinda S. Lee** (Latham & Watkins)
- **Greg McCurdy** (Director, Litigation and Global Competition Law, Uber)
- **Steve Tadelis** (UC Berkeley)
- **Adam Wolfson** (Quinn Emanuel)

5:00 - 5:30 PM

BREAK

5:30 - 6:00 PM

Cocktail/Networking Reception

6:00 PM

Dinner

Saturday, June 4, 2022

7:30 - 8:30 AM

Registration and Breakfast

8:30 - 9:45 AM

The Intersection of Antitrust Issues and Politics (Session V)

- **Yasir Elbiali** (Associate General Counsel, Antitrust Director, Western Digital) - Moderator
- **Julie Carlson** (Associate Director for Antitrust and Innovation Policy, Information Technology & Innovation Foundation)
- **Fernando Carreno** (Von Wobeser y Sierra)
- **Caio Mario S. Pereira Neto** (FGV Sao Paulo Law School)
- **Rachel S. Brass** (Gibson Dunn)

9:45 - 11:00 AM

Competition in the Media Space (Session VI)

- **Douglas Rathbun** (Meta) - Moderator
- **John H. Choi** (Shin & Kim)
- **Christopher Knittle** (MIT)
- **Randy Long** (Senior Director, Competition & Consumer Protection Policy, Microsoft)
- **Kathryn Jordan Mims** (White & Case)

11:30 AM

Optional Group Activity

Speakers

Co-chairs

- **Marissa Ginn** (Analysis Group)
- **D. Daniel Sokol** (USC)

Keynote Speakers

- **Andy Chen** (TFTC)
- **Richard A. Powers** (DOJ Antitrust)

Panelists

- **Elizabeth Avery** (Gilbert & Tobin)
- **Rachel S. Brass** (Gibson Dunn)

- **Julie Carlson** (Information Technology & Innovation Foundation)
- **Fernando Carre o** (Von Wobeser y Sierra)
- **John Choi** (Shin & Kim)
- **Yasir Elbiali** (Associate General Counsel, Antitrust Director, Western Digital)
- **David Emanuelson** (Associate General Counsel, Antitrust and Commercial Litigation Group, Intel)
- **Eric P. Enson** (Jones Day)
- **Rebecca Kirk Fair** (Analysis Group)
- **Kojiro Fujii** (Nishimura)
- **Kirti Gupta** (Vice President, Economic Strategy, Qualcomm)
- **Victoria Luxardo Jeffries** (Global Head of Competition Policy, Meta)
- **Youngjin Jung** (Kim & Chang)
- **Dina Kallay** (Head of Antitrust (IPR, Americas & Asia-Pacific, Ericsson)
- **Lauren R. Kindler** (Analysis Group)
- **Jim Kress** (BakerBotts) *
- **Christopher Knittel** (MIT)
- **Belinda S. Lee** (Latham)
- **Michele C. Lee** (Deputy General Counsel, Pinterest)
- **Randy Long** (Senior Director, Competition & Consumer Protection Policy, Microsoft) *
- **Rosanna Garza Lipscomb** (Director, Google)
- **Greg McCurdy** (Director, Litigation and Global Competition Law, Uber)
- **Beatriz Mejia** (Cooley)
- **Kathryn Jordan Mims** (White & Case)
- **Heather S. Nyong'o** (Cleary Gottlieb)
- **Alexander Okuliar** (Morrison Foerster)
- **Caio Mario S. Pereira Neto** (FGV and Pereira Neto | Macedo)
- **Shweta Shroff** (Shardul Amarchand)
- **Brent Snyder** (Wilson Sonsini)
- **Steve Tadelis** (Berkeley)
- **Michael Tubach** (O'Melveny)
- **Adam B. Wolfson** (Quinn Emanuel)
- **Aaron Yeater** (Analysis Group)

Travel Details

Parking:

Parking will be available at the McCarthy Way Parking Structure (formerly PSX) for \$14.00. The McCarthy Way Parking Structure is located at Gate 3, entrance on Figueroa Street at McCarthy Way. If navigating to campus by GPS, use the following addresses for the quickest route for drop-off or parking:

635 USC McCarthy Way, Los Angeles, CA 90089

Accommodations

For your convenience, a block of rooms has been set aside at the JW Marriott L.A. Live Hotel. These rooms can be reserved by visiting <https://book.passkey.com/go/uscgouldjun2022> or by calling (877) 622-3056.

JW Marriott Los Angeles L.A. Live Hotel

900 West Olympic Boulevard,
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Questions

For questions, please contact the USC Gould Events Office at events@law.usc.edu

數位時代下的競爭法執法：挑戰、對策與臺灣經驗

各位女士及先生，大家午安！

首先要感謝南加州大學 Gould 法學院及 Professor Daniel Sokol 的邀請，能擔任第一屆"Competition Law Thought Leadership"研討會的專題演講人，個人覺得非常榮幸。5年前(2017)我同樣也受南加大法學院和 Danny 的邀請來到同一個地方參與反托拉斯法的研討會。5年來，南加大的校園美麗如昔，但我個人和世界卻有了不少的改變。我再次從學界回到臺灣公平交易委員會，除了站在競爭法執法的第一線外，這次擔任副主委(Vice Chairperson)一職，承擔了更多的行政與協調折衝的責任，也更有機會可以看到更深層的執法挑戰與思索更細緻的解決方式。在此同時，新冠肺炎及烏俄戰爭，再次提醒了我們，也許我們所居住的世界不是我們所想像的那麼安全，而人類似乎也未能從過往所犯過的慘痛經驗中學得經驗，歷史還是一再的被重演。不過，我們也見證了在面對災難與悲劇時，人類展現了強大的韌性與自我調整的能力，而科技的創新更是在過程中扮演著關鍵性的角色。試想，如果沒有網路通訊技術，學生如何「停課」但不「停學」？在「封城」的同時，我們也可以透過網路來讓日常生活的步調儘可能的不受影響；而不可否認的，先進資通訊技術的靈活運用，正是烏克蘭得以在面對強敵入境時，仍能堅強抵抗的一項重要因素。

看似意外但也不意外的，臺灣在這股劇變中成為鎂光燈的焦點。在公部門的作為部分，臺灣政府在疫情之初，即機動地善用數位科技，在疫情之初即進行有效率的疫情追蹤、管理，並確保口罩及其他防疫物質的供應能配合疫情發展的需求而不被中斷，讓社會不因疫情的擴大而陷入恐慌，其成效為各國所肯定及參考學習。另外，疫情讓全球供應鏈產生嚴重的供需失衡，讓台積電(TSMC)所生產的晶片，一度成為全球最熱門的商品，供不應求。這樣的一股「科技活力」，相當程度建立在臺灣人民對數位創新科技及產品的高接受度，以及技術於社會中的普及度及可近性(accessibility)。這可以從以下幾項數據看出：

- (2022年1月)，台灣網路使用者總數為2172萬。普及率達到總人口的91.0%
- (2020)16歲以上民眾有使用手機(含智慧型及傳統手機)的比例高達95.4%

- (2021) 台灣上網率達 86.9%，10-49 歲上網率都在九成五以上/手機上網率最高，智慧型電視上網率後勢看漲/七成台灣網民是跨裝置使用者，學生族群用較多裝置上網
- (2020)全體企業網路銷售額達 4 兆 5,901 億元，年增 5.9%，較 2016 年增近 3 成，平均年成長 6.7%/ 零售業網路銷售因疫情加速成長，2021 年達 4,303 億元，年增 24.5%，與疫情前之 2019 年相比，增加 3.3%
- 就產品行銷而言，數位科技已打破了時間、空間與想法所帶來的侷限，也因此，自 2017 年開始，數位媒體廣告量(digital media advertisement)首度超過了非數位媒體廣告量 (50.1% > 49.9%)，之後，差距持續擴大，到 2020 年，二者的差距來到 65.3%及 34.7%。

綜合上述的觀察，我們可以說，在一個服膺自由經濟體制及對科技發展持高度開放的社會中，競爭主管機關只要能維持「消費者市場選擇的可能性」及「科技創新動能」不被不當的抑制，則許多數位經濟所帶來的競爭問題，市場本身即可發揮自我矯正的功能。這二者在多數情況下是相輔相成的，當選擇的多樣性被維持時，企業創新競爭的動力與誘因就會出現。但如同在座所有人所知之甚詳者，創新所需投入的大量研發成本，又讓如何讓企業得以回收創新成功的果實，特別是智慧財產權的保護，才能讓這股創新動力得以持續，變成是一個關鍵的議題。本次會議的分組討論主題，相當程度即在探討如何解決這其中的衝突。在接下來的演講中，我將和各位分享臺灣公平交易委員會在此一議題上近來的執法作為及個人的想法。我將首先以臺灣為例，簡單說明及評論此次研討會的幾項討論主題，再和各位介紹台灣公平交易委員會於今年 3 月 2 日所發佈的「數位經濟競爭政策白皮書」初稿的主要內容。

購併/結合(merger)

受通訊技術突飛猛進的影響，臺灣電信市場近年來的競爭愈趨白熱化，各類加值服務不斷推陳出新。公平會目前正在處理臺灣主要電信事業商間的收購案件。這些案件都涉及市場領導廠商收購市占率排名在後的電信業者，假設購併案通過，未來臺灣的電信市場將更趨於「寡占化」，形成三雄鼎立的局面，市場競爭是否會因此而受到不當限制？消費者權益是否會受到影響？都是公平會特別關注的重點。

數位平台的營運模式，同樣衝擊到實體的物流業者，公平會已審理或正在審理大型量販店，包括跨國公司加樂福在內，與超市或便利商店等的結合案。另外，基於促進外送平台市場競爭的考量，公平會不禁止臺灣市占率最高的便利商店連鎖業者購併一家小型外送平台業者的結合案。在這類涉及通路業者的結合案中，除了「數位」與「實體」通路是否具替代競爭關係等涉及「相關市場」(relevant market)界定的議題外，公平會另外會特別注意結合後，存續的通路業者，是否有可能濫用其市場力量，要求上游的供貨商接受具限制市場競爭效果的約款。

為因應數位時代下變動快速的競爭態樣，我們也修訂了審理結合案件的處理原則，提供電子化申請、事前徵詢及線上查詢進度等制度。目前，我們也正著手修正域外結合(extra-territorial merger)案件的處理原則，目標是能更明確與具體化公平會審查發生於臺灣境外的結合案，避免造成對結合當事人過高的法遵成本。

聯合行為(concerted actions)

聯合行為仍是本會最重視及處罰最重的案件類型。不過，近期內公平會所查處的違法個案大都是傳統的面對面開會討論設定價格與非價格交易條件的案件類型，與數位科技較無直接關聯，包括航空業者聯合設定航線票價、空調業者集體設定產品保固期限案及保險公會聯合制定火險附加保費等。特別值得和大家分享的是，公平會在最近處理了第一起關於勞動市場的「不挖角協議」(no-poach agreement)案件。該案涉及到花旗銀行在出售其消費者金融部門過程中，和有興趣的買方簽訂了在出售期間，彼此承諾不接觸與挖角花旗消金部門現有的員工的協議。雖然外界質疑此一約定將有礙勞動力市場的競爭，而本會原則上也認為純粹以限制員工離職為目的的不挖角協議，本質上是「惡質」(hard-core)的聯合行為，但本案協議的目的是在確保收購部門的價值不會因購併過程中的「忠實查核」(due diligence)而受影響以及潛在買方的利益，故協議是附屬(ancillary)於一個正當的商業理由之上，其目的非在限制市場競爭，故不構成聯合行為。

另外，對於其他政府部門的競爭倡議(competition advocacy)也是本會實施聯合行為成效的一環。例如，最近因臺灣疫情再升溫，導致不少保險公司面臨高額防疫險保險金給付的負擔，而透過公會集體向金管會表達擬修改保險理賠金

額及相關理賠條件的想法，期能因應疫情不確性為業者所帶來的衝擊。對此，本會明確表達，即使在疫情期間，此舉有違反公平法禁止聯合行為規定之虞，不宜採行。

在政策面上，為更一步提高民眾檢舉聯合行為的誘因，我們也在最近修訂了「檢舉違法聯合行為獎金發放辦法」(Regulations on Payment of Rewards for Reporting of Illegal Concerted Actions)，提高獎金的額度及放寬受獎條件。

數位平台(digital platform)

到目前為止，本會所處理與數位平臺有關的案件，大部分是涉及單方濫用市場力的行為。例如，在 Google 被指控事先於 Android 行動電話中預載 Google Search Apps, 涉嫌以不當搭售的方式來擴大自己的市場力量案，本會最後並不處分，主要的理由在於 Android 系統和 Apple 手機的 iOS 系統在臺灣的市占率旗鼓相當，約 50%對 50%。由於系統間仍存在者不可被忽視的競爭，所以在我們針對市場利害關係人所做的問卷調查中，系統使用者也沒有出現原先所預期的對特定作業系統有高度的使用黏稠度的現象。在 Foodpanda 案中，本會處分了該臺灣最大的網路外送平台要求合作餐廳必須遵守「店內消費與店外外送價格相同」及「不得拒絕顧客自取」等二項規定。本會認為，以 Foodpanda 的高市占率及較同業更早進入市場的「先驅者優勢」，對合作餐廳具有不可或缺的吸引力，且一但加入後再轉換至其他外送平台將面臨很高的轉換成本。二項約款要求，不僅讓合作餐廳必須承擔不公平的成本增加，且長期而言，將讓外送平台之市場價格趨於一致。至於目前在不少國家受到高度討論的平台商店，如 Apple Store，要求 Apps 開發商接受不利市場競爭的上架條件爭議，本會也密切的注意與處理中。

關於數位平台的競爭法議題，稍後在數位經濟競爭政策白皮書的部分會有進一步的說明。在此，僅再和大家分享的是，本會近來所處理和數位平台有關的競爭問題，多數是不公平競爭的案件，特別是以優化(optimize)知名品牌關鍵字搜尋的技術，誘使網路使用者進入平台後，再引導其購買其他品牌商品的「下餌而移轉」(bait-and-switch)行為，案件數有上升的趨勢。目前，公平會大多以該行為是否構成榨取他人商譽或努力成果，而符合公平法第 25 條禁止「欺罔或顯失公平行為」(deceptive and patently unfair conducts)的規定來處理。

至於在政策面部分，為進一步了解國內數位競爭環境以及涉及數位平台之競爭議題，本會現正積極跨國數位平台的產業調查。

媒體產業與競爭

誠如之前所述，在臺灣數位廣告量已大幅超越了非數位廣告量，連帶地，也讓傳統媒體的廣告收入銳減，進一步影響媒體經營與新聞報導之品質。臺灣國會議員高度重視此一問題，認為長期而言，將侵蝕臺灣多元民主的根基。特別是在澳洲制定了「媒體議價法」，讓數位平臺巨擘有義務就其在平台上引用的媒體新聞與報導，與媒體進行分潤的協商後，臺灣國會進一步要求政府必須更積極地處理這個問題。目前政府已成立包括公平會在內的跨部會小組來研究可行之道。目前尚無定論，但可能採行的模式有：(1) 著作權模式：仿造歐盟國家，如法國、德國等，以賦予媒體對其報導內容有著作「鄰接權」(neighboring rights)的方式來讓媒體有請求分潤的法律上權利；(2) 協商模式：即原則上鼓勵媒體與平台業者進行分潤協商，公平會扮演居間的角色，並在協商過程中利用公平法排除可能有礙協商進行的因素，如故意杯葛不協商；(3) 制定特別法：即特別針對廣告分潤議題另立一部法律來處理。目前三種選項都還在討論和徵詢意見中，尚無具體結論。

數位經濟競爭政策白皮書

a. 目的

制定數位經濟競爭政策白皮書的目的，除了在回應社會及國會對此議題的高度關切外，也利用此一機會，整理並更有系統的呈現本會過去所處理的個案，並從其中了解新的競爭型態及數位經濟競爭理論的發展，是否已讓這些個案中所持的理由過時，而需要有不同的執法思維與方法。本會也透過此一反思過程，嘗試對數位經濟時代的競爭法議題，提出初步的執法原則與方向。初稿在對外發佈的同時，也在本會網站上徵詢各界的意見，並同時召開三場座談會，邀請業界代表、公協會、政府相關部門、立委辦公室代表、律師會計師以及學者專家與會參與討論。另外，也有國外的產業協會及學界，包括 Danny 在內，熱心提供本會非常寶貴的意見，目前白皮書已在進行最後的修正，希望能儘快定稿以供業者及社會大眾參考。必須強調的是，如同多數政府部分的政策說明文件，

白皮書代表的是公平會在現階段的執法立場與方向，未來必然會與時俱進，視實務與學說理論的變動，進行滾動式的調整。

b. 涵蓋議題

白皮書總計涵蓋了 14 項我們過去曾處理過，以及我們認為在數位經濟中的重要競爭法議題。因為時間的關係，以下我很簡要的就其中較具代表性與爭議性的議題向各位說明白皮書所持的立場。

(1) 雙邊/多邊市場(two-sided or multi-sided market):公平會已認知這是數位經濟下的一項重要特色，也掌握學理上關於界定相關雙邊市場的具體操作方法，本會也曾在相關案例中適用過這些理論學說。但傳統以單邊市場作為觀察對象的操作方法，並不會被放棄，它仍會是本會在界定數位經濟案件中相關市場的起點。

(2) 自我偏好(self preference):白皮書初步認為，公平會就數位平台搜尋結果應如何在網站上排序才不會構成不當偏好網站本身的產品或服務，並不是最適合的執法機關。因此，在此議題上，本會仍會從提供搜尋與演算法排序之業者是否具獨占力量，其平台是否已屬關鍵且無法替代的設施，以及其排序結果是否構成差別待遇、拒絕交易或搭售，而有封鎖市場競爭效果的角度來進行分析。

(3) 殺手併購(killer acquisition): 白皮書對此議題的正反意見有平衡的說明與評估。但不論是本委員會及外界的徵詢意見，多數均持較為保留的態度。理由主要為有損法律保護當事人期待利益的原則，以及被高價收購通常是新創事業研發創新的動力來源等。

(4) 隱私保護議題: 同樣的，白皮書也就支持與反對在競爭法中處理隱私保護議題的看法為平衡的說明。白皮書初步的立場是可將「隱私保護」視為是「非價格」的競爭元素，來論述單方行為或結合是否有損於事業進行此類「隱私權保護」競爭。

c. 執法原則與執法能力之提升

白皮書在最後提出了本會對數位經濟競爭議題的幾項執法原則及執法能力提升的期許。

在執法原則方面:

(1) 在地的連結 (local nexus) 重於複製他人的經驗: 身為「小經濟體」的我國對於大國的經驗固然應該參考，但更應因時因地而制宜，不可全盤複製。每個

國家的經濟發展、產業結構不會相同，自然所採取的處理方式也就不盡然一樣，而應與在地進行連結。

(2)致力建構數位市場的可競爭性 (contestable market)：競爭法主管機關對數位市場的介入應是以促進市場可競爭性為原則，把重心放在如何消除妨礙可競爭性、損害競爭效率的各種參進障礙上，讓市場外的潛在競爭者能隨時對市場內廠商的「不法意圖」產生制約。

(3)不宜貿然擔任事前管制的角色：數位經濟的創新頻仍、生命週期短、動態競爭顯著，因此現階段的最佳執法原則是「議題導向」(issue-driven)——從個案出發來解決問題，在既有的分析框架下，吸收新的知能、研究新的分析工具並細緻化各種反競爭行為的適法認定標準。

(4)國際的合作與國內的協作：數位經濟跨域經營的特性，將使爭議的層面不再只限於「競爭」，或「競爭」只是爭議的一部分，而有賴國際與國內相關部會的通力合作。

在執法能力提升的期許方面：未來將援引資訊技術與人才進行數位執法：隨著資通訊產業快速的發展，數位經濟下的商業模式日趨多樣化與複雜化，強化本會同仁數位科技知能，培養跨法律、經濟、資訊領域的人才刻不容緩，短期內可藉由在相關個案中納入會內資訊同仁的共同參與或與外部技術專家合作，提供專業意見，從中提升數位執法能力；另外，本會亦可借助會內資訊同仁與外部技術專家的數位知識，協助本會發展出科技執法的工具，這些都是提升技術執法能力的良方。

結論

數位科技發展的日新月異，加速了數位化及全球化時代的來臨，也帶來了新的競爭法議題。該如何妥善處理這些議題，正考驗著全球競爭主管機關的智慧。身為地球村的一員及科技重鎮，這也是臺灣公平會無法規避的挑戰。希望今天所分享的臺灣經驗，能提供各位對這個議題另一個具建設性的思考角度，也歡迎各位不吝指正。最後，預祝本次研討會接下來的議程成果豐碩，更期待未來能有機會再到南加大參加更多類似的研討會，謝謝！

Competition Law Enforcement in the Digital Age: Challenges, Countermeasures and Taiwan's Experience

By Andy C. M. Chen

Good afternoon, ladies and gentlemen!

First, I would like to thank the Gould School of Law at the University of Southern California and Professor Daniel Sokol for their invitation. I feel very honored to be the keynote speaker of the first "Competition Law Thought Leadership" seminar. Five years ago (in 2017), I was also invited by the USC Gould School of Law and Danny to this same place to participate in the seminar on antitrust law. Over the past five years, the USC campus has remained as beautiful as ever, but a lot has changed for me and the world. Once again, I left my academic circle to return to the Taiwan Fair Trade Commission (the "TFTC"). In addition to serving on the front line of competition law enforcement, this time, I assumed the post of vice chairman. I took on more responsibilities for administrative and coordination conflicts. I also had more opportunities to observe deeper law enforcement challenges and consider more detailed solutions. At the same time, COVID-19 and the Ukrainian-Russian war have reminded us once again that perhaps the world we live in is not as safe as we imagined, and it seems that human beings have failed to learn from the painful experiences of the past. History repeats itself again and again. However, we have also witnessed that in the face of disasters and tragedies, mankind has shown strong resilience. What is more, scientific and technological innovation has played a key role in this process. Although students' classes were suspended, their studies were not, thanks to internet communication technology. Even when cities shut down, the Internet allowed us to continue the pace of our daily lives, as unaffected by the shut down as possible. It is undeniable that the flexible use of

advanced information and communication technology is an important factor for Ukraine to strongly resist the entry of a powerful enemy.

At first, it may seem unexpected that Taiwan has become a key player in the COVID-19 epidemic. At the beginning of the epidemic, the government of Taiwan made good use of digital technology for efficient epidemic tracking and management. The government also ensured that the supply of masks and other anti-epidemic materials were sufficient at all points in the epidemic, so that society would not fall into a panic due to the spread of the epidemic. All countries consider Taiwan's handling of the epidemic to have been successful and effective.

In addition, the epidemic has caused a serious imbalance between supply and demand in the global supply chain. During the epidemic, chips produced by the Taiwan Semiconductor Manufacturing Company Limited (TSMC) have been in short supply, suddenly becoming the hottest commodity in the world. This "technological vitality" is largely based on the high acceptance of digital innovative technologies and products by the people of Taiwan, as well as the popularity and accessibility of technology in society. This can be seen from the following data:

- As of January 2022, the total number of Internet users in Taiwan is 21.72 million. The penetration rate has reached 91.0% of the total population.
- In 2020, the proportion of people over 16 years old using mobile phones (including smart and traditional mobile phones) was as high as 95.4%.
- In 2021, Taiwan's Internet access rate was 86.9%, and the Internet access rate for the age group of 10-49 years old was more than 95%; the Internet access rate on mobile phones was the highest, with the rate of Internet access via smart TVs expected to rise; 70% of

Taiwan's Internet users were cross-device users, and students used more devices to go online.

- In 2020, the online sales of all enterprises reached four thousand five hundred and ninety billion one hundred million yuan (NT\$4,590,100,000,000), an annual increase of 5.9%, which was nearly 30% higher than in 2016, with an average annual growth of 6.7%; in 2021, the online sales in the retail industry accelerated due to the epidemic, reaching four hundred and thirty billion three hundred million yuan (NT\$430,300,000,000), an annual increase of 24.5%, and an increase of 3.3% compared with 2019 before the epidemic.
- In terms of product marketing, digital technology has surpassed limitations brought about by time, space, and ideas. Since 2017, the amount of digital media advertisements has begun to exceed those of non-digital media advertisements for the first time (50.1% > 49.9%). The gap has continued to widen; by 2020, the gap between the two reached 65.3% and 34.7%.

To summarize the above observations, we can say that in a society that adheres to a free economic system and is highly open to scientific and technological development, the market itself can play a self-correcting role for many competition problems brought about by the digital economy. This is true, provided that the competition authority ensures that the “possibility of consumers’ market choices” and the “kinetic energy of scientific and technological innovation” are not unduly restrained. The two complement each other in most cases. When the diversity of choices is maintained, the motivation and incentives for enterprises to innovate and compete will increase accordingly. However, as everyone here knows, innovation requires a large amount of investment in R&D. It is essential that enterprises recover the fruits of successful innovation, and, especially, that intellectual property rights are protected so that the innovation momentum can be sustained. The themes for the sessions of this meeting

are—to a considerable extent—exploring how to solve this conflict. In the following speech, I will share with you the Taiwan TFTC's recent enforcement actions and my personal thoughts on this issue. I will first use Taiwan as an example to briefly explain and comment on several topics discussed in this seminar. Then, I will introduce you to the main ideas of the first draft of the "White Paper on Digital Economy Competition Policy," released by the Taiwan TFTC on March 2nd of this year.

Merger and acquisition

Influenced by the rapid development of communication technology in recent years, competition in Taiwan's telecommunications market has become more and more intense, and all kinds of value-added services have been promoted. The TFTC is currently dealing with acquisition cases between major telecom companies in Taiwan. These cases involve market leaders of the telecommunications industry acquiring rivals with lower market share. Assuming that the merger and acquisition cases are cleared, Taiwan's telecommunications market will become more "oligopolistic" in the future, forming a situation with three rival powers. Will market competition be unduly restricted? Will consumers' rights and interests be affected? These are all key issues the TFTC has its eye on.

The operation mode of digital platforms has also impacted the physical logistics industry. The TFTC has already reviewed—or is in the process of reviewing—the cases of merging large warehouse stores, including multinationals such as Carrefour, with supermarkets or convenience stores. In addition, to promote market competition among delivery platforms, the TTFTC did not prohibit a convenience store chain operator with the highest share in Taiwan from acquiring a small delivery platform operator. In such merger cases involving channel operators, in addition to

issues related to the definition of the “relevant market”—such as whether the “digital” and “physical” channels are competitively substitutable—the TTFTC will also pay special attention to whether the surviving channel operators may abuse their market power after the merger and require upstream suppliers to accept contract terms that restrict market competition.

In response to the fast-changing, competitive situation in the digital age, we have also revised the operating principles for handling merger cases and provided new systems, such as electronic applications, prior consultations, and online progress inquiries. At present, we are also working to revise the guidelines for extra-territorial merger cases. Our goal is to set clear, specific TFTC guidelines for reviewing merger cases outside Taiwan to avoid excessive legal compliance costs for the parties involved in the merger.

Concerted Action

Concerted action is still the type of case to which the TFTC attaches the most importance and punishes the most. However, most of the illegal cases investigated and dealt with by the TFTC in recent years have taken place in traditional face-to-face meetings. These include meetings to discuss the setting of prices and non-price trading conditions—such as the joint setting of route fares by airlines, collective setting of product warranty periods by air conditioning operators, or the joint setting of additional fire insurance premiums by insurance associations. These are not directly related to digital technology. What is particularly worth sharing with you is that the TTFTC recently handled its first case of “no-poach agreement” on the labor market. The case involved an agreement between Citibank and interested buyers in the sale of the former’s consumer finance unit—with a mutual promise during the sale

not to contact or poach existing employees of Citibank's consumer finance unit. The outside world doubts that this agreement will hinder labor market competition—and the TTFTC believes that a non-poaching agreement purely to restrict employee turnover is essentially a "hardcore" concerted act. However, in this case, the purpose of the agreement is to safeguard the value of the acquiring entity from the impact of "due diligence" during acquisition and to assure the interests of the potential buyers. Therefore, the agreement is ancillary to a legitimate business reason, and its purpose is not to restrict market competition, so it does not constitute a concerted action.

In addition, the TFTC has fostered successful competition advocacy with other government departments to enforce the rules on concerted actions. For example, due to the COVID-19 epidemic in Taiwan, many insurance companies have encountered the burden of high compensation pay-outs under epidemic prevention insurance. To address the uncertainty of the epidemic on this industry, the insurance company association collectively petitioned the Financial Supervisory Committee to revise the amount of insurance claims and related claims conditions. In response, the TFTC made it clear that even during the epidemic, this move likely violated the prohibition of concerted action under the Fair Trade Act and would not be accepted.

To further incentivize people to report concerted actions, we have recently revised the Regulations on Payment of Rewards for Reporting of Illegal Concerted Actions to increase the number of rewards and make those rewards easier to receive.

Digital platform

So far, most of the cases related to digital platforms handled by the TFTC involve a unilateral abuse of market power. For example, the TFTC did not discipline Google when the company was accused of pre-loading the Google Search app in Android mobile phones and suspected of expanding its market power by improper tying. This was because the market share of Android and Apple mobile phones in Taiwan was about the same, about 50% to 50%. Since there was still competition between the two systems, the system users—counter to what was originally expected—did not have a high degree of stickiness to a specific operating system. This was shown in our questionnaire survey for the market stakeholders. In the Foodpanda case, the TFTC sanctioned the largest online delivery platform in Taiwan for requiring its cooperative restaurants to comply with two rules: "the price of in-store consumption and out-store delivery is the same" and "do not refuse customers who wish to pick up their own food." The TFTC believes that Foodpanda's high market share and its "pioneer advantage" of entering the market earlier than its peers means that it becomes indispensable to cooperative restaurants. Once they join, they face high costs for switching to other delivery platforms. These two rules have imposed unfair cost increases on cooperative restaurants, and in the long run, they could also lead to market price uniformity for delivery platforms. Currently, the TFTC is monitoring and handling rules of platform stores—such as the Apple App Store—which require app developers to accept listing conditions that are not conducive to market competition.

The topic on competition law concerning digital platforms will be further explained in the White Paper on Competition Policy in the Digital Economy later. Here, what I would like to share with you is that most of the competition issues related to digital platforms recently handled by the TFTC are unfair competition cases. These especially include the "bait-and-switch" practice, which uses technology to optimize the

keyword search of well-known brands to lure Internet users into the platform and then lead them to buy other brands. The number of cases of this is on the rise. At present, the TFTC mostly deals with such conduct on the basis of whether it constitutes exploitation of another's goodwill or efforts and falls within the provisions of Article 25 of the Fair Trade Act prohibiting "deceptive and patently unfair practices."

In terms of policy, the TFTC is now conducting a market inquiry on the transnational digital platforms sector to further understand the domestic digital competition environment and the competition issues related to digital platforms.

Media industry and competition

As mentioned earlier, in Taiwan, the volume of digital advertising has significantly surpassed that of non-digital advertising. This has led to a sharp decline in advertising revenue for traditional media, further affecting the quality of media operations and news reporting. Members of Taiwan's parliament are highly concerned about this issue and believe that in the long run, this will erode the foundations of Taiwan's pluralistic democracy. Taiwan's parliament has further demanded that the government take a more active role in addressing this issue following the enactment of the News Media and Digital Platforms Mandatory Bargaining Code (Media Bargaining Code) in Australia. This code obliges digital platform giants to negotiate with the media to share profits from media news and reports quoted on their platforms. Presently, the government of Taiwan has created an inter-ministerial group, including the TFTC, to study feasible measures. There are no conclusions as of yet, but the possible models are: (1) Copyright model: to follow EU countries, such as France and Germany, the media would have the legal right to request profit sharing by giving the media "neighboring rights" to their

reports; (2) Negotiation model: in principle, the media and platform operators would be encouraged to conduct profit sharing negotiations, in which the TFTC would play an intermediary role. The Fair Trade Act would exclude factors that may hinder the negotiation, such as a deliberate boycott of negotiation; (3) Special regulation model: this would establish a separate law to deal with the issue of advertising profit sharing. The three options are still being discussed as we speak with no specific conclusion yet.

White Paper on Competition Policy in the Digital Economy

a. Purpose

The purpose of formulating the White Paper on Competition Policy in the Digital Economy is not only to respond to society and Congress's pressing concerns of this issue. It is also to examine decisions made in past cases and to inquire about new approaches to enforcement. The present situation offers us an opportunity to systematically examine cases we have handled in the past to determine whether new competition patterns and the development of digital economic competition theory have rendered these cases obsolete.

Through this process of reflection, we have also attempted to propose preliminary principles and directions for enforcement of competition law in the digital economy era. In addition, three seminars were held, in which many stakeholders were invited to participate in the discussions: industry representatives, public associations, relevant government departments, representatives from the Office of the Legislative Yuan, lawyers, accountants, academics, and other experts. In addition, foreign industry associations and academics, including Danny, have kindly provided us with their valuable input. Right now, the White Paper is undergoing final revisions. I hope it can be finalized as soon as possible

to serve as a reference for the industry and the general public. It is important to emphasize that, like most government policy documents, the White Paper represents the TFTC's position and direction on law enforcement at this stage. It will certainly evolve with the times and undergo rolling adjustments in response to changes in practice and theory.

b. Topics covered

The White Paper covers a total of 14 competition law issues that we have dealt with in the past and that we believe are important in the digital economy. Because of time constraints, I would like to briefly explain the position of the White Paper on the more representative and controversial of these issues.

- (1) **Two sided or multi-sided market:** The TFTC has recognized that this is an important feature of the digital economy, and has grasped, in theory, the specific operating methods for defining a relevant two-sided market. The TFTC has also applied these theories in relevant cases. However, we will not abandon the traditional operating method that takes the unilateral market as the observation object. It will still be the TFTC's starting point in defining the relevant market in digital economic cases.
- (2) **Self-preference:** The White Paper preliminarily holds that the TFTC is not the most suitable law enforcement agency to deal with how digital platforms rank search results on their websites, so as not to form improper preferences for products or services on their own website. On this issue, the TFTC will still analyze the following factors: whether the operator providing search and algorithm rankings has monopoly or dominant power, whether its platform is an essential facility, and whether its ranking results constitute discriminatory

treatment and refusal to deal or tie-in, thus having the effect of blocking market competition.

- (3) **Killer acquisition:** The White Paper provides a balanced description and assessment of the arguments for and against this issue. However, opinions from the majority of the commissioners of the TTFTC and comments from the public have adopted a more reserved view towards regulating this type of mergers under competition law. The reasons for this are primarily that it undermines the principle of legal protection of the parties' expected interests. In addition, being acquired at a high price is usually a source of motivation for new business development and innovation.
- (4) **Privacy issues:** Similarly, the White Paper provides a balanced statement of views for and against the treatment of privacy issues in competition law. The initial position of the White Paper is that "privacy protection" can be regarded as a "non-price" element of competition. In this context, unilateral conduct or merger will be reviewed according to their potentials to undermine the competition in "privacy protection."

c. Enforcement principles and the enhancement of enforcement capabilities

The White Paper concludes by setting forth the TTFTC's expectations on several enforcement principles and the enhancement of enforcement capabilities with respect to competition in the digital economy.

In terms of enforcement principles:

- (1) Local nexus over duplicating the experience of others: As a "small economy," Taiwan should certainly refer to the experience of large countries, but it should also adapt according to time and place, rather

than copying all aspects of large countries. Each country's economic development and industrial structures are not the same, so naturally, the regulatory methods adopted should not be the same either, but should be connected with locality.

- (2) Commitment to building contestability in the digital market: The intervention in the digital market by competent competition law authorities should be based on the principle of promoting the contestability of the market. There should be a focus on how to eliminate various entry barriers that hinder contestability and harm the efficiency of competition, thus allowing potential competitors outside the market to readily restrain the "unlawful intent" of operators inside the market.
- (3) Not advisable to take on the role of ex ante control: The digital economy is characterized by frequent innovation, short life cycles, and dynamic competition, so the best enforcement principle at this stage is "issue-driven"—to solve the problem on a case-by-case basis, absorb new knowledge, study new analytical tools, and refine the legal standards for reviewing various anti-competitive behaviors under the existing analysis framework.
- (4) International cooperation and domestic collaboration: The cross-jurisdictional nature of the digital economy will make the level of disputes no longer limited to "competition"—or, "competition" may be only part of disputes—and therefore will rely on the full cooperation of relevant international and domestic ministries.

In order to improve enforcement capabilities in the future, information technology and talent will be needed for digital enforcement. With the rapid development of the information and communication industry, the digital economy business model is becoming more diversified and complex. It is imperative to strengthen the TFTC's digital technology knowledge and to cultivate talents in legal, economic, and information

fields. In the short term, we can enhance our digital enforcement capabilities by involving our information colleagues in relevant cases and cooperating with outside technical experts to provide professional advice. The TFTC can also use the digital knowledge of information colleagues and external technical experts to develop TFTC technology enforcement tools. These will be effective ways to improve technology enforcement capabilities.

Conclusion

The rapid development of digital technology has accelerated the advent of digitization and globalization, and has introduced new issues to competition law. The wisdom of the global competition authorities is being tested on how to properly handle these issues. This is also a challenge the TFTC cannot avoid, given that Taiwan is a member of the “global village” and is an important technology hub. I hope that the Taiwan TFTC cases shared today will provide you with another constructive perspective on this issue. I welcome your valuable comments. Finally, I wish you a fruitful agenda for this seminar, and I look forward to the opportunity to participate in more seminars like this at USC in the future. Thank you!