

# Tying in Digital Platforms under the Competition Legal Framework in China and the EU

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## Impact

### 1. Societal Relevance

This thesis contributes to a better understanding of tying rules in digital platforms in China and the EU by exploring their similarities and differences and providing a valuable insight to improve the existing rules and enhance the effectiveness of competition enforcement.

First, the law and economics analysis of this research lays the foundations to reflect on both economic and legal analysis, instead of solely using economic or legal analysis. On the one hand, this research provides an up-to-date and comprehensive overview of economic literature about tying in digital platforms to clarify the complexity of this situation. On the other hand, it combines real-world experience in China and the EU, and rigorous law and economics analysis to explore solutions to challenges triggered by tying in digital platforms, resulting in systematic and administrable policy recommendations to distinguish between illegal and legal activities. Competition authorities and courts would gain useful insights from the detailed analysis developed by this research. Companies can thus plan their business activities and compete effectively in a predictable environment, which would ultimately benefit consumers.

Second, this research provides a systematic comparison of tying rules in digital platforms in China and the EU. In particular, the interdisciplinary approach of law and economics offers an effective dialogue for both sides. On the one hand, looking back and forth between economic theory and legal rules, this thesis identifies the common challenges for these two jurisdictions of achieving a balance between pragmatism and proportionality. On the other hand, following a rigorous law and economics analysis based on objective economic theories and universally accepted legal principles, this study facilitates mutual learning from best practices in the presence of their social, political, and cultural differences.

Third, to provide a panoramic view of such a controversial topic, this thesis, at the same time, addresses some ongoing debates in competition law. The answers to these questions might also be relevant to handle other controversial topics. This research reflects, to some extent, the following questions: (1) the differentiated positions of statutory dominant undertakings and other dominant undertakings; (2) the debate between consumer welfare and consumer choice paradigms; (3) the interplay between competition law and *ex-ante* regulation; (4) the interplay between public enforcement and private enforcement; (5) the choice between hard law and soft law; (6) the essential considerations of error costs, information costs, the

principle of legal certainty and the principle of proportionality during the transition process of economics into competition rules; (7) the balance between pragmatism and proportionality; (8) the balance between the avoidance of false positives and false negatives.

## **2. Target Groups**

This research seeks to reach a wide audience of competition researchers, practitioners, and policy makers. First, as this thesis addresses several ongoing debates in competition law, academics can develop further research based on its outcomes. Second, tying rules and competition practice in digital platforms in this thesis will become an important reference and guide for digital participants and lawyers, helping them quickly understand the rules to reduce legal risks associated with engaging in digital activities. Third, policymakers can adjust their legislation and policies on tying in digital platforms, based on findings and policy recommendations developed by this thesis.