

论文

大型零售企业滥用优势地位的 反垄断规制问题研究 ---基于双边市场理论的视角

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摘要:

大型零售企业向供货商不合理地收取进场费及返点的行为使零供矛盾不断激化,其行为的违法性及规制问题在学界也始终存在争议。在大型零售企业的市场地位认定中,传统的单边市场模式已无法将市场支配地位与优势地位进行清晰区分。将双边市场模式引入反垄断法领域,为大型零售商滥用优势地位行为的认定和规制提供了新的视角和理论架构。双边市场中,客户对平台的依赖性使平台企业具备了市场优势地位,平台企业不合理收取进场费的行为则构成对优势地位的滥用。我国应加强监管,完善立法,把市场经济新形势下出现的新问题尽可能纳入法律规制的范围,不断完善我国反垄断法的立法与实践。

关键词: 双边市场 零供关系 优势地位 滥用 大型零售企业

The Study on Issues Related to Anti-monopoly Regulation on Large-scale Retail Enterprises Abusing the Do mi nant Position : Based on the View of Two-sided Markets Theory

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Abstract:

The behavi or that large-scale retail enterprises unreasonably charge the slotting fees and rebates to the suppliers causes the conflict intensified. The illegality and regulation of this action has al ways been academically controversial . In the identification of large-scale retail enterprises' market position, the traditional unilateral market model can no longer make a clear distinction bet ween an enterprise of domi nance position and that of advantage . By introducing the two-sided market model into the field of antitrust , the abuse of the advantage position for large retailers can be identified within this new perspective and theoretal frame work . In the two-sided market , enterprises gain their advantage position by the customers' dependence , and can be iudged as abusing the advantage position if imposing unreasonably slotting fees . As for China , legislations should be improved and supervision should be strengt hened, especially in the anti-trust legislation and practice , in order to regulate the new arising economic situation and problems as far as possible.

Keywords: two-sided markets the relationship bet ween retailers and suppliers advantage position abuse large-scale retail enterprises

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