

The EU's Regulation and Practice on the Very Large Online Platforms

*Der-Chin Horng**

Abstract

The platform services and digital economy play an increasing role in the European Union (EU). Particularly, the very large digital online platform and search engines have the characteristics of gatekeeper and pose the potential risk of leading to market monopoly, and negatively affecting consumer rights, privacy, and fair competition. Therefore, the law and competition play an important role in the development of digital services, so as to strengthen consumer protection, fair

* LL.B., National Chengchi University, LL.M., London School of Economics and Political Science, Ph.D. in Law, University College London. Horng is currently Research Fellow of the Institute of European and American Studies, Academia Sinica, Taiwan (R.O.C.); Professor (part-time) of WTO Law and EU Law at both National Taiwan University and National Chengchi University; and Member of International Protection of Consumers Committee, International Law Association. The Author would like to thank invaluable comments by anonymous referees; and assistance by Sandra Niu and Minfang Tsai. Any remaining errors are my own. The Author would also like to extend his sincere thanks to Dean Ryuji Yamamoto and Professor Tadashi Shiraishi, both of the Graduate Schools for Law & Politics and Faculty of Law, for their kind invitation to me to conduct a research visit to the University of Tokyo on the topic of this paper from 22 March to 30 April 2025. This visit was generously sponsored by the National Science and Technology Council of Taiwan (R.O.C.). This article is based on a draft paper titled "Digital Policies and Competition Law in the EU and Germany and Implications for Taiwan," co-authored by Der-Chin Horng, Hwa-Meei Liou, and Meng-Yow Tsai, and presented at the 28th Academic Conference on Competition Policy and Fair Competition, held on December 9, 2021. The current version of this article reflects substantial updates and revisions, particularly to the sections originally authored by Horng.
E-mail: dchorng@sinica.edu.tw

competition, sound development of the digital industry, and establish a secure and trusted digital system.

The EU adopted the Digital Services Act (DSA) and the Digital Markets Act (DMA) on 4 October 2022 and 18 July 2022 respectively. The DSA fully harmonizes the rules to core platform services in the EU market. The DMA introduces a number of ex-ante regulation model obligations for very large online platform(VLOP) and gatekeepers. These two Acts establish a comprehensive regulatory framework for large digital platforms and gatekeepers, aiming to create a more open and safer digital space based on respect for fundamental rights, consumer protection, fair competition, digital security, and digital sovereignty. This paper analyzes the jurisprudence and practices of the DMA and DSA, as well as their implications for very large online platforms and the EU's competition policy. This paper will focus on the EU's digital strategy and regulation. It adopts the legal interpretation method to analyze the EU's digital service law and digital market law; it adopts the case-study method to explore relevant judicial practice in EU law and EU competition policy. This paper also summarizes some major findings to highlight the specific features, significance and impacts of the EU's regulation of the large digital platforms and gatekeepers.

Keywords: core platform services, Digital Markets Act (DMA), Digital Services Act (DSA), EU, ex-ante regulation, fair competition, gatekeeper, interoperability, very large online platform (VLOP), very large online search engine (VLOSE)