

Antitrust Regulation of Self-Preferential Behavior of Digital Platform Operators in China

Ruoyao Li*

King's College London, London, UK

Abstract: In the past two decades, the platform economy has been developing rapidly, and while creating great welfare for the society, it is easier to form a monopoly pattern due to its multilateral nature, price asymmetry and economy of scale. Some digital platforms with a dominant market position have implemented self-preferential behaviors based on their dual roles as market organizers and market operators, disrupting the order of free competition, making it necessary to impose antitrust regulation on them. This paper analyzes the current status of antitrust regulation of self-preferential behavior of digital platforms in China and finds that it is still in its infancy, and there are dilemmas such as deficiencies in the relevant market definition methods, the existing types of abuse of dominant position of market dominance not being able to cover all self-preferential behaviors, and the lack of experience in and high difficulty of law enforcement. In response to these difficulties, China can improve the relevant market definition methods, add new types of abuse of dominant market position, and introduce the settlement mechanism to improve the antitrust regulation of self-preferential behaviors of digital platform operators, and ultimately promote the healthy and prosperous development of the platform economy.

1. Introduction

In the past two decades, the arrival of the digital economy era has promoted the rapid development of China's digital platforms, which carry multiple functions such as information dissemination, transaction aggregation, resource deployment, and rule-making, significantly enhancing the efficiency of economic operation and improving social welfare. However, the self-preferential behavior arising from its economy of scale and user-locking effect has seriously undermined the normal competitive order, posing a new challenge to anti-monopoly regulation. Self-preferential behavior refers to a specific market behavior in which a digital platform that occupies a dominant market position uses its market power as a lever to provide more favorable conditions for its own goods and services or those of its affiliates compared with those of other operators within the platform [9]. It has become one of the hot topics in global antitrust practice. However, in China, the antitrust process of self-preferential behavior lags a little behind: research results are scarce, the antitrust law lacks specific provisions on this behavior, and there are no public cases of antitrust enforcement against self-preferential behavior. Therefore, this paper is aimed at laying the theoretical foundation for improving the legal practice of antitrust regulation of self-preferential behavior on digital platforms in China, and ultimately promoting the sustainable development of the platform economy. In this paper, I will first introduce self-preferential behavior based on platform dual identity and

its classification, and at the same time explore the current situation of China's antitrust regulation of self-preferential behavior, then analyze the three major dilemmas it is facing, and finally put forward the corresponding suggestions for improvement in response to the dilemmas

2. Current Status of Antitrust Regulation of Self-Preferential Behavior of Digital Platform Operators in China

2.1. Self-preferential Behavior Based on the Dual Identity of Platforms

As the development of the Internet economy enters a new phase, most digital platforms are no longer satisfied with their single intermediary or sourcing role in the past, but have combined self-operated and other-operated businesses into one, providing online trading opportunities for third-party sellers as well as competing directly with some third-party sellers. In China, it has become the norm for digital platforms, especially e-commerce platforms, to engage in self-operated businesses, such as Alibaba's Tmall supermarket, Jingdong's directly operated goods, and Dangdang's self-operated goods, and their self-operated businesses have taken up a significant portion of their platforms' market share. This gives the digital platform a double identity: market organizer and market operator, which is the basis for the implementation of the platform's self-preferential behavior. As a profit-making

*lruoyao712@gmail.com

legal person, the purpose of platform enterprises is to maximize profits, and when the neutrality of their managers is overshadowed by the profit-seeking nature of market competitors, self-preferential behaviors come into being.

The self-preferential behavior of the platform presents various forms in business practice. Comprehensively, according to the means of self-preferential behavior of the platform, it can be classified into compulsory self-preferential behavior and induced self-preferential behavior. Compulsory self-preferential treatment refers to platforms that exclude other competitors from competing by coercive means, and directly prohibit other competitors' services or links from being shared or displayed on their platforms. It also includes limiting transactions, including limiting others to dealing only with themselves or with persons they have designated, and limiting others from dealing with specific persons [24]. Induced self-preferential treatment means that the platform does not completely exclude other competitors from competing, but instead induces consumers to choose self-owned businesses by improperly causing customers to misjudge the quality, price, and other important information of other competitors' products and self-owned products [13].

2.2.Current Status of Antitrust Regulation in China

At present, China's antitrust regulation of digital platform operators' self-preferential behavior is in its infancy, and is reflected at various levels, including legal norms, regulatory guidelines, and local practices.

At the level of legal norms, the Anti-Monopoly Law of the People's Republic of China explicitly stipulates in Article 9 of the General Principles and Paragraph 2 of Article 22 that operators shall not engage in monopolization and abuse of dominant market position by using data and algorithms, platform rules, and so on, which provides a clear regulation of the anti-monopoly system in the field of platform economy.

At the level of regulatory guidelines, Article 20 of the Regulations on Prohibition of Abuse of Dominant Market Position (Draft for Public Comments) issued in June 2022 explicitly prohibits self-preferential treatment by platform operators with a dominant market position and lists two specific forms of self-preferential treatment, including prioritizing the display of one's own goods and using non-public data obtained from the operator's status to develop or assist in decision-making. This is the first time that self-preferential behavior has been explicitly regulated under the legal framework of China's anti-monopoly law. Although this provision was not retained in the official draft released in March 2023 due to the controversial nature of the article, this does not mean that the State Administration of Market Supervision will no longer regulate self-preferential behavior, but may continue to do so in accordance with the catch-all provision 'identifies other abuses of dominant market position' of Article 20 [6].

At the level of local practice, the antitrust compliance guidelines issued by various regions reflect the regulation of self-preferential behavior of digital platforms. The

Antitrust Compliance Guidelines for Tianjin Operators state that digital platforms are more likely and prone to commit monopolistic acts due to their network effects, economies of scale, and close relationships with other operators involved in the platform economy [18]. It also emphasizes that platform operators in areas such as natural monopolies, intellectual property rights, and APIs should focus on strengthening their antitrust compliance. At the level of industry self-regulation, Article 11 of the Xi'an Internet Industry Self-Regulation Convention explicitly stipulates that "adhere to honesty and integrity, and do not selective self-preferential treatment" [23]. From the above list, it is clear that China does not have a laissez-faire attitude towards self-preferential treatment, but it is undeniable that the existing anti-monopoly regulatory measures are still in the exploratory stage, and there are many dilemmas.

3.Antitrust Regulatory Dilemma of Self-Preferential Behavior of Digital Platform Operators in China

3.1.Deficiencies in the Method of Defining Relevant Markets

Any competition is carried out in a certain relevant market, and the definition of relevant market is the basis for judging whether a market entity occupies a dominant position in the market, which is the prerequisite for antitrust regulation of self-preferential behavior of digital platforms. The relevant market consists of the relevant commodity market and the relevant geographic market. Since digital platforms are not subject to time and space constraints, the relevant geographic market is generally defined as the Chinese or even the global market and is less controversial. Therefore, the main difficulty lies in the delineation of the relevant commodity market. The basic method of defining the relevant commodity market in China is substitution analysis, including demand substitution analysis and supply substitution analysis, supplemented by the hypothetical monopolist test. However, when applied to the field of platform economy, all three methods are deficient.

3.1.1Demand substitution analysis

Demand substitution analysis judges the degree of substitution between different commodities from the consumer's perspective based on factors such as price, characteristics, appearance and functions of the commodity. In a traditional economy, price is usually the primary consideration of consumers. However, in the platform economy, digital platforms tend to offer free goods or services in order to compete for traffic and users due to the asymmetric nature of the price structure, which makes the need for the price element in defining the relevant market begin to decline. In addition, in terms of functional elements, the function of goods in the traditional economy tends to be relatively single. While in the platform economy, platform operators tend to expand the

functions of core products in order to expand the market scale and increase user stickiness, forming a multi-functional composite product, and the blurring of the boundaries of product functions makes it more difficult to define the relevant market [25].

3.1.2 Supply substitution analysis

Supply substitution analysis assesses the degree of substitution from the operator's point of view based on factors such as market entry, transfer costs, and lock-in effects. The unique characteristics of the platform economy tend to make supply substitution analysis more complicated. Taking the market entry factor as an example, on the one hand, since digital platforms are characterized by the lock-in effect of consumer users, in the platform economy, users tend to form a dependence on the goods or services provided by the platform based on factors such as familiarity with the mode of operation and the characteristics of the product, and the efforts made in the early stages to familiarize themselves with the product. When platform users want to make a switch, it will be difficult to switch due to high transfer costs, thus increasing user stickiness and creating a lock-in effect, making it hard for other operators to enter the market. On the other hand, the platform economy features dynamic competition, and the competitive situation in the market is changing rapidly. Competitors play, learn, imitate, and innovate each other's business strategies, management models, and other aspects, which become the main means for operators to maintain their competitive advantages [17]. Based on this, successful cases in the industry can be easily imitated, and from this perspective, the market entry barrier is relatively low.

3.1.3 Hypothetical monopolist test

The hypothetical monopolist test evaluates the degree of substitutability between the target good and other goods by observing consumers' response to a change in an element of the target good of the hypothetical monopolist. The main methods are price-centered quantitative analyses of substitutability, such as those based on small price increases (SSNIP) and critical loss approaches (CLA). Nevertheless, these three tests are often difficult to apply in the realm of the platform economy. Since digital platform operators often adopt cross-subsidization strategies at both ends of the market, or even provide goods or services to users free of charge, this price mechanism with imbalance at both ends invalidates the hypothetical monopolist test that relies on the price factor [20]. Furthermore, such tests are highly specialized, require sophisticated calculations in mathematical models, and demand a high level of expertise from those who apply them. This means that the safety and reliability of these models and algorithms still need to be tested in practice over time.

3.2. Existing Types of Abuse of Market Dominance Cannot Cover All Self-Preferential Behavior

Article 22 of the existing Anti-Monopoly Law of the People's Republic of China provides for six types of abuse of market dominance, and there is an overlap between self-preferential behavior and the existing types of behavior. Therefore, some argue that it can be directly regulated by the existing types of refusal to deal, tying and differential treatment [7]. However, in reality, these three types cannot cover all types of self-preferential behavior.

3.2.1 Refusal to deal

Refusal to deal behavior in the field of platform economy is mainly manifested in digital platforms setting more stringent conditions or concealing key information to other competitors within the platform, so as to reduce the competitiveness of competitors and generate preferential treatment for their own business. However, the determination of refusal to deal behavior is actually very difficult.

On the one hand, even if the platform operator's behavior meets the characteristics of refusal to deal behavior, the determination of its illegality still needs to be judged by the principle of reasonableness. China's Anti-Monopoly Guidelines on the Platform Economy set out possible justifiable reasons for digital platform operators to refuse to deal, such as force majeure, undue diminution of the operator's benefits or affecting the security of the transaction for reasons attributable to the counterparty, and so on.

On the other hand, one of the conditions for recognizing refusal to deal in the antitrust sense is that the platform possesses certain essential facilities [19]. The theory of essential facilities originated in the case of *United States v. Terminal Railroad Association*, which was heard by the U.S. Supreme Court in 1912, and it refers to the fact that the subject that owns the essential facilities must open up the facilities, otherwise the subject is abusing its dominant market position. This can have a significant negative impact on the operator's business autonomy and competitive advantage, so the standard for the determination of essential facilities is very strict and must meet four major elements: (1) the controller of the facility is in a dominant position in the market; (2) competitors are incapable of reproducing the facility or such reproduction would be highly unreasonable; (3) the controller denies the competitor access to the facility; and (4) the facility is available [11]. In legal practice in all countries, including China, a very cautious approach is also taken in determining whether a platform constitutes essential infrastructure [10]. For example, in the *Google Comparison Shopping* case, the CJEU refused to find that Google Search, which has more than 90% of the global search market, was irreplaceable, i.e., it was not considered to hold the necessary facilities. In *Qihoo 360 v. Tencent monopolization*, the Chinese Supreme People's Court did not consider that Tencent QQ, which had over 80% of the instant messaging services market in mainland China, possessed the necessary facilities. Thus, due to the high

standard of proof for essential infrastructure, it is currently difficult for any platform to fully satisfy these four constituent elements. If refusal to deal is used to regulate the self-preferential behavior of platforms, it will allow many self-preferential behaviors to escape the scope of regulation, so the self-preferential behaviors of digital platform operators cannot be fully regulated by refusal to deal.

3.2.2 Tying behavior

The main manifestation of tying behavior in the field of platform economy is that the platform with market dominance in the market of tying goods sells other goods, i.e., the tied goods, through its own technical advantages or platform rules. In 2016, Tetra Pak, a famous Swedish packaging company, abused its dominant position in the market of equipment for paper-based aseptic packaging and the market of technical services in mainland China by providing equipment while tying in the sale of packaging materials and was ultimately imposed with a fine of RMB667.7 million [2]. However, the self-preferential behaviors that can be regulated by tying are almost limited to mandatory self-preferential behaviors, while induced self-preferential behaviors, such as changing the ranking of search results and imposing algorithmic penalties, are powerless to be regulated by tying clauses. Therefore, the digital platform operator's self-preferential behavior cannot be completely through the sale of behavior to regulate.

3.2.3 Differential Treatment

Differential treatment in the field of platform economy is mainly manifested in the behavior of digital platform operators in the transaction to have the same conditions of the trading counterparty to set up different trading conditions. In the case of Meituan's 'pick one of two' monopoly, Meituan, which has a dominant position in the market for online catering takeaway platform services in China, forced non-exclusive cooperative merchants to sign exclusive cooperation agreements with it by providing exclusive cooperative merchants with preferential treatment in various aspects such as lowering the rate of commission and expanding the scope of delivery. This clearly constituted differential treatment and was eventually fined RMB 3.442 billion [4].

Differential treatment has a broader scope of application, but there are still problems in applying it to regulate certain self-preferential behaviors. First, differential treatment requires that it take place in a transactional environment, whereas self-preferential behaviors of platforms do not necessarily always take place in transactions. For example, some large platforms monopolize the personal data of a large number of users. It not only excludes other competitors from using and accessing the data, but in doing so, it enables its self-owned business to better target customers and improve product quality, which serves the purpose of self-preferential treatment [16]. But this cannot be interpreted as a transaction, so it cannot be regulated by differential

treatment. Secondly, differential treatment requires that the object of implementation is the counterparty to the transaction. However, if the platform only favors its own business and does not apply differential treatment to other competitors, the self-owned business cannot be a counterparty to the transaction under the control standard adopted by China to identify operators. In this case, it will not be recognized as differential treatment because it does not meet the object element [12]. Third, differential treatment requires the same conditions, whereas in the case of self-preferential behavior, the platform faces two counterparties, one of which is the platform's own merchant and the other is the platform's third-party merchant. The latter is obviously likely to incur more transaction costs than the former. Therefore, these two subjects cannot be regulated by differential treatment because it is difficult to satisfy the element of "same conditions". As a result, the self-preferential behavior of digital platform operators cannot be fully regulated by differential treatment. In summary, the existing types of abuse of dominant position of market power cannot cover all acts of self-preferential treatment.

3.3. Lack of experience and high difficulty in enforcing relevant cases

Up to now, there is no public case of antitrust enforcement against self-preferential behavior of platforms in China, resulting in a lack of experience of enforcement agencies. Although China's antitrust enforcement agencies have paid some attention to self-preferential behavior in their administrative guidelines for past Internet platform 'pick one of two' cases. For example, the administrative guidance in the Alibaba Group 'pick one of two' monopoly case explicitly emphasized that platform operators should 'objectively and neutrally set algorithms for searching, sorting, etc.' and 'cooperate with operators on the platform in accordance with the principle of fairness and reasonableness and non-discrimination,' from which it is possible to see that law enforcement agencies have paid extra attention and concern to self-preferential behaviors [3]. However, it is undeniable that compared to countries such as the EU, South Korea and Italy, which have explicitly issued antitrust fines against self-preferential behavior on several large platforms, China is relatively lagging behind and enforcement agencies lack experience. The cases of self-preferentiality began with the Google Shopping Case, in which the European Commission in June 2017 imposed a €2.42 billion fine on Google for abusing its dominant market position to favor its shopping service. This was followed by a €220 million penalty from the French competition enforcement agency for Google's preferential treatment of its own advertising services. Besides, in 2021, the Korean Fair Trade Commission imposed a KRW 26.7 billion fine on Naver, the largest search engine operator in South Korea, for manipulating its algorithm to prioritize the display of its own products for self-preferential treatment.

In addition, the cutting-edge, technical and complex nature of self-preferential behavior makes antitrust enforcement for cases related to self-preferential behavior

difficult. For one thing, current Chinese laws and regulations do not contain targeted prohibitions on self-preferential treatment, and rely on methods such as textual interpretation or the application of a large number of underpinning clauses. This can lead to the blurring boundaries of law enforcement and increase the difficulty. For another, since the regulation of self-preferential behavior on platforms applies the principle of reasonableness rather than the principle of illegality, it requires targeted case analysis and comprehensive judgment to reach a conclusion. This not only puts higher demands on the enforcement capacity and professionalism of antitrust enforcement agencies, but also increases the workload of enforcement agencies, exacerbating China's current enforcement dilemma of 'too many cases, too few people'.

4.Improvement Suggestions for Antitrust Regulation of Self-Preferential Behavior of Digital Platform Operators in China

4.1.Improve the relevant market definition method

Although the current market definition method has limitations in dealing with the market definition problems in the field of platform economy, it does not mean that its basic idea and internal logic cannot continue to be applied. China can, on the basis of considering the characteristics of the platform economy, make necessary adjustments to adapt it to the needs of market definition in the platform economy.

First, the status of the price factor in identifying the relevant market should be appropriately adjusted. In the era of traditional economy, price is the core criterion of substitution analysis because consumers' choice of substitute goods is usually based on price. But in the platform economy, with the help of the multilateral market structure, platforms generally adopt the pricing strategy of charging one side of the platform at below-cost price, free of charge, or even giving subsidies, which makes the price factor less meaningful in defining the relevant market. Thus, China can properly adjust downward the status of the price factor in defining the relevant market based on the overall pricing structure of the platform.

Second, alternative analysis should be conducted in the context of platform ecosystems as a whole. Nowadays, Internet platform enterprises, especially super-platforms, have built digital platform ecosystems through various forms of expansion and merger from their initial business. In the context of the platform ecosystem, China should abandon isolationism and cannot define the relevant market of the target commodity in isolation as in the past to judge the degree of substitution [21]. Instead, China should look at the target commodity and other commodities involved as a whole, consider the complementary relationship between different commodity markets, and conduct demand substitution analysis and supply substitution analysis from a holistic perspective, taking into full consideration their impact on user demand.

Third, the hypothetical monopolist test can be enhanced. The traditional price-focused hypothetical monopolist test is difficult to apply in the platform economy, but it can be adapted, such as adopting a hypothetical monopolist test based on a small drop in quality (SSNDQ). This is consistent with the widespread presence of non-price competition in the platform economy, and also addresses the inability to hypothesize price increases for zero-price products. In the second trial of Qihoo 360 v. Tencent monopolization, the Chinese Supreme People's Court adopted this approach to identify the relevant market.

4.2.Adding types of abuse of market dominance behavior

Although certain self-preferential behaviors of digital platform operators overlap with the established abuse of market dominance types of refusal to deal, tying behavior, and differential treatment, these three types of behaviors cannot fully cover the platform's self-preferential behaviors. Moreover, these three types of abuse of dominant position of market power are regulated in different ways and have different relief paths, and if there is no uniform standard, the situation of 'different judgments for the same case' is very likely to occur [15]. Accordingly, in light of the structure of China's current antitrust law, Article 19a of the 10th Amendment to the German Anti-Restriction of Competition Act (ARCCA), which treats self-preferential behavior as a new type of abuse of dominant market position, is worthy of reference.

Nevertheless, as China's antitrust regulation of platform self-preferential behavior is still in the initial exploratory stage, it is not advisable to increase the types of abuse of dominant market position in the legislation in an overly hasty manner. To begin with, the concept and constituent elements of platform self-preferential behavior should be clarified in the light of the current state of legislation, the development of digital platforms, and the definitions in the EU Report on Competition Policy in the Digital Age [8]. Then, the types and characteristics of platform self-preferential treatment should be further refined in judicial interpretations or relevant guidelines. China can refer to the approach taken by the EU Digital Marketplace Law and the US Innovation and Choice Online Act to specifically enumerate the self-preferential behavior of platforms. Finally, on the basis of the previous two steps, platform self-preferential behavior should be added as a new type of abuse of market dominance.

4.3.Optimizing the path of enforcement in cases of self-preferential behavior

To deal with the dilemma of little experience and high difficulty in enforcing the law in cases of self-preferential behavior, China can optimize the enforcement path based on the advanced experience of other countries and its own national conditions.

Firstly, China's antitrust enforcement agencies may issue market investigation reports on a regular basis. In recent years, antitrust enforcement agencies in Europe and

the United States have frequently conducted market investigations of digital platforms and issued market competition assessment reports. For example, the U.S. House of Representatives Judiciary Committee issued the Digital Market Competition Investigation Report, the Australian Competition and Consumer Commission issued the Digital Platform Investigation Report, and the European Union even legalized this regulatory approach. This approach is worthy of China's reference, as it can help antitrust enforcement authorities better grasp the competitive dynamics of the digital market and the monopolistic behaviors of some platforms compared to investigations at the ex post enforcement stage [22]. This helps to reduce the difficulty of enforcement and improve the targeting of enforcement.

Second, the Chinese government should build an efficient ex ante regulatory mechanism for platforms. Currently, China's ex-post, case-by-case regulatory model to deal with antitrust cases is not sufficient to deal with the regulatory dilemma of self-preferential treatment of platforms [14]. So, an efficient ex ante regulatory mechanism for platforms should be constructed to fundamentally improve the quality and efficiency of the enforcement of self-preferential treatment on digital platforms in China [1]. Firstly, platforms should be regulated in a hierarchical and categorized manner. Platforms that have reached a certain level should be subject to an obligation to prohibit self-preferential treatment, while other platforms should be left to market regulation. Currently, China is working toward a hierarchical management of platforms, which are categorized into three levels and six categories based on user size, business type, economic volume, and restrictive capacity. Also, attempts could be made to develop an ex ante regulatory algorithm for self-preferential behavior of digital platforms. The algorithm could follow the following path: If it is found that, within a short period of time, the platform's self-preferential business has experienced significant fluctuations in sales that are not based on factors such as price, quality, or innovation, the platform operator should be required to explain the situation within the platform. Besides, the targeting of platforms' ex ante supervision should be enhanced. On the one hand, China should strengthen the regulation of key areas and industries. On the other hand, it is necessary to emphasize the regulation of super platforms. According to China's Guidelines on Classification and Rating of Internet Platforms (Draft for Public Comments), platforms that reach the super level in terms of user scale, business type, economic volume and limitation capacity at the same time are recognized as super platforms [5]. In this regard, China could learn from the EU's 'gatekeeper' system, focusing on super-platforms and imposing a prior obligation on them to prohibit self-preferential practices.

Finally, settlement mechanisms can be actively introduced. In 2020 the Russian Federal Antimonopoly Service (FAS) received allegations of self-preferential behavior from a number of companies against Yandex, the largest search engine in Russia. However, this time, instead of using traditional antimonopoly enforcement methods, the Russian Federal Antimonopoly Service reached a settlement agreement with Yandex and the accusing

companies after efforts of coordination. The positive aspect of this case is that it provides another good dispute resolution tool for antimonopoly enforcement - settlement. It usually takes years for law enforcement to investigate a platform's monopolistic behavior, including self-preferential behavior. In the Google Shopping Case, for example, it took seven years from 2010, when the European Commission received a joint complaint against Google from a number of companies, to 2017, when penalties were handed down. During the investigation period, without ancillary measures such as injunctions, the platform's anti-competitive behavior would have continued, with ongoing consequences of excluding competition and undermining the order of fair and free competition in the market. And the human and material costs of launching investigations and regulating after the fact are enormous. Therefore, the active introduction of a settlement mechanism can not only meet the needs of the disputing parties, but also reduce the pressure and costs of the enforcement authorities.

5. Conclusion

To conclude, some digital platform operators with dominant market positions in China take advantage of their dual roles as platform managers and market participants to implement self-preferential behaviors, which can be classified into mandatory self-preferential treatment and induced self-preferential treatment depending on the platform's means. While China's antitrust regulation of platform self-preferential treatment has been reflected in legal norms, regulatory guidelines, and local practices, it is still in its infancy and faces three major dilemmas: deficiencies in the method of defining the relevant market, the inability of the existing types of abuse of dominant position of market power to encompass all types of self-preferential treatment, and insufficient experience in, and high difficulty of, enforcing the law in the relevant cases. Based on this, China should improve the relevant market definition methods, add types of abuse of market dominance, and optimize the enforcement path in cases of self-preferential treatment, so as to ultimately promote the improvement of China's anti-monopoly regulation of self-preferential treatment by digital platform operators. Although the research in this paper is grounded, it is difficult to draw very precise quantitative conclusions due to the adoption of qualitative research methods and the analysis from a macro perspective. Therefore, it is suggested that future research should introduce quantitative research methods and a more refined micro perspective.

References

- 1 Bougette, P., Budzinski, O., & Marty, F. (2022). Self-Preferencing and competitive damages: A focus on exploitative abuses. *The Antitrust Bulletin*, 67(2), 190–207.
<https://doi.org/10.1177/0003603x221082757>
- 2 China State Administration for Industry and Commerce. (2016). *Competition enforcement notice*

- 2016 no. 10 tetra pak abuse of market dominance. Samr.gov.cn.
https://www.samr.gov.cn/cms_files/filemanager/samr/www/samrnew/fldys/tzgg/xzcf/202204/t20220424_342049.html
- 3 China State Administration of Market Supervision and Regulation. (2021a). *General administration of market supervision imposed administrative penalties on Alibaba group holding ltd. for monopolizing the market for online retail platform services in China*. Samr.gov.cn.
https://www.samr.gov.cn/xw/zj/art/2023/art_4966dda92ab34c398615f5878c10c8f1.html
 - 4 China State Administration of Market Supervision and Regulation. (2021b). *General administration of market supervision issues administrative penalty decision and administrative guidance on market monopolization of Meituan's online food and beverage takeout platform services in China*. Wwww.samr.gov.cn.
https://www.samr.gov.cn/zt/qhfdzfd/art/2021/art_20d2233982c843f58681b40674441050.html
 - 5 China State Administration of Market Supervision and Regulation. (2021c). *Guidelines for the categorization and classification of internet platforms (draft for comment)*. Samr.gov.cn.
https://www.samr.gov.cn/hd/zjdc/art/2023/art_c0086d02fcc544ea9506c997b3ac93c1.html
 - 6 [China State Administration of Market Supervision and Regulation. (2023). *Prohibition of abuse of dominant market position*. Samr.gov.cn.
https://www.samr.gov.cn/zw/zfxxgk/fdzdgknr/fgs/art/2023/art_fd238d3ec1284cb58a2e640255711ff6.html
 - 7 Colomo, P. I. (2020). Self-Preferencing: Yet another epithet in need of limiting principles. *World Competition*, 43(Issue 4), 417–446.
<https://doi.org/10.54648/woco2020022>
 - 8 Ding, M. (2022). Antitrust regulatory issues of self-preferential treatment. *Law Forum*, 37(4), 87–97.
 - 9 European Commission. (2019). *Competition policy for the digital era*.
 - 10 Fang, D. (2023). Exploring the regulatory path of platform self-preferential behavior under antitrust law. *Finance and Economy*, 2023(2), 41–50.
 - 11 Graef, I. (2019). Rethinking the essential facilities doctrine for the EU digital economy. *Revue Juridique Thémis de l'Université de Montréal*, 53(1), 33–72.
 - 12 Jiao, H. (2022). The nature of abuse of dominant market position and normative amendments. *Journal of China University of Political Science and Law*, 2022(1), 186–200.
 - 13 Li, J. (2022). Legal regulation of unfair competitive behavior in internet finance. *Finance and Economy*, 0(1), 91–96.
 - 14 Liu, X. (2023). Legal regulation of self-preferential treatment on digital platforms. *Legal Science (Journal of Northwest University of Politics and Law)*, 41(1).
 - 15 Meng, Y., & Zhao, Z. (2022). Reasonable regulation of self-preferential behavior of super platforms under antitrust law. *Journal of Central South University: Social Science Edition*, 28(1), 70–82.
 - 16 Stucke, M. E. (2018). Should we be concerned about data-opolies? *SSRN Electronic Journal*, 2(2).
<https://doi.org/10.2139/ssrn.3144045>
 - 17 Tan, Y. (2021). The dilemma and way out for the regulation of abuse of market dominance by internet platforms. *Rule of Law Research*, 2021(4), 110–123.
 - 18 Tianjin Market Supervision and Administration Commission. (2021). *Tianjin operator antitrust compliance guidelines*. Scjg.tj.gov.cn.
https://scjg.tj.gov.cn/tjsscjdglwyh_52651/zwgk/zfgznw/bdwwjnew/gzwjnew_1/202108/t20210813_5533921.html
 - 19 Vesterdorf, B. (2015). Theories of self-preferencing and duty to deal - two sides of the same coin? *Competition Law & Policy Debate*, 1(1), 4–9.
<https://doi.org/10.4337/clpd.2015.01.01>
 - 20 Wang, X. (2011). *Study on hot issues of China's anti-monopoly law implementation*. Law Press.
 - 21 Wang, X. (2019). *Relevant market definition and technical methods in antitrust law*. Law Press.
 - 22 Wang, X., & Cao, H. (2021). Three key issues of antitrust in platform economy. *Exploration and Controversy*, 2021(9), 54-65+178.
 - 23 Xi'an Publishing. (2022). *Xi'an internet industry self-discipline convention officially released*. Wappass.baidu.com.
<https://baijiahao.baidu.com/s?id=1733001044317466818&wfr=spider&for=pc>
 - 24 Yin, J. (2021). Antitrust regulation of Internet platform blocking behavior. *Modern Law*, 43(4), 143–155.
 - 25 Zhang, J. (2015). Internet platform competition and antitrust regulation through the lens of 3Q antitrust litigation. *Chinese and Foreign Law*, 27(1), 264–279.