UNITED ARAB EMIRATES
MINISTRY OF ECONOMY & TOURISM

Dubai, 28-29 October 2026

Seventh
ARAB COMPETITION FORUM (ACF)

E/ESCWA/CL6.GCP/2026/ACF/Background paper.2

Session 2: Building coherent digital competition policy through regional cooperation

United Nations
Beirut

2600426E

Executive summary

Prepared for Session 2 of the 7th Arab Competition Forum, this paper considers how regional cooperation can support competition policy in digital markets, drawing on two new indicators developed within the Arab Business Legislative Frameworks (ABLF).

Main findings

- Competition legislation is widespread across the Arab region, but legislative coverage, institutional establishment and enforcement capacity are distinct dimensions of preparedness for digital markets.
- The ABLF assessment finds that mechanisms for monitoring or reviewing digital concentrations beyond conventional notification thresholds remain limited.
- The ABLF assessment records no positive result for preventive obligations applicable to firms with structural market power.

Proposed actions

- Explore ways to strengthen coordination among Arab competition authorities, including through the establishment of contact points and common approaches to sharing non-confidential case information.
- Consider opportunities to share analytical guidance and technical expertise, including through voluntary joint studies of digital markets of common interest.
- Support targeted capacity-building for Arab competition authorities on digital merger review and preventive obligations, tailored to national needs and institutional capacities.

Introduction

Digital markets now account for a growing share of economic activity and are changing how goods and services are produced, distributed and consumed. Platforms, data-based business models and online services that operate across borders have opened new channels for innovation and market entry. At the same time, they have created difficult questions for competition policy. Market concentration, platform dominance, access to data and network effects can strengthen the position of established firms and shape competition across more than one jurisdiction. Since major platforms often operate in several countries at once, conduct originating in one market may affect others. National authorities therefore increasingly face challenges that cannot be addressed effectively within national borders alone.[1]

1. United Nations Conference on Trade and Development (UNCTAD), Competition law, policy and regulation in the digital era, TD/B/C.I/CLP/57, 28 April 2021.

The Arab region has experienced rapid growth in e-commerce, digital platforms and technology-enabled services. This makes it important to examine whether national competition frameworks provide the legal powers needed to address digital-market concerns, alongside the institutional capacity and enforcement experience required to apply them. Regional cooperation can help address these gaps. Competition authorities can exchange information, learn from one another's cases and build the technical expertise needed to address emerging digital-market concerns. Cooperation does not require identical laws or institutions. It can instead provide a practical basis for addressing shared challenges while allowing each country to work within its own legal system. The Arab Business Legislative Frameworks (ABLF), developed by ESCWA, can support this effort by offering a structured framework to assess legislative developments across the 22 Arab countries.[2]

Against this background, the paper examines areas in which shared analytical approaches may be useful, assesses what the new ABLF indicators reveal about legislative preparedness for digital-market challenges and identifies practical opportunities for regional cooperation and technical assistance. The following questions are intended to guide the discussion:

- How can Arab competition authorities strengthen existing enforcement tools, and under what conditions would additional ex ante obligations be appropriate?
- What forms of regional coordination are feasible given differences in national legal and institutional frameworks?
- How can authorities address digital mergers that fall below existing notification thresholds?
- What types of information-sharing, including non-confidential information, market intelligence and analytical tools, could realistically be implemented at the regional level?

1. Competition in digital markets

1.1 Structural drivers and competitive risks

Many digital platforms operate as multi-sided markets, bringing together groups such as buyers and sellers, drivers and passengers, or users and advertisers. A platform can become more useful as the number of users increases. Sellers are drawn to a marketplace with many buyers. Passengers are more likely to use a ride-hailing platform when many drivers are available, while drivers are more likely to join when there are many passengers.

2. United Nations Economic and Social Commission for Western Asia (ESCWA), Arab Business Legislative Frameworks Series, E/ESCWA/CL6.GCP/2023/ABLF/1/Summary, 2023.

These network effects can benefit established platforms and make it more difficult for new entrants to attract sufficient numbers of users. Because a platform can often serve additional users at relatively low cost, one that attracts users early may grow faster than its competitors.[3]

There is nothing inherently anti-competitive about this process. A platform may grow because it is more efficient or because users prefer its services. Competition concerns may arise when network effects and economies of scale reinforce one another and rivals offering competitive services cannot attract enough users to compete effectively.

Data can further reinforce these advantages. Records of searches, purchases or trips can help a firm improve its recommendations, rankings and prices. Improved services may attract more activity, generating additional data that can, in turn, further improve those services. A rival without access to comparable data may struggle to catch up. The issue becomes more complex to assess when the same company links a marketplace with services such as advertising, logistics and payments. Users may find it costly or inconvenient to leave the wider ecosystem, while authorities may have difficulty determining where one market ends and another begins.

Digital services can also reach users across borders without the physical presence usually associated with traditional businesses. A platform may therefore affect competition in several countries while important data and business decisions remain outside the jurisdictions concerned. This can complicate market definition, access to evidence and effective enforcement.[4]

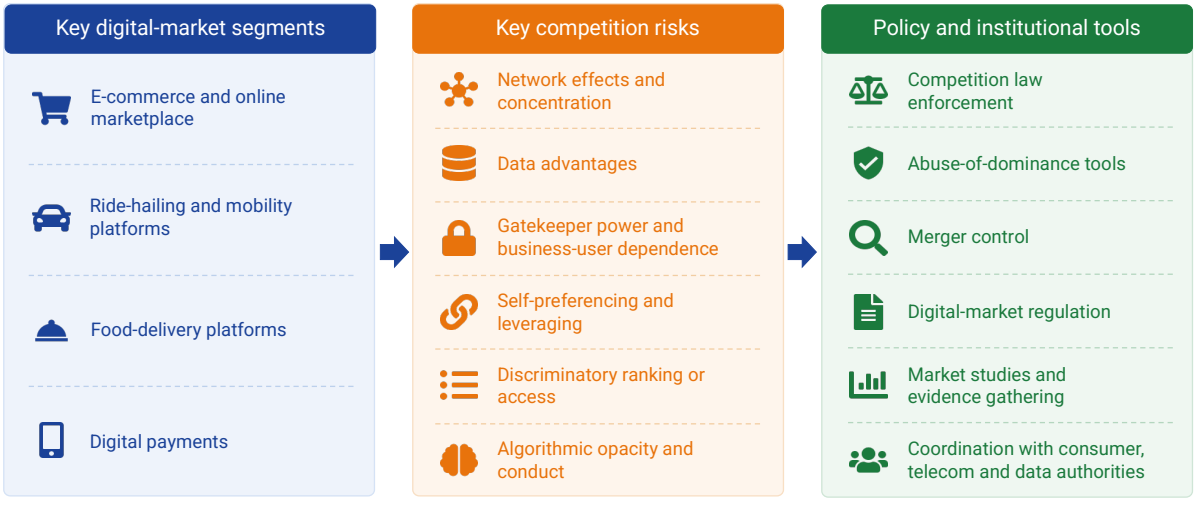
1.2 Competition concerns in digital markets

When businesses rely on a platform to reach customers, its decisions on rankings, access and pricing can directly affect their ability to compete. A further issue arises when the platform competes with the businesses that depend on it. It may operate the marketplace while also selling its own products or providing advertising, delivery and payment services. Competition concerns may arise if the platform uses its control of the marketplace to favour its own products or services over those of competitors.[5]

Algorithms can present additional challenges. Pricing, rankings, recommendations and matching may be determined by systems that authorities cannot easily observe. Investigators may observe market outcomes but still lack access to the data and technical information needed to explain how those outcomes were generated. This can make it harder to determine whether conduct is exclusionary or discriminatory, or whether it reflects a legitimate business decision.[6]

3. Organisation for Economic Co-operation and Development (OECD), The evolving concept of market power in the digital economy, DAF/COMP(2022)5, 22 June 2022.
4. UNCTAD, Global Competition Law and Policy Approaches to Digital Markets, UNCTAD/DITC/CLP/2023/7, 2024.
5. OECD, Abuse of Dominance in Digital Markets, OECD Roundtables on Competition Policy Papers, No. 256, 2020.
6. OECD, Algorithmic Competition, OECD Roundtables on Competition Policy Papers, No. 296, 2023.

Figure 1. Digital markets, competition risks and policy tools



Source: Prepared by ESCWA based on OECD (2022), OECD (2023) and UNCTAD (2024).

2. Digital markets and competition frameworks in the Arab region

2.1 Expansion of digital markets in the Arab region

Across the Arab region, e-commerce, ride-hailing, food delivery and digital payments have become an increasingly important part of economic activity. Online channels allow consumers to access services more easily and help businesses, including smaller firms, reach wider markets. Their use expanded further during the COVID-19 pandemic, while governments also increased their reliance on digital public services.[7]

2.2 Emerging digital competition concerns in the Arab region

Digital transactions involving several Arab markets have brought competition concerns before national authorities. Uber's announced acquisition of Careem in 2019 involved businesses operating across several Arab markets and was subject to applicable regulatory approvals. The transaction illustrates how a single acquisition can require consideration

7. ESCWA, Arab Digital Development Report 2022, Towards Empowerment and Inclusion for All, 2024.

across several national jurisdictions.[8] In Egypt, the competition authority examined whether the transaction would make it harder for potential rivals to enter the ride-hailing market, including through difficulties in accessing data and attracting drivers. The case, discussed further in section 3.3.1, illustrates the practical questions that competition authorities have faced when assessing digital transactions.[9]

The ability to address these concerns depends on the legal powers and enforcement capacity available to national authorities. The following section examines legislative frameworks across Arab countries through the ABLF assessment.

3. The Arab Business Legislative Frameworks: digital competition indicators

3.1 Structure and purpose of the ABLF

The Arab Business Legislative Frameworks (ABLF), developed by the United Nations Economic and Social Commission for Western Asia (ESCWA), assesses business-related legislative frameworks across the 22 Arab countries. It provides a comparative assessment of legislative, regulatory, institutional and enforcement frameworks, helping to identify areas of progress and remaining gaps. The existence of legislation or the formal establishment of an authority does not, by itself, demonstrate its capacity to enforce competition rules effectively.

The ABLF is organised around a set of indicators, each reflecting a specific dimension of the business legislative environment. In the field of competition, these indicators are organised into eight sub-areas: antitrust and competition laws, provisions addressing anti-dominance and monopolization laws, cartels and anti-competitive agreements, competition enforcement practices, international trade agreements, liberalization and competition in regulated sectors, merger regulatory regimes, and labour protection in its interaction with competition policy. Each indicator is formulated as a structured yes-or-no question, and assessed against each country's laws, decrees and regulations, enabling systematic cross-country comparison.

8. Uber, Uber to Acquire Careem To Expand the Greater Middle East Regional Opportunity Together, 26 March 2019.
9. OECD, The Concept of Potential Competition – Note by Egypt, DAF/COMP/WD(2021)24, 7 June 2021, paras. 50–55, pp. 9–10.

The resulting assessment maps relevant provisions and institutional arrangements across jurisdictions and allows national frameworks to be compared using a common set of indicators. The ABLF is updated periodically to reflect developments in national frameworks.

This paper introduces, for the first time within the ABLF framework, two digital-market indicators. These complement the existing indicators on merger-control regimes and abuse of dominance by examining two issues: mechanisms for identifying or reviewing digital transactions that may escape conventional notification thresholds; and preventive obligations applicable to firms with structural market power without a prior finding of abuse. Section 3.2 reviews the existing competition indicators, while section 3.3 examines the two new digital-market indicators. The assessment reflects legislation in force as of June 2026.

For each indicator, the assessment questionnaire requests the relevant legislation or authority and its enactment or establishment date. For negative responses, it also requests any similar or alternative legislation or authority and the reasons for the response. For the two digital-market indicators, the assessment records either "Yes" or "No". A "No" response may indicate either that no qualifying provision was identified in the materials reviewed or that the indicator was considered not applicable; it does not, by itself, establish that no relevant legal provision exists.[10]

3.2 Evolution of competition policy in the Arab region

One of the most notable findings of the existing ABLF competition assessment is that competition policy in the Arab region is gradually shifting from the adoption of basic competition legislation to the effectiveness of existing legal and institutional frameworks. Although legislative gaps remain, the growing challenge is to ensure that existing frameworks are effectively implemented and can respond to evolving market structures, business models and sources of market power.

Economic and technological changes are reinforcing this shift. Digitalisation, cross-border business activity and new forms of economic concentration are creating new challenges for competition policy. Competition authorities are therefore expected not only to assess mergers and anti-competitive conduct, but also to address business practices that extend across multiple jurisdictions and rapidly evolving market conditions. Meeting these challenges requires more than a sound legal framework. It also depends on effective institutions, adequate enforcement powers, technical expertise and sufficient regulatory flexibility.

10. Disclaimer: The assessment is based on a review by ESCWA of legislation in force as of June 2026. The results have not yet been independently verified by Member States.

Against this background, the ABLF assessment provides a basis for examining not only the development of competition legislation but also the institutional and enforcement dimensions of competition policy. The sections that follow present the principal findings of the assessment and consider their implications for incorporating digital competition into the ABLF.

3.2.1 From legislative adoption to institutional consolidation

The ABLF assessment shows the widespread adoption of dedicated competition legislation. As of June 2026, twenty-one of twenty-two Arab countries had adopted competition-specific legal frameworks, although the scope and content of these frameworks vary across jurisdictions.[11]

The ABLF assessment also records institutional arrangements for competition enforcement. It identifies bodies responsible for competition enforcement in most Arab countries, although their institutional arrangements, statutory mandates and enforcement capacities vary. The widespread adoption of legislation therefore does not necessarily imply equivalent levels of institutional development or enforcement capacity.

Lebanon illustrates the gap that can arise between legislative adoption and institutional implementation. In its statement on a workshop held on 29 May 2025, the Ministry of Economy and Trade identified the appointment of a competition authority and the establishment of a specialised monitoring and investigation unit as steps needed for effective implementation of the Competition Law.[12] The example highlights the distinction between adopting competition legislation and establishing the institutional arrangements needed for its effective implementation.

Traditional competition tools remain applicable to digital markets, but their application may face challenges related to the rapid concentration of activity around dominant platforms, access to evidence, multi-sided business models and the timeliness of remedies. These challenges increase the importance of institutional capacity, appropriate enforcement tools and regulatory frameworks that can respond to developments in the digital economy.

11. E/ESCWA/CL6.GCP/2023/ABLF/1/Summary and the State of Palestine, Decree-Law No. 11 of 2025 concerning competition, Official Gazette, No. 226 (May 2025).
12. Lebanon, Ministry of Economy and Trade, Virtual workshop bringing together international and local experts to discuss implementation of the Competition Law in Lebanon, 29 May 2025, point 3(a)-(c).

Figure 2. From legislative adoption to adaptive competition enforcement



Source: Compiled by ESCWA.

3.2.2 Ongoing reform processes

Recent legislative developments across the Arab region show that competition policy reforms reflect different stages of development across national competition regimes. While some Arab countries continue to focus on establishing the legal and institutional foundations of competition policy, others are concentrating on strengthening enforcement, refining merger control and improving the operation of existing competition frameworks.

Recent reforms illustrate these different trajectories. The State of Palestine, classified by the ABLF as a "conflict- affected country", adopted its first comprehensive competition framework through Competition Decree-Law No. 11 of 2025. The Decree-Law establishes dedicated institutional structures, mandatory merger notification procedures and specialised enforcement mechanisms, thereby establishing the institutional foundations for the implementation of competition policy.[13]

Jordan, classified by the ABLF among middle-income Arab countries, and the United Arab Emirates, classified among the Gulf Cooperation Council (GCC) countries, illustrate reforms aimed at strengthening established competition frameworks. In Jordan, Law No. 8 of 2026 amended Competition Law No. 33 of 2004 and strengthened the institutional framework for competition enforcement and the procedures governing economic concentrations, investigations and complaints.[14] The United Arab Emirates continued the development of its competition framework with Cabinet Resolution No. 59 of 2026, which entered into force on 30 July 2026 and issued the Executive Regulations of Federal Decree-Law No. 36 of 2023 Regulating Competition. The Resolution sets out procedures for the implementation of provisions concerning dominant positions, exemptions, economic concentrations, complaints and investigations.[15]

13. The State of Palestine, Decree-Law No. 11 of 2025 concerning competition, Official Gazette, No. 226 (May 2025).
14. Jordan, Law No. 8 of 2026 amending competition Law No. 33 of 2004, Official Gazette No. 6046 (April 2026), articles 6–9 and 13.
15. The United Arab Emirates, Cabinet Resolution No. 59 of 2026 Regarding the Executive Regulations of Federal Decree-Law No. 36 of 2023 Regarding the Regulation of Competition (April 2026), article 33.

Taken together, these reforms illustrate different priorities across national competition regimes: establishing comprehensive legal and institutional frameworks in some jurisdictions, and strengthening institutions, procedures and enforcement mechanisms in others. They also reinforce the importance of assessing not only whether competition legislation exists, but whether national frameworks have the institutional and procedural tools needed to respond to evolving market conditions.

3.3 Expanding the ABLF competition assessment: new indicators for digital markets

The existing ABLF competition indicators cover the core components of competition law. They do not, however, fully account for certain competition-policy issues associated with digital markets, including forms of economic concentration and market power that may not be fully captured by existing indicators.

To address this gap, the ABLF competition assessment has been expanded through the introduction of two additional indicators. These indicators examine whether national legal frameworks incorporate mechanisms for monitoring digital concentrations and preventive obligations applicable to firms with structural market power, two regulatory issues that have become increasingly prominent in international discussions on digital competition. The following sections examine each indicator and assess its coverage across the Arab region.

Box 1. The European Union Digital Markets Act as an international reference

The European Union Digital Markets Act (DMA), which entered into force in 2022 and became applicable on 2 May 2023, represents one of the most comprehensive legislative responses to competition and contestability concerns associated with large digital platforms. The Act adopts a regulatory approach distinct from traditional ex post competition enforcement by introducing a designation-based system under which platforms meeting defined quantitative and qualitative criteria are designated as gatekeepers and become subject to specific behavioural obligations without requiring a prior finding of abuse.

The DMA also reflects two broader regulatory developments that have become increasingly influential in international discussions on digital competition policy. First, it introduces ex ante obligations applicable to designated gatekeepers, allowing certain competitive risks to be addressed before market harm occurs. Second, Article 14 requires gatekeepers to inform the European Commission of intended concentrations where the merging entities or the target provides core platform services, other services in the digital sector or enables the collection of data, irrespective of whether the transaction is notifiable under European Union or national merger-control rules. This information obligation does not create a separate merger-notification or approval threshold.

While the DMA does not constitute a model for direct replication in Arab jurisdictions, given differences in legal systems, institutional capacities and market structures, it provides a relevant international reference for the design of the two new ABLF indicators. Rather than reproducing the broader regulatory framework of the DMA, these indicators focus specifically on two dimensions of competition policy mechanisms for identifying or reviewing digital transactions that may fall outside conventional notification thresholds and ex ante obligations for firms with structural market power.

Source: European Union, Regulation (EU) 2022/1925 (Digital Markets Act), especially arts. 3, 5–7 and 14.

3.3.1 Indicator on Digital Concentration Monitoring

The first new indicator asks: "Does the national legal framework include mechanisms for monitoring and regulating concentrations in digital markets, including the notification of transactions with potential competitive effects, even where they do not exceed traditional notification thresholds?" The indicator responds to a recognised limitation of conventional merger control systems, under which notification obligations are generally triggered by turnover or asset thresholds that may not capture acquisitions involving innovative digital firms whose competitive significance derives primarily from data, technology, network effects or future growth potential rather than current revenues.

These mechanisms have different legal effects. Transaction-value thresholds can trigger mandatory merger notification based on the value of a transaction, subject to the applicable jurisdictional conditions. Below-threshold review powers allow authorities to examine transactions that do not meet the ordinary notification thresholds, under specified conditions. Reporting obligations provide information about transactions but do not, by themselves, confer merger-review jurisdiction. The indicator addresses monitoring as well as review, so a positive result should be read alongside the type of mechanism identified; it does not imply that the authorities concerned have equivalent powers.

The assessment indicates that such mechanisms remain limited across the Arab region. Merger control regimes continue to rely predominantly on conventional turnover and asset-based notification thresholds, with few legal provisions allowing competition authorities to examine transactions falling below those thresholds where they may nevertheless raise competition concerns.

Egypt constitutes a notable exception through the mechanism introduced by its 2022 legislative and 2024 implementing amendments. This mechanism is not specific to digital markets: Article 19 bis of Competition Law No. 3 of 2005, as amended by Law No. 175 of 2022, empowers the Egyptian Competition Authority, subject to the approval of the Board, to examine economic concentrations that do not meet the statutory notification thresholds where evidence or indicia suggest that the transaction may limit, restrict or harm competition. The review must be initiated within one year of the transaction's

implementation. Article 61 of the Executive Regulations identifies relevant indications, including restrictions on technological development or innovation, reduced product quality, and barriers to market entry or expansion.[16] This represents one of the few legislative mechanisms in the region that extends merger review beyond the traditional threshold-based notification system.

Box 2. Egypt's review of the Uber/Careem transaction

Egypt's review of the Uber/Careem transaction illustrates why digital-merger analysis may need to consider more than existing competitors and current market conditions. The Egyptian Competition Authority (ECA) examined whether the transaction could make entry more difficult for future rivals and treated access to data as part of that assessment. A new entrant could struggle to compete if it could not replicate or gain access to the user and trip data held by the established platforms. The concern therefore extended beyond the size of the merged firm to whether the transaction would reinforce barriers to future entry. This aspect of the ECA's assessment is relevant to the new ABLF indicator on digital-concentration monitoring, as it illustrates the importance of considering data advantages, potential entry and the conditions under which future competitors could challenge established platforms. The transaction predates the below-threshold review provisions introduced in 2022; it illustrates the analytical considerations underlying the indicator rather than the application of those later powers.

Source: OECD, The Concept of Potential Competition – Note by Egypt, DAF/COMP/WD, 7 June 2021, paras. 50–55, pp. 9–10.

Overall, the results show that legislative approaches to merger control in the Arab region are still largely based on traditional notification models. The lack of mechanisms to capture competitively significant transactions below traditional thresholds may become an area of increasing importance for future legislative development as digital markets evolve.

3.3.2 Indicator on ex ante obligations for firms with structural market power

One of the more recent developments in competition policy concerns the emergence of ex ante regulatory obligations applicable to firms with structural market power. Unlike traditional ex post enforcement, under which authorities generally intervene in response to conduct that may infringe competition law, this approach imposes specified obligations without requiring a prior finding of anti-competitive conduct. Reflecting this development, the second new indicator asks: "Does the legal framework provide ex ante preventive obligations applicable to firms with structural market power, without requiring prior proof of abuse or consumer harm?"

16. Egypt, Competition Law No. 3 of 2005 (July 2024), article 19 bis.

Structural market power concerns a firm's ability to maintain a strong market position through enduring advantages, such as network effects, access to data and barriers to switching or entry. In digital markets, these advantages may enable a platform to control an important route through which businesses reach customers.

The designation criteria, firms and services covered, preventive obligations and responsible authority depend on the applicable legal framework. In the DMA reference (box 1), the European Commission designates gatekeepers by reference to their impact on the internal market, their role as an important gateway for business users to reach end users, and their entrenched and durable position, including where such a position is foreseeable. The framework covers specified core platform services, including online intermediation services, online search engines and online social networking services. Its obligations include restrictions on self-preferencing and requirements concerning data portability and, for specified messaging services, interoperability. These illustrate preventive obligations attached to a designated market position, rather than a requirement that every jurisdiction adopt the same criteria or institutional model.[17]

Unlike the existing ABLF indicator on abuse of dominance, which already assesses the legal framework governing ex post intervention against anti-competitive conduct, this indicator examines whether the legal framework has introduced preventive obligations applicable to firms by virtue of their structural position in the market. The focus is therefore not on whether abusive conduct has occurred, but on whether the legal framework imposes preventive obligations without requiring a prior finding of abuse or other infringement of competition law.

The ABLF assessment records no positive result under this indicator. Competition laws across the region generally prohibit the abuse of a dominant position and grant competition authorities the power to investigate anti-competitive conduct. These powers, however, are predominantly ex post: intervention typically requires establishing an abuse of dominance or another infringement, rather than placing preventive obligations on firms by virtue of their structural market position. These findings do not suggest that competition frameworks in the Arab region are unable to address digital markets. Rather, they indicate that legislative development has thus far focused on traditional ex post competition enforcement rather than introducing preventive regulatory obligations applicable to firms with structural market power.

Whether to introduce such obligations should depend on the competitive risks identified in each market and the capacity of the responsible authority to implement and monitor them. Any obligations should be proportionate to those risks, with safeguards and periodic review to reduce the possibility of unnecessary restrictions on competition or innovation.

17. European Union, Regulation (EU) 2022/1925 (Digital Markets Act), especially arts. 2–3, and 5–7.

4. Regional cooperation in digital competition policy

The findings above point to several areas where regional cooperation could help Arab competition authorities address digital-market issues. Cooperation could allow authorities to draw on experience and analysis from elsewhere in the region, while regular exchanges could improve their understanding of platform practices that affect several markets. This could reduce duplication of analytical work and support more informed enforcement within each authority's legal framework.

4.1 Existing cooperation mechanisms

The Arab Competition Forum (ACF), organised by ESCWA in partnership with UNCTAD and the OECD, provides a regional platform for competition authorities to exchange experiences and discuss competition-policy and enforcement challenges, including those arising in digital markets.[18]

The Arab Competition Network (ACN) also supports cooperation among Arab competition authorities. Established in 2022, it provides a regional platform for regular communication, exchange of experiences, capacity-building and cooperation on the enforcement of competition laws and policies.[19] Arab authorities also participate in international forums, including UNCTAD's Intergovernmental Group of Experts on Competition Law and Policy[20] and the OECD Global Forum on Competition.[21] These forums allow authorities to exchange experiences and follow developments in competition policy and enforcement.

4.2 Priority areas for strengthening cooperation

Existing mechanisms provide a basis for cooperation, but there is scope to move from general dialogue towards more practical coordination. The legislative and institutional findings discussed above point to four areas where further work would be useful. The first digital indicator highlights the scope for cooperation in understanding the different legal routes for monitoring and reviewing cross-border platform transactions. The second provides a basis for exchanging experience on preventive obligations and their conditions of application. Shared guidance can support both areas, while information exchange, specialist expertise and coordination with other regulators could help authorities apply the legal powers available to them.

18. ESCWA, Improving competition and consumer protection laws and policies, accessed on 22 September 2026.
19. Egyptian Competition Authority, Arab Competition Network: About the Network, accessed on 22 September 2026.
20. UNCTAD, Intergovernmental Group of Experts on Competition Law and Policy, accessed on 22 September 2026.
21. OECD, Global Forum on Competition, accessed on 22 September 2026.

Box 3. Regional digital competition enforcement: the COMESA model and lessons for the Arab region

National competition authorities may face challenges in addressing conduct by cross-border digital platforms. Regional frameworks such as COMESA can review cross-border mergers through a one-stop-shop merger-control regime and investigate multi-jurisdictional anti-competitive conduct.

The COMESA Competition and Consumer Commission (CCCC) administers the regional competition framework for mergers and restrictive practices falling within the scope of the COMESA competition and consumer protection regulations. For mergers meeting the prescribed requirements, the CCCC operates a one-stop-shop notification system, reducing the administrative burden of parallel national filings. For digital-market mergers, Rule 23(2) of the 2025 COMESA Competition and Consumer Protection Rules provides for notification where at least one party operates in two or more Member States and the transaction value reaches COM$250 million. This mechanism can help capture digital acquisitions that traditional turnover- or asset-based thresholds may miss, including where targets have low current revenues because of pre-monetization or growth-first strategies, zero-price consumer markets or asset-light, data-centric business models.

This framework is relevant to the Arab region, particularly to Egypt, Libya, the Sudan and Tunisia, which are COMESA Member States. While COMESA operates under a binding regional legal framework, the Arab Competition Network (ACN) is a cooperation network. The ACN could draw on selected COMESA coordination practices as references for practical mechanisms, such as early notification of relevant cases, exchange of non-confidential market information and shared analytical approaches to analysing digital-platform conduct by national authorities.

Sources: COMESA Competition and Consumer Commission (CCCC), COMESA competition and consumer protection regulations, 2025, especially regulation 41; CCCC, COMESA competition and consumer protection rules, 2025, especially rule 23(2); COMESA, Member States, accessed on 22 September 2026; UNCTAD, Competition issues in the digital economy, TD/B/C.I/CLP/54, 1 May 2019; OECD, Start-ups, Killer Acquisitions and Merger Control, DAF/COMP(2020)5, 12 May 2020.

4.2.1 Shared analytical references for digital-market conduct

Immediate legal harmonisation may not be realistic given the differences among national competition frameworks. A more practical starting point would be to develop shared analytical references for issues that arise regularly in digital markets. These could cover multi-sided platforms, data-related advantages, dependence by business users, vertical integration and algorithmic practices.

Such references would not require authorities to apply identical laws or reach the same conclusion in every case. They would instead provide a common basis for analysis, reduce unnecessary differences in interpretation and limit the duplication of work across national authorities.

4.2.2 Structured information-sharing on cross-border platform conduct

Authorities could also strengthen the exchange of non-confidential information about platform conduct affecting more than one Arab market. This could include information on exclusivity obligations, parity clauses, ranking practices, commission structures and conditions of access. More regular exchange would help authorities identify common patterns and understand how similar practices are being assessed elsewhere in the region.

Measures such as Kuwait's Ministerial Decision No. 10 of 2026, which introduced rules governing the delivery of restaurant and ready-food orders through electronic platforms, show that national authorities are addressing specific forms of platform conduct at the national level.[22] However, such measures may also provide useful experience for regional exchanges on approaches to platform regulation.

The European Competition Network provides a useful comparative example. It allows the European Commission and national competition authorities to inform one another of new cases and proposed decisions, coordinate investigations, exchange information and allocate cases among the authorities concerned.[23] The Arab region need not reproduce this model in full. However, selected elements could be considered within ACN to reduce duplication and support information-sharing and coordination concerning conduct affecting several countries.

Box 4. Estonia's X-Road: a technical reference for structured cross-border data exchange

X-Road is an open-source data exchange solution whose national deployment in Estonia began in 2001 that allows separate public- and private-sector information systems to interact securely without merging into a single central database. Each organisation retains control over its own data, while the infrastructure enables authorised exchanges between participating systems. Its relevance to this paper is therefore as a technical and institutional analogy for structured information-sharing rather than as a competition-enforcement network.

In February 2018, Estonia and Finland connected their national X-Road environments, establishing the technical basis for cross-border interoperability. Actual exchanges subsequently developed through specific institutional and legal arrangements. The joint development of X-Road is managed through the Nordic Institute for Interoperability Solutions (NIIS), established by Estonia and Finland in 2017; Iceland became a partner in 2018 and a member in 2021.

The Estonian-Finnish experience illustrates that separate national systems can be connected for structured cross-border information exchange without requiring their underlying databases or legal systems to be merged. For the Arab region, this provides a useful technical reference for the type of information-sharing discussed in section 4.2.2. However, the X-Road framework makes clear that federation is not only a technological issue: administrative and/or legal agreements are also required between the relevant operators and organisations exchanging data. Any application

22. Kuwait, Ministry of Commerce and Industry, Ministerial Decision No. 10 of 2026 issuing the regulation of restaurant and ready-food delivery (January 2026).
23. European Commission, European Competition Network (ECN), accessed on 22 September 2026.

in the competition context would therefore require clear legal authority, common data standards, confidentiality and security safeguards, institutional trust, and agreement on what information may lawfully be exchanged, particularly confidential business information and material relating to ongoing investigations.

Source: Nordic Institute for Interoperability Solutions, X-Road History, accessed on 22 September 2026; Nordic Institute for Interoperability Solutions, Trust Federation, accessed on 22 September 2026; Nordic Institute for Interoperability Solutions, The business registers of Estonia and Finland start cross-border interoperability, 20 March 2019; Nordic Institute for Interoperability Solutions, Estonia and Finland launch automated data exchange between population registers, 8 January 2021.

4.2.3 Technical capacity-building for digital-market analysis

Digital-market investigations may require expertise in data analysis, algorithmic decision-making and platform economics. Some authorities, particularly those with limited resources or relatively little experience in digital cases, may find it difficult to develop this expertise on their own. International assessments have similarly identified technical capacity, access to data and understanding of platform business models as important challenges for competition authorities.[24]

Regional initiatives could therefore move beyond general training and provide more specialised technical support. This could include joint research, exchanges between experts and focused regional programmes on the practical methods used to assess complex digital-market conduct. Shared access to expertise could also help less-resourced authorities participate more effectively in cases involving large cross-border platforms.

4.2.4 Cross-sectoral policy coordination

Competition policy is only one part of digital-market governance. Platform conduct may also fall within the responsibilities of consumer-protection bodies, data-protection authorities, telecommunications regulators and financial-sector supervisors. Decisions in these areas can affect market entry, data access, interoperability and the information available to consumers and business users.

Clearer channels of cooperation between competition authorities and sector regulators would help identify overlaps and reduce the risk of inconsistent decisions. Coordination would be particularly useful where a regulatory measure intended to address one concern could also affect competition in the market.

Stronger cooperation in these four areas would not replace national enforcement. It could help make national action better informed, more consistent and more responsive to the cross-border nature of digital markets. The ACF and ACN could provide regional platforms through which these forms of cooperation are gradually tested and developed.

24. UNCTAD, Global Competition Law and Policy Approaches to Digital Markets, UNCTAD/DITC/CLP/2023/7, 2024.

4.3 Proposed implementation roadmap

Regional cooperation could develop gradually, according to national priorities and available capacities.

The ABLF assessment provides a starting point for identifying areas where regional cooperation could support national approaches to digital competition. The roadmap below outlines possible stages, activities and outputs, beginning with exchanges of experience and progressing towards more structured cooperation where there is sufficient interest and capacity.

Stage	Possible activities	Possible outputs
Short term: Establish common priorities	Interested authorities could identify contact points, exchange experience on digital-market cases and discuss differences in available legal tools. These exchanges could help identify common analytical needs and opportunities for cooperation.	A set of shared priorities and a simple template for exchanging non-confidential case information.
Medium term: Develop practical analytical support	Authorities could collaborate on guidance addressing selected issues, such as market definition, data-related barriers to entry and the assessment of digital transactions. Technical exchanges could draw on available regional expertise. A voluntary joint market study could also be explored in a sector of common interest.	Practical analytical guidance, mechanisms for sharing specialist expertise and, where agreed, a joint market study.
Longer term: Explore more structured cooperation	Drawing on earlier experience, interested authorities could consider arrangements for coordinating work on cross-border matters. Any proposal to exchange confidential information would require examination of the applicable legal basis, permitted uses and safeguards.	Cooperation procedures suited to participating authorities' mandates, with clear conditions for information exchange where legally permitted.

The stages are illustrative and need not follow a fixed timetable. Participation, responsibilities and the scope of activities would be determined by interested authorities according to their legal mandates, priorities and resources.

Conclusion

Digital transformation is reshaping competitive dynamics across the Arab region, creating both new opportunities and new challenges for competition policy. As digital platforms, e-commerce, and data-driven services continue to expand, competition authorities are increasingly required to address challenges linked to platform dominance, data-related advantages, and strong network effects.

The analysis indicates that competition laws are widely established across the Arab region, although approaches to emerging digital-market issues remain at different stages of development. Against this background, new digital indicators developed within the ABLF offer a practical way to examine whether national laws are equipped to deal with these changes, where gaps remain and where further reform may be needed.

The cross-border operation of digital platforms creates opportunities for cooperation among competition authorities. Regional cooperation, through dialogue, technical exchange, and more structured forms of coordination, can help promote shared analytical approaches and strengthen institutional capacity across the region. Taken together, legal reform and regional cooperation could help support digital markets in the Arab region that are fair, contestable, and responsive to the needs of consumers and businesses.

In the medium term, progress could include greater exchange on recurring digital competition issues, pilot coordination mechanisms in areas of common interest and enhanced technical capacity within national authorities. These objectives could be pursued voluntarily by interested authorities, drawing on the activities outlined in the roadmap and taking into account national priorities, legal mandates and available capacities.