

Digital platforms and competition policy in the African Continental Free Trade Area

Rafe Mazer

Director

Fair Finance Consulting

Wang'ombe Francis Kariuki

Director

Novelty Analysis Consultants

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I. Opportunities and competition risks in Africa's digital platforms economy

Digital platforms are **online services or ecosystems** which bring together different types of actors to **facilitate the exchange of goods, information, or interactions** between users of those platforms, with or without the direct intermediation of the digital platform.

Examples of digital platforms in Africa include

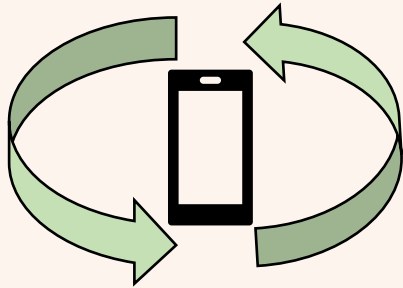
Mobile network platforms
(e.g. MTN)

E-Commerce platforms
(e.g. Jumia)

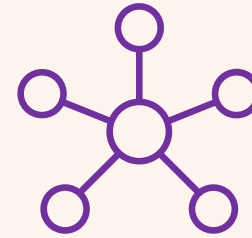
Social media channels
(e.g. WhatsApp, Facebook,
Instagram—all owned by Meta)

App stores (e.g. Android)

4 Key Attributes of Digital Platforms



Economic activities exclusively or primarily **through digital channels**



Large firms at the center of networks that connect consumers, firms, and other service providers



Multi-sided markets, with various buyer-seller relationships, including where the platform is not directly involved;



Network effects which lead to innovations built on top of existing connections and services, accelerating innovation, and entry and exit of firms

Digital platforms bring considerable benefits to African economies

- **Expanding consumer choice:** Linking decentralized customers with decentralized producers.
- **Reducing transaction costs:** Both direct (price) and indirect (search).
- **Generating useful data** which consumers can leverage in the marketplace, and firms can use to provide better products.
- **Increasing opportunities for market entry** of new firms by reducing startup costs and operating costs
- **Connecting loose value chains** in key employment sectors like micro-enterprises and agriculture

However, digital platforms raise risks of market concentration and anti-competitive behavior

1. **Network and ecosystem effects.** Dominance in one industry or service can facilitate dominance or market power in related industries and services.
2. **Gatekeeper or market-making power.** As a result of these network effects, digital platforms can determine which firms and consumers participate in the digital economy. Platforms offering competing services can restrict/degrade access for third-parties offering similar services.
3. **Ability to restrict market entry of new firms.** Digital platforms can use gatekeeper powers to deny market entry and limit consumers' utilization of the products and services of competing firms.

Digital platforms raise risks of market concentration and anti-competitive behavior

4. **Global and regional economies of scale and scope.** Platform economies tend towards winner-takes-all outcomes, with dominance of one or a few large firms (e.g. Google and Apple in app stores, Meta, ByteDance, X in social media).
5. **Expansive access to data and capacity to re-purpose it.** Platform centrality in activities such as e-commerce, social media, and search provides these platforms with access to data on consumers and firms that exceeds their competitors, creating competitive information asymmetry.
6. **Influence on behaviors and choice architecture.** Platform interfaces can steer consumer behaviors through placing their products at the top of product lists, product rankings, or in the outputs of their own search algorithms.

II. The opportunities of the African Continental Free Trade Area to support digital competition

We need an ecosystem approach to competition policy for digital platforms

An ecosystem approach would not consider a bilateral market, or set of bilateral markets, but rather recognize that in digital platforms many markets, industries, firms, and consumers are interconnected in complex, multi-dimensional, and frequently shifting manners.

For a discussion of the implications of digital ecosystems for competition policy, see: Michael G. Jacobides and Ioannis Lianos. “Ecosystems and competition law in theory and practice.” *Industrial and Corporate Change*, Volume 30, Issue 5, October 2021, Pages 1199–1229, <https://doi.org/10.1093/icc/dtab061>

The African Continental Free Trade Area (AfCFTA) draft Protocol on Competition Policy (the Protocol) includes provisions on digital platform competition, primarily found in Article 11 of the Protocol.

If operationalized effectively, Article 11 could lead to more equitable and beneficial expansion of the digital economy and platforms. Our analysis considers priorities and pathways towards this operationalization.

Article 11 provisions

Abuse of economic dependence and any other anti-competitive practices

Economic dependence: Suppliers or purchasers are dependent on another undertaking such that reasonable possibilities for switching do not exist and there is a significant imbalance of powers

Economic dependence determined based on:

- Market share of the undertaking in the Market
- The relative strength of the undertaking
- The existence or not of alternative solutions; or
- The factors that led to the situation of dependence

Source: AfCFTA Protocol on Competition Policy, draft of September, 2022

Article 11 provisions

Gatekeeping activities

“It is prohibited for an undertaking or a group of undertakings or gatekeepers to abuse the relative position of economic dependence over a customer or supplier if the conduct substantially affects the functioning and structure of competition in the Market”

Source: AfCFTA Protocol on Competition Policy, draft of September, 2022

Article 11 provisions

Explicit prohibitions of certain conduct

Summary of nine prohibited undertakings for gatekeepers and core platforms under the AfCFTA

Terms of service or usage	Favoring of firms or services	Use of data
Imposing price or service parity clauses on business users.	Self-preferencing of services or products offered by the gatekeeper on a core platform.	Using business user data to compete against the business user.
Differentiation in fees or treatment against small and medium enterprises.	Requiring the pre-installation of gatekeeper applications or services on devices.	Combining personal data sources from different services offered by the gatekeeper.
Imposing anti-steering provisions, or otherwise preventing business users from engaging consumers directly outside of a core platform.	Failing to identify paid ranking as advertising in search results and to allow paid results to exceed organic results on the first results page.	Placing restrictions on the portability of data or other actions that inhibit switching platforms for business and end-users.

Source: AfCFTA Protocol on Competition Policy, draft of September, 2022

Do we need ex-ante not just ex-post competition policy for digital platforms?

Article 11 reflects a global trend towards the use of ex-ante regulation alongside ex-post investigation for digital platforms.

Emerging approaches to ex-ante regulation for digital platforms			
Connectivity	Firm preferencing	Choice manipulation	Market concentration
Data portability and multi-homing rules	Prohibition of exclusivity arrangements	Rules against steering of consumers to certain products	Mandatory review of all mergers for digital firms which fall under certain criteria reflecting market power, e.g. systematically important digital intermediaries (SIDI), or firms with strategic market status (SMS)*
Interoperability of products, platforms, and data	No blocking of certain third-parties access to operating systems or platforms such as apps stores	Prohibitions on unfair manipulation of rankings or search findings	
	No self-preferencing, bundling/tying, and requirements for platform neutrality	Prohibitions on unfair or exploitative contract terms	
			*Some argue to leave the method for determination of SIDI, SMS and similar designations out of legislation, so the authorities have flexibility to adjust the definitions over time and as technologies evolve and enter the market.

III. Competition policy for the digital platform ecosystem – suggested priority areas for the AfCFTA

Consultations with policymakers, regional policy bodies, digital firms, and global competition policy experts identified a set of priority policy early-stage activities related to Article 11 operationalization.

1. Competition policy themes

- A. Economic dependence and gatekeeping of market entry and access
- B. Self-preferencing
- C. Use of third-party data for competitive advantage
- D. Consumer protection and market conduct

2. Measuring competition in digital ecosystems

- A. Expanded market definitions
- B. Mergers and acquisitions
- C. Behavioral design and user interface standards

3. Regional and domestic policy implementation

- A. Domestic institutional arrangements
- B. Coordinated regional actions

1. Competition Policy Themes

- A. Economic dependence and gatekeeping of market entry and access
- B. Self-preferencing
- C. Use of third-party data for competitive advantage
- D. Consumer protection and market conduct

A. Economic dependence and gatekeeping of market entry and access

The four determinants of economic dependence from the Protocol (market share, relative strength, alternative solutions, and factors leading to dependence) provide substantial room for assessments that move beyond traditional market definitions.

Determining which new methods may best serve Africa's digital ecosystem is likely only to be determined through real-case application. It would seem plausible then for competition agencies, especially the more mature ones, to start exploring enacting provisions to effectively deal with economic dependence challenges.

A. Economic dependence and gatekeeping of market entry and access

Channel access could be an appropriate first area of inquiry. Some industries where gatekeeping could be examined include:

- 1. USSD channel access in digital financial services**
- 2. App stores, in particularly the Android app store**
- 3. E-commerce and its relationship to micro and small enterprises, as well as consumer protection/fraud concerns**

A list of common, restricted gatekeeping practices and principles which could be applied across all channels at risk of gatekeeping behavior would be a good place for the AfCFTA to start. Taking stock of prior abusive practices and competition policy responses in USSD access, app stores, and e-commerce could provide the inputs to a set of prohibited behaviors, including a Code of Conduct for gatekeepers.

B. Self-preferencing

At the most basic level, ‘self-preferencing’ refers to a platform favouring its own products and services over those of third parties that operate on the platform.

–Duquesne, et al. 2023. “[What constitutes self-preferencing and its proliferation in digital markets?](#)” Global Competition Review.

Why self-preferencing matters

Interconnected, multi-sided markets, create new opportunities for platforms to tip the scale in their favor.

Self-preferencing can restrict choice, or steer consumers to sub-optimal choice

Difficult for new and smaller firms to compete when platforms practice self-preferencing

B. Self-preferencing

AfCFTA Protocol prohibits “Self-preferencing of services or products offered by the gatekeeper on a core platform.”

Common self-preferencing concerns for Africa’s digital platform economies:

- **Exclusivity arrangements**

(e.g. exclusivity contracts for mobile money agents)

- **Preferential product placement on menus**

(e.g. exclusive placement on MNO USSD and app, free messaging and marketing)

- **Discriminatory pricing**

(e.g. zero-rating of services like data, messaging, or payments for partners)

- **Tying and bundling of products**

(e.g. requiring purchase of goods through a specific financial service provider or app store)

B. Self-preferencing

Examples of global responses to self-preferencing

- EU Digital Markets Act
 - Article 6(5): Bans self-preference in rankings
 - Article 6(3): Default browser, search engine, and voice assistant choices
 - Article 6(7): Requirement for equitable interoperability
 - Article 6(12): Requirement for equitable interoperability
- US Congress: Proposed sectoral regulation prohibiting self-preferencing by digital platforms
- Indian Digital Market Bill prohibits self-preferencing, bundling/tying, and requires platform neutrality
- Germany/EU: Do not require proof of anti-competitive effects in place to take action, just that self-preferencing could have these effects
- Japan: Leveraged market investigations process to identify and address self-preferencing behavior with platforms such as Amazon, Apple, booking.com, Expedia, and Rakuten.

South Africa Online Intermediation Platforms Market Inquiry

[Expansive digital platform inquiry](#) which considers several self-preferencing behaviors across search, e-commerce, travel, app stores, and other sectors.

Initiated in 2021 due to “reason to believe that there are market features of online intermediation platforms that may impede, distort or restrict competition; and in order to achieve the purposes of the [Competition] Act including the participation of small and medium enterprises (“SMEs”) and historically disadvantaged person (“HDPs”) in these markets.”

C. Use of third-party data for competitive advantage

Where a firm is both the digital platform and a service provider on that platform, they can use their greater visibility on consumers and competing providers' activities to their competitive advantage.

Two common types of remedies for use of third-party data are to put in place data firewalls or to mandate data portability. The first approach restricts the way that a platform can use the data generated within to benefit the goods and services it sells on the platform. The second approach requires that consumers and businesses be allowed to share the data generated with other firms.

D. Consumer protection and market conduct

Interviews and case reviews identified several consumer protection issues which should be integrated into the development and implementation of competition policy for digital platforms:

- 1. Quality of goods sold in digital platforms.** The extensive use of third-party vendors and suppliers of goods on e-commerce platforms create risks of poor quality of goods, counterfeit goods, and non-delivery of items.
- 2. Discriminatory pricing.** Digital platforms make it easier to customize pricing and offers for individuals or segments of consumers. This can allow them to offer certain consumers better or worse deals based on their perceived price sensitivity, past transactions, demographics or even contextual factors. In the [Egypt Competition Authority's Uber-Careem merger case](#), the ECA put a cap on surge pricing for ride-sharing services, both at 2.5 times normal rates, and to be applied on no more than 30% of a rider's annual trips.

D. Consumer protection and market conduct

3. Exploitation of vulnerable populations. This includes targeting of consumers—such as an MNO marketing high-cost digital consumer credit to more of their lower-income than their higher-income customers (a real case shared by one of our interviewees)—and categorization of consumers—such as an algorithm using locational data which is a close proxy for ethnicity, thereby favoring more consumers of a certain ethnicity over others.

4. Complaints handling, redress, and liability. Digital platforms involve many actors, remote transactions, and lack of physical proximity between sellers and goods. This can make it more difficult to resolve disputes, especially when platforms refuse to serve as arbiter in these cases. In 2023 [COMESA sanctioned Jumia](#) for refusing to assume liability for the conduct of sellers on their platform, poor redress mechanisms, and poor returns.

2. Measuring competition in digital ecosystems

- A. Expanded market definitions**
- B. Mergers and acquisitions**
- C. Behavioral design and user interface standards**
- D. Data options for monitoring competition in digital ecosystems**

A. Expanded market definitions

Prior market definitions likely will not work for multi-sided digital platform economies. Market definitions for digital markets may need to be more expansive:

1. Increasing focus on theory of harm—negative outcomes that may arise from limited competition—as much as defining the relevant market and how competition is affecting prices of goods and services.

2. Service-level analysis, not just firm-level analysis. Platforms operate in numerous services at the same time. Analyzing the platform's competition impact at the service level could assess linkages between services, how dominance in one service may be used to facilitate competitive advantage in another or restrict consumer choice through bundling and tying, while not disrupting that platform's activities in other sectors where they are not dominant.

A. Expanded market definitions

3. Decreasing centrality of price in analysis. Many of the services on digital platforms are free, and so a price-focused analysis might miss how a firm's dominance impacts non-price factors, or how free services enable dominance in adjacent services through network effects and vertical integration

4. Appreciating relationships between digital and traditional markets. Defining the market can be challenging in economies where there are large physical and virtual versions of the market operating at the same time (e.g. e-commerce), as is common in African economies, where digitization is lowest globally and many firms are in traditional, semi-formal markets.

B. Mergers and acquisitions

Mergers and acquisitions with minimal turnover or assets have been considered benign to competition in the relevant market.

Yet platforms analysis requires an ecosystem approach rather than review of bilateral relationships. Some platforms may play a crucial role in linking supply chains, or accumulated customers data even if they lack meaningful market shares or turnover associated to them.

This means any acquisition that terminates this crucial supply chain link could distort the market dynamics. That is the reason the traditional threshold standard is increasingly considered insufficient for evaluating the competition impact of mergers with digital platforms.

B. Mergers and acquisitions

Some of the ways thresholds or review criteria are being changed globally include:

- In India, [The Competition Act](#) has been amended to include a deal-value threshold for merger and acquisition review.
- [In the United Kingdom](#), firms deemed to have Strategic Market Status must provide the authorities with pre-notification for all proposed mergers.
- [The Australian Competition and Consumer Commission](#) has proposed the potential removal from market of a competitor, and the nature and significance of the assets being acquired—including data and technology—as cause for review of mergers.
- [India's Parliamentary Standing Committee on Finance](#) has recommended that any “Systemically Important Digital Intermediaries” inform the Competition Commission of India “of any intended M&A where the target provides services in the digital sector or enables the collection of data, irrespective of whether such transaction is notifiable to CCI as per the prescribed thresholds for the notification of M&As.”
- [The Japanese Fair Trade Commission](#) revised definitions of relevant markets and competition analysis to reflect “characteristics of digital service (multi-sided market, network effect, switching cost, etc.)”, and can review mergers that do not meet traditional thresholds for review.

B. Mergers and acquisitions

While the AfCFTA's Protocol's merger notification thresholds focus on “the combined annual continental turnover or combined value of assets,” the Protocol also states “a merger that is likely to prevent, restrict or distort competition within the Market or a substantial part of it, including by giving rise to the creation or strengthening of a dominant position, shall be declared incompatible with the protocol.” Among the factors to make this determination, the Protocol includes barriers to entry, “dynamic characteristics including growth, innovation, and product differentiation,” “the nature and extent of vertical integration”, and “the removal of an effective competitor.”

This may open space to assess digital platform mergers in the manner being developed in markets like Australia, India, or the United Kingdom. **Domestic policymakers may want to develop their own rules on when a review is triggered that expand on the provisions within the AfCFTA Protocol, so that they effectively cover significant mergers that do not meet specific turnover or asset thresholds.** These can include factors like: Consumer choice and preference; acquisition of new technologies and data sets; number of customers or transactions on a platform (in addition to turnover); multiple services offered on a single platform as part of a market.

B. Behavioral design and user interface standards

Key risks of behavioral design in digital platforms

1. Marketing
2. Exploitation and discrimination
3. Choice architecture

B. Behavioral design and user interface standards

Marketing risks

- Direct marketing of adjacent products and product tie-ins
- Behavioral segmentation based on meta-data
- Exploitation of consumer bias on digital pricing
- Data privacy and protection violations

B. Behavioral design and user interface standards

Exploitation and discrimination

- Demographic data being utilized for discriminatory ends—whether intentional or unintentional
- Marketing to vulnerable populations of welfare-reducing products (e.g. digital consumer lending)

B. Behavioral design and user interface standards

Types of harm in choice architecture

- Distort consumer behaviour: Spend more, purchase more, receive poor value, not shop around
- Weaken or distort competition: Shift away from competition on product attributes that benefit consumers
- Maintain, leverage, or exploit market power

Competition and Markets Authority. 2022. [Online Choice Architecture: How digital design can harm competition and consumers](#). Discussion Paper

Choice Architecture in Online Platforms

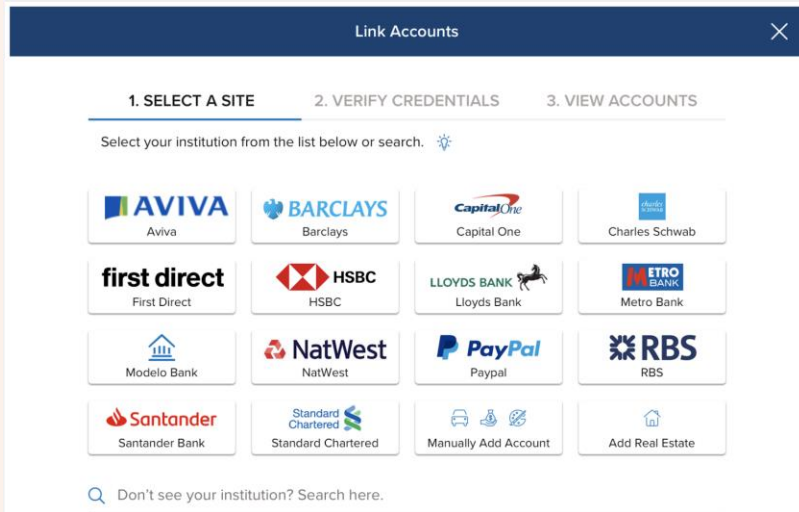
Taxonomy of Online Choice Architecture Practices

Choice structure	Choice information	Choice pressure
Defaults	Drip pricing	Scarcity and popularity claims
Ranking	Reference pricing	Prompts and reminders
Partitioned pricing	Framing	Messengers
Bundling	Complex language	Commitment
Choice overload and decoys	Information overload	Feedback
Sensory manipulation		Personalisation
Sludge		
Dark nudge		
Virtual currencies in gaming		
Forced outcomes		

Competition and Markets Authority. 2022. [Online Choice Architecture: How digital design can harm competition and consumers](#). Discussion Paper

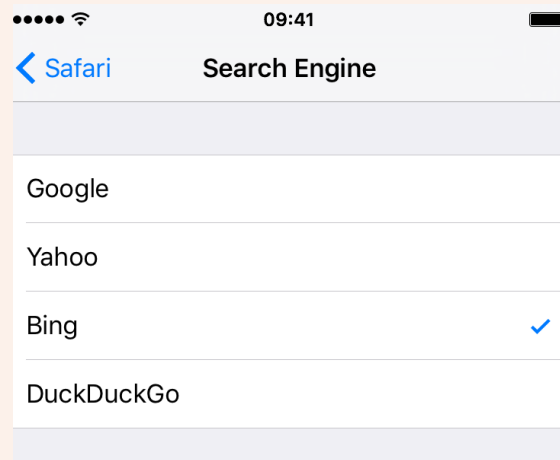
Possible behavioral rules for digital markets

1. Obligations for firms to not just make it possible but make it easy for end users to switch services;



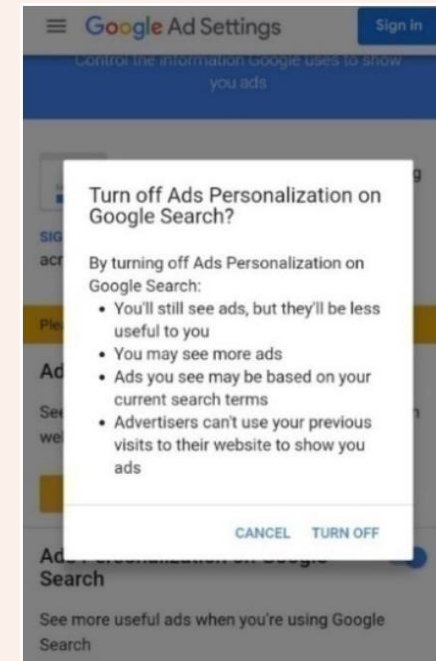
*Example of possible remedy:
Automated account switching in open banking*

2. Allowing third party providers to prompt consumers to make their app or app store their default, and requiring gatekeepers to give end users an active choice of search engines and web browsers



*Example of possible remedy:
Making it easier to choose from list of search engine providers instead of defaulting to Google*

3. Prohibitions for gatekeepers “from using behavioural techniques or interface design to undermine effective compliance.”



*Example of possible remedy:
Setting standards to prevent misleading choice architecture like this example*

B. Behavioral design and user interface standards

Two remedy paths to consider for behavioral manipulation in digital platforms

1. Require firms to design behavioral remedies
2. Develop remedies which firms are required to implement
 1. Less risk of manipulation
 2. Easier to standardize across relevant firms
 3. May make compliance monitoring easier

Data types for digital platform supervision			
Administrative data	Commercial data	Third-party data	Consumer-facing data
Data on interactions and transaction of platforms, consumers, and firms	Terms of agreements, policies and requirements for platform participants.	Data collected or created by third-parties providing services or scraping data, on behalf of or independent to the actors	Direct feedback from consumers and data on their experiences
Payments, shopping and search history, identity and accounts	Data access policies, pricing of access, commissions	Webpage impressions, search history, scoring data	Reviews, social media interactions, complaints records

Options for digital data collection and monitoring			
Administrative data	Commercial data	Third-party data	Consumer-facing data
Transaction audits	Commercial agreements	Social media interactions and keyword analysis	Consumer complaints data
User shopping data and choices	Submission and review of pricing sheets	Scoring models—rules and explanations	Phone surveys of consumers
Demographic segmentation	Complaints from participating firms	Search results and other algorithmic ranking or promotion rules	Digital mystery shopping

3. Regional and domestic policy implementation

1. Domestic institutional arrangements

Much of the policy principles articulated in Article 11 of the draft AfCFTA Protocol on Competition Policy will require new domestic-level rules for their operationalization. The degree to which these rules will need to be developed and the path by which they can be developed will vary considerably across countries.

This means that while Article 11 can set a basic framework for competition on digital platforms, the rule-making process will need to cascade down to national competition authorities and other relevant regulators.

1. Domestic institutional arrangements

There is substantial geometric asymmetry in the status of competition policy across the countries within the AfCFTA, which will impact what steps need to be taken. Generally, countries can be categorized as being in one of four levels of maturity of their competition regimes:

1. Operational and fully functional competition agencies;
2. Operational but not yet fully functional agencies;
3. Competition laws in place but no operational agency;
4. Competition laws in development, and/or dispersed across mandates of sector regulators.

After the development of the policy framework for Article 11, domestic authorities may find benefit in grouping according to levels of maturity in the development of their domestic rules.

1. Domestic institutional arrangements

The rules needed to address competition in digital platforms span the jurisdictions of different sector regulators. Determining the mechanisms for regulator coordination will be important to deliver on the potential of the AfCFTA Protocol on Competition Policy at the domestic level.

The member countries of the AfCFTA include countries with and without competition authorities, and different types of relationships between competition authorities and sector regulators—e.g. whether they have concurrent jurisdiction. **Prescribing a specific policy model for domestic implementation of the AfCFTA Competition Protocol would not be practical. A more palatable approach would be establishment of a joint regulatory committee, anchored in a legal instrument, responsible for developing policies and enforcement methods for policy issues related to digital platforms.** Such a committee would carry more weight and formality than the traditional cross-regulator MoUs and cooperation agreements.

2. Coordinated regional actions

Several options for institutional arrangements to coordinate implementation of the AfCFTA Protocol on Competition Policy:

1. Centralized supranational enforcement agency
2. Decentralized supranational authority
3. Minimum standards and coordinated enforcement without a centralized agency or authority

Sources: Kamala Dawar and George Lipimile. 2020. Africa: Harmonising competition policy under the AfCFTA. *Concurrences Review*, 2020 (2);

Vellah Kedogo Kigwiru. 2023. "Supranational or cooperative? Rethinking the African Continental Free Trade Area Competition Protocol institutional design." *Journal of Antitrust Enforcement*, 2023, 00.

2. Coordinated regional actions

The Protocol may lend itself most to an initially limited scope of authority. This could be a minimum standards approach (Dawar and Lipimile (2020) or a decentralized or cooperative model (Kigwiru (2023)).

Even with limited scope of authority, the AfCFTA will need a strong central secretariat for competition issues, to coordinate efforts, support domestic policymaking processes, and build authorities' capacities. Technical assistance and capacity programs to incorporate new issues into domestic legislation are in fact planned, beginning with the topics of mergers and acquisitions and digital platforms, and gradually expanding to other topics.

Sources: Kamala Dawar and George Lipimile. 2020. Africa: Harmonising competition policy under the AfCFTA. Concurrences Review, 2020 (2);

Vellah Kedogo Kigwiru. 2023. "Supranational or cooperative? Rethinking the African Continental Free Trade Area Competition Protocol institutional design." *Journal of Antitrust Enforcement*, 2023, 00.

2. Coordinated regional actions



Regional competition authorities across Africa—including COMESA, EAC, ECOWAS, SADC, and WAEMU—could support the AfCFTA to build capacity amongst their memberships and harmonize competition policies. Within these regions the more advanced competition authorities could also help colleagues in markets with less developed competition regimes.

IV. Proposed next steps

Proposed next steps

Emerging experiences with digital markets show that the competition concerns and the economic development potential in Africa are substantial. Experiences also show that past focus on traditional market definitions and bilateral firm-consumer relationships are insufficient on their own to understand anti-competitive behavior in digital platforms, and to design proportionate and meaningful remedies to anti-competitive practices or outcomes.

Proposed next steps

The nature of Africa's economies—higher degrees of informality, centrality of platforms like MNOs, lower-income populations, and underdeveloped capital markets—means Africa cannot just borrow policy approaches from high-income, highly digitized economies. The AfCFTA secretariat could help to lead this policy process for Africa, and may want to consider beginning with a subset of the most pressing policy challenges raised by digital platforms, summarized on the next page.

Research and policy priorities towards operationalization of Article 11 of the AfCFTA Protocol on Competition Policy	
New market definitions and thresholds	Traditional methods of market definition and merger thresholds setting may not be suited to digital platforms, where markets are multi-sided, services can be free, and small firms are sometimes purchased to prevent future rivals even if they have a small current market share. The AfCFTA can develop a set of new metrics based on global and continental cases to date, and test these approaches for their consideration as new policy tools—not replacing old metrics but complementing them.
Self-preferencing in digital services	Self-preferencing behaviors can be some of the most clear cases of anti-competitive behavior by digital platforms. The AfCFTA and its members can identify the most consequential self-preferencing behaviors in African digital platforms and determine what appropriate policy responses may be, possibly implementing cases against self-preferencing early in their policy activities given the direct harm and relative clarity of principles for some self-preferencing behaviors.
Market inquiry collaborations and peer learning exchange	Market inquiries may be appropriate for initial actions regarding digital platforms where the issues are not well-known or the subject matter new to the authority. Coordinated market inquiries by which multiple authorities can conduct similar investigations at the same time could be an efficient way to engage continent-level firms and issues.
Data collection and analysis to measure digital platform conduct	Digital platforms and the digital economy run on data, and policymakers need to build their knowledge of the most relevant data types in the digital economy, and how to identify competition concerns through data collection and analysis. First steps could include developing a long-list of key indicators for the most relevant digital platforms in Africa and related data sources, then pilot a data collection and analysis exercise with select countries.

1. Market definitions and thresholds

Suggested questions for research and policy formulation:

- How do you determine value of tech mergers and acquisitions where turnover, market shares, or other metrics may not be the most relevant?
- What are the right approaches to assessing the value of data in M&A as well as other aspects of competition policy? This includes both monetary value and indirect value such as quality or data privacy.
- How can long-term impact assessment and periodic revisiting of outcomes of M&As on the digital economy be implemented in a fair and empirical basis?
- What are the trade-offs and respective benefits of gatekeeper-specific rules versus more principles-based digital platform policy?

2. Self-preferencing

Suggested activities and areas for research:

- Develop a catalog of the higher priority/more relevant self-preferencing activities which we believe are occurring in African digital markets.
- Assess the merits of ex-ante versus case-based approaches to self-preferencing rules and enforcement, and where either may be more or less suitable.
- Study the impacts of policies which shift the burden of proof on self-preferencing to firms—e.g. having to prove they are not doing so—and the applicability of this to African digital platforms.
- Recommend possible self-preferencing issues which can feed into coordinated market inquiries across markets.

3. Market inquiries and peer learning

Suggested activities and areas for research:

- Review the powers and procedures of current market inquiry mechanisms in 5 leading digital economies in Africa which have functioning competition agencies (receiving cases).
 - Country selection will also be based on mobile/smartphone/internet penetration, use of digital financial services, size of technology sector, etc.
- Assess inter-institutional arrangements to drive more formal mechanisms for collaboration and joint inquiries, including enforcement by sector regulators in markets without a functioning competition agency.

3. Market inquiries and peer learning

Suggested activities and areas for research:

- Assess the opportunities and limits for market inquiries and how best to proceed in different policy environments.
- Develop a long-list of possible topic areas for market inquiries, relevant platforms, and revise to a small set of possible inquiries.
- Work with interested competition agencies to design and implement at least one coordinated market inquiry from the list of topics.

4. Data collection and analysis

Suggested activities and areas for research:

- Review the sources of data and methods of analysis used in digital platform competition cases globally.
- Develop a long-list of key indicators for most relevant digital platforms in Africa and the data sources required.
- Pilot a data collection and analysis exercise with select countries, likely as part of the market inquiry activities in Activity 3.
- Learn-by-doing: Build in-house data analysis capabilities through partnerships with data analytics firms and/or academic researchers.

Proposed next steps

Article 11 of the Protocol on Competition Policy sets a bold path for ensuring digital markets in Africa contribute to equitable economic growth and innovation. This will require coordinated implementation of a range of new policy tools, collaborative actions by regional and domestic authorities, and new methods for measuring competition risks and consumer and firm welfare. In 2024 we hope that the progress to date will continue, and the first steps towards operationalization of Article 11 begin to emerge.