

ECA Issues Guidelines on the Application of Competition Law to Digital Markets

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Egypt

Executive Summary

The Egyptian Competition Authority ("ECA") has issued guidelines on the application of the Egyptian Competition law ("ECL") to digital markets, clarifying its enforcement policy and analytical approach to platform economies.

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This alert summarizes the key aspects of these guidelines, as follows:

1- The guidelines set out the following main characteristics of the digital markets:

- Multisided markets with platform intermediaries connecting two or more user groups;
- Network effects increasing platform value as user numbers grow;
- Data as a critical competitive input;
- Economies of scale and scope enabling cost reductions;
- Zero-pricing strategies on one market side; and
- Single-homing and multi-homing dynamics affecting switching behavior

2- Under Article 4 ECL, dominance requires more than 25% market share and the ability to effectively influence prices or supply without competitive constraint.

The guidelines, in this regard, provide further clarifications on how the ECA assesses dominance in the digital markets. In this context, market shares are assessed using non-traditional metrics including active users, transaction volumes, time spent on platform, downloads, and search volumes. Digital-specific entry barriers include network effects, single-homing constraints, data access, ecosystem lock-in, and superior funding access.

3- The guidelines further identify and clarify the following anticompetitive practices as most prevalent in digital markets: tying; predatory pricing; self-preferencing; discrimination; refusal to grant access to essential facilities; MFN clauses; resale price maintenance; and restrictions on passive sales.

Moreover, the guidelines also elaborates on killer Acquisitions in the context of exclusionary economic concentrations, as the ECL empowers the ECA with ex-post review authority over economic concentrations that fall below mandatory notification thresholds to such concentrations within one year of implementation where there is evidence suggesting harm to competition — including restricting innovation, manipulating prices, reducing product quality, or creating entry barriers. This is particularly significant in digital markets, where dominant platforms may acquire nascent startups to preempt future competitive pressure.

4- Finally, the guidelines clarified on the acts that are prohibited for the platforms with market power such as: failing to provide transparent data collection terms; self-preferencing in search rankings; restricting interoperability; impeding data portability; restricting geographic access; preventing off-platform promotion by business users; failing to provide advertisers with independent verification tools; and acquiring nascent entities to stifle innovation.

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