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COMPETITION LAW IN THE DIGITAL ERA: LEGAL AND JURISPRUDENTIAL CHALLENGES IN DIGITAL MARKETS

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Abstract: *The accelerated transformations of the digital environment have profoundly reshaped the structure of the global economy, generating remarkable opportunities as well as significant challenges for the effective enforcement of competition rules. This article provides a detailed analysis of sophisticated anticompetitive practices within the online sphere, addressing issues such as the abuse of dominant position by digital platforms, algorithmic collusion, and the strategic impact of economic concentrations in digital markets. It thoroughly examines legislative and judicial responses at both the European and national levels, with special emphasis on relevant Romanian case law. The discussion is extended through a comparative analysis of strategies adopted in other major jurisdictions, thereby contributing to a deeper understanding of international trends in the enforcement of competition law in the digital context. The paper explores in detail key doctrinal debates in both Romanian and international legal literature, offering a critical reflection on current challenges. The necessity of implementing flexible legal mechanisms and strengthening cross-border cooperation is highlighted as a response to the rapidly evolving dynamics of digital markets, in order to ensure effective protection of competition and consumer rights. Within a multidisciplinary framework that integrates legal, economic, and technological perspectives, the article proposes coherent solutions aimed at fostering a competitive and fair digital ecosystem.*

Keywords*: competition law, anticompetitive practices, digital markets, online platforms, abuse of dominant position, mergers, algorithms, Digital Markets Act, gatekeepers.*

Introduction

The digital transformation of the global economy is undoubtedly one of the most profound socio-economic shifts of our time. The emergence and rapid expansion of the online environment have fundamentally redefined the way we interact, produce, and consume, opening up innovative opportunities for business development and ubiquitous access to information. However, the unprecedented dynamism of the digital sector, coupled with the consolidation of immense economic power in the hands of a limited number of global players, has simultaneously created a complex array of challenges for the effective application of fundamental competition law principles. These dominant entities, frequently termed "gatekeepers," operate essential online platforms, ubiquitous search engines, influential social

networks, and large-scale virtual marketplaces. Their pervasive presence grants them a decisive influence over the entire digital ecosystem. This privileged position, intrinsically linked to the unique characteristics of digital markets—such as potent network effects, data-driven economies of scale, and an accelerated pace of innovation—has fostered the emergence of novel forms of anti-competitive behavior. These new practices often defy easy categorization within the classical typologies of traditional competition legislation. The spectrum of anti-competitive conduct in the digital realm is vast, dynamic, and continuously evolving: from subtle manifestations of abuse of dominant position, concretized through the favoring of proprietary services (known as *self-preferencing*), to sophisticated forms of collusion facilitated by intelligent algorithms, or even strategic acquisitions of innovative start-ups designed to preemptively eliminate potential future competition (*killer acquisitions*).

The primary objective of this article is to provide an in-depth analysis of the complex legal and economic challenges that the online environment poses to the effective enforcement of competition law. It will rigorously assess the normative and judicial responses adopted at both European and national levels, with particular emphasis on the proactive decisions and initiatives of Romanian authorities, including notable investigations targeting eMAG. By incorporating detailed and recent case studies, the article aims to build a comprehensive understanding of these phenomena, propose refined solutions, and identify strategic directions for ensuring robust legal protection of competition and consumer interests in the dynamic digital age.

The Specific Nature of Anticompetitive Practices in the Digital Space: Towards a New Legal Typology?

The digital space does not merely amplify or reshape traditional anticompetitive practices; it introduces intrinsic features that give rise to entirely new forms of competition-restricting behavior. These distinct characteristics call for a fundamental reassessment of the analytical and normative tools employed in competition law—a need increasingly emphasized in the specialized literature, including significant Romanian scholarly contributions (Vasiu, 2019; Popescu, 2020).

A foundational aspect is the pervasive influence of network effects. This economic phenomenon dictates that the value of a product or service escalates exponentially as the number of its users or participants on a specific platform grows. For instance, the utility derived from a social network or a messaging service increases directly with the number of friends or contacts utilizing that same service. This mechanism can swiftly lead to the establishment of a quasi-monopolistic dominant position for a single platform, simultaneously erecting substantial barriers to market entry for prospective new competitors. Once a critical user mass is achieved, network effects inherently transform into an formidable entry barrier, leading to "winner-takes-all" markets where the leading player captures a disproportionately large market share (Competition Council, 2018). The overwhelming dominance of search engines like Google or major social networks vividly exemplifies this phenomenon, as their market position is reinforced by a vast user base. This creates prohibitively high switching costs for consumers and simultaneously reduces the utility of the network for those who remain on the original platform. Doctrinal debates increasingly focus on whether such network effects are a natural

outcome of market dynamics—acceptable without intervention—or whether their unchecked expansion warrants regulatory measures to preserve competitive tension (Evans & Schmalensee, 2016).

Another key driver of the digital economy is the central role of data. Frequently referred to as the "new oil" of the digital age (Păunescu, 2018), data constitutes a critical asset and a primary source of competitive advantage. Dominant platforms possess an unprecedented ability to collect, aggregate, and process massive volumes of granular data, granting them unique insights into market dynamics and consumer preferences. Abuse of dominant position through data control can manifest in diverse forms: from the refusal to grant access to essential data for competitors (a phenomenon known as *data hoarding*), to the leveraging of data collected from platform users to disproportionately benefit proprietary services (*data leveraging* or *self-preferencing via data*), or even the imposition of inequitable conditions for data access on commercial partners. At the European level, a highly relevant case illustrating the implications of data management, even if the primary focus was on self-preferencing, was the Google Shopping decision. The European Commission found that Google abused its dominant position in the general internet search market by systematically favoring its own comparison shopping service in search results, to the detriment of competing services (European Commission, 2017). Although the core of the argument focused on the manipulation of search result rankings, Google's anticompetitive strategy also encompassed control over data flows and the preferential visibility granted to its own services, clearly illustrating how a dominant platform can exploit data and its control over access to information to unfairly advance its commercial interests. Doctrinal discussions highlight the complexity of defining "essential data" and establishing criteria for mandatory data sharing, aiming to balance competition concerns with intellectual property rights and data privacy (Geradin & Lianos, 2020).

The proliferation of algorithms and artificial intelligence introduces an unprecedented dimension to collusive practices, fundamentally reshaping the ways in which market behaviors can be coordinated. Algorithms can be programmed to set prices, optimize sales strategies, or closely monitor competitors' behavior, operating with a level of precision and speed unattainable by human agents (Ezrachi & Stucke, 2017). Algorithmic collusion can primarily manifest in two forms: facilitated collusion, where companies utilize algorithms as a sophisticated tool to implement a pre-arranged, explicit anti-competitive agreement; and tacit collusion, where algorithms, through advanced machine learning, independently learn and adapt to each other's strategies, ultimately converging on an anti-competitive outcome (e.g., higher prices) without any explicit prior human understanding. This latter form presents an formidable evidentiary challenge, as it typically lacks the *mens rea* (criminal intent) in its classical legal sense, thereby straining the traditional paradigms of competition law enforcement. In Romania, while clear public decisions directly addressing algorithmic collusion are yet to emerge, the Competition Council is actively monitoring this nascent phenomenon. Their participation in dedicated European working groups underscores a growing awareness of this emergent risk (Competition Council, 2023). Internationally, a compelling illustration was the e-commerce price-fixing case in the USA involving dynamic pricing software, where online vendors effectively used algorithms to coordinate prices for specific products, unequivocally demonstrating the anti-competitive potential of these technological

instruments. The doctrinal debate here centers on whether algorithmic coordination, even without human intent, should fall under existing cartel prohibitions or necessitate new legal frameworks, and how to attribute liability in such complex scenarios (Stucke & Ezrachi, 2019).

Finally, the analysis of mergers and acquisitions within the digital sector unveils another significant and evolving particularity. Beyond conventional mergers, dominant companies frequently engage in strategic acquisitions of innovative start-ups. These acquisitions, often involving entities with minimal or even non-existent current revenues, are not primarily driven by immediate operational synergies but rather by the strategic objective of neutralizing a potential future competitive threat (known as *nascent competition*). Such transactions are aptly termed "killer acquisitions" (Shelanski, 2019). The acquisition of Instagram by Facebook (now Meta) in 2012 and WhatsApp by the same company in 2014, while the targets were not generating substantial revenue at the time, have become emblematic cases. These acquisitions effectively eliminated powerful emerging competitors, thereby consolidating Meta's already dominant position across the social media and instant messaging markets (European Commission, 2020). These landmark cases have underscored for competition authorities worldwide the critical need for a more forward-looking assessment of future competitive potential in merger reviews, beyond current turnover figures. This prospective approach is fundamental to safeguarding what is referred to as "nascent competition." Doctrinal arguments increasingly question whether current merger control thresholds—often based on turnover—are sufficient to capture so-called "killer acquisitions," and instead advocate for alternative criteria, such as transaction value or the size of the user base (OECD, 2020).

Regulatory and Jurisprudential Responses: European and National Perspectives

Regulatory authorities, fully aware of the unique and complex challenges that the digital space poses to competition, have responded with a dynamic approach. Their actions encompass both the adaptation of existing legal frameworks and the introduction of new regulatory instruments, marking a significant evolution in competition law in the digital era.

At the European Union level, the approach has been notably proactive and innovative, skillfully combining the rigorous application of traditional competition law principles with the adoption of groundbreaking *ex ante* regulations. The application of Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) has been instrumental in sanctioning abuses of dominant positions by major digital platforms. A seminal case was that of Google Shopping, where the European Commission, in a decision issued on June 27, 2017, imposed a fine of €2.42 billion. The Commission found that Google had leveraged its dominant position in the general internet search market by systemically favoring its own comparison shopping service (Google Shopping) in its search results, thereby disadvantaging competing comparison shopping services. The motivation behind this decision was rooted in the principle that a dominant company cannot use its market power in one market to unfairly promote its services in a related market, thereby distorting competition and harming consumers by limiting choice and innovation. The legal implications were profound, establishing a clear precedent regarding the concept of *self-preferencing* and its direct applicability to vertically integrated digital platforms (European Commission, 2017). This decision was subsequently upheld by the Court

of Justice of the European Union (Curtea de Justiție a Uniunii Europene, 2021), reinforcing the Commission's broad powers in addressing digital abuses.

Another landmark case was Google Android, in which, on July 18, 2018, the European Commission imposed a record fine of €4.34 billion on Google. The Commission found that Google had imposed three types of illegal restrictions on manufacturers of Android mobile devices and mobile network operators: 1) requiring manufacturers to pre-install the Google Search app and the Chrome browser as a condition for licensing Google's Play Store; 2) paying manufacturers and operators to exclusively pre-install the Google Search app; and 3) preventing manufacturers from selling devices running on alternative versions of Android ("Android forks"). The motivation was to protect Google's dominance in general internet search and to prevent the development of competing mobile operating systems and browsers, which could have threatened its core revenue streams. The legal implications underscored the importance of interoperability and consumer choice within mobile ecosystems, affirming that tying complementary products and services can constitute an abuse of dominance if it stifles competition (European Commission, 2018).

Furthermore, the investigation initiated by the European Commission against Amazon in 2020 specifically targeted the alleged abusive use of non-public aggregated data collected from independent sellers operating on its Amazon Marketplace platform. The Commission suspected that Amazon leveraged this sensitive data to unfair advantage its own retail business, directly competing with these very sellers. The investigation also scrutinized the criteria used for selecting sellers for the "Buy Box," suspecting that these criteria might disproportionately favor Amazon's own retail offerings over those of its competitors (European Commission, 2020). The motivation was to address concerns that hybrid platforms (acting both as marketplace operators and direct retailers) can exploit their dual role to the detriment of third-party sellers, leading to unfair competition. This case highlights the legal challenges of data leveraging and platform neutrality.

Recognizing the inherent limitations of a purely reactive (ex post) approach in traditional competition law when confronted with the fast-paced evolution of digital markets, the European Union introduced a forward-looking legislative initiative: Regulation (EU) 2022/1925 on contestable and fair markets in the digital sector, universally known as the Digital Markets Act (DMA) (European Parliament and Council of the European Union, 2022). The Digital Markets Act (DMA) represents a paradigm shift, establishing a precisely defined set of ex ante obligations and prohibitions for so-called "gatekeepers"—large digital platforms identified by their significant economic influence, their role as essential intermediaries between end users and businesses, and their entrenched and durable market positions. Gatekeepers are designated based on clear, quantitative criteria, including thresholds for turnover, market capitalization, and the number of active users. Among the key obligations imposed by the Digital Markets Act (DMA) are: the explicit ban on self-preferencing, prohibiting gatekeepers from favoring their own products or services over those of business users; the obligation to allow users to uninstall pre-installed applications; the requirement to ensure interoperability with third-party services, such as messaging apps; and the prohibition on using non-public data collected from business users on the platform to compete directly against them. The motivation behind DMA is to proactively create a level playing field, foster greater contestability, and ensure fairness in the digital ecosystem, thereby preventing anti-competitive behaviors before

they cause irreparable harm. Its legal implications are profound, shifting the burden of proof in certain instances and establishing a new regulatory toolkit distinct from traditional competition law enforcement, focusing on structural and behavioral obligations for a select group of powerful digital firms.

In Romania, the Competition Council, as the national competition authority, has been actively involved in monitoring and investigating digital markets, meticulously adapting established principles of competition law to the specificities of the local digital economy. The Council has notably conducted and continues to conduct extensive sector inquiries into various digital markets, including e-commerce, online advertising, and food delivery services. These inquiries serve to proactively identify potential competitive vulnerabilities and gather crucial market intelligence (Competition Council, 2021a). Such studies are indispensable for gaining a comprehensive understanding of complex market dynamics and for laying the groundwork for well-informed, proportionate, and effective enforcement decisions. A concrete example of the Competition Council's proactive involvement includes its investigations into food delivery platforms. The authority has meticulously analyzed certain contractual clauses imposed by major platforms such as Glovo, Tazz, and Foodpanda on their partner restaurants, specifically scrutinizing the potential anticompetitive effects of parity clauses (where restaurants are prevented from offering lower prices on other channels) and exclusivity clauses (where restaurants are restricted from partnering with other delivery platforms) (Competition Council, 2022). These investigations highlight the critical importance of maintaining a fair contractual balance between dominant platforms and their business users, preventing the platforms' significant bargaining power from resulting in unfair conditions that could stifle competition and innovation in the restaurant sector.

A particularly instructive and well-documented case in Romanian national jurisprudence, which vividly illustrates the complexities associated with abuse of dominant position in the online retail environment, is that of Dante International SA (eMAG). Following an extensive investigation initiated in late 2017 and meticulously concluded in 2020, the Competition Council sanctioned Dante International SA, the operator of Romania's largest online retailer and the eMAG Marketplace platform, with a substantial fine of approximately €6.7 million for abuse of dominant position (Competition Council, 2020a). The facts of the case revealed that, during the period spanning January 2013 to June 2019, eMAG systematically favored its own product offerings over those of independent third-party merchants who sold their products on the very same eMAG Marketplace. This self-preferencing was achieved primarily through the more advantageous positioning and display of eMAG's proprietary products within search results and on product detail pages, thereby significantly limiting the visibility and accessibility of partner offers to consumers. The motivation behind the Competition Council's decision was to prevent a dominant online marketplace from exploiting its dual role (both as a platform operator and a direct retailer) to unfairly disadvantage its own business users, thereby distorting competition on the marketplace. The legal implications were far-reaching for the Romanian e-commerce sector. The Competition Council, in addition to imposing the fine (which was reduced due to the company's full acknowledgment of the infringement), mandated a series of crucial corrective measures. These measures specifically targeted the algorithms employed by the eMAG

platform, requiring eMAG to fully and accurately inform its partner merchants about the intricate functioning of its product listing and positioning algorithms and to stringently limit any manual interventions in their operation. Furthermore, the decision mandated organizational restructuring, the establishment of a robust system for managing data collected and stored via the platform to ensure non-discriminatory access to aggregated data for partners, and significant improvements to the policy for resolving complaints with partner merchants (Competition Council, 2020a). This case serves as a benchmark, highlighting the inherent complexity of proving abuses on digital platforms, which often necessitates the forensic analysis of internal, frequently opaque mechanisms, and demands specialized technological and economic expertise.

Beyond this abuse of dominant position case, eMAG was also implicated in another significant Competition Council investigation, concluded in 2024, concerning an anti-competitive agreement related to resale price maintenance (RPM) in the market for the commercialization of televisions and mobile phones. Alongside Samsung Electronics România, Altex România, and Flanco Retail, Dante International (eMAG) was collectively fined a substantial sum of 123 million lei (approximately €25 million). The investigation definitively revealed a vertical agreement whereby Samsung, as a manufacturer, imposed a minimum resale price on its retailers, including eMAG, thereby illegally restricting the ability of these retailers to independently set their own prices. All companies involved acknowledged their participation in the infringement, subsequently benefiting from reduced fines as per leniency programs. This case critically underscores the persistence of classic anti-competitive practices like price-fixing even within the dynamic landscape of online commerce, demonstrating that the digital environment does not inherently eliminate the necessity for vigorous traditional market oversight.

Furthermore, the Competition Council has conducted a comprehensive investigation into the online advertising market to identify and address potential practices that could stifle competition and innovation, including possible abuses of dominant position by major players (Competition Council, 2021b). This proactive action is vital to ensuring a healthy and fair competitive environment in a market crucial for the overall growth of digital businesses in Romania. On the legislative front, Competition Law no. 21/1996, as republished and subsequently amended, remains the foundational legal instrument for sanctioning anti-competitive practices in the online environment, through the flexible interpretation of its provisions concerning anti-competitive agreements and abuse of dominant position. Romanian legal doctrine has also made significant contributions to these ongoing challenges, fostering the development of a specific national perspective on digital competition law (Popescu, 2020; Vasiu, 2019).

Comparative Perspectives on Digital Markets: Regulatory Challenges and Doctrinal Debates in Major Jurisdictions

The challenges arising from the functioning of digital markets are global in nature, prompting diverse yet often converging regulatory responses across major jurisdictions. A comparative analysis reveals common concerns regarding competition, as well as distinct approaches in legal frameworks and enforcement priorities, fueling intense doctrinal debates in the legal literature, both internationally and nationally.

United States (US) Approach

Historically, US antitrust enforcement has maintained a more cautious stance regarding intervention in dynamic markets, often prioritizing consumer welfare narrowly defined by price effects. However, the rise of powerful tech giants has spurred a significant shift. The US approach, while still primarily ex post (relying on Section 1 and Section 2 of the Sherman Act), has seen increased focus on monopolization cases against platforms like Google and Meta. The Federal Trade Commission (FTC) and the Department of Justice (DOJ) have launched multiple high-profile lawsuits alleging abuses of market power, for instance, the DOJ's antitrust case against Google for monopolizing digital advertising technologies, alleging that Google systematically acquired rivals and leveraged its dominance to foreclose competition in ad tech (DOJ, 2023). This mirrors, in part, the EU's concerns regarding vertically integrated platforms. Doctrinal debates in the US often center on the need for a "new Brandeisian" antitrust philosophy, advocating for broader structural remedies and a focus on power rather than just efficiency, challenging the long-standing "consumer welfare standard" (Khan, 2017). This contrasts with traditional Chicago School thinking that viewed dominant firms as a natural outcome of efficient competition. The debate also extends to whether the US should adopt ex ante regulations similar to the DMA, a proposal gaining traction in Congress but facing significant political hurdles.

German Approach

Germany has been at the forefront of adapting its national competition law to address digital market specificities, often predating EU-wide initiatives. The 10th amendment to the German Act Against Restraints of Competition (GWB), effective from January 2021, introduced a crucial provision in Section 19a. This provision grants the Bundeskartellamt (German Federal Cartel Office) the power to intervene against companies with "paramount significance for competition across markets" (überragende marktübergreifende Bedeutung für den Wettbewerb), allowing for early intervention against potential abuses even without a formal finding of dominant position in a specific market. This mirrors the DMA's gatekeeper concept but operates at a national level. The Facebook (Meta) data processing case by the Bundeskartellamt is a landmark example. In 2019, the authority prohibited Facebook from combining user data from various sources (Facebook, Instagram, WhatsApp, and third-party websites) without users' explicit consent, arguing this practice constituted an abusive exploitation of its dominant position (Bundeskartellamt, 2019). The motivation was to protect consumer choice and data privacy as dimensions of competition, rather than solely focusing on price. This decision has spurred significant doctrinal debate regarding the interplay between competition law, data protection (GDPR), and consumer protection, questioning whether competition authorities should explicitly consider non-price factors like data privacy in their analysis (Jaeger, 2021). This broader interpretation of "abuse" extends beyond traditional economic harm and resonates with calls for a more holistic approach to competition in digital markets.

Comparison with Romanian Cases

The eMAG case, with its focus on self-preferencing on a dominant platform, shares significant conceptual similarities with the EU's Google Shopping and Amazon investigations. The motivation of the Romanian Competition Council to intervene against eMAG's internal

favoring of its own products mirrors the EU's drive to ensure fairness for third-party sellers on hybrid platforms. The emphasis on algorithmic transparency and non-discriminatory data access in the eMAG decision is directly aligned with the principles embedded in the DMA. This indicates a convergence of enforcement priorities across jurisdictions regarding the behavior of vertically integrated platforms. However, Romania, lacking a specific ex ante regulatory framework like Germany's GWB Section 19a or the EU's DMA, relies on the broader interpretations of its existing Competition Law (Law 21/1996) for these interventions. The eMAG case demonstrates the flexibility of traditional abuse of dominance provisions to address digital specificities, but also highlights the proactive approach of the Romanian authority in adapting these provisions to new challenges.

The doctrinal debates surrounding the eMAG case in Romania largely mirror the international discourse on the regulation of digital platforms. Key questions under examination include:

a) Defining dominance in digital markets – How should market power be assessed in environments where services are offered for free, and value is generated through data and network effects? Romanian scholars frequently refer to the "two-sided market" theory to analyze this framework (Popescu, 2020).
b) The scope of abuse – Should self-preferencing be inherently considered abusive, or only when it results in demonstrable anticompetitive effects? This raises broader concerns about the extent to which authorities should intervene in platform design and algorithmic functioning.
c) Data as an essential facility – To what extent should data be considered an “essential facility” that dominant platforms must share with competitors? This issue requires balancing competition policy objectives with intellectual property rights and data privacy considerations.
d) Enforcement challenges – The eMAG case, with its algorithmic intricacies, highlights the practical difficulties faced by competition authorities in evidence gathering and in implementing effective remedies in the context of complex and opaque digital systems.

The resale price maintenance (RPM) case involving eMAG, Samsung, Altex, and Flanco, although situated within a digital context, constitutes a classical form of vertical restriction. Its enforcement demonstrates that traditional anticompetitive practices continue to thrive in the digital sphere, requiring ongoing regulatory vigilance.

Doctrinal debates on RPM in digital markets often question whether its effects differ substantially from offline settings, considering the role of pricing algorithms and the potentially greater price transparency, which might, in theory, mitigate some harms (Motta & Peitz, 2020). However, the Romanian case clearly shows that RPM remains a significant concern, capable of restricting intra-brand competition and harming consumers by removing downward price pressure.

In conclusion, while common themes—such as the economic power of platforms, the strategic use of data, and algorithmic influence—dominate the global discourse, comparative analysis reveals significant differences in the intensity of regulation and the underlying philosophical principles guiding enforcement. The European Union, through the Digital Markets Act (DMA), is moving toward a structural, ex ante approach, whereas the United States has traditionally relied on ex post enforcement, although it is increasingly exploring new

regulatory tools. Germany offers a notable example of national-level ex ante intervention through amendments to its competition law (GWB). The eMAG case situates Romania firmly within the European enforcement trend, showcasing the national authority's adaptability in addressing complex digital abuses, while also confronting the practical and doctrinal challenges inherent to this rapidly evolving regulatory landscape.

Solutions and Recommendations for Effective Legal Protection in Digital Markets

Ensuring robust and effective legal protection against anticompetitive practices in the online environment requires a holistic and highly adaptable approach. This entails a strategic combination of modern legislative tools with a significantly enhanced capacity for rigorous and timely law enforcement.

A flexible and forward-looking regulatory framework is absolutely essential. In the face of rapidly evolving digital markets, it is critical to continuously develop and refine rules that can swiftly adapt to emerging technological realities. The focus should lie on broad principles and fundamental objectives—such as ensuring market contestability and effectively preventing abuses of economic power—rather than on overly prescriptive and rigid technical solutions, which are highly susceptible to rapid obsolescence.

The Digital Markets Act (DMA) is a commendable and pioneering example in this regard, with its ex ante approach and the designation of gatekeepers based on dynamic, general economic criteria, rather than static market share thresholds (European Parliament and Council of the European Union, 2022).

However, ensuring the DMA's continued relevance and effectiveness requires ongoing monitoring of its practical impact and regular revision, in light of fast-paced technological advancements and the emergence of new business models.

Doctrinal debates surrounding the DMA frequently revolve around concerns of overregulation, unintended consequences for innovation, and the practical challenges of enforcement (Korah, 2023).

The continuous development and support of multidisciplinary investigations, along with the advanced use of technology, are of critical importance for effective competition enforcement in the digital economy. Investigation teams within competition authorities must evolve from traditionally homogeneous, lawyer-centered structures to diverse teams that include legal experts, economists, data scientists, and artificial intelligence specialists.

Substantial investment in state-of-the-art technological tools is essential for analyzing large volumes of data (big data), detecting sophisticated anomalies in algorithmic behavior, and accurately reconstructing complex competitive scenarios (Competition Council, 2023).

A crucial aspect of this transformation is the development of robust internal capacities in digital forensic analysis and the judicious use of AI to support and streamline investigative processes.

From a doctrinal perspective, the admissibility and evidentiary value of algorithmically derived findings raise complex legal questions regarding procedural fairness and the standard of proof in digital competition investigations.

Consolidating international cooperation is fundamentally indispensable, given the inherently cross-border nature of digital markets. Substantial improvements in information

exchange protocols, meticulous coordination of complex investigations, and, wherever feasible, the harmonization of analytical approaches and enforcement practices among competition authorities from disparate jurisdictions are absolutely essential measures. These objectives can be achieved through the negotiation and implementation of robust bilateral or multilateral cooperation agreements, the establishment of dedicated joint working groups, and the significant reinforcement of the role played by global networks such as the International Competition Network (ICN). A unified and coherent approach at the global level would crucially reduce jurisdictional fragmentation, significantly enhance predictability for economic operators, and effectively deter anti-competitive *forum shopping*. Current doctrinal debates revolve around finding the optimal level of harmonization versus the need to preserve national sovereignty and flexibility to address unique market conditions.

A vital and increasingly recognized issue is the vigorous promotion of genuine algorithmic transparency and robust data governance. It is imperative to explore and actively implement mechanisms that ensure authentic transparency of the algorithms used by dominant platforms, while safeguarding legitimate trade secrets. Such mechanisms could potentially include independent algorithmic audits, the imposition of standardized reporting obligations concerning their functionality and competitive impact, or even the creation of regulatory "sandboxes" where algorithmic behavior can be safely tested in controlled environments.

Furthermore, establishing stricter data governance frameworks and ensuring fair access to essential data for competitors are fundamental measures to prevent abuses of power based on control over critical information.

Doctrinal perspectives vary widely—from advocating for open-source algorithms to imposing stringent requirements on data portability and interoperability—while navigating the complexities of privacy regulations such as the GDPR.

The role of private actors and the effectiveness of private enforcement must be substantially strengthened. Actively encouraging private litigation as a strong complement to public enforcement of competition law can significantly contribute to deterring anticompetitive practices and providing meaningful compensation to victims. Simplifying procedural requirements, clarifying the rules for accurate damage assessment—especially in the nuanced context of "free" services—and vigorously supporting collective actions could greatly enhance the effectiveness of private enforcement in the digital sector, offering a more accessible and efficient remedy for competition-related harm (Popescu, 2020).

Doctrinal discussions focus on the specific challenges of collective redress in digital markets, considering the dispersed nature of harm and difficulties in proving causation and quantifying damages.

Finally, education and fostering broad awareness play a crucial role. Significantly increasing awareness of the various anticompetitive risks prevalent in the online environment—targeting specifically economic actors (especially small and medium-sized enterprises often dependent on dominant platforms), the general public, and future legal professionals—is vital. A deeper and more widespread understanding of the complex dynamics of digital markets and the associated legal obligations can proactively contribute to preventing violations and enabling quicker, more effective detection by all market participants.

This educational imperative also extends to legal research, which must continuously evolve to provide clear and relevant analytical frameworks for these complex challenges.

Conclusions

Legal protection against anticompetitive practices in the online environment undoubtedly represents one of the most urgent and multifaceted challenges facing competition law today. The intrinsic nature of digital markets—characterized by strong network effects, a deep reliance on data, and rapid innovation—has given rise to new types of behaviors that restrict competition. These practices are inherently difficult to categorize and sanction using traditional legal tools designed for conventional markets. From subtle yet pervasive abuses of dominant positions, manifested through self-preferencing and manipulation of data flows, to sophisticated algorithmic collusion and strategic "killer acquisitions" aimed at eliminating nascent competition, the spectrum of risks is vast, complex, and constantly evolving.

The evolving normative and jurisprudential responses, both at the European level through the adoption of innovative regulations such as the Digital Markets Act, and at the national level through the sustained and proactive efforts of authorities like Romania's Competition Council, clearly demonstrate a growing awareness of the urgency and complexity of this issue. Concrete cases—from landmark European Commission decisions against Google and Amazon to thorough investigations conducted by the Romanian Competition Council in the domestic e-commerce and online advertising markets, including significant precedents set by the eMAG cases—vividly illustrate the challenges of applying competition law in such a dynamic and rapidly changing environment.

The future trajectory of competition law in the digital era is critically dependent on its capacity to be exceptionally agile, profoundly proactive, and, above all, inherently multidisciplinary. Enhanced international cooperation, sustained and substantial investments in specialized technological expertise, and a nuanced, comprehensive understanding of the economic dynamics governing digital platforms are all indispensable elements. These are crucial to ensure that the online environment continues to serve as a powerful engine of innovation, a vibrant space for fair and equitable competition, and a tangible benefit for both consumers and businesses alike. Only through a truly integrated and adaptive approach—one that skillfully combines intelligent and proportionate regulation with vigorous and effective enforcement, underpinned by a broadly cultivated awareness—can we realistically guarantee that the myriad advantages of the digital economy are equitably distributed and not unjustly captured by a limited number of dominant actors.

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