

GENTJAN SKARA

**COMPETITION LAW ENFORCEMENT
IN WESTERN BALKAN COUNTRIES:
CHALLENGES POSED
BY ONLINE PLATFORMS**

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Competition Law Enforcement in Western Balkan Countries: Challenges Posed By Online Platforms

1. Introduction

Online platforms are essential to our daily activities. Individuals use them for various purposes, including online shopping, social networking, education and job seeking. The recent COVID-19 pandemic accelerated “digitalisation at an unprecedented rate” for individuals and businesses.¹ According to a 2021 Pew Research Center Survey, 85% of Americans report being online on a daily basis. This figure includes 31% of respondents who go online almost constantly, 48% who go online several times a day, and 6% who go online about once a day.² Similarly, European Union citizens are increasingly using online services. Around 70% of EU respondents use social networks, followed by online shopping (72%) and online content consumption (76%).³

¹ Commission (2019).

² Perin and Atske (2021).

³ Commission (2019).

On the other hand, following the COVID-19 pandemic, online platforms experienced a tremendous increase in use of online platforms in their business model. According to the Digital Economy Report 2019, the digital economy accounts for between 4.5% and 15.5% of global GDP.⁴ Currently, almost 10,000 high-growth small and medium-sized enterprises (SMEs) are trying to scale up in the EU. Most of them are start-ups, accounting for only 2.7% of the total global value.⁵

As the growth of online platforms boosts innovation and drives economic development, a few online platforms act as gatekeepers by controlling a significant portion of the digital market, which may lead to unfair practices and conditions for both businesses and end-users.⁶ Among the top seven largest companies in the world by market capitalization are six tech companies, ranking as follows: Microsoft (No. 1), Apple (No. 2), NVIDIA (No. 3), Alphabet (No. 4), Amazon (No. 5), and META (No. 7). Combined together, these six tech companies' market capitalizations are valued at around 15 billion U.S. dollars.⁷ These tech companies act as gatekeepers for business users, capturing "the biggest share of the overall value generated."⁸ Furthermore, they pose potential economic harm due to their concentrated structure, making it difficult for new online platforms to enter the market.⁹

In relation to this, the EU adopted the Digital Market Act (DMA) to ensure contestability and fairness in the digital market.¹⁰ As of 2024, the DMA provisions are directly enforceable in EU Member

⁴ UNCTAD (2019), p. 4.

⁵ Commission (2019).

⁶ Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Proposal for Digital Markets Act) [2020] COM (2020) 842 final, p. 1.

⁷ Sanches (2025).

⁸ Proposal for Digital Markets Act, p. 1.

⁹ Proposal for Digital Markets Act, p. 1.

¹⁰ Regulation (EU) 2022/1925 of the European Parliament and of the Council of September 14, 2022, on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (Text with EEA relevance) [2022] OJ L 265/1.

States. This means that all EU Member States have uniform rules to ensure contestability and fairness of gatekeepers in the digital market.

The EU is influencing third countries to adopt rules on the digital market. Since 2003, when the prospect of EU membership was announced, Western Balkan countries (WBc) – with the exception of Croatia – have struggled to meet the accession criteria. Harmonization of domestic laws with EU *acquis* and proper implementation has become a leitmotif of WB governments. In the area of digital markets, the 2024 EC Country Report has emphasized the need for WBc to align national legislation with digital market acts.¹¹

Alongside the SAA provisions, various other documents or initiatives reaffirm the region's commitment to advancing integration into the single digital market and alignment with the EU *acquis*. The Berlin Process, launched in 2014 after EU Commission President Jean-Claude Juncker blocked the enlargement process for five years (2014-2019), provided suitable incentives to enhance cooperation among WB governments and sustain their aspiration for EU membership.¹² In 2017, the Multi-Annual Action Plan for a Regional Economic Area (MAP REA) was established at the Trieste Summit upon the request of WBc leaders to "further economic cooperation in the Western Balkans."¹³ One of the pillars of this document is the digital integration of WBc, encompassing the digital economy and society, trust and security in digital services, the data economy, standards and interoperability, as well as innovation. The main goal of digital integration is to expedite the digital transformation process in the Western Balkan Six (WB6) countries and align the region with the EU Digital Sin-

¹¹ Commission (2024a), p. 71; Commission (2024b), p. 71; Commission (2024c), p. 70; Commission (2024d), p. 71; Commission (2024e), p. 68; Commission (2024f), p. 76.

¹² According to the 2014 Enlargement Strategy, "the Berlin Process can be instrumental for encouraging reforms and agreeing realistic priorities for core connectivity investments. It can also act as a spur to help resolve outstanding bilateral issues." Commission (2014), p. 17.

¹³ RCC (2017), p. 1.

gle Market. A year later, the “Digital Agenda for the Western Balkans” was launched in Sofia, Bulgaria, complementing the MAP REA digital integration pillar. The Digital Agenda for the Western Balkans aimed to facilitate the reduction of roaming costs and to provide technical assistance for identifying potential digital investments.¹⁴ In 2020, the Multi-Annual Action Plan for a Regional Economic Area was renamed as the Common Regional Market.¹⁵ The current Common Regional Market 2.0 has established a regional initiative to “ensure a safer, more functional and trustworthy online environment for WB6 users.”¹⁶ The Regional Cooperation Council (RCC), as the principal organization for this action, with support from the Commission and the Central European Free Trade Agreement (CEFTA), expects WB6 to adopt a regulatory framework by 2028 to ensure the implementation of the DMA into the national legal system.

Another important initiative is the EU Growth Plan for the Western Balkans. The general objective of the Reform and Growth Facility (RGF), a financial instrument for the Western Balkans, is to accelerate the socio-economic convergence of WB economies with the EU and integrate WB6 economies into the EU single market. In the digital area, the growth plan aims to “promote the digital transformation and digital skills as an enabler of sustainable development and inclusive growth” and “boost innovation, research, and cooperation between academic institutions and industry in support of the green and digital transitions.”¹⁷ As required by the EU Growth Plan, the Western Balkan countries, save Bosnia and Herzegovina, have submitted their Reform

¹⁴ European Council, EU-Western Balkan Summit: Sofia Declaration, 17 May 2018 <https://www.consilium.europa.eu/media/34776/sofia-declaration_en.pdf> accessed June 1, 2025

¹⁵ The first Common Regional Market was adopted in 2020. It laid down several actions to be implemented by the end of 2024. The key areas are: i) the regional trade; ii) the regional investment area; iii) the regional digital area; and iv) the regional industrial and innovation area. RCC (2020).

¹⁶ RCC (2020), priority area 6.2. “Digital Economy.”

¹⁷ Regulation (EU) 2024/1449 of the European Parliament and of the Council of May 14, 2024, on establishing the Reform and Growth Facility for the Western Balkans [2024] OJ L, Article 3(2) k and e.

Agendas, which outline the measures needed to attain the goal. Western Balkan countries, save Bosnia and Herzegovina, have introduced national measures emphasizing the need for digital transformation. Nevertheless, none of the countries explicitly mentioned adopting legislation to address the behaviors of tech companies in the market.

This research seeks to analyze the enforcement of competition rules in the digital market in Western Balkan countries. Moreover, the paper discusses the main challenges that WBC national competition authorities face in relation to online platforms. It argues that, rather than directly transposing the DMA provisions, the WBC must carefully assess them in order to understand their implications and transpose those that are relevant to candidate countries into the national legal system.

The paper employs doctrinal legal research by analyzing and interpreting the primary and secondary competition legislation of the EU and Western Balkan countries, as well as relevant court decisions. In addition, the author relies on secondary sources, including books, scientific articles, and various European Commission reports, to assess the current state of play in the harmonization of legislation in the digital market area.

3. Enforcement of Competition Rules in the EU Digital Market

With the rapid development of technology and digitalization, new challenges have emerged for enforcing competition law in the digital market. Well-consolidated national competition authorities in the EU, UK and Australia analyzed whether and to what extent existing competition rules fit in with the digital economy and the relationship between big data and competition law.¹⁸ These reports acknowledged that existing competition rules

¹⁸ Crémer et al (2019); Digital Competition Expert Panel (2019); Competition and Markets Authority (2019); Bericht der Kommission Wettbewerbsrecht 4.0 (2019); Autorità Garante della Concorrenza e del Mercato & Autorità per le Garanzie nelle Comunicazioni e Garante per la Protezione dei dati Personali (2019); Autorité de la Concurrence and Bundeskartellamt (2016); Autorité de la Concurrence (2020); ACCC (2021).

provide a solid legal basis for the protection of competition. However, the study reports suggested the need for new competition rules in the digital economy as “the challenges stemming from the rise of the Internet, the ‘new economy’ and, today, the digital economy do require an adaptation of the way this basic framework is applied. The specificities of platforms, digital ecosystems and the data economy require adaptation and refinement of established concepts, doctrines and methodologies, and competition law enforcement itself.”¹⁹

Following extensive consultation, stakeholders expressed support for regulating the behavior of gatekeepers in the digital market. In December 2020, the European Commission proposed a Regulation on the contestability and fairness of big tech in the digital market, known as the Digital Markets Act (DMA). The DMA entered into force on November 1, 2022, and became fully applicable by March 2024.²⁰ The DMA general objective is “to contribute to the proper functioning of the internal market by laying down harmonised rules ensuring for all businesses, contestable and fair markets in the digital sector across the Union where gatekeepers are present, to the benefit of business users and end users.”²¹

The DMA does not target all online platforms, but only a small number of large undertakings that provide core platform services. The core platform services are defined in Article 2 (2) and include: “i) online intermediation services; ii) online search engines; iii) online social networking services; iv) video-sharing platform services; v) number-independent interpersonal communications services; vi) operating systems; vii) web browsers; viii) virtual assistants; ix) cloud computing services; and x) online advertising services.” The list of core service providers can be expanded upon through a Commission market investigation.

Article 3 of the DMA outlines the qualitative and quantitative criteria for designating an undertaking as a gatekeeper. As can be

¹⁹ Crémer et al. (2019), p. 39.

²⁰ Digital Markets Act, Art 54.

²¹ Digital Markets Act, Recital 7 and Art 1(1).

seen in Table 1, the undertaking is designed as a gatekeeper if it has: i) “a significant impact on the internal market”; ii) “provides a core service platform”: and iii) “enjoys an entrenched and durable position, in its operations, or it is foreseeable that it will enjoy such a position in the near future.” Article 3(2) provides size-based thresholds for establishing the presumption that an undertaking meets these criteria:

Table 1: Quantitative and qualitative criteria for designation as gatekeeper

Criteria for designating an undertaking as a gatekeeper	Size-based thresholds for establishing the presumption
- The undertaking has a significant impact on the internal market.	- Presumptively met if annual EU turnover $\geq$ EUR 7.5 billion in each of the last three financial years (or average market capitalization or equivalent fair market value $\geq$ EUR 75 billion) and the CPS is provided in at least three Member States.
- The undertaking provides a CPS, which is an important gateway for business users to reach end users.	- Presumptively met if monthly active end users in the EU $\geq$ 45 million and yearly active business users in the EU $\geq$ 10.000 in the last financial year. Annex I provides CPS-specific indicators for calculating users.
- The undertaking enjoys an entrenched and durable position, or it is foreseeable that it will do so in the near future.	- Presumptively met if the user thresholds (monthly active end users in the EU $\geq$ 45 million and yearly active business users in the EU $\geq$ 10.000 in the last financial year) were met in each of the last three financial years.

Source: Data compiled by the author

In the case that the undertaking does not meet the quantitative criteria but fulfils the qualitative criteria, the Commission can initiate a market investigation to determine whether to designate it as a gatekeeper. For instance, on September 5, 2023, the Commission opened a market investigation to assess whether Apple and Microsoft should be designated as gatekeepers for iMessage, Bing, Edge, and Microsoft Advertising. After carrying out in-depth market investigations, the Commission decided not to proceed with the designation.²²

The DMA sets out around 18 obligations for designated gatekeepers to comply with. These obligations derive from decisions of EU Member States' national competition authorities or the EU Court of Justice settled cases involving competition law.²³ For instance, the obligation not to "combine personal data from CPS with data from third parties and other services gatekeepers" stems from the settled decision of *Autorità Garante della Concorrenza e del Mercato* (AGCM). In this case, WhatsApp was fined for forcing its users to share their personal data with Facebook.²⁴ Another example is the obligation provided in Article 6 (5) to "not treat more favourably, in ranking and related indexing and crawling, services and products offered by the gatekeeper itself than similar services or products of a third party." This obligation is stipulated in the Commission decision on the Google Search (Shopping) case.²⁵

Since the DMA entered into force, the Commission has designated seven gatekeepers: Alphabet, Amazon, Apple, ByteDance, Meta, Booking, and Microsoft. These gatekeepers provide 23 core platform services. Alphabet provides eight core platform services, followed by Meta with five core platform services, Apple with four core platform services, Amazon and Microsoft with two core platform services, and Booking.com and ByteDance with one core platform service.

²² Case DMA.100022 Apple – number-independent interpersonal communications services (2024); Cases DMA.100015 Microsoft Online search engines (2024); DMA.100028 Microsoft Web browsers (2024); DMA.100034 Microsoft Online advertising services (2024).

²³ Bostoen (2023).

²⁴ AGMC (2017).

²⁵ Google Search (Shopping) (Case AT.39740) Commission Decision of June 27, 2017.

Table 2: Gatekeepers’ status under DMA

Gatekeeper	Core platform services provided
Alphabet	1. Google Maps; 2. Google Play; 3. Google Shopping; 4. YouTube 5. Google, 6. Chrome, 7. Google Android, 8. Google Search
Amazon	1. Amazon Marketplace 2. Amazon
Apple	1. App store; 2. Safari 3. iOS; 4. iPadOS
Booking	1. Booking.com
ByteDance	1. TikTok
Meta	1. Facebook; 2. Instagram; 3. WhatsApp 4. Messenger; 5. Meta
Microsoft	1. LinkedIn 2. Windows PC OS

Source: https://digital-markets-act.ec.europa.eu/gatekeepers_en

These gatekeepers have created a conglomerate ecosystem around their core platform services in different areas, such as intermediation, video sharing, advertising, operating systems, social media, search, messaging, videoconferencing, and email services (N-IICS). Table 3 provides an overview of the core platform services. As can be seen, most core platform services are in intermediation services and social networks.

Table 3: Core platform services provided by gatekeepers

Social Network	Intermediation Services	Ads	Browser
1. TikTok	1. Google Maps	1. Google	1. Chrome
2. Facebook	2. Google Play	2. Amazon	2. Safari
3. Instagram	3. Google Shopping	3. Meta	
4. LinkedIn	4. Amazon Marketplace		
	5. App Store		
	6. Booking.com		
Video Sharing	Search	Messaging Services	
1. YouTube	2. Google Search	1. WhatsApp	
		2. Messenger	

Source: https://digital-markets-act.ec.europa.eu/gatekeepers_en

In conclusion, the DMA regulates how big tech players should act in the EU internal market. It stipulates what they should and should not do. For instance, in the Google Shopping case, the Commission fined Google (Alphabet) 2.42 billion euros for exploiting its dominant position in the platform market to gain advantages over its competitors.²⁶ Google appealed the Commission decision to the General Court and then to the Court of Justice. After several years, the Court of Justice upheld the Commission’s decision. This case served as a starting point for other proceedings on self-preferencing by Amazon, Google, and Apple.²⁷ Recently, the Commission fined Apple and Facebook for breach of the DMA rules. Facebook was fined for introducing the “consent or pay” advertising model. Under this model, EU users of Facebook

²⁶ Judgment of 10 September 2024, Google and Alphabet v Commission (Google Shopping), Case C-48/22 P, ECLI:EU:C:2024:726.

²⁷ Judgment of 14 September 2022, Google and Alphabet v Commission (Google Android), T-604/18, ECLI:EU:T:2022:541; Commission (2020).

and Instagram had two options: either “consenting to personal data combination for personalised advertising or paying a monthly subscription for an ad-free service.”²⁸

4. WBc Competition Legislation and Digital Platforms: Challenges and Opportunities

The Western Balkan countries include Albania, Bosnia and Herzegovina, North Macedonia, Montenegro, Kosovo*, and Serbia. All these countries are in different stages of EU integration (see Table 4). So far, only Montenegro and Serbia have both opened and closed some EU chapters. Montenegro has opened 33 EU chapters and provisionally closed only three chapters.²⁹ Serbia has opened 22 out of 35 EU acquis chapters and provisionally closed only two.³⁰ Albania has opened 16 chapters but has not closed any of them. North Macedonia is awaiting the opening of the first cluster, as the new methodology requires. Bosnia and Herzegovina received the candidate status in December 2022. Finally, Kosovo is the only potential candidate country, with its main issue remaining the contested status of its statehood.

	Signature of SAA	Entry into force of the SAA	Candidate status granted	Opening the Accession negotiation	Accession Negotiations closed	Accession
Albania	12 June 2006	28 April 2009	June 2014	July 2022	–	–
BiH	16 June 2008	2015	December 2022	–	–	–
Kosovo	July 2014	April 2016	–	–	–	–
Montenegro	15 October 2007	May 2010	December 2010	29 June 2012	–	–
North Macedonia	15 October 2007	May 2010	December 2010	July 2022		
Serbia	29 April 2008	September 2013	March 2012	2014		

Source: Data compiled by authors

As can be seen (Table 4), all WbC have signed the Stabilization and Association Agreement.³¹ This agreement laid down, *inter alia*, the obligation of the WbC to harmonize their existing and future legislation and ensure proper implementation. All SAA signed with the WbC contain an identical provision emphasizing the importance of gradually harmonizing existing and future legislation with that of the EU and ensuring proper implementation.

In line with this obligation, the WbC competition law aligns with the EU competition acquis. As shown in Table 5, save Albania and North Macedonia, which had a competition law in the 1990s, the other WbC have adopted their competition laws in the mid-2000s, coinciding with the EU's "unequivocal support to the European perspective of the Western Balkan countries."³² The WbC domestic competition laws adopted during this period were modeled in line with Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU) and have been amended to increase the level of harmonization.

²⁸ Commission (2025).

²⁹ Commission (2023a), p. 3.

³⁰ Commission (2023b), p. 3.

³¹ Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the former Yugoslav Republic of Macedonia, of the other part [2004] OJ 84/13; Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Albania, of the other part – Protocols – Declaration [2009] OJ L 107/166; Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part [2010] OJ L 108/3; Stabilisation and Association Agreement between the European Communities and their Member States of the one part, and the Republic of Serbia, of the other part [2013] OJ L 278/16; Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and Bosnia and Herzegovina, of the other part [2015] OJ L 164/2; Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo, of the other part [2016] OJ L 71/3.

³² Commission (2003).

Table 5: Timeline of Competition Law adoption in Western Balkan countries

Country	Competition Law adoption
Albania	Law 8044/1995 On Competition [1995] OJ 27 (repealed) Law 9121/2003 For Competition Protection [2003] OJ 71 as amended in 2007 and 2010 (Currently in force)
Bosnia and Herzegovina	Competition Act [2001] Official Gazette of BiH, No. 30/01. Competition Act [2005] Official Gazette of B&H, No. 48/05 as amended in 2007 and 209 (Currently in force)
Kosovo	Law no. 2004/36 on Competition, Official Gazette 14/2007 (repealed) Law no. 03/L-229 on Protection of Competition, Official Gazette No. 88/2010 (repealed) Law no. 08/L-056 on Protection of Competition, Official Gazette No. 14/ 2022 (Currently in force)
Montenegro	Competition Act [2005] Official Gazette of the Republic of Montenegro No. 69/05 (repealed) Competition Act [2012] Official Gazette of Montenegro No. 44/12 as amended in 2018 and 2021 (Currently in force)
North Macedonia	Law against Restrictions of Competition [1999] Official gazette of the Republic of Macedonia No. 80/1999 (repealed) Law on Protection of Competition [2006] Official gazette of the Republic of Macedonia No. 4/05, 70/06 and 22/07 (repealed) Law on Protection of Competition [2010] as last amended in 2024 (Currently in force)
Serbia	Competition Act [2005] Official Gazette of the Republic of Serbia, No. 79/2005 (repealed)

Source: Data compiled based on the Pecotic Kaufman, Skara & Svetlicinii (2025).

Unlike other WBc, which have been amended several times to ensure harmonization of domestic legislation with the EU competition *acquis*, Kosovo has opted for a different approach by including a mandatory reference to EU law or a Commission decision in its domestic competition law. For instance, Kosovo's Competition Law explicitly outlines in Article 2 (1) the central EU acts transposed for the purpose of increasing the harmonization level, requiring that "this law shall be implemented in accordance with the obligations of the Republic of Kosovo deriving from the Stabilization and Association Agreement with the European Union and the European Atomic Energy Community."³³ Meanwhile, Bosnian and Herzegovinian legislators have explicitly granted the power to the Bosnia and Herzegovina Competition Authority to follow the cases of the Court of Justice of the European Union and Commission decisions.³⁴ This power derives from SAA, which requires National Competition Authorities to assess any practice contrary for restrictive agreement or abuse of dominant position in the light of criteria arising from the application of EU the competition rules, in particular from Articles 101 and 102 of the TFEU, European Court of Justice (EUCJ) cases, Commission decision, and Commission notices and guidelines. In other words, this clause enables the application of the EU competition *acquis* even during the pre-accession phase.

The WBc competition laws remain silent on the enforcement of competition rules in the digital sector. This is understandable as competition laws have general applicability in all sectors. However, this general trend is changing nowadays with the development of technology and innovation. In this context, the EU and many of its Member States have introduced legislation to address the challenges raised by tech companies. The situation in the WBc is quite different. As noted by the 2023 Albanian Report, "large information technology platforms remain unregulated and unregistered in Albania, although they account for a big proportion of the

³³ Law no.08/L-056 on Protection of Competition, Official Gazette No. 14/2022.

³⁴ BiH Competition Act [2005], Art 43(7) provides that "The Competition Council, for assessment of a given case, can use the case law of the European Court of Justice and the decisions of the European Commission."

online advertising market and are the main distribution platforms for news and video content.”³⁵ Consequently, the growth of digital platforms and e-commerce platforms has created new challenges for WBc National Competition Authorities.

As the WBc are not yet EU members, the revised enlargement methodology reaffirmed the merit-based approach and introduced thematic clusters, allowing urgent reforms to be prioritized in different sectors. In this context, the WBc need to prioritize the transposition of the DMA or the Digital Services Act (DSA). In the latest screening report for Cluster 3 with Albania, the Commission noted that Albania “needs to ensure full alignment with the DSA and DMA by the time of accession.”³⁶ Similarly, the Common Regional Plan and Growth Plan have emphasized the digital infrastructure measures. However, the Western Balkan legislator should exercise caution when transposing the DMA for several reasons.

First, the DMA’s territorial scope regulates the behavior of the tech market in the EU internal market. If the WBc transposes the DMA, the scope needs to be adjusted to also apply to candidate countries. For example, the General Data Protection Regulation (GDPR) applies not only to entities established in the EU, but also to entities established outside the EU if the processing activities relate “to the offering of goods or services to EU data subjects” or “to the monitoring of their behavior.”³⁷ The concept of “extraterritorial effects” is missing from the DMA.

Secondly, the Commission is the sole enforcer of the DMA provisions. The Commission has the power to initiate a market investigation and impose fines on gatekeepers. National Competition Authorities do not have the power to apply DMA provisions; their role is to cooperate and inform. While DMA is applicable to all EU Member States, some have adopted domestic legislation similar

³⁵ Commission (2023c), p. 34.

³⁶ Commission (2022).

³⁷ General Data Protection Regulation.

to the DMA provision targeting domestic online platforms. For instance, Germany has adopted specific legislation addressing the power of tech markets and has empowered the Competition Authority to enforce these provisions.³⁸ Human resources within the National Competition Authority to deal with digital issues vary from one to 16, as in the case of Sweden.³⁹

In this context, even in the case of a verbatim transposition by WbC, the Commission's enforcement role needs to be replaced by a national enforcement institution. In this regard, WbC should appoint a person or establish a unit within the National Competition Authority to develop expertise and address digital markets. Moreover, the WbC National Competition Authority should have more financial and technical resources to deal with digital markets. Furthermore, the WbC could explore different programs to increase not only the capacities for digital transition in the bureaucracy but also in the competition authorities

Thirdly, WbC are considered small markets. The criteria for designating gatekeepers need to be readjusted to reflect online platforms operating in the WbC digital market or domestic market. Within the framework of regional cooperation, the Regional Cooperation Council, supported by the EU and CEFTA, has played an important role in establishing digital infrastructure in the region. One successful achievement was roaming. Following this success, the EU can provide assistance in supporting WbC in transposing the DMA rules.

5. Conclusions

The rise of the digital economy has challenged the traditional enforcement of competition rules. Large online platforms are creating dependency and expanding their ecosystem, which may lead to unfair practices. To address the gatekeeper power of the largest digital companies, the EU adopted the Digital Markets Act,

³⁸ Gesetz gegen Wettbewerbsbeschränkungen (GWB). 11th amendment to the GWB.

³⁹ Hjærtström (2025), p. 693.

which is already yielding its first results. Big tech companies have been designated as gatekeepers and are subject to a set of obligations.

Harmonization of domestic legislation with the EU *acquis* is an accession condition for WBc, which aspires to join the EU. Western Balkan countries lack legislation to address the challenges posed by the growth of digital platforms and e-commerce. Like the EU or other countries, the WBc needs to update its competition legislation to address the behavior of online platforms.

This paper suggests that, rather than transposing the DMA rules verbatim, the WBc legislator should carefully assess the DMA, as some provisions are not applicable to the candidate countries.

Secondly, WBc must update their competition legislation by introducing provisions to tackle the behavior of digital platforms. Additionally, provisions regulating the relationship between the WB Competition Authorities and the Commission should be introduced. The former are unable to investigate gatekeepers.

Thirdly, the WBc national competition authorities should be empowered with the necessary human, financial, and technical resources to deal with online platforms, which is a challenge even for the Commission or consolidated national competition authorities.

Finally, WB competition authorities need to prioritize the enforcement of competition rules in the digital market. Organizing seminars and workshops with different stakeholders is also necessary.

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