When the Algorithm Decides: Competition Law in the Age of Digital Platforms

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In digital markets, visibility is the new price. If you cannot be found, you cannot compete, whether you are in Berlin or Dhaka.

When you search for a product online, an algorithm decides what you see first. When you browse a marketplace, an algorithm determines which sellers appear at the top and which are buried pages deep. For most users this feels seamless, even helpful. But for businesses competing in digital markets, the same algorithm can be the difference between visibility and invisibility, between reaching customers and being effectively excluded from the market. These are not abstract concerns for foreign regulators, they are live questions for any economy where digital platforms play a growing role, including Bangladesh. As Bangladesh's digital economy expands rapidly, the legal questions surrounding platform power and algorithmic conduct are becoming directly relevant here at home.

1. What Competition Law Does and Why It Struggles Online:

Competition law exists to prevent firms with significant market power from abusing it in ways that harm rivals, consumers, or the broader market. In Bangladesh, the Competition Act 2012 establishes this framework, prohibiting anti-competitive agreements and the abuse of dominant position, and establishing the Bangladesh Competition Commission (BCC) as the enforcement authority. At the international level, the equivalent provision in EU law is Article 102 TFEU. In traditional sectors, utilities, telecommunications, manufacturing, these tools are relatively well understood. Digital markets are different. The major platforms do not compete primarily on price. They compete on attention, data, and access, and their power lies in control over infrastructure: search engines, app stores, and online marketplaces. Crucially, they also control the algorithms that mediate everything in between, and those algorithms can be designed to favour their own services over rivals.

2. The Google Shopping Case: A Global Lesson

The clearest international illustration of how these concerns play out is the Google Shopping case. In 2017, the European Commission found that Google abused its dominant position by systematically placing its own comparison shopping service at the top of search results while demoting rivals. Google did not block competitors, it simply adjusted the ranking, elevating its own results to where users are statistically far more likely to click. The fine was €2.42 billion. Upheld by the Court of Justice of the EU in 2024, the case established a lasting principle: a dominant platform can abuse its position through the design of its own systems, not merely through overt exclusionary conduct. The relevance for Bangladesh is direct, local businesses increasingly depend on digital platforms for visibility, and the same dynamics of algorithmic preference operate wherever those platforms reach.

3. International Regulation and Bangladesh's Emerging Position

Internationally, both the EU and the UK have responded with ex ante regulation, rules that apply in advance, before harm is proven. The EU's Digital Markets Act (DMA), fully applicable since 2024, designates powerful platforms as gatekeepers and imposes obligations on ranking, data use, and interoperability. The UK's Digital Markets, Competition and Consumers Act 2024 (DMCC Act) empowers the Competition and Markets Authority to impose tailored conduct requirements on firms with strategic market status. Bangladesh's Competition Act 2012 contains the foundational tools, prohibition of abuse of dominant position and anti-competitive conduct, but the specific challenge of algorithmic self-preferencing in digital markets has yet to be squarely addressed by the Bangladesh Competition Commission. As digital platform use deepens across Bangladesh's e-commerce, fintech, and ride-sharing sectors, the pressure on that framework to respond will only grow.

4. What This Means for Businesses in Bangladesh

Any business that depends on a digital platform for visibility, a retailer on an e-commerce marketplace, a vendor listed on a food delivery app, a service provider ranked through a digital aggregator, has a direct stake in how these questions are resolved. When a dominant platform adjusts its algorithm to advantage its own services, the damage falls first and hardest on the businesses that depend on it. That damage is often invisible: no letter, no announcement, simply a quiet drop in ranking and a fall in traffic. The legal tools to address this conduct exist in principle under the Competition Act 2012. Whether and how the Bangladesh Competition Commission develops its practice to meet the specificities of algorithmic markets, drawing on the growing body of international enforcement experience, is one of the most consequential regulatory questions Bangladesh's digital economy now faces.

For any query or legal advice on this topic, feel free to contact us: assistance@accordchambers.com