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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
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**Competition and Consumer Policy in Digital Markets – Note by Latvia**

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## Latvia

### 1. Introduction

1. In recent years, the Competition Council of Latvia (hereinafter – the CC) has encountered situations where conduct in digital markets simultaneously may raise concerns under competition law and consumer protection frameworks.

2. This is particularly relevant in the case of digital platforms, as the same platform may at the same time operate as a gatekeeper under the Digital Markets Act (DMA), a dominant platform under competition law, an online intermediary or online marketplace under the Digital Services Act (DSA), and a provider of online intermediation services under the Platform-to-Business Regulation (P2B).

### 2. Interaction between competition and consumer protection in digital markets

3. In the CC's experience, there are situations where digital conduct may potentially raise concerns under both competition and consumer protection frameworks.

4. Since online marketplaces operate as two-sided platforms, obligations aimed at protecting *consumers* may also have implications for competition between *business users*. For example, under DSA, online marketplaces are required to ensure trader traceability and product safety by requesting information from sellers regarding products, suppliers and manufacturers. While such obligations have legitimate consumer protection and product safety objectives, in hybrid marketplace models, where the platform simultaneously acts both as intermediary and as a seller competing with independent business users, these requirements may potentially create competition concerns. For platforms that act both as platform providers and as business users on the same marketplace, this may involve access to commercially sensitive business information, including information relating to competitors' agreements, prices and supply chains, which could create informational advantages and strengthen the platform's position compared to independent sellers operating on the same platform.

5. The CC has also observed that algorithmic pricing tools, ranking systems and delisting practices may in certain situations affect the diversity of independent offers available online. While such practices primarily affect business users' interests and their ability to sell products online, they may also directly affect consumers by reducing the variety and supply of offers available on platforms.

### 3. Division of competences and interaction between legal frameworks

#### 3.1. Overlap between DMA, Competition Law, P2B and DSA

6. In Latvia, competences relating to digital markets are allocated between different authorities and legal frameworks. Competition law enforcement, including matters relating to abuse of dominance and cooperation regarding DMA<sup>1</sup>, falls within the competence of

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<sup>1</sup> Although DMA enforcement powers belong to the European Commission, amendments to the Competition Law designate the CC as the competent authority in Latvia for cooperation with the

the CC. At the same time, enforcement of the Platform-to-Business Regulation (P2B), the Digital Services Act (DSA) and broader consumer protection rules fall within the competence of the Consumer Rights Protection Centre (CRPC).

7. In practice, where conduct concerns a platform that may potentially fall within several legal frameworks, the assessment usually begins by determining under which regulatory framework the platform should primarily be assessed, for example, whether the platform may be considered dominant under CL, qualifies as a gatekeeper under DMA, or falls within the scope of DSA as an online intermediary or very large online platform (VLOP). Once this is assessed, the determining factor is usually the nature of the conduct, the affected interests and the available legal framework.

8. One practical example concerned a complaint received by the CC regarding deletion of listings by an online platform. While the conduct could potentially also be assessed ex post from a dominance perspective under CL, the CC noted that the platform simultaneously fell within the scope of DSA, which already imposes ex ante obligations on platforms to provide clear reasoning for listing removals and effective complaint and appeal mechanisms.

9. In that situation, before proceeding with a broader CL assessment, the CC considered that addressing the issue through the existing DSA framework first would likely be more effective and proportionate. The view was that once the platform provides sufficient explanation regarding the listing removal and the complainant has access to appeal mechanisms, the complainant could then return to the CC if competition concerns still remained.

10. Generally, once there is conduct which could potentially fall within different legal frameworks, the CC typically evaluates the competition aspects of the conduct while simultaneously consulting and coordinating with CRPC regarding possible consumer protection, P2B or DSA implications. Although the legal frameworks and competences differ, both authorities ultimately seek to ensure that the parties who submitted complaints, whether consumers or business users are not subject to unfair or harmful platform practices.

### **3.2. Assessment of digital platform conduct under competition law**

11. From a competition law perspective, the CC does not currently apply a separate legal framework specifically dedicated to digital markets, as Latvia does not have a distinct national competition regime for digital platforms comparable to those introduced in some other jurisdictions. Regardless of whether a case concerns a digital platform or a more traditional sector, the same competition law principles and legal standards are applied. The main difference in digital cases lies not in the applicable legal test itself, but rather in the nature of the conduct and the specific characteristics of digital markets.

12. At the same time, within the DMA framework, the CC acts as the competent authority in Latvia for cooperation with the European Commission. Although enforcement powers under DMA primarily belong to the European Commission, the CC may support the European Commission through information exchange, market monitoring and investigative support measures within Latvian territory. The CC may also, on its own initiative, carry out preliminary assessments or investigations where there are indications that conduct in Latvia may potentially infringe DMA obligations or affect consumers or business users in Latvia. Although the CC itself does not have powers to impose fines for

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European Commission regarding DMA matters, including information exchange and market monitoring activities on its own initiative.

DMA infringements, the results of such assessments may be transmitted to the European Commission for further evaluation.

13. Importantly, DMA complements rather than replaces the application of competition law. The introduction of DMA therefore does not affect the CC's powers to apply competition law rules, including in cases involving potential abuse of dominance by digital platforms or gatekeepers. At the same time, where conduct concerns a gatekeeper or potential DMA infringement, the CC coordinates with the European Commission regarding ongoing investigations, assessments or decisions relating to the conduct in question.

#### 4. Coordination between competition and consumer authorities

14. Latvia does not have a single authority exercising both competition and consumer protection powers. Nevertheless, digital market developments increasingly require close cooperation and coordination between the CC and CRPC because the same conduct may simultaneously raise competition concerns, consumer protection concerns and broader digital governance issues.

15. In practice, coordination is primarily carried out through *ad hoc* consultations between authorities. Where conduct concerns dominant platforms, large online intermediaries or potential gatekeeper-type behaviour, the CC typically evaluates the competition aspects of the conduct while simultaneously consulting CRPC regarding possible P2B, DSA or consumer protection implications. As part of one investigation relating to a digital platform, the CC contacted CRPC in order to obtain a broader understanding of potential consumer-related concerns connected to the undertaking's conduct. The information exchange was limited to general information regarding the existence and volume of complaints received by CRPC, without sharing detailed complaint content or consumer-related data.

16. At present, cooperation is primarily carried out on a case-by-case basis rather than through formal joint investigation mechanisms or established regular information exchange frameworks. The CC and 12 other institutions have signed a memorandum<sup>2</sup> with CRPC relating to cooperation on the implementation of the DSA framework; however, it does not extend to DMA or CL matters. Among other things, the memorandum provides cooperation mechanisms with CRPC for notification of administrative decisions issued by the authorities, designation of contact persons for mutual information exchange, establishment of expert meetings or working groups, and cooperation in emergency situations.

#### 5. Possible reforms and future developments

17. From the CC's perspective, digital markets increasingly require closer coordination between competition, consumer protection and digital regulatory frameworks.

18. At present, the existing institutional structure still functions relatively effectively, while the authorities have clearly separated competences. However, in digital markets these boundaries are becoming increasingly blurred, because platforms typically operate as two-sided ecosystems involving both business users and consumers. As a result, the same

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<sup>2</sup> [Paraksts memorands par Digitālo pakalpojumu akta efektīvu īstenošanu Latvijā | Patērētāju tiesību aizsardzības centrs](#)

conduct may simultaneously affect both sides of the platform, while the applicable legal and institutional frameworks continue to operate largely separately.

19. In practice, improvements would primarily be beneficial in strengthening institutional coordination and information exchange mechanisms between authorities, improving access to technical expertise and digital market knowledge, developing greater understanding of algorithmic systems and AI-driven conduct, and improving practical cooperation between authorities responsible for overlapping digital frameworks.