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REGULATING DIGITAL MARKET PLATFORMS IN NIGERIA AND BRAZIL: COMPETITION LAW, CONSUMER PROTECTION AND THE LIMITS OF EX ANTE DIGITAL MARKET REFORM

By

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&

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Abstract

The rapid expansion of digital market places has generated profound regulatory challenges for emerging economies, exposing the inadequacy of legacy competition and consumer protection frameworks designed for Traditional market structures. This paper undertakes a comparative legal analysis of the regulatory frameworks governing digital marketplaces in Nigeria and Brazil, two of the largest economies in their respective continental regions. Employing a doctrinal and comparative methodology, it examines how each jurisdiction has deployed competition law and consumer protection instruments to address the twin disorders of platform market concentration and consumer harm in online commercial environments. This paper evaluates Nigeria's Federal Competition and Consumer Protection Act 2018, the proposed Digital Marketing Regulation Bill 2024, and recent enforcement actions by the Federal Competition and Consumer Protection Commission, alongside Brazil's Competition Law (Law No 12,529/2011), the Consumer Protection Code, the enforcement practice of the Administrative Council for Economic Defence (CADE), and the Fair Competition Act for Digital Markets (Bill 4,675/2025). The analysis reveals that while both jurisdictions are converging toward ex ante regulatory models influenced by the European Union's Digital Markets Act, significant differences exist in institutional design, enforcement capacity, and the treatment of the relationship between competition law and consumer rights objectives. Both jurisdictions battle with multi-sided market dynamics, network effects, and unbalanced exploitation of consumer data, yet their responses differ significantly. Nigeria relies heavily on reactive, consumer-protection-driven mandates that police market conduct (ex post), whereas Brazil is turning towards a specialised, targeted designation model for 'systemically relevant' digital agents. This paper argues that the most effective regulatory framework for the Global South must include or infuse flexibility, institutional coordination, and a context-sensitive understanding of the developmental dimensions of digital market power.

Keywords: **Digital marketplaces; competition law; consumer protection; platform regulation; Global South; Digital Markets Act; ex ante and ex post regulation.**

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I.INTRODUCTION

1.1 Background of Study

The emergence of digital marketplaces as the dominant infrastructure of contemporary commerce has generated a global reckoning with the adequacy of existing competition and consumer protection law. Platforms such as Google, Meta, Apple, and Amazon operate as essential intermediaries through which consumers access goods, services, and information, and through which smaller businesses reach their customers. The rapid expansion of the digital economy has fundamentally transformed global commerce, shifting market dynamics from traditional arrangements to data-driven online ecosystems.

In the Global South, digital marketplaces have become critical engines for economic growth, financial inclusion, and entrepreneurial innovation. However, this digital leap has outpaced existing regulatory regimes. Digital platforms exhibit unique economic characteristics extreme network effects, multi-sided market structures, data aggregation advantages, and "Sole Victor"dynamics that challenge traditional legal paradigms.[1] In emerging economies like Nigeria and Brazil, regulators face a dual imperative: they must foster digital innovation while curbing anti-competitive behaviour and protecting consumers from manipulation, data breaches, and predatory unfair trade practices.

This paper explores the intersection of competition law and consumer protection frameworks within the digital marketplaces of Nigeria and Brazil, identifying regulatory gaps and offering a comparative pathway toward a balanced digital jurisprudence. Both Nigeria and Brazil have combined authorities regulating competition and consumer protection; however, their market characteristics differ; Nigeria relies on flexible, still-developing statutory tools, whereas Brazil is innovating new ex ante regulatory system grafted into a mature competition-law base. A comparative analysis of the regulatory frameworks in both countries reveals structural differences, divergent enforcement mechanisms, and challenges that are distinctive, but yet instructively comparable across, each economy.

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[1]Nicholas Economides, 'The Economics of Networks' (1996) 14 International Journal of Industrial Organization 673; Mark Armstrong, Competition in Two-Sided Markets (Oxford University Press 2006).

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1.2 Statement of the Problem

This regulatory challenge is not confined to the advanced economies of the European Union or the United States. Emerging markets in the Global South face the same structural problems of digital market concentration, often with weaker institutional infrastructure and greater developmental risk. Since 2020, the number of government actions worldwide to restore competition in digital markets has surged,[2] reflecting a global convergence around the need for new regulatory instruments capable of responding to platform power.

1.3 Aim and Objectives of the Study

This paper focuses on Nigeria and Brazil, which collectively represent over 360 million people and host the largest digital economies in Africa and South America respectively, and which occupies different but instructive stages of regulatory development. The aim of this paper is to undertake a comparative legal analysis of how each jurisdiction has used competition law and consumer protection instruments to address platform market concentration and consumer harm in digital marketplaces. In pursuit of this aim, the paper has four specific objectives: firstly, to map the legislative and institutional framework governing digital markets in Nigeria and Brazil; secondly, to evaluate the leading enforcement actions in each jurisdiction against their stated statutory objectives; thirdly, to assess the proposed ex ante reforms in each jurisdiction Nigeria's Digital Marketing Regulation Bill 2024 and Brazil's Fair Competition Act for Digital Markets (Bill 4,675/2025) against the observational record of which each jurisdiction's enforcement practice has generated; and fourthly, to derive capacity-contingent recommendations for digital market regulation suited to the institutional conditions of the Global South.[3] The Federal Competition and Consumer Protection Commission (FCCPC), established under the Federal Competition and Consumer Protection Act 2018 (FCCPA), has emerged as an assertive digital market regulator, most prominently through its enforcement action against Meta Platforms and WhatsApp. A Digital Marketing Regulation Bill modelled on the European Union's Digital Markets Act is currently before the Nigerian legislature.[4] Meanwhile, Brazil maintains one of the most active competition enforcement records in the

[2]UNCTAD, Competition Policy in the Digital Era (United Nations 2024); see also OECD, Background Note on Competition in Digital Markets (OECD Publishing 2025).
[3]Federal Competition and Consumer Protection Act 2018, ss 17, 18, 104.
[4]Digital Marketing Regulation Bill 2024 (HB), first reading, House of Representatives, 22 May 2024.

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Global South through CADE, and in September 2025 their executive submitted the Fair Competition Act for Digital Markets (Bill 4,675/2025) to Brazilian Congress for execution.

Digital marketplaces exhibit structural features that distinguish them from conventional markets and complicate the application of standard competition analysis. The most significant of these are network effects, whereby the value of a platform increases with each additional user, and data-driven advantages, whereby incumbents accumulate user data that reinforces their competitive position.[5]

This paper further focuses on the legal, regulatory, and institutional frameworks governing digital marketplaces both in Nigeria and Brazil. The scope is restricted to the intersection of competition law (antitrust, abuse of dominance, and anti-competitive mergers) and consumer protection law (fraud, unfair contractual terms, data-driven consumer exploitation, and dispute resolution) as they apply to e-commerce, ride-hailing platforms, and digital payment ecosystems.

For Nigeria, it analyses the Federal Competition and Consumer Protection Act 2018 and the enforcement actions of the FCCPC. For Brazil, it analyses the Brazilian Competition Law (Law No 12,529/2011), the Consumer Defence Code (Law No 8,078/1990), and the decisions of CADE. Brazil possesses a deeply entrenched antitrust and consumer protection culture, with the Consumer Defence Code spanning over three decades and CADE maintaining a sophisticated jurisprudence on digital platforms. Nigeria's comprehensive statutory competition regime, by contrast, is relatively young, dating only to the passage of the FCCPA in 2018. The scope focuses primarily on regulatory developments, statutory transformations, and landmark enforcement actions enacted or decided up to 2026, capturing the modern evolution of platform regulation.

1.3.1 Why the Existing Literature Is Insufficient

The existing literature on digital market regulation does not adequately address the comparative question this paper poses, for three reasons. Firstly, the dominant body of analysis, including the policy debates surrounding the EU's Digital Markets Act and the United States' antitrust litigation against Big Tech is overwhelmingly produced from, and addressed to, advanced-economy institutional conditions. This literature treats regulatory design choices (gatekeeper designation, fixed ex ante obligations, dedicated enforcement units) as portable templates, without systematically interrogating whether the underlying

[5] Jean Tirole and Jean-Charles Rochet, 'Platform Competition in Two-Sided Markets' (2003) 1 Journal of the European Economic Association 990.

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assumptions of institutional capacity, judicial predictability, and monetary resourcing cover Global South contexts.[6]

Secondly, where comparative or Global South-focused analysis does exist, it tends to examine Nigeria and Brazil in isolation rather than against one another, despite the two jurisdictions representing structurally comparable, yet institutionally difference, responses to the same regulatory problem. Existing single-jurisdiction commentary on the FCCPC's Meta enforcement action, for instance, does not engage with whether Brazil's CADE settlements with Apple and Google achieved materially similar outcomes through a different institutional route.[7]

Thirdly, the most recent critical literature on Brazil's own proposed ex ante reform, the 2026 white paper by Geoffrey Manne, Dario Oliveira Neto, and Dirk Auer for the International Centre for Law and Economics argues that Brazil's own December 2025 settlements with Apple and Google undercut the experimental case for the very Bill those settlements are frequently invoked to justify.[8] This critique has not yet been tested against the parallel Nigerian experience, nor incorporated into a comparative framework capable of generalising beyond Brazil alone. The existing literature therefore leaves unanswered the precise question this paper addresses: whether, once the post-2025 enforcement record in both jurisdictions is considered, ex ante designation is in fact the more advanced regulatory response, or whether that conventional assessment rests on an evidentiary gap neither jurisdiction's existing research has closed.

1.3.2 Statement of the Research Gap

To fill a critical gap, this paper evaluates whether Brazil's *ex-ante* regulatory pivot is justified by contrasting it with Nigeria's reactive, *ex-post* consumer-welfare model. No existing comparative study has evaluated these frameworks through their recent enforcement records, specifically, the FCCPC's Meta judgment and CADE's Apple and Google settlements. This paper directly engages these regulator-generated records to challenge the current academic discourse surrounding ecosystem designation. This

[6]See, eg, Jacques Crémer, Yves-Alexandre de Montjoye and Heike Schweitzer, Competition Policy for the Digital Era (European Commission 2019); Jason Furman and others, Unlocking Digital Competition: Report of the Digital Competition Expert Panel (HM Treasury 2019) both addressed squarely to the institutional conditions of the EU and UK respectively.
[7]cf the single-jurisdiction focus of Nicole Araujo, 'Nigeria Flexes Regulatory Muscle: Tribunal Upholds $220 Million Fine Against WhatsApp and Meta over Data Discrimination Practices' (African Antitrust & Competition Law, 29 April 2025), which does not engage the Brazilian comparator at all.
[8]Geoffrey A Manne, Dario Oliveira Neto and Dirk Auer, 'Digital Overreach: A Premature Turn to Ex Ante Regulation in Brazil' (International Center for Law & Economics, 7 April 2026).

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paper further moves beyond standard legal system to analyse the structural mechanics of Nigeria's reliance on reactive, (ex post) consumer-welfare mandates as a proxy for antitrust correction, contrasted against Brazil's legislative pivot, via Bill 4,675/2025, toward a discretionary,
(ex ante) ecosystem-designation framework. By focusing on the institutional collisions with sector-specific regulators and the procedural vulnerabilities exposed under judicial and tribunal review, this study postulates a distinct regulatory mindset optimised for the economies that are characterised by high market informality, acute data-science capability deficits, and pronounced corporate litigation resistance. In my view, closing this gap convincingly requires a serious engagement with the contention that Brazil's own enforcement record undermines its proposed ex-ante regime

1.4 Methodology

This study is based on doctrinal and comparative legal research analysis. Nigeria stands as a premier digital hub in Sub-Saharan Africa; While Brazil represents the largest digital market in Latin America. Both nations feature large, youthful, technologically engaged populations and rapidly expanding digital retail sectors. Comparing these two frameworks offers instructive lessons for regulatory capacity-building across the Global South.

II. CONCEPTUAL FRAMEWORK: COMPETITION LAW AND CONSUMER RIGHTS IN DIGITAL MARKETS

2.1 The Distinctive Character of Digital Market Power

Digital markets are characterised by structural features that distinguish them sharply from traditional markets for which twentieth-century competition law was designed. The foremost is the network effect: as Tirole and Rochet demonstrates, the value of a platform to any user increases with the number of other users on it, generating self-reinforcing growth once a critical mass of adoption is reached.[9] A second feature is the data-driven advantage that market power confer. Platforms accumulate user data that refines recommendation engines, advertising, and product design in ways that reinforces their position relative to

[9]Tirole and Rochet (n 5); see also David S Evans and Richard Schmalensee, Matchmakers: The New Economics of Multisided Platforms (Harvard Business Review Press 2016), on the pricing and participation incentives ‘matchmaker’ platforms must balance across distinct user groups simultaneously.

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data-poor entrants.[10] A third is high switching costs from ecosystem lock-in and data-portability friction. Together these features produce markets prone to 'tipping' toward a single dominant platform, with high barriers to entry for competitors.

Traditional competition law fails to address digital platforms because its market-share thresholds overlook power derived from data and ecosystem control rather than sales volume. Additionally, its reliance on ex-post enforcement means investigations and legal adjudications occur after the harm is done, rendering intervention futile once a market tips toward monopoly.[11]

The European Union's Digital Markets Act (DMA), enacted in 2022, represented the most ambitious regulatory response to these challenges, introducing a system of ex ante obligations imposed on designated 'gatekeepers' that operate core platform services.[12] The DMA has exerted a powerful influence on regulatory design globally, including in Nigeria and Brazil, though both jurisdictions have sought to adapt its model to their own institutional contexts and developmental priorities. It is important to note, however, as Lazar Radic has argued in his analysis of what he terms the 'imaginary antitrust consensus', that no genuine international consensus exists on whether digital markets are inherently more prone to anticompetitive conduct, whether ex ante rules are necessary to address any such risk, or what an optimal regulatory framework should look like even among proponents of reform.[13]

2.2 The Relationship Between Competition Law and Consumer Protection

A central conceptual tension in digital marketplace regulation concerns the relationship between competition law objectives, primarily the maintenance of competitive market structures and consumer protection objectives, which are more immediately concerned with individual rights, transparency, and redress. In conventional legal systems, these functions are often institutionally separated: competition authorities address market structure, while consumer agencies address individual complaints.

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[10]Maurice E Stucke and Ariel Ezrachi, Competition Overdose: How Free Market Mythology Transformed Us from Citizen Kings to Market Servants (Harper Business 2020) ch 4.

[11]Jacques Crémer, Yves-Alexandre de Montjoye and Heike Schweitzer, Competition Policy for the Digital Era (European Commission 2019) (the 'Crémer Report') 16–22; Jason Furman and others, Unlocking Digital Competition: Report of the Digital Competition Expert Panel (HM Treasury 2019) (the 'Furman Report') paras 1.6–1.11.

[12]Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector (Digital Markets Act) [2022] OJ L265/1, art 3.

[13]Lazar Radic, 'The Imaginary Antitrust Consensus' (2024) George Mason Law & Economics Research Paper, discussed in Manne, Oliveira Neto and Auer (n 6) Part II.A.

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In the digital environment, this separation becomes increasingly difficult to maintain. Consumer harm in digital markets often flows directly from the exercise of market power: a dominant platform that imposes unfair terms on users, harvests personal data without meaningful consent, or manipulates default settings simultaneously engages in anticompetitive conduct and violates consumer rights.[14] The legal frameworks of both Nigeria and Brazil have, in varying degrees, recognised this convergence, assigning integrated mandates to their primary regulatory institutions.

Combining competition and consumer protection analysis exposes critical tensions. Specifically, it questions how to weigh consumer welfare in antitrust cases, how data protection functions as a digital consumer right, and whether user-facing remedies can effectively support structural market interventions.

2.3 The Consumer Welfare Standard: A Contested Benchmark

Any assessment of digital-market regulation in the Global South must contend with the contested meaning of 'consumer welfare' itself, the benchmark against which most modern competition law purports to be judged. Robert Bork's famously argued, redefined "consumer welfare" to mean, overall economic efficiency. Under this rule, antitrust policy only looks at the total wealth created in a market. It does not care whether that wealth actually goes to everyday consumers or is kept entirely by big corporations .[15] Herbert Hovenkamp offers a competing account, more attentive to the actual distribution of surplus, under which intervention is justified specifically where conduct harms consumers through higher prices, reduced output, lower quality, or diminished innovation rather than merely where it disadvantages a rival firm.[16]

3.0. THE NIGERIAN REGULATORY FRAMEWORK

3.1 Legislative and Institutional Architecture

Nigeria's primary competition and consumer protection statute is the Federal Competition and Consumer Protection Act 2018 (FCCPA), which established the FCCPC as the country's lead authority with a broad mandate encompassing the prohibition of anticompetitive agreements and abuse of dominance, merger

[14]Wolfgang Kerber, 'Digital Markets, Data, and Privacy: Competition Law, Consumer Law and Data Protection' (2016) 11 Journal of Intellectual Property Law & Practice 856.
[15]Robert H Bork, The Antitrust Paradox: A Policy at War with Itself (Free Press 1978) 90–91.
[16]Herbert Hovenkamp, Federal Antitrust Policy: The Law of Competition and Its Practice (6th edn, West Academic 2020) §1.

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review, and the protection of consumer rights across all sectors of the Nigerian economy, with the significant exception of the financial services sector.[17]

The FCCPC's jurisdictional reach was significantly clarified in 2024, when the Federal High Court, in *Emeka Nnubia v Honourable Minister of Industry, Trade and Investment*, confirmed that the FCCPC holds a concurrent regulatory mandate over competition matters in the telecommunications sector, rejecting the claim that the Nigerian Communications Commission held exclusive jurisdiction.[18] This ruling reinforced the FCCPC's status as Nigeria's lead competition authority and has significant implications for its capacity to assert jurisdiction over digital platforms operating across multiple regulated sectors.

The data protection dimension of digital marketplace regulation is addressed primarily through the Nigeria Data Protection Act 2023 (NDPA) and the earlier Nigeria Data Protection Regulation 2019 (NDPR).[19] The FCCPC and the Nigeria Data Protection Commission (NDPC) have developed a practice of joint investigation in cases where competition, consumer protection, and data protection concerns converge a model which proved consequential in the Meta enforcement proceedings discussed below.

3.2 Enforcement in Practice: The Meta Case

The most significant exercise of the FCCPC's digital market enforcement authority to date is its joint investigation, conducted with the NDPC over a period commonly reported as thirty-eight months, into Meta Platforms Inc and WhatsApp LLC's where FCCPC outlined a series of 13 strict directives to compel Meta to comply with Nigerian consumer and data privacy regulations conducted with respect to Nigerian users' data.[20] The investigation concluded that Meta had engaged in discriminatory and exploitative practices in violation of the FCCPA and the applicable data protection framework, including subjecting Nigerian consumers to less favourable privacy terms than users in other jurisdictions.

[17]Federal Competition and Consumer Protection Act 2018, ss 3–5, 104; the financial services exception derives from the continuing sectoral jurisdiction of the Central Bank of Nigeria.
[18]Emeka Nnubia v Honourable Minister of Industry, Trade and Investment (Federal High Court, Lagos Division, 2024).
[19]Nigeria Data Protection Act 2023; Nigeria Data Protection Regulation 2019 (NITDA).
[20]Meta Platforms Inc and WhatsApp LLC v Federal Competition and Consumer Protection Commission, Competition and Consumer Protection Tribunal, Judgment of 25 April 2025, affirming FCCPC Final Order of 19 July 2024. The investigation is reported in some FCCPC materials as having commenced in 2020 and in others as having commenced in May 2021; this paper adopts the thirty-eight-month duration consistently reported by the Tribunal and contemporaneous press coverage, while noting the discrepancy in the stated start date across sources.

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On 19 July 2024, the FCCPC issued a Final Order imposing an administrative penalty of US$220 million on Meta Platforms and WhatsApp. Meta appealed to the Competition and Consumer Protection Tribunal, which on 25 April 2025 unanimously upheld the Commission's findings and confirmed the penalty in full, additionally awarding the FCCPC US$35,000 as the cost of its investigation.[21] The three-member Tribunal panel was led by the Honourable Thomas Okosun; Meta and WhatsApp's legal team was led by Professor Gbolahan Elias SAN, while the FCCPC's case was led by Mr Babatunde Irukera SAN. The Tribunal validated the Commission's investigative procedures,and its jurisdictional reach over the foreign parent company, and the substantive findings of consumer discrimination and exploitation.

Meta's appeal advanced some twenty-two grounds of challenge, including alleged vague directives, technically impossible compliance timelines, and procedural unfairness. The Tribunal resolved most of the appeal in the FCCPC's favour. Regarding due process, it held that the Commission fully executed its quasi-judicial obligations. On the contested issue of jurisdiction, the Tribunal confirmed that the FCCPC acted within its statutory limits under Section 104 of the FCCPA a notable finding given the standalone mandate of the NDPC. Finally, it uncovered no errors in the regulatory findings concerning privacy, maintaining that the disputed corporate policies actively breached Nigerian law. One issue, concerning Order 7, was set aside for lacking sufficient legal basis, a reminder the Tribunal's review was not a rubber stamp. On comparative method, the Tribunal ruled the FCCPC's reliance on foreign decisions principally GDPR enforcement experience was appropriate and persuasive, rejecting Meta's argument that no abuse of dominance existed because users could choose alternatives such as TikTok or Google Meet.[22]

Meta was directed to reinstate Nigerian users' right to determine how their data is shared, to reinstate user control and reassurance to users and submit a compliance letter by 1 July 2025; to provide its proposed data policy to the FCCPC and NDPC within ten days for publication; to revert to its 2016 data-sharing policy; to cease tying WhatsApp data to Facebook absent explicit consent; and to pay the penalty and cost award within sixty days of 30 April 2025. The underlying findings concerned discriminatory data practices affecting more than fifty-one million Nigerian users.

The case is significant on several counts: it demonstrates the FCCPC's willingness to assert extraterritorial jurisdiction and impose substantial penalties; it illustrates the value of an integrated competition consumer

[21] FCCPC, 'Tribunal Upholds FCCPC's $220 Million Fine Against Meta/WhatsApp' (Press Release, 25 April 2025).

[22] This argument echoes a recurring platform-competition defence globally: that nominally substitutable services defeat any finding of market power, notwithstanding switching costs and network effects. cf Stucke and Ezrachi (n 11).

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data protection mandate; and it has established Nigeria as one of the more assertive digital-market enforcement jurisdictions in the developing world.[23]

3.3 The Digital Marketing Regulation Bill 2024

Recognising the limitations of purely ex post enforcement in fast-moving digital markets, Nigeria introduced the Digital Marketing Regulation Bill 2024 for its first reading in the House of Representatives on 22 May 2024.[24] The Bill introduces a 'gatekeeper' regime explicitly modelled on the EU's Digital Markets Act, imposing ex ante obligations on significant digital platforms operating in Nigeria, including interoperability requirements, data portability obligations, and prohibitions on self-preferencing.

Critical commentary has identified two structural weaknesses in the Bill's current design. Firstly, its enumeration of specific 'core platform services' risks creating a framework that is technologically specific and therefore rapidly outdated as the digital sector evolves.[25] Secondly, its exclusive focus on large-turnover gatekeepers may create a regulatory blind spot for smaller platforms where significant consumer harm and anticompetitive practices can develop without attracting regulatory attention. A more future-proof approach would regulate anti-competitive behaviours and harmful conduct directly, regardless of the specific technological form in which they manifest a point this paper returns to in its recommendations.

3.4 Consumer Digital Lending: The DEON Regulations 2025

A notable regulatory development in 2025 was the FCCPC's promulgation of the Digital, Electronic, Online or Non-Traditional Consumer Lending Regulations 2025 (DEON Regulations), which came into force on 21 July 2025, made pursuant to sections 17, 18, and 163 of the FCCPA 2018.[26] The Regulations establish a comprehensive framework governing digital lending platforms, requiring registration with the FCCPC, mandating transparency in loan terms, prohibiting unethical recovery practices such as public shaming and harassment, and imposing data privacy obligations consistent with the NDPA.

The DEON Regulations are a direct regulatory response to documented consumer abuses by digital lending platforms that had operated without licences and employed coercive recovery practices between

[23]Nicole Araujo, 'Nigeria Flexes Regulatory Muscle: Tribunal Upholds $220 Million Fine Against WhatsApp and Meta over Data Discrimination Practices' (African Antitrust & Competition Law, 29 April 2025).
[24]Digital Marketing Regulation Bill 2024 (n 9).
[25]cf the parallel criticism of the DMA's enumerated core platform services in Crémer Report (n 12) 45.
[26]Digital, Electronic, Online or Non-Traditional Consumer Lending Regulations 2025 (FCCPC), reg 1.

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2021 and 2023.[27] The FCCPC commenced phased enforcement against non-compliant operators in January 2026. The Regulations illustrate how consumer protection instruments can be deployed to address market-specific digital harms where competition law's structural focus provides an insufficient response to individual-level conduct.

Designed to curb systemic algorithmic abuses and predatory market conduct in digital lending and embedded e-commerce credit, enforcement of the DEON Regulations has nonetheless faced disruption. Legal challenges mounted in 2026 by telecom and technology intermediaries under the Wireless Application Service Providers Association of Nigeria (WASPAN) exposed a vulnerability: the absence of rigorous Regulatory Impact Assessments and ambiguous boundaries between sectoral regulators can stall consumer-protection mandates in the courts.[28] This reliance on ex post, after-the-fact policing often treats symptoms of digital market distortion rather than its structural causes.

A broader debate in Global South administrative law concerns the relative efficiency of horizontal competition agencies versus vertical sectoral regulators. Hovenkamp and Eleanor Fox argue that horizontal authorities like the FCCPC are vital because platforms span multiple sectors media, finance, retail such that a horizontal regulator prevents 'siloed' oversight.[29] David Trubek, Alvaro Santos, and Roberto Amengual counter that horizontal regulators in developing states often lack the technical expertise of vertical agencies such as the Nigerian Communications Commission creating what John Braithwaite terms 'regulatory over-reach without technical capability'.[30]

4.0. THE BRAZILIAN REGULATORY FRAMEWORK

4.1 Legislative and Institutional Framework

Brazil's competition framework rests primarily on Law No 12,529/2011 (the Brazilian Competition Law, BCL), which established the Sistema Brasileiro de Defesa da Concorrência and consolidated competition

[27]FCCPC, Report on Digital Lending Practices in Nigeria (FCCPC 2023).
[28]The precise docket details of the WASPAN litigation could not be independently verified from publicly available primary sources at the time of writing; this paper therefore refers to the litigation by description rather than by an unverified citation.
[29]Hovenkamp (n 16); Eleanor M Fox, 'Platforms, Power, and the Antitrust Challenge: A Modest Proposal to Narrow the U.S.–EU Divide' (2021) 98 Nebraska Law Review 297.
[30]David M Trubek and Alvaro Santos (eds), The New Law and Economic Development: A Critical Appraisal (Cambridge University Press 2006); Roberto M Amengual, 'Regulatory Capacity and Industrial Policy in the Global South' (2016) 44 World Development 197; John Braithwaite, Regulatory Capitalism: How It Works, Ideas for Making It Work Better (Edward Elgar 2008) 27.

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enforcement functions in CADE, the Conselho Administrativo de Defesa Econômica.[31] Consumer protection is governed by the Consumer Protection Code (CDC), Law No 8,078/1990, one of the most comprehensive consumer protection statutes in Latin America, which confers broad individual rights against unfair commercial practices, defective products, and misleading advertising.

CADE is a federal adjudicative agency associated with the Ministry of Justice, entrusted with enforcing constitutional principles governing competition policy across regulated and unregulated markets alike. Article 1 of the BCL grounds the regime in the constitutional principles of freedom of initiative, free competition, the social function of property, consumer protection, and the repression of the abuse of economic power, derived from article 170 of the Brazilian Federal Constitution.[32] The BCL defines a dominant position as presumed where a firm controls 20% or more of the relevant market, though CADE retains authority to adjust this threshold by sector. CADE's institutional structure comprises a General Superintendency (Superintendência-Geral, SG), which conducts investigations and prosecutes conduct cases, a collegiate Tribunal that adjudicates both conduct cases and mergers, and a Department of Economic Studies that supports both bodies with economic analysis.

Article 36, paragraph 1 of the BCL articulates a foundational limiting principle of central importance to the analysis that follows: 'Achieving dominance in a market by natural process and by being the most efficient economic agent in relation to competitors does not characterize the violation set forth in item II of the head provision of this article.'[33] Dominance is not, in other words, unlawful per se. Market power is permissible where it results from efficiency, innovation, or superior performance, since in such cases competitive success reflects consumer preference rather than harm. This principle anchors Brazilian competition policy in a recognisably consumer-welfare framework.

Analysis of CADE's own case law confirms that this consumer-welfare orientation is not merely textual. As Eric Hadmann Jasper observes, an examination of CADE precedents reveals 'a diffuse list of purposes, with emphasis on "consumer welfare" protection of competition, protection of markets. efficiency economic welfare and social effects', with consumer welfare the most frequently invoked.[34] Gustavo Manicardi Schneider and Rodrigo Fialho Borges reach a closely aligned conclusion in their own review of CADE's merger decisions, finding that of the documents that define consumer welfare expressly, the

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[31]Lei No 12.529, de 30 de novembro de 2011 (Brazil), art 1.
[32]Lei No 12.529/2011 (n 30), art 1 and sole paragraph.
[33]Lei No 12.529/2011 (n 30), art 36, §1; translation in Manne, Oliveira Neto and Auer (n 6) Part III.A.1.
[34]Eric Hadmann Jasper, 'The Purposes of Brazilian Competition Law in CADE's Case Law' (2023) 16 Revista de Defesa da Concorrência 112, 134, cited in Manne, Oliveira Neto and Auer (n 6) Part III.A.1.

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substantial majority adopt either Hovenkamp's formulation directly or the cognate definition contained in CADE's own Horizontal Merger Guidelines.[35]

4.2 CADE's Approach to Digital Market Enforcement

CADE has maintained an active enforcement presence in Brazil's digital markets. Between 1995 and 2023, it reviewed 233 merger cases related to digital platform markets, and over the preceding five years it scrutinised more than thirty conduct cases involving potentially anticompetitive practices in digital markets, evaluating unilateral conduct under the rule-of-reason standard.[36] In 2020, CADE initiated a market inquiry into digital-market transactions to identify potential competition issues from mergers that had escaped scrutiny by falling below notification thresholds. In 2024, it extended this inquiry approach to artificial intelligence markets, initiating probes into so-called 'acqui-hires' big-tech acquisitions of AI start-ups.

4.2.1 The Apple Settlement

CADE's most significant recent digital enforcement action concerned Apple's App Store practices, originating in a complaint filed in late 2022 by Mercado Livre, alleging that Apple abused its dominant position by prohibiting third-party app stores on iOS, mandating its own in-app purchase system, and restricting developers from informing users of alternative payment options.[37]

The proceeding followed a protracted path: an interim measure in late 2024 requiring alternative app distribution, appealed by Apple and initially found premature by a federal civil court; a March 2025 threat of daily fines exceeding US$40,000, followed by a court ruling that Apple need not enable sideloading at that stage; and, in May 2025, a Tribunal-upheld revised interim measure targeting Apple's anti-steering clauses and mandatory in-app payment system.

The matter was resolved by negotiated settlement. On 23 December 2025, CADE's board approved a Termo de Compromisso de Cessação (TCC) proposed by Apple.[38] Apple must permit developers to link

[35]Gustavo Manicardi Schneider and Rodrigo Fialho Borges, 'Consumer Welfare in CADE's Merger Decisions' (2022) 9 Revista do IBRAC 45, discussed in Manne, Oliveira Neto and Auer (n 6) Part III.A.1.
[36]CADE, Cadernos do Cade: Mercados de Plataformas Digitais (CADE 2024).
[37]CADE, Mercado Livre Complaint Against Apple Inc, opened 2022. This paper cites the matter by description and date in the absence of a verified, publicly confirmed administrative-proceeding number from a primary CADE source.
[38]CADE, Press Release on the Apple TCC (23 December 2025).

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to external payment options, allow third-party payment methods alongside its own, and enable third-party app stores on iOS; warnings about alternatives must be neutral and may not introduce friction.

Distinctively, CADE's case also addressed Apple's alleged obstruction of digital marketplaces within apps, since Mercado Livre had sought to turn its own app into a marketplace for third-party digital services and was prevented from doing so placing Brazil alongside the EU, Japan, and South Korea among jurisdictions compelling Apple to open its ecosystem.

4.2.2 The Google Settlement

CADE secured a parallel outcome in the Android ecosystem in the same month. The investigation examined three categories of agreement used in that ecosystem: anti-fragmentation agreements, mobile application distribution agreements, and revenue-sharing agreements, and flagged the risk that these instruments could condition manufacturers' access to essential Android services on their pre-installing, prioritising, or granting exclusivity to Google applications such as Search and Chrome.[39] The resulting TCC requires, among other things, the prohibition of conditioning the licensing of Google Play on the pre-installation or privileged placement of Search or Chrome; a prohibition on retaliation against manufacturers that decline to adopt those applications; the renunciation of exclusivity clauses and a ban on linking revenue-sharing payments to search exclusivity; and corresponding communication duties to affected partners. As with the Apple matter, this paper cites the settlement by description and date rather than by an unverified administrative-proceeding number.

CADE reported a record seventy-five cease-and-desist agreements concluded in 2025, with over BRL 357 million in contributions to the federal diffuse rights fund, confirming the consolidation of negotiated solutions as a central feature of Brazilian digital competition enforcement.[40]

4.3 The Fair Competition Act for Digital Markets (Bill 4,675/2025)

The most significant recent development in Brazilian digital market regulation is the submission to Congress, in September 2025, of the Fair Competition Act for Digital Markets (Bill 4,675/2025), part of the 'Digital Brazil Agenda' announced by President Luiz Inácio Lula da Silva's government.[41] The Bill followed a public consultation commencing January 2024 that received 298 submissions from 72

[39]'Main Developments in Competition Law and Policy 2025 – Brazil' (Kluwer Competition Law Blog, 2026).
[40]Kluwer Competition Law Blog (n 41).
[41]Manne, Oliveira Neto and Auer (n 6) Part I.

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participants, culminating a process under development since the stalled Bill 2,768/2022. Unlike Nigeria's freestanding gatekeeper regime, Bill 4,675/2025 embeds its provisions within the existing BCL framework, empowering CADE to designate firms as 'systemically relevant economic agents' and impose tailored ex ante obligations,[42] echoing comparable design choices in the UK's Digital Markets, Competition and Consumers Act 2024 and Germany's section 19a GWB.

The Bill would create a Digital Markets Superintendency (SMD) within CADE, led by a superintendent confirmed by the Senate for a renewable two-year term, responsible for designation and proposing obligations.[43] Designation rests on revenue thresholds global revenues exceeding BRL 50 billion or domestic revenues exceeding BRL 5 billion and qualitative criteria including multi-sidedness, network effects, vertical integration, strategic intermediary positioning, data access, user base size, and a portfolio of multiple digital products.[44] Designation applies to the entire economic group for up to ten years, renewable;[45] Article 47-E enumerates a non-exhaustive menu of 'special obligations', including prohibitions on self-preferencing, anti-steering, and 'predatory or abusive strategies', alongside affirmative obligations data-transfer tools, interoperability, third-party app access, business-user data access, and non-discrimination requirements.

As of March 2026, the Chamber of Deputies approved an urgency procedure permitting an accelerated vote, suggesting passage may occur within the medium term.[46] Proponents argue the Bill's preference for negotiated solutions avoids DMA-style rigidity, and that it functions simultaneously as a competition instrument and a tool of digital sovereignty. Critics engaged at length in question whether the ex-ante approach is premature absent clear evidence of market failure existing tools cannot address and warn the revenue thresholds risk regulatory uncertainty for mid-sized platforms.[47]

5.0. COMPARATIVE ANALYSIS AND ASSESSMENT

5.1 Convergence Toward Ex Ante Regulation

[42]Bill No 4,675/2025 (Fair Competition Act for Digital Markets), Chamber of Deputies, art 47-C.
[43]Bill No 4,675/2025 (n 45), arts 14-A, 14-B.
[44]Bill No 4,675/2025 (n 45), art 47-C, §2; art 47-C, §1.
[45]Bill No 4,675/2025 (n 45), art 47-C, §4.
[46]Reported in Brazilian legislative tracking coverage as of March 2026.
[47]Manne, Oliveira Neto and Auer (n 6) Executive Summary.

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The most striking feature of the contemporary regulatory trajectories of Nigeria and Brazil is their convergence toward ex ante regulatory models. Both the Nigerian Digital Marketing Regulation Bill 2024 and Brazil's Bill 4,675/2025 introduce prospective obligations on significant platforms designed to prevent anticompetitive foreclosure rather than remediate it after the fact. This convergence reflects a shared recognition that traditional ex post enforcement may be structurally inadequate to address the speed and scale of digital market dynamics.[48] Yet the manner of this convergence reveals instructive differences. Nigeria has adopted a more direct transposition approach, closely mirroring the DMA's gatekeeper-designation mechanism and fixed-obligation structure. Brazil has chosen a more integrative model, embedding ex ante digital-market provisions within its existing competition law and retaining greater flexibility in designation and obligation-setting.

On a first-order assessment, the Brazilian approach appears more technically sophisticated and more reflective of lessons learned from early DMA implementation, while the Nigerian approach is more immediately legible to international stakeholders and more straightforwardly applicable by a younger institution. This paper's earlier draft rested at that conclusion. A fuller comparative assessment, however, requires testing that conclusion against the empirical record CADE itself has generated since the Bill's introduction a task undertaken below.

5.2 Institutional Design and Enforcement Capacity

Both jurisdictions have vested their digital-market enforcement functions in integrated competition and consumer protection authorities the FCCPC in Nigeria and CADE in Brazil well suited to harms that simultaneously engage competition, consumer protection, and data protection concerns, as the Meta case illustrated.[49]

There are, however, significant capacity differences. CADE is the more mature institution, with a bifurcated structure a General Superintendency for investigation and a collegiate Tribunal for adjudication that provides stronger procedural safeguards than a single, undivided body.[50]

[48]Furman Report (n 13); Crémer Report (n 12).
[49]See Part 3.2 above.
[50]Lei No 12.529/2011 (n 30), arts 9–16.

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The FCCPC, by contrast, is younger and more resource-constrained; the Meta case is a landmark success rather than evidence of sustained capacity across a broad caseload. This asymmetry bears directly on the institutional-design debate over Bill 4,675/2025's proposed Digital Markets Superintendency. Manne, Oliveira Neto and Auer argue that a second superintendency within CADE risks fragmentation and overlap with the SG's existing digital-market casework demonstrated by the Apple and Google matters, both handled through the ordinary SG process and resource competition, given the Ministry of Finance's stated intention to fund the SMD through internal reallocation rather than new appropriation.[51]

Nigeria's experience lends this critique some force: the FCCPC's effectiveness in the Meta case stemmed from a single, unitary authority running the matter from investigation to Tribunal defence, without a parallel internal bureaucracy. A structurally separate SMD, which must still refer contested matters to CADE's existing Tribunal, risks the institutional friction Nigeria's simpler if less deliberately designed structure has so far avoided.[52]

5.3 The Consumer Rights Dimension

Both legal systems treat consumer protection and competition law as complementary rather than alternative instruments in digital market regulation. In Nigeria, the FCCPA's integrated mandate and the DEON Regulations demonstrate a willingness to deploy consumer-specific remedies to address harms that fall below the threshold of significant competition concerns. Brazil's Consumer Defence Code provides a rich framework of individual consumer rights that complements CADE's structural competition analysis, and CADE's increasing use of TCCs to impose consumer-facing conditions illustrates the practical integration of these objectives in enforcement outcomes.

The deeper question, however, is whether consumer protection law can adequately address the systemic harm produced by structural digital market concentration, or whether structural competition remedies are necessary to achieve meaningful consumer welfare improvements. The evidence from both jurisdictions suggests that these instruments are complementary: consumer protection law is necessary to address the specific, identifiable harms that flow from dominant platform conduct, while competition law is necessary

[51]Manne, Oliveira Neto and Auer (n 6) Part III.C.1.
[52]ibid.

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to address the underlying market structures that generate those harms. The Meta case illustrates the former; the Apple and Google illustrates the latter, achieved, notably, without resort to any ex-ante designation regime at all a point developed further below.

5.4 Developmental Dimensions

A significant feature of the Brazilian legislative debate that is less visible in the Nigerian context is the explicit framing of digital market regulation as a tool of economic sovereignty and development. Bill 4,675/2025's Explanatory Memorandum frames the proposal as placing Brazil 'at the vanguard' (na vanguarda) of digital-platform regulation alongside Germany, Japan, and the United Kingdom, and its proponents argue that regulating the conduct of globally dominant platforms is necessary to make room for domestic digital entrepreneurs and to ensure that the value generated in Brazil's digital markets is not entirely captured by foreign incumbents.[53] This framing connects digital competition law to broader debates about industrial policy, technology transfer, and the distribution of gains from digitalisation in the Global South.

This developmental dimension is largely absent from the current Nigerian regulatory discourse, which has focused primarily on consumer harm and market access rather than the structural question of how Nigeria can build indigenous digital capacity. As the Digital Marketing Regulation Bill progresses through the legislative process, there is an opportunity to enrich its objectives by incorporating developmental considerations alongside its current competition and consumer protection focus.

It should be noted, however, that the aspiration to regulatory leadership embedded in Brazil's Explanatory Memorandum sits in some tension with the claim, advanced elsewhere in the same document, that the Bill reflects a cautious, evidence-based response calibrated specifically to domestic Brazilian conditions. Mimicking foreign regulatory architecture, however the aspiration is framed, does not by itself establish the existence of the market failures that architecture is designed to remedy.[54]

5.5 A Critical Reassessment: Does Brazil's Own Enforcement Record Undermine the Case for Bill 4,675/2025?

[53]Bill No 4,675/2025, Exposição de Motivos Interministerial (EMI), discussed in Manne, Oliveira Neto and Auer (n 6) Part II.A.

[54]Manne, Oliveira Neto and Auer (n 6) Part II.A.

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The preceding sections have largely followed the conventional comparative narrative: Nigeria as the younger, more direct transposition of the DMA model, and Brazil as the more sophisticated, institutionally embedded, and flexible adaptor of that model. This narrative, however, must be tested against a body of contemporaneous critical research that argues the Brazilian case for ex ante intervention is considerably weaker than its sophisticated design might suggest and that, properly understood, undercuts not only Bill 4,675/2025 but, by extension, the premise that ex ante regulation is the more advanced regulatory response as such.

The central empirical claim advanced by Manne, Oliveira Neto and Auer is direct: 'CADE's December 2025 settlements with Apple and Google demonstrate that case-by-case enforcement through traditional Termos de Compromisso de Cessação (TCCs) already produces the outcomes the bill seeks to impose through ex ante' regulation.[55] On this account, the very enforcement actions this paper has cited above as evidence of CADE's sophistication the Apple and Google are simultaneously the strongest evidence against the necessity of the regime Brazil is proposing to build around them

> Existing competition law already achieves the bill's stated objectives … These settlements were tailored to specific market conditions and allowed security-sensitive balancing that rigid rules cannot replicate.

This is a substantive empirical claim deserving engagement on its own terms, not a predictable industry-funded critique to be dismissed (the paper was published by the International Center for Law and Economics, whose funding base includes technology-sector donors noted here for transparency, not as dispositive of merit).[56]

Three strands of the critique merit consideration. The first concerns the sufficiency of existing law. The authors point to CADE's own market study, the Cadernos do Cade: Mercados de Plataformas Digitais, reading it as confirming that 'past investigations have resulted in settlements or dismissals, not infringement findings', and arguing that this absence of adjudicated liability weakens the case for a sweeping new regime.[57] That distinction is contestable, however: CADE itself, in its submission to the Ministry of Finance's consultation, expressed support for a complementary ex ante framework to address

[55]Manne, Oliveira Neto and Auer (n 6) Executive Summary, Finding 1.

[56]The ICLE discloses funding from a range of sources including technology companies; this paper treats the disclosed affiliation as context for the reader's own assessment, without treating it as a substitute for engaging the argument's substance.

[57]Manne, Oliveira Neto and Auer (n 6) Part II.B.

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'dysfunctions in digital ecosystems, such as functional and distributive failures',[58] suggesting the agency itself does not share the ICLE authors' confidence that existing law suffices.

The second strand concerns the European evidentiary record. Louis-Daniel Pape and Michelangelo Rossi's study of Google Maps' removal from EU search results found mapping-related queries rose by more than 21% with no corresponding gain to competing services, concluding that 'these findings indicate that the DMA had weak competitive effects'.[59] Chiara Farronato, Andrey Fradkin, and Alexander MacKay's field experiment on Amazon's private-label products found that banning them would reduce consumer surplus by 5.5% through lost variety, concluding that 'demoting Amazon brands in search results does not increase welfare'.[60] These findings, however, arise from specific DMA provisions enforced within a harmonised, well-resourced single market; they counsel caution against careless transplantation a risk already flagged regarding Nigeria's direct DMA transposition rather than a categorical case against ex ante regulation as such.

The third strand, concerning institutional capacity, is the most persuasive. Brazil ranks 78th of 143 countries on the World Justice Project Rule of Law Index and 124th on ease of doing business; even the European Commission, with far greater resources than CADE, has filled only nineteen of eighty planned DMA-enforcement positions, a 76% shortfall

A further, more theoretical critique concerns the Bill's objectives. Article 47-B identifies reducing entry barriers, protecting the competitive process, and promoting freedom of choice. Drawing on Nicolas Petit and Lazar Radic, the ICLE authors argue that 'protection of the competitive process' is circular Petit and Radic observe that acts of bad conduct spelled out in antitrust statute epitomize "distortions of the competitive process"', adding nothing to the prohibitions it purports to justify, a point Hovenkamp separately calls mere 'sloganeering'.[61]

This is fair criticism of imprecise drafting, remediable by tying Article 47-B more tightly to the consumer-welfare anchor already governing the BCL's general provisions; it does not establish that the underlying concern that gatekeepers can erect durable entry barriers escaping conventional ex post review is itself misconceived.

[58]CADE submission to Ministry of Finance consultation, discussed in Manne, Oliveira Neto and Auer (n 6) Part II.B.
[59]Louis-Daniel Pape and Michelangelo Rossi, study discussed in Manne, Oliveira Neto and Auer (n 6) Part II.C, n 44.
[60]Chiara Farronato, Andrey Fradkin and Alexander MacKay, discussed in Manne, Oliveira Neto and Auer (n 6) Part II.C, n 46–47.
[61]Nicolas Petit and Lazar Radic, discussed in Manne, Oliveira Neto and Auer (n 6) Part III.A.2(b); Hovenkamp, cited ibid.

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Taken together, this engagement counsels a more cautious conclusion than a purely descriptive comparison would yield. Brazil's ex ante model is not self-evidently superior merely for being more recent or more flexible in form. Whether it is superior depends on an empirical question whether CADE's existing toolkit is genuinely inadequate that remains contested, and an institutional question whether CADE and the SMD will be adequately resourced the Bill's funding model does not yet resolve.

CONCLUSION AND RECOMMENDATIONS

This paper evaluates digital marketplace regulation in Nigeria and Brazil at the intersection of antitrust and consumer rights. Although both countries are at varying stages of regulatory maturity, they share a common toolkit: integrated oversight, ex-ante platform rules, and consumer-focused remedies. Their critical differences lie in institutional design, enforcement capacity, and the strength of the evidence justifying their shift toward ex-ante regulation.

6.1 Strengthening Systems Before Making Laws

Expanding legislation without building the capacity to enforce it leads to systemic failure. Both jurisdictions should prioritise institutional capacity-building alongside, and arguably ahead of, legislative reform. The European Commission's own DMA staffing shortfall is a cautionary illustration. A credible, separately funded resourcing plan for the FCCPC and for CADE's proposed SMD rather than reliance on internal reallocation is a precondition for either regime functioning as intended.

6.2 Focusing Designation Rules on Outcomes, Not Technology

Both countries should design ex ante frameworks with technological neutrality, favouring functional definitions over enumerated platform types. Nigeria's enumerated 'core platform services' are particularly vulnerable to this criticism, as is, to a lesser extent, Brazil's reliance on qualitative designation factors that risk capturing pro-competitive scale rather than demonstrated market power.

6.3 Formalised Inter-Agency Coordination

Coordination between competition authorities and data protection regulators should be formalised. The FCCPC–NDPC joint-investigation model used in the Meta case is a valuable template, but its effectiveness depends on clear protocols embedded in primary legislation rather than informal practice.

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6.4 A Demonstrated Market-Power Requirement, not a Size Threshold

Any designation mechanism, in either jurisdiction, should require demonstrated durable market power rather than revenue or user-count thresholds as a proxy. Brazil's 'systemic relevance' criterion and Nigeria's gatekeeper thresholds both carry this risk; both should adopt the effects-based, proportionality-anchored test the BCL's own Article 36 already supplies.

6.5 Consumer Access, Not Only Consumer Exploitation

Both jurisdictions should address the risks of digital exclusion as well as exploitation, since access for large parts of their populations is mediated through mobile devices on constrained data plans. Interventions reducing switching costs and lock-in carry disproportionate benefits for these users, provided they are calibrated to avoid the friction-increasing effects observed under the DMA.

6.6 Regional and Continental Engagement

Digital platforms operate across borders, and individually calibrated national frameworks may be insufficient against globally dominant firms. Deeper engagement with the African Continental Free Trade Area's competition protocol and the Southern Common Market's competition framework offers regulatory leverage no single national authority can achieve alone.

6.7 Building Expert Skills to Investigate Code and Digital Evidence

To regulate digital markets effectively, African agencies like the FCCPC should establish independent digital forensics and algorithmic auditing units. Funded by a ring-fenced share of digital services taxes, these units can leverage Brazil's SMD model while avoiding its fragmentation risks to better monitor self-preferencing and market-tipping risks. As leading emerging economies, Nigeria and Brazil are uniquely positioned to shape platform governance across the Global South. Their regulatory path coupled with how well they learn from each other and from the mixed empirical records of advanced ex-ante regimes will define the global tech regulation landscape in the coming decade.