

From innovation to competitive resilience: the reality of startups between support mechanisms and the risks of economic dominance

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Abstract:

Startups have become prominent economic actors in the transition toward a knowledge-based economy due to their capacity for innovation and developing new economic models that stimulate markets and enhance competition. However, their transition from innovative ideas to market continuity faces numerous challenges, particularly from large enterprises whose economic power may influence competitive conditions and restrict new entrants' growth. This study analyzes startups' ability to withstand competitive pressures by examining factors facilitating market entry, especially innovation and legal and institutional support. It also identifies key challenges, particularly practices resulting from economic dominance and inadequate legal protection under existing competition rules and frameworks.

key words: Startups; Innovation; Competition; Economic Dominance; Legal Protection.

Introduction:

Startups have become one of the most prominent features of the transformation of the global economy, reflecting the transition from an economy based on traditional resources to one increasingly driven by knowledge, innovation, and technology. The value of an enterprise is no longer measured solely by the size of its capital or productive capacity. Rather, its ability to generate new ideas and transform them into innovative economic solutions has become a decisive factor in building competitive advantage and promoting economic growth.

Startups are particularly important because of their role in stimulating markets. They are not merely newly established economic ventures, but also economic actors capable of introducing new models of products and services, reshaping traditional sectors, and fostering more dynamic competition. However, the distinctive nature of these enterprises presents a fundamental challenge: the difficulty of progressing from the stage of idea generation and innovation to achieving continuity and resilience in markets characterized by complex competitive dynamics.

Although innovation provides startups with a genuine opportunity to enter markets, it alone is insufficient to guarantee their success. Startups often compete with large enterprises that possess substantial economic, financial, and technical resources, enabling them to influence competitive conditions. Such power may be used to weaken new competitors or limit their ability to remain in the market. In this context, competition rules assume particular importance in striking a balance between

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encouraging the growth of strong enterprises and preventing economic power from being used in ways that restrict market competition.

In this context, Algeria has sought to establish a legal and institutional framework specifically tailored to startups by adopting support and assistance mechanisms, encouraging innovation, and providing certain legal and tax advantages aimed at helping these enterprises overcome the initial stages of their development. However, the effectiveness of this framework remains dependent on its ability to provide adequate protection for startups following their actual entry into the market, where they face direct competition from large enterprises.

Accordingly, examining the position of startups cannot be limited to identifying the mechanisms established to support them. It also requires assessing their ability to withstand an unequal competitive environment characterized by opportunities for innovation as well as risks arising from economic dominance, while taking into account the need to protect new market entrants and preserve freedom of competition.

From this perspective, the following research question arises:

To what extent can startups achieve resilience in the market in light of the requirements of free competition, on the one hand, and the economic power of large enterprises and practices arising from economic dominance, on the other?

To address this research question, the study adopts an analytical approach by examining the legal rules governing competition and startups, alongside an analysis of the various mechanisms and challenges associated with their ability to enter the market and maintain their presence within it.

Accordingly, the study is divided into two sections. The first section examines the factors that strengthen the competitive capacity of startups and facilitate their entry into the market. The second section addresses the principal obstacles that hinder their growth and limit their ability to compete with dominant large enterprises.

1- Elements for Enhancing the Competitiveness of Startups:

Startups play a pivotal role in stimulating market competition through the innovative ideas and solutions they introduce. However, their ability to enter the market and develop a competitive advantage depends on the availability of several factors. Foremost among these is innovation, which constitutes both a fundamental characteristic of startups and an essential requirement for effective competition. Equally important is the support provided by the State through the various bodies and institutions responsible for supporting the success of these innovative enterprises.

1.1- Innovation as a Mechanism for Gaining Competitive Advantage:

According to the Organization for Economic Co-operation and Development (OECD), innovation refers to the introduction of a new product, service, process, marketing method, or organizational method, or to a substantial improvement thereof, in a manner that creates added value compared with previous versions or practices. Such innovation must be implemented in practice rather than remain merely an idea or theoretical concept (Dakir & Djawadi, 2025, p. 862).

The capacity for innovation constitutes one of the fundamental elements on which startups are based. Its absence may expose an enterprise to significant difficulties in an environment characterized by intense competition and the continuous development of products and services by competitors. Accordingly, innovation constitutes a decisive factor that enables startups to enter the market and enhances their prospects for survival and continuity (Ben Ayada, 2022, p. 163).

In the contemporary economic context, innovation is no longer merely a preferential advantage but has become a strategic necessity imposed by the nature of modern markets. It serves as a driving force that enables enterprises to develop new products and services in response to continuously evolving consumer needs. It also allows them to build a sustainable competitive advantage through differentiation, brand consolidation, and stronger customer loyalty. Furthermore, innovation contributes to improving operational efficiency and reducing costs through the use of modern

technologies. It also enhances an enterprise's flexibility and ability to adapt to rapid market transformations and to transform potential threats into opportunities for growth and expansion (RMG Team, 2025).

At the outset of their activities, startups may legitimately be concerned about competition, particularly given the presence of large enterprises possessing substantial economic power and market dominance that may, in certain cases, approach a monopolistic position. Nevertheless, despite their limited financial and human resources, startups possess a different form of strength derived from creativity, innovation, and the development of new and unconventional solutions (Mokhtour, 2021, p. 412).

Startups often enter markets perceived as saturated and incapable of accommodating new products or services. However, practical experience demonstrates otherwise, as an innovative project may reshape market dynamics by introducing new products, services, or technologies capable of influencing consumer behavior and encouraging their adoption. This suggests that market saturation does not constitute an absolute barrier where innovation is based on an accurate assessment of consumers' actual needs.

Competition should not necessarily be regarded as an obstacle to startup activity. Rather, it can serve as a significant incentive for innovation. In this respect, competition policy and innovation policy are complementary, as a competitive environment encourages enterprises to develop their products and continuously improve their performance. The success of a startup is also linked to its ability to provide innovative value that responds to consumer needs, including those that consumers may not have expressly identified or recognized (Mokhtour, 2021, p. 413).

Given the innovative capabilities that characterize startups, many large enterprises in developed countries have increasingly adopted partnership models with startups or incorporated their projects into incubation programs. Such partnerships enable large enterprises to benefit from new innovations and accelerate the development of their products and services, while also improving their understanding of market needs. This is particularly relevant because startups often focus on addressing specific problems through innovative approaches that may be overlooked by large enterprises. These partnerships also contribute to fostering a culture of positive risk-taking and creative thinking within large enterprises (LinkedIn, n.d.).

The effectiveness of innovation as a means of market entry is also closely linked to the transparency and fairness of the competitive environment. The availability of effective oversight mechanisms that ensure compliance with competition rules and prevent restrictive practices enables startups to benefit from a fair competitive environment, thereby facilitating their market entry and allowing them to compete with other enterprises regardless of their size or economic power (Mokhtour, 2021, p. 413).

1.2- The Role of Support and Accompaniment Bodies in Enhancing the Competitiveness of Startups

The Algerian State has established a support system specifically designed for startups through the adoption of regulatory texts aimed at creating an appropriate environment for the growth of this category of enterprises, although these texts remain regulatory rather than legislative in the strict sense. Within this framework, a national committee was established and entrusted with granting the "Startup" label, the "Innovative Project" label, and the "Business Incubator" label. In addition, an institution responsible for the promotion and management of startup support structures was established. These bodies are intended to accompany and support startups and prepare them for effective market entry.

An enterprise cannot automatically acquire "Startup" status, as the authority to grant this label rests exclusively with the competent national committee. The committee grants the label after examining applications submitted through the national electronic portal, together with the documents required by law. The label is granted for a period of four (4) years and may be renewed only once, provided that the prescribed legal conditions are satisfied, foremost among them innovation as an essential component of the project (Articles 12 of Executive Decree No. 20-254, 2020; Articles 14 of Executive Decree No. 20-254, 2020).

Obtaining the “Startup” label constitutes a key objective for owners of innovative projects due to the various advantages and facilities associated with it. These include, in particular, the support provided by business incubators, which accompany startups, provide equipped workspaces and quality training, and make material and logistical resources available to them. They also assist startups in identifying sources of financing and facilitating their entry into the market.

In the same context, the Establishment for the Promotion and Management of Startup Support Structures, known as “Algeria Venture,” is a public establishment of an industrial and commercial nature entrusted with supervising and managing startup support structures. It is also responsible for strengthening national capacities in the field of innovation support and accompaniment, with the aim of encouraging the creation and development of startups (Mokhtour, 2021, p. 413).

The Algerian legislator also intervened through Law No. 22-09, amending and supplementing Ordinance No. 75-59 relating to the Commercial Code, by introducing a new form of commercial company, namely the “simplified joint-stock company,” specifically intended for enterprises of an innovative nature.

The establishment of this type of company is limited to enterprises holding the “Startup” label. This reflects the legislator’s intention to provide a flexible legal framework adapted to the particular characteristics of startups, while facilitating their establishment and reducing constraints related to their financing, organization, and operation (Djedaini, 2024, p. 34).

As part of its incentive measures, the Algerian government has also introduced a range of tax advantages for startups through successive finance laws. These measures include, for example, exemptions from corporate profits tax and value-added tax in relation to their commercial activities, with the aim of strengthening their competitive capacity and supporting their continuity in the market (Ben Lakhdar, Chenbi, Mekhnache, & Berlik, 2020, p. 32).

Nevertheless, Competition Law does not contain explicit provisions specifically addressing startups. This aspect may, however, be strengthened through the anticipated amendments to Ordinance No. 03-03 relating to competition. It should be noted that the legislator has previously taken into account the need to support small and medium-sized enterprises by permitting certain practices restrictive of competition when they are intended to support this category. This approach may serve as guidance for the future treatment of startups under competition law.

Accordingly, startups are able to enter markets within a legal and institutional framework that provides support and protection, particularly during the support and incubation stage. However, their rapid development may subsequently confer upon them a degree of economic power that could, in certain circumstances, enable them to engage in conduct that may qualify as restrictive of competition. This demonstrates that economic power, even when relative, may give rise to abusive conduct in the absence of effective legal oversight (Mokhtour, 2021, p. 414).

2- Challenges to the Resilience of Startups in the Market

Startups possess several characteristics that enable them to enter the market and contribute to stimulating competition. However, their path toward growth and development is confronted with a number of challenges, most notably the dominant position held by large enterprises that control the market, in addition to the insufficiency of the legal protection afforded to startups against such economic dominance, which may weaken their ability to survive and remain resilient in a highly competitive environment.

2.1- The Impact of the Economic Dominance of Large Enterprises on Startups

Competition with large enterprises that dominate the market is considered one of the most significant challenges facing startups, given the economic and organizational capacities enjoyed by these enterprises, which enable them to hinder the establishment of effective competition by taking unilateral actions against their competitors. Such conduct may result in the abuse and exploitation of their strong market position.

A dominant position means that an enterprise enjoys a strong economic position within the relevant market, enabling it to influence the conditions of competition and impose its decisions within that market. This position is also referred to as a dominant or monopolistic position (Zaidi, 2023, p. 79).

Although attaining a dominant position is considered a legitimate objective pursued by various enterprises as a source of economic power, the law does not prohibit such a position in itself. Rather, it prohibits the abuse arising from it, particularly where such abuse leads to the restriction or disruption of free competition (Djehachia & Zeitouni, 2023, p. 42). Article 07 of the Competition Law (Ordinance No. 03-03, 2003) provides that: “Any abuse resulting from a dominant position in the market or a monopoly over it or part of it is prohibited ...”.

In this context, a dominant enterprise may engage in conduct that departs from the rules of ordinary competition, thereby constituting an abuse of conduct. Such abuse may also take a structural form when the enterprise seeks to strengthen its dominant position and exclude competitors from the market, including startups, which are often more vulnerable to such practices (Mokhtour, 2021, p. 415).

One of the most prominent examples in this regard concerns Google, one of the world’s leading technological powers, which was accused of engaging in monopolistic conduct that affected the ability of startups to enter the market. One of the most significant penalties imposed on the company by the European Commission in 2017 was a financial fine amounting to \$2.42 billion for abusing its dominant position in the online search market by favoring its “Google Shopping” service and displaying it prominently in search results, while excluding or delaying the appearance of competing services (Arab 48, n.d.).

In this unequal competitive environment, startups face significant challenges in entering and remaining in markets, as dominant companies possess financial and technical capabilities that enable them to imitate or reproduce new innovations within a short period and offer them at competitive prices. These companies may also resort to a policy of selling at low prices, known as price dumping, with the aim of excluding competitors or deterring them from entering the market, before subsequently raising prices after gaining control of the market. Such control can only be achieved by weakening competitors or removing them from the market.

At this stage, only a limited percentage of startups manage to survive, while a large proportion disappear during their first years following the end of the support and incubation period, which forces them to face the market independently in a highly competitive environment.

Failure to take competitive conditions into account is also considered one of the main reasons for the failure of many startups. The success of an innovative product often encourages large companies to imitate and develop it rapidly, thereby reducing the startup’s first-mover competitive advantage. In contrast, some enterprises succeed in surviving and growing, while others resort to accepting acquisition offers from large companies due to their inability to withstand competition. This reflects the fragility of their position in the face of dominant economic powers (Khanfar & Mellaoui, 2025, p. 250).

2.2- The Shortcomings of Legal Protection for Startups in the Face of Practices Restricting Competition

Legal protection is considered one of the most important guarantees for ensuring that startups are able to enter the market and conduct their activities under conditions of fair competition. However, startups in Algeria continue to face clear limitations in the legal protection available against abusive practices and economic dominance exercised by large enterprises. These limitations are reflected in the absence of specific legal provisions providing appropriate protection for this category of enterprises, in addition to shortcomings in the practical mechanisms necessary to ensure the effective enforcement of competition rules (Zerari & Amrouche, 2025, p. 58).

A legal gap can also be identified with regard to the criteria for establishing unlawful economic dominance. One of the most significant manifestations of this shortcoming is the repeal of Executive Decree No. 2000-314, which regulated the criteria used to establish a position of economic dominance. The Decree provided a set of criteria for assessing whether an economic operator held a dominant position, including its market share in comparison with that of its competitors, the legal or technical

advantages it enjoyed, the financial or contractual relationships granting it particular advantages, as well as advantages related to its geographical location (Article 2 of Executive Decree No. 2000-314, 2000).

Although Ordinance No. 03-03 relating to competition retained its full legal force following the repeal of this Decree, the legislator did not introduce alternative provisions establishing clear criteria for determining the existence of a dominant position. This has negatively affected the effectiveness of the enforcement of competition rules. The absence of such criteria has made it more difficult to establish cases of abuse resulting from economic dominance and has placed the burden of proof on the affected parties. This constitutes one of the legislative shortcomings that requires attention, particularly because startups are among the enterprises most affected by this situation. Due to their limited capabilities compared with large enterprises, startups are often unable to confront exclusionary practices or establish their existence before the Competition Council or the competent judicial authorities (Zerari & Amrouche, 2025, p. 58).

From a legislative perspective, it should be noted that the Competition Law does not provide specific protection for startups, as its regulation of practices restricting competition is based on general rules that apply to all economic operators without distinction. Although this approach ensures formal equality among economic actors, it overlooks the actual disparities between large enterprises and startups. The latter are often in a weaker position in terms of financial and human resources and competitive capacity, making them more vulnerable to marginalization or exclusion from the market (Zerari & Amrouche, 2025, p. 58).

Economic dominance may take several forms, including the imposition of unfair contractual conditions, the adoption of abusive pricing policies such as price dumping and selling at a loss, and recourse to acquisition operations aimed at excluding potential competitors. Although such conduct may fall within the practices prohibited under the Competition Law (Article 6 of Ordinance No. 03-03, 2003; Article 7 of Ordinance No. 03-03, 2003), the practical application of these provisions continues to face numerous difficulties, particularly in light of the limited effectiveness of supervisory bodies and the limited recourse of affected parties to reporting and follow-up mechanisms.

Accordingly, achieving effective protection for startups requires reconsidering the legal framework governing competition by establishing more precise provisions that take into account the particular characteristics of these enterprises and the fragility of their economic position. It also requires simplifying the procedures for reporting violations and seeking judicial remedies, while strengthening the powers of the Competition Council and enabling it to exercise its supervisory and punitive functions more effectively. Such measures would contribute to ensuring a balance among the various economic actors and to giving effect to the principle of competitive justice within the national market (Zerari & Amrouche, 2025, pp. 58-59).

Conclusion:

The Algerian State has taken significant steps toward establishing an environment that supports startups and responds to their specific characteristics. These efforts have been reflected in the development of a legal and institutional framework aimed at facilitating the transition of the national economy toward a model based on innovation and knowledge. Among the measures adopted is the introduction of the Simplified Joint-Stock Company as a flexible legal form, alongside continued efforts to promote entrepreneurial thinking within universities through mechanisms designed to support patents and facilitate their transformation into viable investment projects. These measures have also been accompanied by various financial and tax incentives.

However, the practical experience of startups has demonstrated that their transition from the idea stage to sustainable market presence continues to face a range of challenges and difficulties. The distinctive characteristics of these enterprises, particularly their innovative nature and high level of risk, expose them to significant financing challenges. These challenges stem from the limitations of traditional financing mechanisms, the limited effectiveness of financial support funds, and the complexity of financing procedures.

In addition to these financing constraints, startups operate in a highly competitive environment characterized by the dominance of large enterprises, which may threaten their ability to survive and compete effectively. This challenge is further compounded by a legal framework that still requires specific provisions to protect startups, prevent practices that restrict competition, and ensure equal opportunities within the market.

Based on the foregoing analysis, the main findings can be summarized as follows:

- Innovation represents a fundamental factor in enhancing the competitiveness of startups and facilitating their entry into markets. Support and accompanying bodies also contribute to improving their prospects of success. However, their impact remains dependent on the effectiveness of the services they provide and the accessibility of such services.
- Startups face significant difficulties in competing with large enterprises that possess greater financial, marketing, and organizational capabilities. These difficulties are compounded by the absence of specific mechanisms within the current Algerian competition law framework for protecting startups, leaving them vulnerable to abusive and exclusionary practices by large enterprises holding dominant positions in the market.
- The survival and growth of startups necessarily require an economic, legal, and institutional environment that is more dynamic and conducive to innovation and fair competition.

Based on these findings, and in light of the competitive challenges facing startups, the following recommendations may be proposed:

- Introducing specific provisions into competition legislation to protect startups from practices restricting competition and to ensure equal opportunities within the competitive market.
- Developing the legal framework governing competition in a manner that takes into account the particular characteristics of startups as economic actors requiring protection during the growth stage, without granting them privileges that would undermine the principle of free competition.
- Revising the criteria for determining a position of economic dominance in a manner consistent with recent market developments, particularly in digital markets, where market power is no longer determined solely by market share but is also influenced by data, technology, and network effects.
- Strengthening the role of the Competition Council in monitoring practices that may adversely affect startups and facilitating notification and evidentiary procedures for enterprises exposed to exclusionary conduct.
- Giving greater attention to the post-incubation stage, considering that many startups encounter significant difficulties following the end of the initial support period. This requires the establishment of mechanisms to accompany them throughout the growth and expansion stages.
- Encouraging cooperative relationships between large enterprises and startups, while subjecting acquisitions and mergers to appropriate oversight to prevent such transactions from becoming a means of eliminating potential competitors.

Accordingly, the success of startups does not depend solely on their capacity for innovation. It also requires establishing an appropriate balance between encouraging economic initiative and protecting free competition, thereby creating a market that remains open to new ventures while ensuring that economic power is not exploited in a manner that undermines competitive dynamics.

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