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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Global Forum on Competition

EXPLOITATIVE ABUSES

Session III: Call for country contributions

11 December 2026

This document is a call for country contributions for Session III of the Global Forum on Competition to be held on 10-11 December 2026. GFC participants are invited to submit their written contributions by **30 October 2026** at the latest.

Ms. Carolina Abate (Carolina.Abate@oecd.org) and Ms. Inhea Ko (Inhea.Ko@oecd.org).

JT03591312

*TO ALL GLOBAL FORUM PARTICIPANTS
Re: Roundtable on “Exploitative Abuses”
25th Global Forum on Competition (10-11 December 2026)*

Dear GFC Participant,

This year, the [Global Forum on Competition](#) (GFC) will hold a session on Exploitative Abuses at its forthcoming meeting in December 2026. This letter provides some background on the topic and is an invitation for written submissions to this Roundtable from those agencies that have relevant experience in this area.

Recent years have seen renewed interest in exploitative abuses under competition law, an area that has traditionally attracted less enforcement attention than exclusionary conduct. While excessive pricing has long been the principal focus of the enforcement and policy debate in this area, interest has increasingly expanded to non-price forms of exploitative conduct, including data-related exploitation, algorithmic practices, discriminatory conditions, and other unfair trading conditions. These concerns have been particularly pronounced in digital markets, where control over data and platform rules can matter as much as control over prices. These developments have also revived questions about the role of competition law in addressing exploitative conduct, including the types of harm that should justify intervention and the appropriate limits of enforcement.

Across jurisdictions, exploitative conduct is addressed under a variety of legal frameworks. While some rely on competition law, others make greater use of consumer protection rules, sector-specific regulation, or dedicated legislative regimes. These different approaches reflect differing views on the objectives of intervention, the appropriate institutional framework for addressing exploitative harm, and how best to balance effective enforcement with the risks of over-enforcement, legal uncertainty, and unintended effects on competition and innovation.

The Committee has previously examined several issues related to exploitative conduct through roundtables on [Excessive Prices](#) (2011), [Price Discrimination](#) (2016), [Excessive Prices in Pharmaceuticals](#) (2018), and [Abuse of Dominance in Digital Markets](#) (2021). However, it has not yet held a dedicated roundtable examining exploitative abuses as a broader category.

This Roundtable will explore the different legal frameworks and approaches used to address exploitative conduct across jurisdictions, as well as the key issues and recent developments shaping this area. It will then focus on the types of conduct that may constitute an exploitative abuse, analysing enforcement trends, the theories of harm underpinning intervention, and the remedies adopted in practice. Finally, the Roundtable will consider the broader implications of these developments for competition policy and enforcement.

We would like to invite delegates to submit contributions on their experiences in addressing exploitative conduct. Please refer to the Annex of this letter for a more detailed list of questions and a preliminary bibliography on the topic. The quality and utility of this roundtable will be greatly strengthened by written contributions. The Roundtable will also be supported by a Secretariat background paper on this topic, which will be circulated on O.N.E. in the coming months.

The webpage for OECD Roundtables on Competition Policy Papers will be the primary vehicle for conveying documentation and related links on this subject (see <https://www.oecd.org/en/topics/competition.html#roundtables>). Unless explicitly

requested not to do so, the Secretariat will reproduce all written contributions on the site. The Secretariat will compile short summaries of the written contributions to be distributed before the meeting. We invite you to submit such a short summary (no more than one page) together with your contribution.

In order to ensure effective preparation of the roundtable discussion, we would be grateful if you could let the Secretariat know by **25 September 2026** at the latest if you are planning to make a written contribution on the topic. Written submissions are due by **30 October 2026**, and failure to meet this deadline may result in your contribution not being distributed to delegates via O.N.E. in a timely fashion in advance of the meeting.

All communications regarding the documentation for this roundtable should be sent to Ms. Angelique Servin (Angelique.Servin@oecd.org). Please address all substantive queries relating to this discussion to Ms. Carolina Abate (Carolina.Abate@oecd.org) and Ms. Inhea Ko (Inhea.Ko@oecd.org).

Annex A. Suggested questions for considerations in the written contributions

Roundtable on Exploitative Abuses

This Annex provides a list of questions for consideration in preparing a written contribution. A contribution does not need to cover every listed question, and you may wish to address issues not listed here. You are encouraged to refer to examples, relevant cases, or advocacy initiatives where appropriate to illustrate your answers. Please prepare your contribution as an integrated essay rather than a list of answers to questions. You may wish to include an annex with short case references.

1. Legal and policy frameworks

- How does your jurisdiction conceive of the primary purpose of competition law, is it directed at protecting the competitive process itself, or does it extend to correcting harmful market outcomes? Has this conception been articulated through legislation, judicial decisions, or official guidance issued by your authority?
- Are exploitative abuses sanctionable under competition law in your jurisdiction? If so, how does your jurisdiction define and approach exploitative abuse? Is it treated as a standalone category under competition law, or primarily as an element of exclusionary analysis? Has this approach evolved in recent years?
- Does intervention against exploitative conduct require dominance, or may it also be based on concepts such as superior bargaining position, economic dependence, or relative market power? What is the legal basis for these approaches, and how do the applicable tests differ?
- What legal instruments are available to address exploitative conduct in your jurisdiction? These may include competition law, consumer protection law, data protection law, sector-specific regulation, or other frameworks. Which instruments have been most applied?
- Where multiple legal frameworks overlap, how is the choice of instrument determined? What factors influence whether a case is pursued under competition law versus consumer or sectorial regulations?
- Have you encountered cases where competition policy objectives appeared to conflict with consumer protection or sector regulatory goals (including digital regulations)? How were such tensions resolved?
- Are there legislative or regulatory gaps in your jurisdiction where neither competition law nor sector-specific regulation adequately addresses exploitative conduct in digital markets? What reforms would most improve your authority's capacity to act?
- What are the main legal, evidentiary, and institutional challenges to addressing exploitative abuses under competition law?

2. 2. Enforcement experience

2.1. Theories of Harm

- What theories of harm has your authority applied in exploitative abuse cases? How has your authority demonstrated that the conduct resulted in harm to consumers, trading partners, or the competitive process? Has the applicable theory of harm differed across sectors or types of conduct?
- Have you identified emerging practices, such as the use of generative AI interfaces, hyper-personalised targeting, or opaque ranking systems, that you anticipate will require enhanced attention to exploitative harm in the near term?

2.2. Excessive and Unfair Pricing

- Has your authority taken enforcement action against excessive or unfair pricing by dominant firms? In which sectors (e.g., pharmaceuticals, energy, digital platforms)? What benchmark or methodology was used to establish that a price was excessive or unfair?
- Have recent developments, particularly in digital markets (e.g., zero-price business models, multi-sided platforms, or digital ecosystems), raised new issues in the assessment of excessive or unfair pricing? If so, how has your authority addressed these issues? Have existing analytical approaches remained adequate, or have new analytical approaches been developed?

2.3. Excessive Data Collection and Privacy Degradation

- Has your authority assessed cases in which dominant firms collected personal or operational data beyond what is necessary for the provision of services or degraded data privacy? How were such practices assessed under competition law?
- How does your authority coordinate with data protection authorities in cases involving excessive data extraction?

2.4. Algorithmic Discrimination and Targeting

- Has your authority examined cases involving personalised pricing, algorithmic discrimination, or other algorithm-driven exploitative practices by dominant firms? What theory of harm was applied, and what evidence was relied upon?
- Has your authority assessed cases in which algorithmic systems were used to apply discriminatory conditions to business users, for example, through preferential treatment of affiliated partners or differentiated access to platform tools? If so, how were these practices assessed?

2.5. Unfair Trading Conditions

- Has your authority addressed cases involving unfair trading conditions, including the unilateral imposition or modification of contractual terms by dominant firms? If so, what criteria were used to determine whether the conditions were unfair or exploitative?

- What benchmarks or analytical factors are relevant for the assessment of unfair trading conditions, such as proportionality, transparency, the allocation of risk, the availability of alternatives, or the relationship between the obligations imposed and the value provided?
- What role do market power, quantifiable harm, objective justification, and legitimate commercial interests play in the assessment?
- Have you applied or considered frameworks based on economic dependence, relative market power, or superior bargaining position, rather than dominance, to address unfair trading conditions in vertical relationships? If so, please describe the relevant legal basis, applicable standard, and enforcement experience.

3. Remedies

- What remedies has your authority imposed or sought in exploitative abuse cases? Please describe the rationale for choosing between structural and behavioural remedies, how those remedies were implemented, and any assessment of their effectiveness.
- Have remedies in exploitative abuse cases addressed non-price parameters, such as data practices, algorithmic transparency, or contract conditions? How were these remedies designed and monitored?
- Have you observed unintended negative consequences from remedies in exploitative abuse cases, for instance where a remedy designed to correct exploitation had adverse effects on competition or investment incentives?

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