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

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OECD-IDB Latin American and Caribbean Competition Forum

Session III: Remedies in Digital Markets – Call for Contributions

7-8 October 2025

This document is circulated in preparation of the discussion under Session III of the OECD-IDB Latin American and Caribbean Competition Forum (LACCF) that will take place during 7-8 October 2025 in Asunción, Paraguay.

Delegates are invited to submit their written contributions to the Secretariat by Thursday, 31 July 2025

In case you need additional information related to this session, please contact:

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Ms. Sophie Corea (Sophie.Corea@oecd.org).

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Session III: Remedies in Digital Markets

– Call for Contributions –

1. This year's OECD-IDA Latin American and Caribbean Competition Forum (LACCF) will feature a session on "Remedies in Digital Markets". This document provides some background information on the topic and invites delegates to make a written submission to the discussions.

2. In the context of increasing digitalisation and the emergence of new digital markets, competition authorities have had a growing focus on addressing competition issues in the sector, including through antitrust investigations and merger reviews. These cases may result in authorities accepting remedies targeted at addressing the specific competition concerns identified in the antitrust investigation or eliminating any competitive harm that may result as a consequence of a merger. For the purpose of this roundtable, remedies include those that are imposed by a competition authority (or other body, such as a court), or which are voluntarily offered by the party and accepted by the authority (or other body).

3. The specific remedies used to address competition concerns in digital markets may take a range of forms, such as structural, behavioural or demand-side remedies, or be imposed through a variety of different processes, such as interim measures or settlement procedures. International cooperation may be required, particularly where large platforms operate across jurisdictional borders, and in some cases remedies may have extraterritorial or cross-border effects. Increasingly, jurisdictions are also considering alternative approaches to addressing competition concerns in digital markets, such as ex ante regulation of digital platforms.

4. In recent years, the OECD has convened various discussions on remedy design and implementation, including Roundtables on [Remedies in merger cases](#) (2011) and [Remedies and commitments in abuse cases](#) (2022). The OECD also has an extensive program of work looking at digital markets, including Roundtables on [Abuse of dominance in digital markets](#) (2020) and [Ex ante regulation and competition in digital markets](#) (2021), and publishing the [OECD Handbook on Competition Policy in the Digital Age](#) (2022), and [Competition Policy in Digital Markets: The Combined Effect of Ex Ante and Ex Post Instruments in G7 Jurisdictions](#) (2024).

5. Building on these discussions, this LACCF session will bring these aspects together to focus specifically on the design and application of remedies in digital markets, including those resulting from both antitrust investigations and merger reviews. This may include, depending on the contributions received from delegates: (i) the particular competition concerns which have been the focus of competition authorities in digital markets and the types of remedies and commitments which have been put in place to address these; (ii) trends emerging from authorities' approaches to remedies in digital markets, including the use of interim measures and settlement procedures, the prevalence of different types of remedies, and the extent of extraterritorial effects, and (iii) the interaction with proposals for new ex ante regulation of digital platforms. Building on previous OECD discussions on similar topics, this session will also provide the opportunity to discuss regional specificities relating to remedies in digital markets, incorporating insights from cases covering both global and local digital firms.

6. As in past years, this discussions in this session will be greatly enhanced by written contributions, which should be sent to the OECD Secretariat by **Thursday 31 July 2025**. In order to assist you with the preparation of your contribution, the Annex includes a number of questions on which you may wish to focus and a suggested bibliography. The list in the Annex is not exhaustive, and you are encouraged to raise and address other issues in your submissions and during the discussion. We also strongly encourage you to discuss and comment on your relevant enforcement and advocacy experience in this area.

7. The session will be supported by a Secretariat paper, which will compile the main issues related to the topic. The LACCF webpage will be the primary vehicle for conveying documentation and related links on this subject (<https://www.oecd.org/en/networks/latin-american-and-caribbean-competition-forum.html>). Unless explicitly requested not to do so, the Secretariat will reproduce all written contributions on the LACCF website.

8. All communications regarding the documentation for this session should be sent to Ms. Angélique Servin (Angelique.Servin@oecd.org). Please address any substantive queries relating to this discussion to Ms. Sophie Corea (Sophie.Corea@oecd.org).

Annex A:

Suggested questions for written contributions to Session on Remedies in Digital Markets in Latin America and the Caribbean

This Annex provides a list of questions for consideration in preparing your 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 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.

A. The use of remedies to address specific competition concerns in digital markets

- What competition concerns have arisen in digital markets in your jurisdiction? What approaches and strategies has your jurisdiction adopted to address these concerns? What are some of the challenges and opportunities your jurisdiction has faced?
- Under what circumstances or conditions can your competition authority impose remedies or accept commitments, in both antitrust cases and merger reviews? What factors does your competition authority consider when considering whether to impose or accept remedies?
- Please list any cases relating to digital markets in your jurisdiction, including antitrust cases and merger reviews, in which remedies were imposed or commitments were accepted to address the relevant competition concerns. What competition harms were these remedies targeting, and how were the remedies designed to address these?

B. Trends emerging from authorities' approaches to remedies in digital markets

- When does your competition authority consider imposing interim measures in antitrust cases? In the context of highly dynamic digital markets, how does your authority balance the need to move quickly to address pressing competition concerns with the need to carefully design and appropriately target remedies?
- When does your competition authority consider accepting commitments via settlement procedure? When accepting commitments to resolve competition concerns in digital markets, how does your authority weigh up the need to resolve cases in a timely and effective manner, with the need to build an enforcement decision record or establish case law through judicial review?
- How common are structural, behavioural or demand-side remedies in your jurisdiction? Is this trend similar or different for cases relating to digital markets?
- Does your authority have experience in co-operating with other competition authorities in accepting and/or designing remedies in digital markets? Are you aware of any extraterritorial effects of these remedies (i.e. have any digital markets remedies imposed in your jurisdiction been applied in other jurisdictions, or have remedies imposed in another jurisdiction had an effect in your jurisdiction)?
- What approach has your authority taken to monitoring, compliance and assessment of remedies imposed in digital markets?

C. Interaction with regulatory proposals

- Have alternative approaches to addressing competition concerns in digital markets been considered in your jurisdiction (e.g. ex ante regulation)? How do these proposals vary from the approach to remedies under traditional competition law in your jurisdiction?

Suggested bibliography

- Brazilian Ministry of Finance (2024), *Digital Platforms: Competition Aspects and Regulatory Recommendations for Brazil*, <https://www.gov.br/fazenda/pt-br/central-de-conteudo/publicacoes/relatorios/sre/digital-platforms-competition-regulatory-recommendations-brazil-en.pdf>
- CADE (2022), *CADE maintains agreement with Gympass in the Brazilian health club market*, Case No. 08700.004136/2020-65, Decision of 23 November 2022, <https://www.gov.br/cade/en/matters/news/cade-maintains-agreement-with-gympass-in-brazilian-health-club-market>
- CADE (2023), *CADE signs agreement with iFood in case involving exclusivity deals in food delivery marketplaces*, Case No. 08700.004588/2020-47, <https://www.gov.br/cade/en/matters/news/cade-signs-agreement-with-ifood-in-case-involving-exclusivity-deals-in-food-delivery-marketplaces>
- CADE(2022), *Cade approves, with restrictions, merger between companies J3 and Bus Serviços*, <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-aprova-com-restricoes-fusao-entre-as-empresas-j3-e-bus-servicos>
- Canales, M. P. & de Souza, M. R. (2022), *What's Up, Latin America? Between Competition, Data and Consumer Protection*, <https://academic.oup.com/grurint/article/71/10/967/6659783>
- COFECE (2024), *Cofece identifies possible barriers to competition in retail e-commerce*, Cofece-007-2024, https://www.cofece.mx/wp-content/uploads/2024/02/Cofece-007-2024_ENG.pdf
- Fernandes, V. O. (2024), *Lost in translation? Critically assessing the promises and perils of Brazil's Digital Markets Act proposal in the light of international experiments*, <https://www.sciencedirect.com/science/article/pii/S0267364924000049>
- FNE (2023), *Chilean Competition Court approves commitments between the FNE and the platforms Uber Eats, PedidosYa and Rappi that eliminate MFN clauses in contracts with restaurants*, <https://www.fne.gob.cl/en/tdlc-aprueba-acuerdos-extrajudiciales-firmados-entre-la-fne-y-las-plataformas-uber-eats-pedidosya-y-rappi-que-eliminam-las-clausulas-de-nacion-mas-favorec/>
- Gawer, A., & Bonina, C. (2024), *Digital platforms and development: Risks to competition and their regulatory implications in developing countries*, <https://www.sciencedirect.com/science/article/pii/S1471772724000253>
- Lancieri, F., & Pereira Neto, C. M. S. (2022), *Designing remedies for digital markets: The interplay between antitrust and regulation*, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3704763
- Ministry of Productive Development – Secretariat of Domestic Trade (2021), *Resolución 492/2021 sobre la investigación de WhatsApp Inc.*, Official Gazette of Argentina, <https://www.argentina.gob.ar/normativa/nacional/resoluci%C3%B3n-492-2021-349905/texto>
- OECD (2011), *Remedies in Merger Cases*, https://www.oecd.org/en/publications/remedies-in-merger-cases_51e1d94a-en.html
- OECD (2020), *Abuse of dominance in digital markets*, https://www.oecd.org/en/publications/abuse-of-dominance-in-digital-markets_4c36b455-en.html
- OECD (2021), *Ex Ante Regulation and Competition in Digital Markets*, https://www.oecd.org/en/publications/ex-ante-regulation-and-competition-in-digital-markets_c83e178d-en.html
- OECD (2022), *Handbook on Competition Policy in the Digital Age*, https://www.oecd.org/en/publications/oecd-handbook-on-competition-policy-in-the-digital-age_c8c1841b-en.html

- OECD (2022), *Remedies and commitments in abuse cases*, https://www.oecd.org/en/publications/remedies-and-commitments-in-abuse-cases_b975b0e3-en.html
- OECD (2023), *Ex-post Assessment of Merger Remedies*, https://www.oecd.org/en/publications/ex-post-assessment-of-merger-remedies_84c232b6-en.html
- OECD (2024), *Competition Policy in Digital Markets: The Combined Effect of Ex Ante and Ex Post Instruments in G7 Jurisdictions*, https://www.oecd.org/en/publications/competition-policy-in-digital-markets_80552a33-en.html
- OECD (2024), *Interim Measures in Abuse of Dominance Investigations in Latin America and the Caribbean*, https://www.oecd.org/en/publications/2024/09/interim-measures-in-abuse-of-dominance-investigations-in-latin-america-and-the-caribbean_79b25380.html
- SIC (2022), *El Superintendente Delegado para la protección de Datos Personales Radicación 21-11032*, <https://www.sic.gov.co/slider/superindustria-ordena-whatsapp-cumplir-con-el-est%C3%A1ndar-nacional-de-protecci%C3%B3n-de-datos-de-sus-39-millones-de-usuarios-en-el-pa%C3%ADs>