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

**Latin American and Caribbean Competition Forum**

**Session I: Competition Law Enforcement in Informal Markets – Call for contributions**

14-15 October 2026

This document is circulated in preparation of the discussion under Session I of the OECD-IDB Latin American and Caribbean Competition Forum (LACCF) that will take place during 14-15 October 2026 in Buenos Aires, Argentina.

Delegates are invited to submit their written contributions to the Secretariat by **Monday 31 August 2026**.

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

Ms. Angélique Servin ([Angelique.Servin@oecd.org](mailto:Angelique.Servin@oecd.org)); and

Mr. Paulo Burnier ([Paulo.Burnier@oecd.org](mailto:Paulo.Burnier@oecd.org)).

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## *Session I: Competition Law Enforcement in Informal Markets*

### *– Call for Contributions –*

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

2. Over the past years, the OECD has previously explored the topic of competition in the informal economy in at least three opportunities. In 2010 and 2018, the OECD Competition Committee and the OECD-IDB Latin American and Caribbean Competition Forum (LACCF) addressed the topic focusing on the interplay between competition policy and the informal economy: [Competition Policy and the Informal Economy](#) (2010) and [The Informal Economy in Latin America and the Caribbean: Implications for Competition Policy](#) (2018), respectively. Last year, the GFC covered again the topic but focusing on aspects related to competition law enforcement: [Competition Law Enforcement in Informal Markets](#) (2025).

3. In Latin American and the Caribbean (LAC), informal economy represents on average nearly half of the economy in LAC countries according to World Bank data (while reaching 60%-70% in certain countries such as Guatemala, Panama and Peru).<sup>1</sup> Indeed, informal markets represent a substantial share of economic activity in LAC countries and shape competitive dynamics across a wide range of sectors. Their scale and persistence reflect structural features of labour markets, regulatory frameworks, and the cost of compliance. As informal actors provide critical inputs, distribution channels, and retail services, they exert competitive pressure on formal firms and influence market outcomes in both developing and developed economies. In this context, the interaction between competition law enforcement and informality has gained increasing relevance, particularly as digitalisation expands the reach of informal actors and enhances their visibility through online platforms. Understanding how informality affects market structure, enforcement capabilities, and competitive neutrality is therefore essential for ensuring that competition policy is effective and responsive to the full range of economic activity.

4. Competition authorities worldwide have increasingly undertaken enforcement actions involving informal markets, seeking to minimise anti-competitive conduct while acknowledging the economic functions that informality fulfils in many jurisdictions. These actions include the assessment of mergers where informal operators materially influence market definition and competitive constraints; investigations into collusive behaviour among informal suppliers that affect pricing and market access; the analysis of interactions between formal and informal segments when evaluating dominance or barriers to entry; and the examination of how informal supply structures alter competitive dynamics in regulated or partially regulated markets.

5. Work on informal markets within competition authorities has progressed in many jurisdictions, yet experience including across jurisdictions in Latin America and the Caribbean remains uneven due to differing levels of institutional capacity, prioritisation, and experience. Given the region's high prevalence of informality and its influence on competitive dynamics, the topic holds particular relevance for strengthening enforcement practices. It is therefore timely for the LACCF to examine particular challenges faced in the region, as a more consistent understanding across authorities can enhance the effectiveness and coherence of competition policy.

The session will focus primarily on key competition issues arising from enforcement in informal markets and in markets where formal and informal economic actors coexist. This may include: (i) the interaction between formal and informal economic activities, including the extent to which informal operators may exert competitive constraints on formal firms; (ii) the implications of this

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<sup>1</sup> World Bank (2024). Available at: [www.worldbank.org/en/research/brief/informal-economy-database](http://www.worldbank.org/en/research/brief/informal-economy-database).

interaction for core elements of competition analysis, such as market definition, the assessment of market power, and the design of remedies; and (iii) enforcement challenges and potential institutional responses, including co-operation with regulatory and administrative bodies. The session will also enable an examination of jurisdictional experiences in incorporating informality into enforcement decisions – both in fully informal sectors and in formally regulated sectors with substantial informal participation. Finally, it will address the dual role of informal businesses in competition enforcement, considering both their potential involvement in anticompetitive conduct and their position as possible victims of exclusionary behaviour by formal firms.

6. For purposes of our discussion, the definition of informal economy proposed by the International Labour Organization (ILO) will be used: “*all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements. Their activities are not included in the law, which means that they are operating outside the formal reach of the law; or they are not covered in practice, which means that – although they are operating within the formal reach of the law, the law is not applied or not enforced; or the law discourages compliance because it is inappropriate, burdensome, or imposes excessive costs*”.<sup>2</sup>

7. As in past years, the quality and utility of this session will be greatly strengthened by written contributions, which should be sent to the OECD Secretariat by **Monday 31 August 2026**. 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.

8. 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. Unless explicitly requested not to do so, the Secretariat will reproduce all written contributions on the LACCF website: [www.oecd.org/en/networks/latin-american-and-caribbean-competition-forum.html](http://www.oecd.org/en/networks/latin-american-and-caribbean-competition-forum.html).

9. All communications regarding the documentation for this session should be sent to Ms. Angélique Servin ([Angelique.Servin@oecd.org](mailto:Angelique.Servin@oecd.org)). Please address any substantive queries relating to this discussion to Mr. Paulo Burnier ([Paulo.Burnier@oecd.org](mailto:Paulo.Burnier@oecd.org)).

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<sup>2</sup> ILO (2012). Available at: [www.ilo.org/resource/informal-economy-and-atypical-forms-employment](http://www.ilo.org/resource/informal-economy-and-atypical-forms-employment).

## Annex

### *Suggested questions for written contributions to Session I on Competition Law Enforcement in Informal Markets*

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 relevant cases or 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.

#### A. How to Measure the Size of Informal Markets

- How are informal markets identified and measured in your jurisdiction?
- How do competition authorities typically identify the existence and scope of informal economic activities within markets? What are the main challenges in obtaining reliable data and information on informal firms and their activities?
- What are the sources of information that could inform competition authorities on the existence and structure of the informal sector? Are there cooperation agreements between your competition authority and other administrative bodies (e.g., tax authorities, licensing authorities, statistical offices, trade authorities for import data) that possess data or insights on informal firms?

#### B. How to Factor Informal Markets into Competition Analysis

- Have you had cases dealing with informal markets in your assessment? Please describe the context and the impact of the informal economy in your competition analysis (e.g., regarding market definition, competitive effects and remedies). We are also particularly interested in cases where the formal and informal segments of the market coexist and compete with each other. For instance, where informal players were considered as a competitive constraint in merger assessments or other enforcement contexts.
- When defining the relevant market for competition analysis, do you consider the possibility of including segments of the informal economy? If so, what methodologies do you employ (e.g., SSNIP test and factors related to quality differences, technology standards, or legality)? In particular, how do you approach cases where informal suppliers compete directly with formal actors, and how is that reflected (or not) in the market definition?
- How do you assess the exercise of market power in informal markets? And the interplay between formal and informal markets when applicable?
- How do you factor the specificities of a given sector in the analysis of informal markets (e.g., whether informality concerns the import of substitutable goods, or if informal activity is characterized by small firms unable to grow, or unable to produce goods/services of the same quality as formal firms)? Do such sectoral features affect your assessment of the competitive dynamics between formal and informal actors?
- Have you had cases in which remedies were designed or implemented, taking into account the presence or specific characteristics of informal markets or actors? What were the challenges in designing, implementing, or monitoring such remedies?

### C. How to Enforce Competition Law in the Informal Markets

- Do you enforce competition law in informal markets? Please reply and justify your answer considering the definition of informal markets indicated in the introduction of this call for contributions.
- Have you faced specific legal or procedural challenges (e.g., service of process, due process compliance, right of defense) when initiating or conducting investigations involving informal economic actors?
- Have you faced legal challenges when applying fines to individuals or companies in informal markets (e.g. lack of data to inform the calculation of fines)?
- Can a distinction be made between cases dealing with *per se* or by object violations (where market definition might be less critical) and cases dealing with effect violations (where the size and structure of the informal market needs to be more thoroughly considered)?
- How do you perceive the interplay between a potential competition law infringement and other law violations in the informal markets (e.g. tax law infringement)?
- Have you had cooperation with other government bodies or international organizations to enhance competition law enforcement in informal sectors? What are the factors that have succeeded or impeded such cooperation so far?
- What tools or reforms (legal, institutional, or methodological) do you think would be helpful to improve competition authorities' ability to effectively enforce competition law in markets with significant informal components?

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