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Competition and Agentic AI – Note by Consumers International

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Consumers International

About Consumers International

Consumers International is the membership organisation for consumer rights groups around the world. Founded in 1960, we bring together 200 member organisations in more than 100 countries, with a mission to empower and champion the rights of consumers everywhere and to build a fair, safe and sustainable marketplace.

1. Why Agentic AI Matters

1. Agentic AI goes beyond generative AI. It does not merely provide information or recommendations: it can act for consumers and firms, search, compare, negotiate, purchase and switch suppliers, and interact autonomously with other agents.

2. Agentic AI could have major effects on competition. It could strengthen consumer power and competitive pressure, but it could also create powerful new digital gatekeepers. The central questions are who controls the agent, whose interests it serves, and whether consumers and businesses can readily use competing agents.

3. The significance of this development lies not simply in the use of artificial intelligence to improve predictions or recommendations, but in the transfer of practical decisions and transactions to software acting on behalf of others. An agent may decide which offers to consider, what information to disclose, which seller to approach and when to complete a transaction. The competitive outcome may increasingly depend on the agent's objectives and constraints rather than on a consumer's direct examination of competing offers.

4. This changes the focus of competition analysis. Alongside the traditional question of whether sellers compete effectively, policymakers must ask whether the intermediaries selecting among sellers are themselves contestable, accountable and aligned with the interests of the people they purport to represent. The same technology can both reduce frictions in markets and concentrate control over access to those markets.

5. Agentic AI also raises broader questions around accountability and risk. Consumers may become increasingly removed from individual transactions while agents act on their behalf across multiple services and markets. Competition policy therefore has an interest not only in preserving competition between providers, but also in ensuring that consumers retain meaningful control over the systems acting in their name.

2. Pro-Competitive Potential

6. Agentic AI could lower search and comparison costs, reduce switching costs and consumer inertia, and enable agents to continuously compare prices and terms, negotiate with suppliers and automatically switch to better offers.

7. It could strengthen consumers against sophisticated seller algorithms. It could also help new entrants by reducing dependence on brand recognition and advertising, as agents identify the best offer regardless of supplier.

8. There is potential for "competition by delegation": consumers delegate searching, bargaining and switching, while agents exercise market discipline continuously.

9. Traditional consumer markets often work less effectively than the textbook model because buyers have limited time, imperfect information and a reluctance to change providers. Even where attractive alternatives exist, consumers may not discover or act on them. Agents could address all three problems. An agent could compare the total cost of offers, including fees and contractual conditions, repeatedly rather than at the point of an occasional purchase.

10. The effect could be especially important in markets characterised by recurring contracts, complicated tariffs or persistent consumer inertia. Delegated negotiation and switching could make the threat of losing customers more credible. Firms would have stronger incentives to offer competitive prices and quality, rather than relying on consumers overlooking better alternatives.

11. Agentic AI might also weaken some established advantages of incumbency. A smaller supplier offering better value could be discovered without having to match the marketing budgets, consumer familiarity or distribution reach of established brands.

12. Our Members have highlighted the potential for agentic AI to help consumers identify better-value products and services. They suggested that independent consumer-facing AI tools could assist consumers by comparing prices, identifying cheaper substitutes, monitoring price changes and helping consumers locate the lowest-cost basket of goods, particularly in markets where cost-of-living pressures are significant.

13. These benefits, however, depend on agents being able and willing to search across the market rather than within a limited set of commercial partners.

14. Competition by delegation is therefore a possibility, not an automatic consequence of adoption. The outcome will depend on the quality of information available to agents, their incentives, the authority delegated to them by consumers, and the ease with which consumers can replace agents that perform poorly.

3. Whose Agent?

15. A "personal assistant" may not be an independent consumer representative. Agents may be financed by advertising, commissions and referral payments, or affiliated platforms or suppliers. There is a risk that recommendations will favour the agent provider's own services, commercial partners or suppliers paying for prominence.

16. It is important to distinguish consumer agents acting for consumers from seller agents acting for businesses. Transparency and the availability of genuinely independent agents are important.

17. The question of loyalty is fundamental. An agent presented as acting for a consumer may have commercial obligations to advertisers, platforms, merchants or payment providers. Where the provider earns more from directing a consumer to one seller rather than another, the agent may optimise the provider's revenue instead of the consumer's welfare. This is a familiar intermediary problem, but it may become harder for consumers to detect when decisions are made autonomously and personalised to each user.

18. The distinction between consumer-side and seller-side agents also matters for assessing market outcomes. A seller agent may legitimately pursue higher returns for its principal. A consumer agent, by contrast, may be expected to find attractive terms for the buyer. When these agents interact, the allocation of bargaining power may depend on

access to information, technical capability and the rules imposed by intermediating platforms.

19. Transparency about sponsorship, ranking criteria, payments and material commercial relationships can help, but disclosure alone may not correct incentives. Effective competition from independent agents, and consumers' ability to move between them, may be at least as important as explanations of how a recommendation was reached.

20. Recent findings from The Consumer Experience of Generative AI, a Consumers International initiative involving consumer organisations from 19 countries, found that all chatbot systems tested produced some form of hallucination and that identifiable biases were observed across all systems assessed. The findings illustrate the importance of transparency, accountability and consumer trust as AI systems become increasingly influential intermediaries between consumers and markets.

21. Another important question concerns authority. As consumers delegate decisions to agents, they should remain able to determine the scope of the mandate they have granted and the actions an agent is permitted to perform on their behalf. The competitive benefits of agentic AI will depend not only on whether agents perform effectively, but also on whether consumers retain meaningful control over what they are authorised to do.

4. Competition Among Agents and Gatekeeper Risks

22. Entry may depend on access to foundation models and compute, cloud infrastructure and data, operating systems, payment systems and APIs. Many of these key inputs are already controlled by major digital firms. There is a risk that agentic AI reinforces existing ecosystems.

23. Agents may initially disrupt search engines, comparison sites and marketplaces. However, dominant general-purpose agents could themselves become gatekeepers. Two levels of competition must therefore be protected: competition among businesses to be chosen by agents, and competition among agents to be chosen by consumers.

24. The development and supply of capable agents may exhibit significant scale and scope advantages. Access to advanced models, computing capacity, distribution channels, proprietary data and established customer relationships can favour firms already prominent in digital markets. Integration with operating systems, browsers, app stores, cloud services and payment networks may make an incumbent agent especially convenient or difficult to avoid.

25. This creates a risk of leverage across adjacent markets. A platform controlling a key access point could give its own agent preferential placement, limit the functions available to rivals or make outside services less visible. Conversely, an agent that becomes the principal route through which consumers discover and purchase goods could acquire influence over the businesses seeking to reach them.

26. Our Members highlighted concerns about existing digital gatekeepers extending their position into AI markets by promoting their own AI services through established ecosystems. Examples cited include AI services being integrated into operating systems, messaging services and other core consumer-facing platforms. Such developments may reinforce existing market power and accelerate consumer lock-in.

27. In its study Fostering Consumer Trust – Ethical Artificial Intelligence in E-commerce, the Hong Kong Consumer Council noted that the use of consumer data and AI algorithms may influence product rankings, search results and pricing in ways that are not

transparent to consumers. The study highlighted risks associated with personalised pricing, biased rankings and AI-generated reviews that may distort competition and undermine informed consumer choice.

28. Agentic AI may therefore displace some existing intermediaries without necessarily eliminating intermediation. Power could migrate from search engines, comparison websites and marketplaces to a small number of general-purpose agents.

29. Competition authorities may also need to consider the role of data concentration. Control over large volumes of consumer interaction data, behavioural histories and preferences may reinforce the advantages of incumbent providers and create additional barriers to entry for rival agents.

30. Merger control is relevant as well as conduct enforcement. Acquisitions of promising agent developers, specialised capabilities, data assets or complementary technologies may remove future competitive constraints before they become substantial. Assessment should consider nascent rivalry and the cumulative strengthening of an ecosystem, while avoiding any presumption that integration or acquisition is necessarily harmful.

5. Interoperability, Portability and Switching

31. Independent agents need access to competing businesses and platforms. Consumers should be able to switch agents easily and transfer relevant data, preferences and histories. Otherwise, personalisation may create substantial lock-in.

32. Consumers International's report Reimagining Privacy in the AI Era: Personal Data Privacy as a Public Good highlights portability as an increasingly important competition issue. A consumer who has spent months or years interacting with an AI assistant may develop a valuable history of preferences, behaviours and prior interactions. If these cannot easily be transferred to a competing service, consumers may remain locked into a provider even where better alternatives exist.

33. Competition concerns include defaults, self-preferencing, discriminatory API access and restrictions on rival agents. The objective is consumer control of personalisation rather than platform control of personalisation.

34. The effectiveness of competition between agents will depend in part on whether rival providers can connect to services needed to carry out transactions. Restrictions on interfaces, access to listings, transaction execution or payment functionality could prevent independent agents from matching the capabilities of an integrated incumbent.

35. Portability has a second dimension. As agents learn users' preferences, purchasing histories and practical requirements, they may become more useful over time. That improvement benefits consumers, but can also make switching costly if the information cannot be exported or reused elsewhere.

36. The relevant question is whether personalisation belongs, in a practical sense, to the consumer or becomes a means of tying the consumer to one provider.

37. As agentic systems evolve, portability may need to extend beyond personal data to include preferences, histories, permissions and delegated mandates that enable agents to act effectively for consumers. Effective competition may depend on the ability of consumers to move these assets between providers without losing accumulated value.

38. Competition authorities should pay attention to default settings, exclusive arrangements, differential technical access and restrictions on using alternative agents. Interoperability and portability can support contestability, although their design must also take account of privacy, security, consent and legitimate system integrity.

39. Contestability should be considered from the consumer's perspective as well as the supplier's. Consumers should be able to replace, override or leave an agent without undue friction or lock-in. Competition between agents will be strongest where consumers retain practical freedom to change providers.

6. Coordination and Collusion

40. Agentic AI could facilitate coordination between competing firms. There are three broad cases. First, agents may deliberately implement a cartel, in which case existing cartel law applies. Second, competitors may use a common agent, raising possible information-exchange or hub-and-spoke concerns. Third, autonomous agents may independently learn that coordination maximises profits.

41. The third case poses the greatest difficulty because there may be no explicit human agreement and possibly no conventional legal "agreement". Authorities need technical expertise and continuing research into concentrated markets, transparency, repeated interaction, common models and common agent providers.

42. Emerging work by Consumers International on agentic AI governance has also highlighted the increasing importance of understanding interactions between autonomous agents. As agents negotiate, exchange information and make decisions with limited human involvement, competition authorities may need to assess whether existing analytical and regulatory frameworks remain sufficient to address new forms of coordination, influence or market power.

43. Autonomous pricing and bargaining systems may increase the speed, frequency and sophistication of competitive responses. They may also make rivals' conduct easier to anticipate.

44. The distinction between the three cases is important for legal analysis. An agent instructed to carry out a cartel does not transform an unlawful agreement into lawful behaviour.

45. It should not be assumed that algorithmic systems inevitably collude. Risks are likely to depend on market concentration, transparency, frequency of interaction, the objectives set for agents and the extent to which competitors rely on common models or providers.

46. Agent-to-agent interactions may become an increasingly important area of attention. As autonomous systems interact, negotiate and exchange information with one another, competition authorities may need to assess whether existing frameworks remain sufficient to address novel forms of coordination, influence or market power.

7. Competition-Law Response

47. There is no immediate need for separate "agentic AI competition law". Existing concepts remain relevant, including cartels and information exchange, abuse of dominance, exclusionary conduct and self-preferencing, and merger control.

48. However, emerging difficulties include speed, as markets may tip rapidly; evidence, as autonomous decision-making may be difficult to reconstruct; and tacit coordination, where there may be no identifiable agreement.

49. The starting point should be application of existing competition principles to new commercial arrangements. Conduct that excludes rivals, discriminates in access, reinforces dominance, facilitates unlawful information exchange or removes emerging competitors through acquisition can often be examined within familiar legal categories.

50. Nevertheless, enforcement may face difficulties of timing and proof. A market can develop strong network effects and switching barriers before an authority has completed a conventional investigation.

51. As agentic systems become more autonomous, traceability may become increasingly important. Consumers, businesses and authorities may need to understand how significant decisions were reached, both for accountability purposes and to assess whether conduct has distorted competition or harmed consumers.

52. Authorities should invest in specialist technical capacity, market monitoring, access to relevant evidence and cooperation across jurisdictions. Market studies and targeted experimentation may help identify where interoperability, portability or conduct interventions would be effective.

53. Competition authorities may also wish to monitor emerging risks arising from manipulation of agentic systems, particularly where malicious actors seek to distort rankings, recommendations, transactions or decision-making processes in ways that harm consumers or distort competition.

54. Policymakers should assess any demonstrated enforcement gaps before concluding that an entirely new body of agentic AI competition law is required.

55. Interventions should remain proportionate. Integration can produce efficiencies, and agent providers need legitimate means to protect security, privacy and service quality.

8. Conclusion – Preserve Contestability

56. Agentic AI could make consumers better informed, more mobile and more powerful, or it could create a new generation of digital gatekeepers.

57. Competition policy should focus on contestability: entry, interoperability, portability, easy switching, scrutiny of acquisitions and self-preferencing, and monitoring algorithmic coordination.

58. AI agents should compete to serve consumers, rather than consumers and businesses becoming dependent on a handful of powerful AI agents.

59. The decisive issue is whether agentic AI makes markets more responsive to consumers or instead transfers control over choice to a concentrated layer of intermediaries.

60. The policy objective should be to preserve the capacity of agents, suppliers and consumers to change commercial relationships. If entry remains possible, access is not unjustifiably restricted, preferences are portable and agents face meaningful rivalry, competition by delegation may become an important source of market discipline.

61. Equally important is the preservation of meaningful consumer control. Consumers should be able to understand the authority they have granted, challenge outcomes, change

providers and revoke delegated decisions where appropriate. Competition between agents will be most effective when consumers remain able to exercise these choices.

62. If these conditions fail, a technology capable of empowering consumers may instead entrench a new generation of gatekeepers.

9. References

Fair & Responsible AI for Consumers

Reimagining Privacy in the AI Era: Personal Data Privacy as a Public Good

The Consumer Experience of Generative AI

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