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Competition and Consumer Policy in Digital Markets – Note by Peru

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1. General Framework

1. In Peru, consumer protection and the defense of competition in the market are entrusted to the same authority: the National Institute for the Defense of Competition and the Protection of Intellectual Property, commonly known by its Spanish acronym, INDECOPI. In this regard, INDECOPI is a specialized public agency attached to the Presidency of the Council of Ministers and enjoys functional, technical, economic, financial, and administrative autonomy. This enables it to supervise the market with technical independence in order to ensure the proper functioning of the economic system. To that end, it is empowered to repress unfair competition, protect consumers, defend free competition, eliminate bureaucratic barriers, and promote and protect intellectual property rights.

2. Accordingly, INDECOPI fulfills a dual role: it preserves the transparency and fairness of the market as a competitive space and safeguards the consumer's economic autonomy against business practices contrary to legal standards. This dual competence becomes especially relevant in digital environments, where many business practices -such as misleading advertising, omissions of information- produce simultaneous effects on both consumers and competitors.

3. Before examining the convergence of these two areas in digital environments, it is important to understand INDECOPI's institutional structure regarding consumer protection and the enforcement of unfair competition rules, since, although the institution has jurisdiction over both matters, they are supervised by different bodies.

4. In the area of consumer protection, INDECOPI has both operational and adjudicatory bodies with responsibilities in this field. It has an Office of the National Authority of Consumer Protection, responsible for developing consumer policies, promoting regulatory and non-regulatory measures to strengthen consumer protection, and coordinating with the various stakeholders of the National Integrated Consumer Protection System. It also has support bodies such as the Directorate for Citizen Assistance and Regional Office Management, which provides guidance to consumers, as well as mediation and conciliation services between consumers and suppliers nationwide and manages consumer services through INDECOPI's decentralized offices across the country. Finally, it has adjudicatory bodies responsible for administratively sanctioning suppliers of goods and services that violate consumer protection rules through proceedings whose duration varies depending on the subject matter and the value of the product or service involved.

5. On the other hand, in the area of competition law enforcement, INDECOPI has the National Directorate for the Investigation and Promotion of Free Competition, which is responsible for initiating and conducting investigations and sanctioning procedures for anticompetitive conduct (e.g., collusive practices and abuse of dominant position), as well as reviewing corporate mergers. Additionally, to repress unfair competition (acts contrary to business good faith, such as misleading advertising), INDECOPI has the Unfair Competition Oversight Commission, which resolves administrative sanctioning proceedings at first instance, and the Competition Defense Chamber, which resolves appeals at the second administrative instance in this area.

6. It should be noted that both the adjudicatory bodies in consumer protection matters and those overseeing fair competition may delegate supervisory functions to INDECOPI's

Supervisory Directorate, which carries out supervisory, investigative, and preventive monitoring activities within INDECOPI's areas of competence, generating technical input for the detection of complex infringements, such as those occurring in digital markets.

7. This combination of specialized decision-making bodies and technical support bodies enables INDECOPI to respond effectively to conduct that often simultaneously affects market competition and consumer rights, particularly within the digital ecosystem.

8. Therefore, this essay will focus on the interaction between the bodies responsible for consumer protection and those tasked with safeguarding fair competition.

2. Distribution of Competences Between the Unfair Competition Regime and Consumer Protection

9. The supervision and sanctioning of unfair competition acts in Peru are primarily governed by Legislative Decree No. 1044, the Unfair Competition Repression Act, which establishes the legal framework applicable to any conduct that has the actual or potential effect of affecting or hindering the proper functioning of the competitive process, including commercial advertising. Accordingly, the following conduct, among others, is considered unfair competition:

- Misleading acts capable of inducing market participants or consumers into error regarding the characteristics, prices, quality, or benefits of goods and services.
- Acts of confusion regarding the business origin of products and services.
- Acts of improper exploitation of another party's reputation.
- Acts of denigration or disparagement that unjustifiably undermine the image or reputation of competitors.
- Acts involving violations of mandatory rules, whereby a market participant obtains significant competitive advantages through non-compliance with binding regulations.

10. These acts may be administratively sanctioned with fines of up to 700 Tax Units (approximately USD 1,136,000), provided that the fine does not exceed 10% of the infringer's gross income from the immediately preceding fiscal year. Thus, through the Unfair Competition Oversight Commission, INDECOPI acts as the authority responsible for protecting the competitive process, ensuring that business rivalry develops in accordance with the requirements of good faith and transparency.

11. Therefore, while the consumer protection regime focuses on the direct protection of consumers as the final recipients of products or services offered in the market, the repression of unfair competition protects the proper functioning of the market as a collective legal interest, even when the sanctioned conduct may also adversely affect individual consumers.

12. Although the legal interests protected under consumer protection law and unfair competition law differ, the conduct of an economic agent may affect both the competitive process and consumers. For this reason, when conduct abstractly affects the market as an institution—for example, through misleading advertising capable of distorting consumer decisions in general terms—jurisdiction lies with the Unfair Competition Oversight Commission. Conversely, when there is a concrete and specific harm arising from an individualized consumer relationship, jurisdiction lies with the adjudicatory bodies responsible for consumer protection.

13. In this regard, INDECOPI adopted Directive No. 001-2014-TRI-INDECOPI, approved on June 3, 2014, by the Full Chamber of the Tribunal for the Defense of Competition and Intellectual Property, entitled “Delimitation of the Functional Jurisdiction of the Unfair Competition Oversight Commission and the Adjudicatory Bodies in Consumer Protection Matters in Cases Where Commercial Advertising Converges in the Analysis of Their Proceedings.” The purpose of this Directive is to prevent jurisdictional conflicts and guarantee compliance with the principle of *non bis in idem* when the same advertising may be examined under both legal regimes.

14. The Directive establishes a clear general rule:

- The Unfair Competition Oversight Commission has jurisdiction over cases in which the challenge concerns exclusively the content of the advertising message, without alleging specific harm to a particular consumer relationship.
- The adjudicatory bodies in consumer protection matters have jurisdiction over cases in which the complainant alleges having suffered specific harm arising from the failure to comply with what was offered in the advertising, within the context of an established or frustrated consumer relationship.

15. Thus, the allocation of jurisdiction depends on three cumulative elements identified by the Directive for consumer protection intervention:

1. the existence of a pre-existing consumer relationship or a concrete attempt to contract;
2. the consumer having contracted or attempted to contract based on the advertising;
3. the existence of identifiable harm resulting from receiving something different from what was offered or from the supplier refusing to contract under the advertised terms.

16. In practical terms, this means that if a digital advertisement contains potentially misleading statements, but the analysis is limited to determining whether the message violates the principle of advertising truthfulness, the case falls within the jurisdiction of the Unfair Competition Oversight Commission. Conversely, if a consumer claims to have entered into a contract relying on that advertising and received a service different from what was offered, the matter falls within the jurisdiction of the consumer protection adjudicatory body.

17. Directive No. 001-2014-TRI-INDECOPI expressly recognizes that there are situations in which the same advertising may simultaneously give rise to infringements under both legal regimes, resulting in a dual legally differentiated harm: injury to the market (abstract dimension) and injury to a specific consumer (individual dimension).

18. In such cases, the Peruvian model does not establish mutual exclusion, but rather complementary concurrent jurisdiction under a logic of functional separation:

- The Unfair Competition Oversight Commission analyzes the compliance of the advertising message with the principle of truthfulness, assessing whether there is deception with an actual or potential impact on the market.
- The consumer protection adjudicatory body examines the specific harm arising from that same message, determining whether the duty of suitability was breached or whether consumer rights were violated.

19. This means that INDECOPI could impose a double sanction for informational distortion when both consumer protection regulations and unfair competition law have been infringed, insofar as the conduct affects distinct legal interests. In this way, improper

overlap is avoided while comprehensive protection is provided when differentiated harms coexist.

20. This framework is particularly relevant in digital markets. For example, if an e-commerce platform disseminates misleading advertising regarding nonexistent discounts:

- The Unfair Competition Oversight Commission may intervene due to the violation of the principle of advertising truthfulness;
- Simultaneously, the adjudicatory bodies in consumer protection matters may hear individual complaints from users who contracted under those conditions and suffered harm.

21. This coordination is articulated through criteria for functional referral, information exchange, and delimitation of the sanctioning object, in order to avoid duplication regarding the same legal basis, while still allowing parallel responses where differentiated harms exist. Thus, the Peruvian system guarantees technical specialization, regulatory coherence, and the simultaneous protection of both the market and consumers, particularly against complex practices in digital environments.

3. Emerging Issues in Digital Environments Affecting Competition and Consumers

22. The development of the global economy and the rise of digital technology have reshaped the environment in which companies compete and consumers make purchasing decisions. Thus, accelerated economic integration through the internet has created new challenges for the market and, consequently, for the legal rules governing it. The Peruvian market is no exception to these trends or to the emergence of commercial dynamics that present gray areas or challenges for current legislation. Indeed, contemporary commerce has become increasingly virtualized and has popularized predominantly digital advertising practices, among which the following stand out: (i) advertising disseminated through influencers; (ii) the emerging use of algorithmic dynamic pricing; and (iii) the use of dark patterns in the design of purchasing interfaces. These practices share the characteristic of generating potentially harmful simultaneous effects on both the competitive process and consumer autonomy—concepts which, rather than being opposed, constitute two sides of the same phenomenon of competitive distortion.

3.1. Hidden Advertising Through Influencers and Content Creators

23. According to the *Influencer Advertising Guide* published by INDECOPI in 2024, an “influencer” is “someone who has the potential to influence others, regardless of the number of followers or viewers they may have.” Indeed, influencers are commonly individuals who use social media to generate content and who, due to their persuasive capacity over an audience, act as intermediaries with brands to promote products or services, whether in exchange for money, gifts, or other forms of compensation.

24. Influencers and content creators have significantly transformed commercial advertising in the global digital environment, as they represent a highly effective channel due to their closeness to different consumer segments. However, the use of these personalities to disseminate advertising may have blurred the dividing line between personal content and sponsored promotional messages. In response to this situation, Peruvian legislation—Legislative Decree No. 1044 (hereinafter, the *Unfair Competition Repression Act*)—already contains appropriate provisions to address possible distortions to the competitive process. First, there is the principle of authenticity, according to which advertising must be clearly recognizable as such by consumers and may not conceal or

disguise its commercial nature under the appearance of spontaneous content. Second, the *Unfair Competition Repression Act* classifies misleading acts as an infringement, sanctioning conduct that, by any means (including, naturally, the dissemination of content through social networks or any virtual medium), induces or has the potential to induce recipients into error regarding the characteristics, advantages, or conditions of the advertised goods or services.

25. In the exercise of its powers, the Unfair Competition Oversight Commission has imposed several sanctions for violations of the *Unfair Competition Repression Act* against influencers, content creators, and companies that disseminate hidden advertising on social media. In these decisions, the Commission has classified influencers simultaneously as mass media outlets and advertising agencies, under the terms defined by the Law¹, and has used INDECOPI's *Influencer Advertising Guide* as a guiding parameter to require transparency in the identification of sponsored content.

26. Thus, the Commission has sanctioned influencers who disseminated promotional content through social media concerning services subject to sectoral regulation (for example, online gambling) without identifying such content as paid advertising or including the mandatory warnings required under the applicable regulations regarding the risks of gambling addiction. In these rulings, the authority determined violations of the principles of authenticity and legality established in the *Unfair Competition Repression Act*, calibrating the sanction according to the number of publications disseminated, treating each infringing advertising piece as an autonomous sanctionable act, and taking into consideration that each follower of the influencer constitutes a potential consumer of the advertised product.

27. Another situation that exemplifies the Commission's intervention concerns advertising claims disseminated during public health emergencies regarding healthcare products, where the authority has analyzed cases in which hygiene products were promoted through influencers operating platforms such as websites or social media accounts, and who, through their publications, attributed to such products claims of absolute effectiveness, for example, the elimination of "all types of viruses and bacteria," without possessing sufficient prior evidence to substantiate those specific claims. In these cases, the Commission noted that, in many instances, the accused parties submitted evidence that was insufficient, as it did not demonstrate the effectiveness of the products under the terms suggested by the advertising. This type of ruling demonstrates how the strict application of the misleading acts regime in health-related contexts simultaneously reinforces the protection of the competitive process and consumer protection against information that may

¹ LEGISLATIVE DECREE No. 1044 – Unfair Competition Repression Act

Article 59.- Definitions. -

For the purposes of this Act, the following definitions shall apply:

a) Advertising agency: any natural or legal person that provides services related to the design, production, organization, and/or execution of advertisements and other advertising services;

(...)

f) Mass media outlet: any natural or legal person that provides services through any means by which advertising may be disseminated, whether in a personalized or impersonal manner, within the national territory, through means such as correspondence, television, radio, telephone, Internet, facsimile, newspapers, magazines, posters, billboards, flyers, or any other medium producing a similar communication effect;

(...)

pose risks to their safety, even when novel communication channels such as influencers are used.

28. It should be emphasized that, in the aforementioned situations, the scope of the harm goes beyond individual consumer injury and is categorized as an impairment of the competitive process. Thus, when an influencer fails to disclose that the message conveyed is not based on an authentic opinion derived from their own experience and assessment of the advertised service or product, but instead disseminates the message pursuant to a commercial agreement, competitors who advertise transparently are placed at a disadvantage vis-à-vis practices that exploit public trust. For this reason, the *Unfair Competition Repression Act* recognizes that fairness in a competitive environment requires advertising to be identifiable as such not only to consumers, but also to the market as an institution. In this regard, the Commission has established and repeatedly reaffirmed that influencers, when publishing content through digital media (primarily social networks), must label sponsored content with unequivocal expressions such as “#Advertisement” or “#Ad,” so that recipients may distinguish between a genuine personal opinion and a commercial message intended to generate sales.

3.2. Misleading Reference Prices and Algorithmic Dynamic Pricing

29. E-commerce platforms, whether marketplaces or applications, constitute the core of digital commerce, as they bring together in a single non-physical space all offers available in the market and make them accessible to consumers through any device connected to the internet, thereby overcoming limitations related to location, high advertising costs, and circulation, among others. At the same time, these digital spaces have amplified the ability of economic agents to influence consumers’ perception of a product’s value through the strategic (or convenient) presentation of their own prices. In this context, misleading practices have become increasingly common, particularly regarding reference prices used in digital advertising campaigns. This conduct occurs when a supplier artificially increases the original price before a promotional campaign in order to make the advertised discount appear greater than the one actually granted. This practice may be sanctioned as a misleading act under the *Unfair Competition Repression Act*, in accordance with subsection (h) of Article 59 of the same statute², which regulates sales promotions and requires that the reference price used to calculate the discount be genuine and verifiable.

30. In light of this context, and considering that the legal framework already establishes limits on advertising, the Specialized Chamber for the Defense of Competition (hereinafter, the Chamber) has established³ the parameters that a legitimate promotion must satisfy within the context of digital commerce or e-commerce: (i) exceptionality: the discount must be calculated based on the regular price and not on a price that has been artificially increased; (ii) temporality: the advertising must clearly indicate the duration of the

² Article 59.- Definitions.-

For the purposes of this Act, the following definitions shall apply:

(...)

h) Sales promotion: any action intended to encourage transactions involving goods or services under exceptional and temporary offer conditions that appear more advantageous than the ordinary or standard offer conditions. Such promotions may consist of price reductions, increased quantity, contests, raffles, exchanges, or other similar mechanisms;

(...)

³ By means of Resolution No. 0042-2024/SDC, dated February 23, 2024.

promotion; and (iii) real and verifiable availability: the advertising must disclose the minimum number of units available or allow such availability to be verified.

31. This distinction between legitimate promotion and misleading conduct has also been developed by the Commission⁴ through a binding precedent, which establishes a series of scenarios in which conduct is considered effectively misleading: (i) when the reference price used for the discount does not correspond to the actual regular price; (ii) when the supplier raises the price before the campaign in order to exaggerate the percentage discount; (iii) when there is no verifiable difference between the promotional price and the regular price; or (iv) when the promotion lacks a time limit and the reduced price is, in reality, permanent. In such situations, the burden of proof falls upon the supplier. It is the supplier's duty to provide documentary evidence that the reference price was the ordinary price prior to the campaign; otherwise, the claim is presumed to be misleading, even if such misleading nature is merely potential.

32. Another well-established practice in digital markets with the potential to generate distortions is algorithmic dynamic pricing, which, although it does not yet have specific precedents in Peru, occupies a central place in the international regulatory agenda and deserves attention from the perspective of Peruvian market regulation. In these systems, also common in applications and marketplaces, the price of a product or service changes in real time through algorithms that simultaneously process variables such as the user's browsing and purchase history, geographic location, device used, level of immediate demand, and competitors' prices. This automated adjustment capability may have beneficial effects in terms of competitive supply, by providing greater efficiency in price allocation or facilitating access to goods for lower-income consumer segments. However, it also creates risks for both competition and consumer autonomy. In this regard, the OECD, in its October 2025 report "*Algorithmic Pricing and Competition in G7 Jurisdictions: Emerging Trends and Responses*," identified three specific risk scenarios: (i) the use of algorithms to facilitate or monitor anticompetitive price-fixing agreements among competitors; (ii) price coordination schemes through a common provider of algorithmic technology (the so-called *hub-and-spoke* arrangements); and (iii) tacit collusion through machine learning, whereby algorithms used by different companies, without explicit communication among them, converge toward certain price levels as a result of the reciprocal adaptation of their strategies.

33. Nevertheless, from the perspective of unfair competition and consumer protection, the most immediately relevant risk is that of "unilateral" or "personalized" pricing through these algorithmic tools. Thus, when a platform charges each user a different price based on data collected regarding their behavior, preferences, and price sensitivity, without informing them of this practice, an information asymmetry arises that directly undermines consumer autonomy, since consumers are unable to compare prices among suppliers on equal terms and may, without realizing it, systematically pay more than other users for the same good or service. Additionally, pricing algorithms allow companies to identify consumers who are less likely to switch suppliers (for reasons of any nature) and gradually increase their prices, while offering discounts to users who are more likely to compare alternatives or migrate to competitors. At the same time, this practice may also be interpreted as a strategy that extracts value from loyal consumers while excluding competitors that do not possess equivalent data or technological capabilities to compete.

34. The current Peruvian legal framework could address these practices as misleading acts under the provisions of the *Unfair Competition Repression Act*, when the presentation of prices to consumers is objectively misleading or induces consumers into error regarding

⁴ By means of Resolution No. 186-2021/CCD, dated October 5, 2021.

the actual conditions of the offer. However, it may also represent an area for future regulatory development requiring priority attention in the coming years, especially considering that Peru remains at an early stage in the adoption of specific sectoral regulation concerning digital commerce and pricing algorithms, whereas initial initiatives in this direction are already being developed in other jurisdictions.

3.3. Dark Patterns in the Design of Digital Interfaces

35. Dark patterns are elements incorporated into the design of digital interfaces that present options to consumers in ways that favor the supplier's interests to the detriment of the user's free choice. A typical example is an online shopping cart that, during the checkout process, automatically adds an extended warranty insurance or a monthly subscription as a preselected option. In such cases, consumers—focused on completing the purchase that motivated them to choose that supplier—do not necessarily read every line or additional offer presented before confirming payment (especially when they are overwhelmed with messages ancillary to the main transaction), and may nevertheless end up contracting and paying for a service they did not genuinely choose.

36. According to the OECD in its 2022 report *“Dark Commercial Patterns,”* these practices significantly affect consumer autonomy, decision-making, and the ability to choose among offers. The report cites a study conducted by the International Consumer Protection and Enforcement Network (ICPEN), according to which 76% of the websites analyzed employed at least one design that could be considered a dark pattern. Other characteristic examples of this practice include preselected unwanted charges, subscriptions that are difficult to cancel, false urgency signals, and labyrinthine navigation structures designed to hinder users from finding the option to cancel a service.

37. In the Peruvian context, the first significant institutional ruling on this matter is Resolution No. 043-2023/CC3, issued by INDECOPI's Consumer Protection Commission No. 3 and upheld on appeal by the Specialized Chamber for Consumer Protection through Resolution No. 1235-2024/SPC-INDECOPI dated May 6, 2024. In that case, a well-known delivery company operating through a mobile application was sanctioned for automatically assigning a tip amount by default in its mobile application, without the consumer having requested or authorized such charge. On that occasion, the conduct was classified as a coercive commercial practice, as it consisted of a contracting practice that restricted the consumer's freedom of choice. Consequently, the authority ordered, as a corrective measure, that the company modify its platform so that the giving of tips would depend expressly on the consumer's decision, in a clear and simple manner.

38. Although this case was processed and resolved under consumer protection regulations, the truth is that this type of design is capable of inducing consumers into error and, as a consequence, may harm competitors that compete more fairly on the basis of efficiency. In other words, this type of interface design, in addition to affecting individual consumers, may generate an undue competitive advantage for the company implementing it. Therefore, the architecture of platforms through which digital commerce takes place should not promote deliberately obscure or biased decision-making processes that divert demand based on distorted information or the exploitation of users' attentional biases, since such conduct has an actual or potential effect on the proper functioning of the competitive process.

39. Without prejudice to the foregoing, Peruvian legislation has recently introduced significant amendments evidencing a clear concern on the part of the Peruvian legislature regarding these practices, at least in the area of consumer protection. Indeed, with the enactment of Legislative Decree No. 1729, published on February 13, 2026, the Consumer

Protection and Defense Code was amended in order to expressly incorporate dark patterns as a prohibited form of coercive commercial practice.

“Article 56.- Coercive Commercial Practices

56.1 By way of illustration and without limitation, every consumer’s right to protection against coercive commercial practices implies that suppliers may not: (...)

h) Employ commercial practices or strategies, particularly through platforms, applications, or other digital e-commerce channels, which, through the design, configuration, or operation of online user interfaces, limit, distort, or manipulate the consumer’s autonomy of will or freedom of choice, inducing or compelling the consumer to make unwanted purchasing decisions that consequently generate harm.”

40. It is important to emphasize the commitment of the Peruvian State to continue jointly implementing and developing both market-regulating rules and consumer protection rules; this amendment illustrates one of the ways in which Peru is aligning itself with OECD standards and European regulatory initiatives. Accordingly, the new provisions are consistent with the development of digital markets and reinforce the framework for joint and complementary action between the specialized authorities responsible for consumer protection and competition enforcement.

4. On Supervision in Digital Commerce

41. The effectiveness of the unfair competition enforcement system and consumer protection in digital environments depends not only on the strength of the regulatory framework, but also on the institutional capacity to detect, investigate, and sanction conduct that, at any scale, distorts the competitive process. In the case of INDECOPI, such capacity rests upon the coordination between the Commission, its Technical Secretariat (which is empowered to initiate investigations and ex officio proceedings), and INDECOPI’s Supervisory Directorate (hereinafter, the DFI), a support body that acts as a technical extension for supervision, investigation, and preventive monitoring.

4.1. Planning and Execution of Supervisory Activities

42. As noted above, the DFI serves as a support body for several authorities within INDECOPI; it carries out supervisory activities, preventive monitoring, and investigations, and subsequently channels its findings to the competent commissions according to the nature of the detected conduct. This institutional design allows a supervisory action initiated in the digital market to simultaneously lead to an investigation by the Commission and to proceedings in consumer protection matters, without duplicating resources or generating interference or jurisdictional contradictions in the investigation.

43. To this end, and with the objective of ensuring effective market protection, supervisory and monitoring activities require meticulous planning in order to allocate available resources to those markets or situations that, due to their nature or context, are more sensitive or urgent for both consumers and competitors. Indeed, the prioritization and planning of these supervisory actions is not merely reactive, as INDECOPI annually publishes its Annual Supervisory Plan (PAF), an institutional management instrument approved by INDECOPI’s General Management Office that identifies, by sector and subject matter, the markets that will be subject to priority supervision during each year. For this reason, the PAF is approved at the end of each year and published on the Peruvian

State’s official portal, thereby granting it a public and binding character for the scheduling of activities.

44. In this regard, the 2026 PAF (Resolution No. 000159-2025-GEG/INDECOPI) distributes supervisory activities and priorities according to the macro-regions comprising Peruvian territory. With respect to technology applied to supervision, it provides for the development of an artificial intelligence project capable of analyzing information collected during inspection visits, as well as the implementation of programming languages in supervisory processes. This represents a substantial improvement in addressing the challenges of digital markets, as it contributes to strengthening transparency, fairness, and the effective protection of consumers, while ensuring that institutional competences remain aligned with international best practices and adapt to the rapid evolution of commercial digitalization.

45. Along these lines, the 2026 PAF also states that it will improve data collection and analysis in supervisory activities concerning e-commerce, thereby evidencing the commitment of the Peruvian supervisory system to regulatory quality and the broader regulatory agenda. Additionally, the PAF establishes that the identified prioritization criteria may be used to determine whether supervisory actions should be carried out regarding issues not originally contemplated in the annual planning, thus providing the system with the flexibility necessary to respond to emerging infringing practices—which are very common in digital markets—without having to wait for the next planning cycle.

4.2. Joint Monitoring Campaigns in E-Commerce

46. The clearest expressions of operational coordination between the area responsible for repressing unfair competition and the area responsible for consumer protection are the joint monitoring campaigns deployed during major e-commerce events, both national and global in scope, that impact the Peruvian market, such as the so-called “Cyber Wow,” “Cyber Days,” or “Black Friday.” During these campaigns, the Technical Secretariat of the Commission, which may receive support from the DFI, carries out supervisory activities in accordance with prior planning and, upon detecting reasonable indications of possible acts of unfair competition, initiates investigations and formally commences administrative sanctioning proceedings. At the same time, INDECOPI, as the governing authority of the National Integrated Consumer Protection System, coordinates with the Consumer Protection Commissions (bodies with adjudicatory powers) and with the DFI in actions aimed at verifying the suitability of the products offered, delivery deadlines, guarantees, and other related aspects.

47. From an operational perspective, a coordinated monitoring system is implemented that takes advantage of the functional competences of each body while avoiding duplication in the supervision of the digital market. In practice, this coordination may materialize through various mechanisms: (i) the advance planning of campaigns surrounding the principal e-commerce events (as previously illustrated), through the prior identification of priority sectors, platforms, and product categories based on risk criteria, transaction volume, and recurring complaints; (ii) the exchange of information concerning repeat offenders, consumer alerts, and behavioral patterns detected in previous campaigns, thereby enhancing the monitoring capacity of both bodies; (iii) the conduct of simultaneous monitoring sweeps across platforms, social networks, and suppliers’ websites, during which aspects relating to commercial advertising and acts of unfair competition are examined on the one hand, while on the other hand the suitability of goods and services, contractual conditions, delivery periods, and the effectiveness of the guarantees offered are verified; and (iv) the reciprocal referral of findings when, in the course of supervisory activities, one authority identifies conduct that, by its nature, falls within the jurisdiction of

the other, thus ensuring a comprehensive institutional response to practices that, in digital environments, often simultaneously affect both the competitive process and consumer rights.

48. It should be clarified that, within the framework of monitoring campaigns, information requests are issued to supervised suppliers, inspections are carried out, and, where appropriate, precautionary measures may be requested when the detected conduct warrants immediate intervention in order to prevent the consummation or continuation of the infringement.

49. Accordingly, the cooperation scenarios described above exemplify the functional division underpinning the coordinated specialization model between both INDECOPI authorities. In this way, the Unfair Competition Oversight Commission acts to ensure that competition among suppliers develops under conditions of transparency and equality and always on the basis of each economic agent's own efforts, while the National Consumer Protection Authority intervenes on an individual dimension focused on the limits of the consumer relationship. Both interventions in digital markets are necessary and mutually reinforcing, since without the Commission's actions, suppliers that compete fairly would be placed at a disadvantage vis-à-vis market distortions; and without consumer protection enforcement, effective protection would not be provided to citizens who acquire products and services through digital markets.