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**Competition and Consumer Policy in Digital Markets – Note by Ukraine**

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## *Ukraine*

### **1. Introduction**

1. The digitalisation of Ukraine's economy has accelerated significantly in recent years, driven by the rapid growth of e-commerce, digital platforms, and online services. While these developments have created new opportunities for businesses and consumers, they have also generated new challenges for maintaining effective competition and ensuring a high level of consumer welfare.

2. For Ukraine, these issues are particularly important in the context of economic recovery and digital transformation. As online markets continue to expand, certain business practices may raise concerns from both competition and consumer policy perspectives, highlighting the growing interaction between these areas. In particular, misleading or non-transparent commercial practices may not only influence consumer choices but also provide market participants with an unfair competitive advantage.

3. Against this background, the interaction between competition policy and consumer policy has become increasingly important. In Ukraine, a key role in addressing these challenges is played by the Antimonopoly Committee of Ukraine (AMCU) and the State Service of Ukraine on Food Safety and Consumer Protection (SSUFSCP), together with the legal framework on unfair competition, which contributes to safeguarding consumer interests and maintaining a level playing field.

4. This contribution presents Ukraine's experience in addressing competition and consumer-related issues in the digital economy, as well as practical examples illustrating the links between these policy areas.

### **2. Institutional Framework of Competition and Consumer Protection in Ukraine**

5. In Ukraine, issues relating to competition and consumer protection in digital markets fall within the competence of several public authorities, with the AMCU and the SSUFSCP playing key roles.

6. The AMCU is responsible for enforcing competition law, including the prohibition of anti-competitive agreements, abuse of dominance, merger control, and conducting market studies, including in digital markets.

7. An important feature of the Ukrainian framework is the AMCU's authority to enforce unfair competition legislation. Under Article 15-1 of the Law of Ukraine "On Protection against Unfair Competition", dissemination of misleading information is prohibited where such information may affect the intentions of persons regarding the acquisition of goods, works or services. Accordingly, the AMCU assesses not only the accuracy of commercial information but also its potential impact on consumer choice and market behaviour. In this way, competition enforcement may indirectly contribute to consumer protection.

8. The SSUFSCP is responsible for implementing state policy in the field of consumer protection, including monitoring compliance with consumer protection legislation, handling consumer complaints, and addressing consumer-related violations in e-commerce.

9. The Ukrainian legal framework demonstrates that competition and consumer protection issues may overlap in practice, creating a need for coordination between the authorities responsible for these areas.

### 3. Cooperation Between Competition and Consumer Protection Authorities

10. The institutional basis for such interaction in Ukraine is a Memorandum of Cooperation signed on 22 December 2016 by the Antimonopoly Committee of Ukraine, the Ministry of Agrarian Policy and Food of Ukraine, and the State Service of Ukraine on Food Safety and Consumer Protection. The Memorandum provides for consultations and cooperation on issues of mutual interest in the fields of competition and consumer protection.

11. In practice, cooperation includes exchanges of information concerning potentially misleading practices, referrals of complaints falling within the competence of another authority, consultations regarding consumer-facing commercial conduct, and discussions on emerging market issues.

12. At the same time, the expansion of digital markets has introduced new complexities that were not envisaged when the Memorandum was concluded. The growing use of digital platforms, online advertising and other digital business practices increasingly gives rise to matters that may fall within the remit of both authorities.

13. While existing cooperation mechanisms provide an important foundation, the evolving nature of digital markets may require closer coordination and more structured cooperation between the authorities responsible for competition and consumer protection.

### 4. Practical Example: The Interaction Between Competition and Consumer Interests in Digital Markets

14. One example illustrating the links between competition and consumer interests in the digital economy is a case involving the Kyiv Digital mobile application, a key platform providing municipal services in Ukraine's capital city.

15. Kyiv Digital is one of the largest municipal digital services platforms in Ukraine, providing access to public transport, parking, payment of municipal charges, air-raid alerts, petitions, and other city services. As of 2025, the application had more than 3.3 million registered users. Given its scale and functionality, participation in the platform may represent an important opportunity for businesses seeking to offer services within the city's digital infrastructure.

16. During its investigation, the Antimonopoly Committee of Ukraine examined the conditions under which payment service providers could connect to a functionality enabling the release of temporarily impounded vehicles through the application. The AMCU found that certain requirements imposed on prospective providers were not established by law and could create unjustified barriers to market access. These actions were therefore found to constitute a violation of competition law.

17. The case demonstrated that conditions established by large digital platforms may directly affect both competition among market participants and the terms under which services are offered to consumers. In particular, the restrictions examined by the AMCU had the potential to influence service fees paid by consumers by limiting their ability to benefit from lower commission rates offered by competing payment providers. According

to the materials examined by the AMCU, alternative providers were able to offer commission rates of approximately 3%, compared with around 10% charged through the selected provider.

18. The case also highlights the importance of transparent, objective, and non-discriminatory participation criteria for digital platforms, particularly where they serve as a significant channel through which citizens access public and municipal services.

## 5. Unfair Competition Law at the Intersection of Competition and Consumer Protection

19. An important element of the Ukrainian legal framework is the role of unfair competition legislation in addressing practices that affect both market conditions and consumer interests. This framework enables the AMCU to intervene where commercial conduct has the potential to distort competition while also influencing consumer behaviour.

20. In the digital economy, this function has become increasingly important. Consumers rely extensively on information provided through websites, mobile applications, online marketplaces, and digital advertising. As a result, misleading or non-transparent commercial practices may simultaneously affect consumer decision-making and competitive dynamics in the market.

21. In this respect, unfair competition law illustrates the intersection between competition and consumer protection objectives in practice. Misleading practices may distort consumer choices while providing certain undertakings with an unfair competitive advantage. Consequently, competition enforcement may also contribute to the protection of consumer interests.

22. The AMCU's enforcement practice demonstrates the growing relevance of these issues in the digital environment, particularly in relation to e-commerce, digital financial services, online advertising, and digital marketing. The examples below demonstrate how unfair competition legislation can be applied to address practices affecting both competition and consumer interests in digital markets.

### 5.1. Transparency of Cashback and Loyalty Programmes in Digital Banking

23. The rapid development of digital banking services has significantly transformed the way financial institutions interact with consumers. Mobile applications increasingly serve not only as payment instruments but also as key channels for the promotion of financial products, loyalty programmes, and personalised offers, making the transparency of commercial information particularly important for informed consumer decision making.

24. In 2025, the AMCU examined information practices relating to cashback programmes offered by banking institutions. The analysis focused on how the terms and conditions of cashback offers were presented to consumers through mobile applications and other online channels.

25. The AMCU found that, in certain cases, promotional messages emphasised the advertised cashback rate and the potential benefits of participation in cashback programmes, while important conditions affecting the actual availability of cashback rewards were disclosed less prominently. Such conditions included eligibility criteria, restrictions on qualifying transactions, limits on cashback amounts, and other exclusions that could significantly affect the benefits ultimately received by consumers.

26. According to the AMCU, the presentation of information in this manner may create misleading impressions regarding the actual terms of cashback programmes and influence

consumers' choice of financial services. Such practices raised concerns under Article 15-1 of the Law of Ukraine "On Protection against Unfair Competition", which prohibits the dissemination of misleading information capable of affecting consumers' intentions regarding the acquisition of goods or services. At the same time, market participants relying on such communication practices may obtain an unfair competitive advantage compared with competitors that provide more complete and transparent information.

27. The case illustrates the relevance of unfair competition rules in the context of digital financial services. It demonstrates how misleading commercial practices may affect both consumer decision-making and competitive conditions, highlighting the close connection between competition and consumer protection objectives in digital markets.

## 5.2. Online Discounts, False Urgency and False Scarcity in E-Commerce

28. In 2026, the AMCU launched a study of online discounts and other marketing practices used in e-commerce. The preliminary analysis identified indications of practices involving unsubstantiated price comparisons, as well as elements of false urgency and false scarcity that may influence consumers' purchasing decisions.

29. In particular, the practices under examination included situations where consumers were presented with claims regarding limited availability of products or limited duration of offers without a sufficient factual basis, as well as price comparisons that could create misleading impressions regarding the actual level of discounts available. Such practices may affect consumers' assessment of commercial offers and encourage purchasing decisions that might not otherwise have been made.

30. These practices raise concerns not only from a consumer protection perspective but also from a competition perspective, as they may provide certain undertakings with an unfair competitive advantage over competitors that communicate with consumers more transparently. Depending on the circumstances, such conduct may also raise issues under Article 15-1 of the Law of Ukraine "On Protection against Unfair Competition".

31. The study remains ongoing. Its findings may provide useful insights into the assessment of online commercial practices and their implications for both competition and consumers.

## 6. Challenges and Future Developments in the Regulation of Digital Markets in Ukraine

32. One of the key challenges for enforcement authorities is obtaining information from international digital platforms that operate in Ukraine without a permanent legal presence in the country. This may complicate the assessment of business practices and the effective application of competition and consumer protection rules.

33. Another challenge relates to the increasing complexity of digital business models and online commercial conduct. The assessment of such practices often requires consideration of issues relating to data, algorithms, platform intermediation, and online consumer interactions, which do not always fit neatly within traditional enforcement frameworks.

34. Ukraine's experience also highlights the continuing importance of effective coordination between authorities responsible for competition and consumer protection. Digital business practices frequently raise issues that cut across both policy areas, creating a need for timely information exchange and institutional cooperation.

35. A further area of focus concerns the development of regulatory approaches to large digital platforms. In the context of Ukraine's European integration process, discussions have taken place regarding possible alignment with relevant EU initiatives in the field of digital markets. These discussions have involved cooperation between various public authorities, including the Ministry of Digital Transformation of Ukraine and the AMCU.

36. Looking ahead, addressing these challenges will require continued adaptation of enforcement approaches, closer institutional coordination, and the further development of regulatory tools capable of responding to the evolving nature of the digital economy.

## 7. Conclusions

37. The Ukrainian experience demonstrates that, in the digital economy, competition and consumer protection issues are becoming increasingly interconnected. Commercial practices adopted by digital platforms, e-commerce businesses, and providers of digital financial services may simultaneously influence consumer behaviour and competitive conditions in the market.

38. The cases and initiatives discussed in this contribution illustrate that challenges arising in the digital environment often cannot be viewed exclusively through either a competition or a consumer protection lens. Effective enforcement increasingly requires consideration of both dimensions.

39. The practical examples discussed above also highlight the important role that unfair competition legislation can play in addressing practices that affect both market conditions and consumer interests. In this respect, unfair competition law serves as an effective mechanism for addressing issues that arise at the intersection of competition and consumer protection.

40. More broadly, developments in the digital economy demonstrate the value of dialogue and cooperation between authorities responsible for competition and consumer protection. While the mandates of these authorities remain distinct, greater understanding of the interaction between these policy areas may contribute to more effective responses to challenges arising in the digital economy.