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**Competition and Consumer Policy in Digital Markets – Summaries of Contributions**

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This document reproduces summaries of contributions submitted for Item 4 of the 149<sup>th</sup> OECD Competition Committee meeting on 24-26 June 2026.

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## *Australia*

This submission explains how competition and consumer protection are mutually reinforcing in digital markets and why a holistic regulatory approach is essential to address harms effectively. Drawing on its experience as a dual competition and consumer regulator, the ACCC shows how the same conduct in digital markets can distort consumer choice, entrench market power and undermine innovation. Through case studies, the submission illustrates how ACCC's integrated approach operates in practice, while also highlighting the limits of existing legal frameworks, particularly the traditional court-based enforcement, in keeping pace with the speed and scale of digital markets. The ACCC therefore advocates for forward-looking reforms, including a proposed digital competition regime and a general prohibition on unfair trading practices, to ensure markets remain fair, contestable and responsive to rapid technological change

## *BIAC*

This submission by Business at OECD (BIAC) to the OECD Competition Committee addresses the application of competition law and consumer protection in digital markets.

BIAC acknowledges that although digital markets have driven unprecedented innovation and consumer welfare gains, certain digital market practices may raise potential concerns under both competition and consumer protection frameworks. While competition law and consumer protection law are complementary, they remain distinct regimes with different objectives, tools, and standards. It is important that the two frameworks not be conflated and although digital markets may give rise to potentially overlapping concerns, this should not be used to justify overlapping enforcement.

A central concern is the risk of duplicative enforcement, regulatory fragmentation, and legal uncertainty when multiple authorities pursue the same conduct under different legal regimes. BIAC notes that the EU *ne bis in idem* doctrine does not provide effective protection against such over-enforcement, given its narrow application in digital market contexts.

The submission offers four key recommendations:

- (i) Promote pro-competitive innovation by avoiding overregulation that could chill investment in digital infrastructure and artificial intelligence, and adopt adaptive, forward-looking regulatory approaches.
- (ii) Appropriately distinguish between competition and consumer protection regimes, minimizing uncertainty for businesses and ensuring each framework is applied within its comparative advantage.
- (iii) Encourage international cooperation to promote regulatory consistency and avoid fragmentation, thereby reducing compliance costs and facilitating cross-border trade.
- (iv) Leverage OECD forums as platforms for policy convergence, evidence-based analysis, best-practice sharing, and multistakeholder dialogue.

## *Brazil*

This contribution presents Brazil's experience with the growing interaction between competition policy and consumer protection in digital markets. It argues that, in platform-intermediated environments, competition and consumer-facing concerns often arise from the same economic architecture: control over visibility, access, data, payment routes, transaction channels and ecosystem rules. These forms of control may simultaneously affect rivalry, consumer autonomy, transparency, switching conditions and the practical ability of users and business partners to compare alternatives.

The Brazilian experience is illustrated through cases examined or discussed before CADE. The Google News discussion raises questions about search design, content display, attribution, traffic allocation and the possible retention of user attention within the platform interface. The Apple case shows how restrictions on app distribution, in-app payments and steering may affect both developers' ability to compete and users' access to information and alternative transaction routes. The iFood case illustrates how exclusivity arrangements in platform markets may restrict rival expansion, multi-homing and the practical availability of alternatives for restaurants and final users.

The contribution also addresses digital financial markets. It discusses recent legislative reforms shaped with the participation of the Secretariat for Economic Reforms of the Ministry of Finance, especially measures on salary portability, cross-institutional automatic debit, standardised disclosure of credit costs and digital platforms for payroll-deducted credit. These reforms show how consumer protection tools may be designed to reduce switching costs, information asymmetries and portability barriers, thereby also strengthening competition. CADE's Itaú/Rede D+2 case further illustrates how payment flows, bank domicile, receivables, bundled financial offers and switching conditions may raise both competition and consumer-facing concerns.

The broader lesson from the Brazilian contribution is that competition and consumer protection should remain legally distinct, while being applied in a more coordinated and mutually informative manner. Digital markets make clear that harms to rivalry, autonomy, transparency and effective choice often emerge from the same technological and commercial architecture. The quality of the public response therefore depends on authorities' capacity to recognise these overlaps, share expertise, align diagnostics and design remedies that produce effective market openness and meaningful user choice.

## *Canada*

The submission outlines how Canada's Competition Bureau integrates consumer considerations into digital market enforcement and competition promotion efforts. It describes the Bureau's institutional structure, including a new Digital Enforcement and Intelligence Branch with specialized teams that bring behavioural science, intelligence, and advanced analytics to investigations. The submission discusses cooperation mechanisms with domestic and international partners, such as memoranda of understanding and the Canadian Digital Regulators Forum. It explains recent legal changes strengthening the Bureau's ability to address non-price dimensions of competition (quality, choice, privacy) and drip pricing. It showcases how Behavioural science and consumer perspectives play a key role in the Bureau's work. The submission highlights examples such as the Cineplex drip pricing case, research on data portability, airline pricing practices, consultations on algorithmic pricing, the development of tools to detect harmful online choice architecture, and the use of complaints driven intelligence to drive enforcement. Overall, integrating consumer-focused insights, advanced analytics, and cross-agency cooperation enables the Bureau to respond more effectively to evolving challenges in digital markets and better protect Canadians and competition.

## *Colombia*

The Superintendence of Industry and Commerce (SIC) of Colombia simultaneously exercises the functions of national competition authority and residual consumer protection authority under an institutional design that keeps both mandates legally separate but organizationally integrated. This contribution examines how that dual model responds to the challenges posed by digital markets, identifying both its advantages and its structural tensions.

The paper argues that competition and consumer protection regimes pursue different legally protected interests and therefore operate with different analytical tools, evidentiary standards, and sanctioning frameworks. This distinction is especially visible in relation to digital platforms: while competition law operates through open-textured concepts focused on market effects, consumer protection law relies on more delimited legal categories aimed at determining when a digital intermediary actively participates in the consumer relationship and assumes supplier obligations.

The contribution further identifies the factors that determine when one regime, the other, or both simultaneously should be applied, including the nature of the harm, the evidentiary burden, the urgency of intervention, and the deterrent effect of sanctions. In digital markets, this last factor is particularly relevant, as sanctions under consumer protection law may be insufficient for large digital platforms, whereas competition law provides remedies and penalties with greater structural impact. This reinforces the complementarity between the two regimes: consumer protection enforcement enables rapid intervention to stop immediate harm, while competition enforcement addresses structural distortions in the market.

At the same time, the SIC's experience demonstrates that the coexistence of both mandates within a single authority is a necessary but insufficient condition for integrated enforcement. Procedural tensions — particularly the incompatibility between the confidentiality of preliminary competition proceedings and the public nature of consumer protection procedures — continue to limit coordinated action. The paper concludes that the challenge is not the legal bifurcation of the two regimes, but the institutional fragmentation that prevents the intelligence generated by one regime from informing the other. In that regard, the SIC's dual model points toward the construction of institutional bridges capable of translating the complementarity between competition and consumer protection into more effective enforcement in digital markets.

## *Consumers International*

Consumers International reviewed a selection of publicly available writings by its Members on competition policy in digital markets, covering a period of approximately 2020-2026.

This submission therefore reflects a global perspective to the degree possible, though Consumers International notes a strong concentration of competition policy work from Europe and other jurisdictions actively legislating or enforcing platform competition rules (notably Australia, the United Kingdom and the United States), as well as Brazil, India and Hong Kong. At the same time, Members also highlighted the particular challenges faced by smaller and developing economies, including dependence on foreign platforms, limited enforcement capacity, and cross-border regulatory constraints.

Across the Member documents reviewed, a broad, cross-jurisdictional theme appears: traditional ex post antitrust is often too slow and too narrow to address platform “gatekeeper” power. Therefore, **Consumers International Members commonly advocate for ex ante platform rules, combined with stronger enforcement capacity and remedies, especially in app ecosystems, digital advertising, and social/platform intermediaries.**

Commonly recurring policy recommendations include:

- **Interoperability** (especially messaging) and **data portability/data access** to reduce lock-in and switching costs;
- **App store / digital ecosystem conduct rules**, including constraints on access to key functionality, tying/bundling, defaults, anti-steering restrictions, and installation barriers;
- **Merger control updates** for “killer acquisitions,” data-driven mergers, and acquisitions below thresholds;
- **Algorithmic and AI accountability/transparency** where ranking, personalisation, pricing, manipulative interface design, and deceptive practices such as dark patterns or subscription traps can distort competition and harm consumers;
- **Enforcement design**: fast procedures, effective and proportionate sanctions, adequate resourcing, cross-border cooperation, and consumer participation/redress mechanisms (including representative and collective actions).

Consumers International can also provide, upon request, a selection of relevant research reports, policy papers, and publications produced by its Members on competition and consumer protection in digital markets.

## *Denmark*

Digital platforms increasingly influence the parameters of competition through their ranking systems. By determining the framework governing which offers are visible and in what order, platforms can in fact shape both consumer choices and businesses' commercial opportunities. Thus, platforms may act as quasi-regulators of markets, but unlike public regulators, their aim is not well-functioning competition or maximised consumer welfare, but rather their own commercial goals.

In the EU, platform ranking practices are regulated through a combination of competition law and transparency-based regulation, with the intensity of intervention depending largely on the platform provider's market position. For designated gatekeepers under the Digital Markets Act (DMA), article 6(5) treats self-preferencing in ranking as inherently harmful to contestability and therefore prohibits it *per se*. EU competition law also prohibits abusive ranking practices by dominant platforms, but intervention requires proof of anticompetitive effects and dominance.

For platforms that do not qualify as gatekeepers or dominant undertakings, transparency obligations apply. Under the Platform-to-Business (P2B) Regulation, providers of intermediary services and search engines must disclose the main parameters determining ranking, their relative importance and differentiated treatment affecting visibility. Consumer law follows a similar logic by requiring, for example, that boosted or otherwise promoted offers are clearly marked as such.

Yet, existing evidence provides little indication that transparency obligations have improved businesses' understanding of how specific rankings work. This, in turn, casts doubt as to whether such obligations provide business users with improved ability to meaningfully counter non-gatekeeper or non-dominant platforms' unilateral control over ranking. Furthermore, similar concerns arise from the consumer perspective, where consumers may be unable or unwilling to engage with the complexity of ranking and, more fundamentally, to translate their understanding of this into practical ability to influence or respond to how products are ranked.

The challenges are likely to intensify with the rapid transition towards AI-powered search, as it can further obscure the basis on which offers are presented.

Going forward, a central question is therefore whether transparency-based obligations are a sufficient regulatory approach to rebalance the relationship between platforms and those who use them, when more far-reaching regulatory frameworks do not apply. If not, moving towards more substantive obligations governing platform ranking may be warranted.

## *France*

The rise of digital markets has profoundly transformed consumption patterns: 77% of French people made an online purchase in 2024, compared to 54% in 2014. This development raises growing challenges in matter of competition and consumer protection which, although falling under distinct legal regimes, pursue the same objectives of maximising consumer surplus and therefore require enhanced coordination.

For example, dark patterns manipulate consumers while conferring an artificial competitive advantage on the companies that use them, while algorithmic pricing can encourage forms of tacit coordination between companies and lead to an artificial increase in prices to the detriment of consumers. However, while competition and consumer protection policies tend to converge in digital markets, the articulation between them is not always clear and sometimes requires the authorities to strike a balance. The protection of personal data, for instance, illustrates the complexity of the relationship between these two policies. While the French Competition Authority has recognised that it constitutes a genuine parameter of competition, the Apple ATT case demonstrated that a data protection mechanism implemented in a disproportionate and discriminatory manner could produce significant anti-competitive effects to the detriment of third-party publishers, leading the Authority to fine Apple €150 million in March 2025.

In response to these challenges, the regulatory framework has gradually evolved. At the national level, the DGCCRF has a digital requisition mechanism enabling it to order the delisting or blocking of unlawful websites, which was used on 135 occasions in 2025. At the European level, the DSA and the DMA have broadened the scope of intervention available to French authorities.

These issues have also driven changes in the organisation of regulatory authorities. The DGCCRF has developed a dedicated digital unit within its national investigations department in order to detect new anti-competitive practices and breaches of consumer law online. The DGCCRF has also launched the SignalConso platform, which has received more than 1.7 million reports since its creation. The ADLC, for its part, established a digital economy department in 2020. Finally, competition and consumer protection authorities have strengthened their collaboration with the sectorial authorities in charge of digital regulation. Cooperation protocols were formalised between the ADLC and the CNIL in 2023, and subsequently between the DGCCRF and the CNIL in 2024, with a view to pooling expertise and coordinating responses to practices affecting both competition and the protection of personal data.

## Germany

Competition law is a key instrument for protecting consumers and ensuring fair market outcomes. Competition forces companies to compete for customers by offering lower prices, better quality, a wider choice and constant innovation. Consumer welfare therefore remains a central principle in the enforcement of competition rules.

Conversely, businesses that are not exposed to competition do not have to try to win over customers. This is particularly true in digital markets. Their specific characteristics, most notably network effects, economies of scale, barriers to market entry and winner-takes-all tendencies, make them prone to entrenched market power. The extensive reach and capabilities of large digital companies can leave consumers in a vulnerable position. Against this backdrop, effective competition becomes even more crucial for consumer welfare in digital markets.

In recent years, several jurisdictions have introduced novel legislation for digital markets that has been designed with consumer protection in mind. The EU's Digital Markets Act (DMA) established a targeted set of obligations for designated "gatekeepers", which have been binding since March 2024. These obligations are intended to benefit the Union's economy as a whole and ultimately the Union's consumers. Similarly, the abuse control provision for large digital players in Section 19a of the German Competition Act (GWB), which was introduced in early 2021, aims to strengthen consumers' freedom of choice, among other things.

In Germany, consumer protection law is enforced by the Federal Office of Justice (*Bundesamt für Justiz*) in inner-European cross-border cases, while purely national cases are addressed by the affected entities under civil law. The Bundeskartellamt's primary focus is not consumer protection. However, it can highlight practices that do not comply with existing consumer protection law by conducting inquiries in specific sectors or interpreting data protection law provisions in its competition law proceedings.

This contribution aims to share the Bundeskartellamt's experience at the interface between protecting competition and safeguarding consumers' interests. It discusses the link between consumers' online privacy and competition as well as the limitations to consumers' freedom of choice and autonomy in digital markets. In cases where the behaviour in question is linked to competition (especially where the behaviour has the potential to impede competitors or exploit consumers), issues such as misleading consumers through a lack of transparency, nudging practices and dark patterns are also addressed in this contribution.

## *Hungary*

The Hungarian Competition Authority (Gazdasági Versenyhivatal – GVH) plays a dual role in both competition law enforcement and consumer protection. As an independent state authority accountable only to Parliament, the GVH investigates anti-competitive conduct as well as unfair commercial practices that significantly influence market competition. Its institutional structure separates investigative functions by area – consumer protection, antitrust, cartels, and mergers – while final decisions are made by the Competition Council. The Hungarian legislation established a shared competence in the field of the business-to-consumer unfair commercial practices between three authorities: the GVH, other consumer protection authorities, and the National Bank of Hungary. Cooperation between these enforcers is formalized through agreements, and from January 2026 their coordination is expected to improve further through a shared information database.

In consumer protection enforcement, the GVH evaluates whether a commercial practice significantly affects competition and whether it can influence consumers’ transactional decisions. This assessment considers factors such as the undertaking’s market size, the geographical reach of the conduct, duration, communication channels used, and the scale of affected products or outlets. The GVH’s approach is based on the principle that competition is one of the most effective mechanisms for protecting consumer welfare, as informed and autonomous consumer choices are essential for healthy market competition. In business-to-business cases, intervention additionally requires a demonstrated public interest concern, including broader market impact, unfair competitive advantage, duration, and effects on market behavior.

In digital markets, the GVH applies these principles as well, recognizing that practices influencing consumer decisions online can also distort competition. The authority has identified several problematic digital practices (including urgent messages, drip pricing, hidden information, and misleading “free” claims) which have a significant impact on competition. Beyond enforcement actions, the GVH regularly conducts market analyses and consumer research, including surveys, focus groups, and behavioral studies, to better understand digital consumer behavior.

The GVH also uses innovative remedies, such as commitment decisions, which allow companies to address competition or consumer concerns without a formal infringement finding. Examples include commitments (in consumer protection cases) by eMAG to support Hungarian businesses and improve pricing transparency, and by Microsoft to enhance Hungarian-language artificial intelligence capabilities and make language datasets available to other developers. These measures demonstrate the GVH’s effort to balance enforcement with market development and innovation.

Looking ahead, the GVH recognizes that digital markets require increasingly specialized expertise in data analysis, economics, and information technology. It emphasizes the importance of interdisciplinary and project-based cooperation within the authority to keep pace with rapidly evolving market conditions and strengthen consumer protection in the digital economy.

## *Indonesia*

In Indonesia's digital market, competition law under Law No. 5 of 1999 and consumer protection law under Law No. 8 of 1999 increasingly overlap, as conduct such as self-preferencing, algorithmic pricing, dark patterns, and data lock-in simultaneously harm consumer welfare and market competition. While the KPPU handles competition issues and the Ministry of Trade's Directorate General of Consumer Protection and Trade Compliance and the National Consumer Protection Agency (BPKN) handle consumer complaints, Indonesia lacks a formal integrated case-handling mechanism, relying instead on functional coordination. Effective enforcement requires a proportionality approach, where restrictions on competition are only justified if necessary and less restrictive alternatives are unavailable, and highlights the need for stronger inter-agency coordination, joint guidance, and modern toolkits to address AI-driven, data-intensive harms. It concludes that rather than merging institutions, Indonesia should build a complementary governance ecosystem where the KPPU, Ministry of Trade, BPKN, and sectoral regulators balance competition and consumer protection to ensure innovation, market openness, and consumer autonomy in the digital economy.

## *Italy*

This contribution examines the interaction between competition law enforcement and consumer protection in digital markets, with particular reference to the decisional practice of the Italian Competition Authority (Autorità Garante della Concorrenza e del Mercato — AGCM). Its aim is to illustrate how, in these markets, the two disciplines are converging to an increasing degree, making an integrated and synergistic enforcement approach not only necessary, but institutionally feasible.

Digital markets present structural characteristics that progressively blur the boundaries between competition and consumer protection. Practices linked to the control of digital ecosystems — including the governance of access infrastructures, the large-scale collection and processing of data, and the design of interfaces, algorithms and recommender systems — produce effects that manifest themselves in an intertwined manner, simultaneously affecting the competitive structure of the market and the decision-making processes of users. In this environment, the consumer is not simply the ultimate beneficiary of protection, but an active component of competitive dynamics, whose freedom of choice and informational awareness are themselves preconditions for the proper functioning of competition.

The AGCM's enforcement experience, illustrated through an extensive review of proceedings conducted under either its antitrust or consumer protection powers, clearly reflects this progressive convergence. On the antitrust side, cases concerning access restrictions, self-preferencing, interoperability barriers, data portability and the competitive implications of consent architectures show how control over platforms, APIs, data and interfaces simultaneously generates exclusionary effects on the supply side and conditioning effects on the demand side — with lock-in and ecosystem dependence emerging as the behavioural reflection of supply-side control. On the consumer protection side, proceedings addressing dark patterns, misleading defaults, frictions in exit pathways, engagement algorithms, opaque data monetisation and distorted reputational signals reveal practices whose effects extend well beyond individual consumer harm, feeding into competitive dynamics by increasing switching costs, strengthening lock-in and reducing market contestability.

Across both enforcement streams, a common underlying phenomenon emerges: the mechanisms through which market power is built, maintained and extended in digital markets increasingly coincide with the mechanisms through which user behaviour is shaped, steered and exploited. When information asymmetries, behavioural exploitation techniques and manipulative choice architectures are used by large platforms, they do not merely harm individual consumers but can also contribute to consolidating the market power of dominant platforms, reinforcing network effects and reducing the contestability of digital markets.

This convergence is further intensified by the growing role of algorithms, artificial intelligence and profiling systems, which the Authority has addressed through both its antitrust and consumer protection tools. AI-powered tools, recommender systems and personalisation mechanisms operate simultaneously as competitive levers, factors of ecosystem reinforcement, engagement tools and potential channels for informational and behavioural manipulation — raising novel and interrelated enforcement challenges that cannot be adequately addressed through the lens of either discipline alone.

A central feature of the analysis presented in this contribution is the dual competence of the AGCM in competition and consumer protection matters. This institutional framework — distinctive among national authorities — does not represent a mere accumulation of enforcement instruments, but rather a multi-layered system grounded in principles of coordination, complementarity and proportionality. The Authority is able to select, depending on the nature of the conduct, the effects produced and the type of harm identified, the most appropriate tool — or to deploy both concurrently, where the same conduct simultaneously produces anticompetitive effects and distorts consumers' freedom of choice. National administrative case-law has progressively confirmed that the two regimes pursue autonomous yet potentially interrelated objectives and may apply concurrently where the same conduct affects both the proper functioning of the competitive process and consumers' ability to make informed and autonomous economic decisions. This approach proves particularly well-suited to digital markets, where algorithms, data, interfaces and reputational systems simultaneously affect the competitive process and user behaviour in ways that resist neat analytical compartmentalisation.

The synergies enabled by this dual competence are not merely theoretical. They are supported by concrete organisational and functional arrangements, including structured internal coordination mechanisms, periodic case allocation procedures, interdepartmental information sharing and a dedicated data analytics function. These mechanisms allow for the timely identification of practices that present both competition and consumer protection dimensions, facilitate the selection of the most effective and proportionate enforcement tool, and reduce the risk of fragmented or inconsistent intervention. The cross-fertilisation of expertise between the Authority's competition and consumer protection divisions also promotes greater consistency in administrative action and enhances the Authority's capacity to adapt to technological change and new forms of digital interaction.

This contribution is structured as follows. Following this introduction, the first substantive section maps the main areas of convergence between competition and consumer protection that emerge from the Authority's enforcement experience in digital markets. Subsequent sections analyse in turn the proceedings relating to ecosystem control and exclusionary conduct, consent governance and data transparency, behavioural exploitation techniques and informational vulnerabilities, and the growing role of algorithms, AI and profiling. The contribution concludes with an analysis of the legal and institutional framework underpinning the AGCM's dual competence, and with reflections on the evolution of the enforcement model in digital markets, also in light of recent developments in the European regulatory framework and in international enforcement cooperation.

## *Japan*

The advancement of digital technologies has brought about significant changes to both business activities and consumers' daily lives. The expansion of online services and the increased use of data have generated numerous benefits, such as enhanced service convenience and improved operational efficiency, thereby extending advantages to both consumers and enterprises. At the same time, however, ongoing digitalization has also affected market structures and transactional practices and raised concerns regarding the conduct of certain enterprises that may disadvantage users and the risk of impeding fair competition.

Algorithms/AI are expected to streamline business activities and enhance consumer convenience, by enabling sophisticated analysis and automating work processes. On the other hand, there is also the possibility that anti-competitive conduct using algorithms/AI may arise. It is important to understand the changes in business activities and the competitive environment brought about by algorithms/AI in order for the Japan Fair Trade Commission (JFTC) to effectively and appropriately promote competition policy in digital markets. In light of these considerations, the JFTC held the Study Group on Competition Policy in Digital Markets (the "Study Group") from July 2020 to March 2021. The Study Group organized the challenges and key issues of competition policy relating to algorithms/AI. The results of the discussions were compiled into a report entitled "Algorithms/AI and Competition Policy" (the "Study Group Report"), which was finalized and published in March 2021.

Furthermore, "dark patterns," which steer consumers and other users toward unintended choices through websites or application interfaces, have been noted to involve not only aspects that may disadvantage users, but also concerns that these practices may impede fair and free competition between enterprises that employ such practices and those that do not. Against this backdrop, the Secretariat of the Competition Policy Research Center established within the JFTC conducted a research study on issues of competition policy and the Antimonopoly Act (AMA) relating to dark patterns. The results were compiled into a discussion paper "Issues Concerning Dark Patterns in Competition Policy and Antimonopoly Act" (the "Discussion Paper").

This contribution paper introduces topics focusing on "algorithmic/AI-based ranking manipulation," "algorithmic/AI-driven personalization," and "dark patterns," based on the Study Group Report and the Discussion Paper.

In addition, as smartphones have become the foundation of daily life and economic activity, the Act on Promotion of Competition for Specified Smartphone Software (Mobile Software Competition Act, or "MSCA") was enacted and came into full effect in December 2025, with the aim of ensuring fair and open competition in markets particularly important for the usage of smartphones defined as "Specified Software." To address competition issues surrounding Specified Software, the MSCA stipulates certain activities in which designated providers are prohibited from engaging (Prohibited Conducts), and certain measures they are obliged to take (Compliance Requirements). It is also important to continue to ensure that necessary and appropriate measures are taken with regard to safeguarding youth who use smartphones, while achieving a balance between ensuring fair and free competition in markets for Specified Software and securing convenience, safety, and security for smartphone users. From such a perspective, certain actions that may constitute Prohibited Conduct can be justified if there is a necessity, such as for cybersecurity or youth protection, and the objective cannot be achieved through other means that are less harmful to

competition. This contribution paper also presents illustrative examples of cases that may qualify as such justifiable reasons relating to safeguarding youth who use smartphones, as set out in the guidelines under the MSCA.

## *Kazakhstan*

This document sets out the perspectives and practical experience of the Analytical Research Center for Competition Development (ARCCD) under the Agency for Protection and Development of Competition of the Republic of Kazakhstan regarding the relationship between competition policy and consumer protection in digital markets. Drawing on enforcement practice, market analysis, merger review, and ongoing research projects, the responses illustrate how digital platforms increasingly create challenges that affect both consumer welfare and competitive market outcomes.

ARCCD's experience shows that concerns related to digital platforms often extend beyond traditional price-based competition issues. Practices such as platform restrictions, ecosystem lock-in, opaque pricing structures, differentiated treatment of users, algorithmic decision-making, and limitations on switching or multi-homing may simultaneously affect consumer choice, transparency, market access, and the ability of competitors to enter or expand in digital markets. The responses highlight several examples from Kazakhstan involving digital marketplaces, online platforms, mobility services, and digital ecosystems, demonstrating how competition and consumer protection concerns frequently overlap in practice.

The document also explains the institutional approach applied in Kazakhstan. While the competition authority primarily intervenes where consumer harm results from anticompetitive conduct or the exercise of market power, digital markets increasingly require a broader assessment of non-price parameters, including transparency, interoperability, data governance, service quality, and user autonomy. In this context, ARCCD has increasingly relied on behavioral remedies, compliance mechanisms, and merger control conditions aimed at preventing exclusionary practices, reducing lock-in risks, and preserving contestability in digital ecosystems.

In addition, the responses discuss situations where competition and consumer protection objectives may come into tension, particularly in rapidly evolving platform markets where interventions designed to protect consumers can also affect innovation incentives and competitive dynamics. The document further emphasizes the importance of ongoing research into consumer behavior, pricing transparency, and digital choice architecture to better understand how platform design influences consumer decision-making.

Overall, the paper reflects ARCCD's evolving approach to digital markets, where competition policy and consumer protection are increasingly interconnected and where effective regulation requires balancing innovation, market openness, consumer welfare, and long-term competitive conditions.

## *Korea*

Digital platform markets operate on the basis of data, network effects, and algorithms. Platform operators directly influence consumer behavior and market competition by utilizing consumer data to provide personalized recommendations, search rankings, and targeted advertising, while also designing interfaces that shape user choices. As a result, competition and consumer policies in digital platform markets should no longer be understood as separate policy domains, but rather as closely interconnected ones.

Recent discussions within the OECD have also highlighted the need for an integrated approach to competition and consumer policies in digital platform markets. Practices such as self-preferencing, data-driven lock-in effects, personalized pricing, and dark patterns may simultaneously restrict consumer choice and consumer agency while strengthening the platform's market power. Conversely, strengthening consumer protection by ensuring that consumers can make informed and autonomous choices and can easily switch between platforms may also promote competition in platform markets.

As an authority responsible for both competition and consumer policies, the Korea Fair Trade Commission (KFTC) seeks integrated solutions when issues relating to competition and consumer protection arise simultaneously in digital platform markets.

In enforcing competition law and consumer law, the KFTC has established legal provisions enabling consideration of both the protection of competitive market structures and the protection of consumer choice and consumer agency. In individual cases, the KFTC has sometimes applied competition law and consumer law simultaneously to the same conduct. Even where only one statute was applied, the KFTC has examined consumer-related issues in competition law enforcement and assessed effects on fair trade practices in consumer law enforcement. In addition, the KFTC has recently strengthened its response to dark patterns that distort consumers' autonomous decision-making and has improved the relevant regulatory framework. These efforts are expected not only to prevent consumer harm but also to promote competition in digital platform markets.

Furthermore, the KFTC plans to establish a new investigative organization capable of comprehensively examining potential violations of both competition law and consumer law in order to facilitate more rapid restoration of competitive market conditions and consumer redress.

## *Latvia*

The contribution provides an overview of how competences relating to digital markets are allocated in Latvia between different authorities and legal frameworks, including Competition law (CL), Digital Markets Act (DMA), Digital Services Act (DSA) and the Platform-to-Business Regulation (P2B). It also outlines the practical approach used by the Competition Council of Latvia (CC) when assessing conduct by digital platforms.

The contribution highlights that digital platforms increasingly operate simultaneously under several regulatory frameworks. As a result, the same conduct may simultaneously affect both business users and consumers, particularly in relation to algorithmic pricing tools, ranking systems, delisting practices and platform access to commercially sensitive business information.

The contribution also explains the practical cooperation between the CC and the Consumer Rights Protection Centre (CRPC), particularly in situations where conduct may simultaneously raise competition, consumer protection concerns. Although competences remain institutionally separated, digital market enforcement increasingly requires coordination and information exchange between authorities.

Finally, the contribution identifies possible future developments and challenges, including the growing importance of interdisciplinary cooperation, technical expertise, understanding of algorithmic systems and closer coordination between authorities responsible for overlapping digital regulatory frameworks.

## *Paraguay*

This paper examines the interaction between competition law and consumer protection in Paraguay through the enforcement case against Bancard S.A., a dominant payment processing operator. CONACOM found that Bancard engaged in abusive practices, including exclusivity agreements and discriminatory conditions that restricted competition and harmed both competitors and consumers, leading to sanctions and corrective measures. A precautionary measure was also adopted to prevent the interruption of essential payment services, safeguarding market functioning and users. In parallel, the consumer protection authority sanctioned Bancard for service failures, highlighting the impact on consumers. The case illustrates the complementary roles of competition and consumer protection frameworks in addressing market power and ensuring efficient and reliable service provision.

## *Peru*

This essay analyzes the institutional and regulatory framework developed by Peru, through INDECOPI, to address the growing challenges posed by digital markets in the areas of consumer protection and unfair competition. INDECOPI plays a dual role as both the authority responsible for safeguarding consumers and the institution in charge of preserving fair competition in the market. This dual competence is particularly important in digital environments, where business practices frequently affect both consumer rights and market transparency simultaneously.

The essay explains how Peruvian legislation distinguishes between unfair competition and consumer protection while allowing both systems to operate in a complementary manner. Under Legislative Decree No. 1044, unfair competition rules seek to protect the market as a collective legal interest by sanctioning misleading advertising, acts of confusion, denigration, and other practices that distort competition. In contrast, consumer protection rules focus on individual harm suffered within a specific consumer relationship. Directive No. 001-2014-TRI-INDECOPI establishes the criteria for determining which authority has jurisdiction when advertising practices simultaneously affect the market and consumers.

A central part of the essay examines emerging issues in digital markets. One of these is hidden advertising through influencers and content creators. INDECOPI has sanctioned influencers and companies that failed to clearly identify sponsored content, emphasizing the principle of authenticity in advertising. The essay highlights that misleading influencer advertising harms not only consumers but also competitors that comply with transparency standards.

The text also discusses misleading reference prices and algorithmic dynamic pricing in e-commerce platforms. It explains that some suppliers artificially inflate prices before promotional campaigns to create false discounts, which constitutes misleading advertising under Peruvian law. Additionally, algorithmic pricing systems may generate risks such as discriminatory pricing, reduced consumer autonomy, and even tacit collusion among competitors. Although Peru does not yet have specific regulation on algorithmic pricing, the essay argues that the current legal framework could address some of these risks through existing unfair competition provisions.

Another relevant topic is the use of dark patterns in digital interfaces. These practices manipulate consumers' choices through interface designs that favor suppliers, such as preselected charges or difficult subscription cancellation systems. The essay references important INDECOPI decisions and recent legislative reforms that explicitly prohibit these coercive commercial practices, aligning Peru with OECD and international standards on digital consumer protection.

Finally, the essay describes INDECOPI's supervisory and enforcement mechanisms in digital commerce. Through coordinated monitoring campaigns during major e-commerce events such as Cyber Wow and Black Friday, INDECOPI combines the efforts of consumer protection and unfair competition authorities to detect misleading practices, supervise suppliers, and protect both market fairness and consumer rights. The essay concludes that effective regulation in digital markets requires institutional coordination, technological modernization, and complementary enforcement strategies to ensure transparency, fair competition, and consumer protection in an increasingly digital economy.

## *Poland*

This contribution prepared by the Polish Office of Competition and Consumer Protection (pol. *Urząd Ochrony Konkurencji i Konsumentów*, hereinafter: “PCA” or “UOKiK”), examines the increasingly close interaction between competition law and consumer policy in digital markets, with particular emphasis on exploitative practices and behavioural barriers to competition. It argues that digital markets challenge traditional assumptions of competition enforcement because consumer harm and competitive harm increasingly overlap.

The paper identifies behavioural barriers, especially switching costs and the lack of multihoming, as key factors reinforcing incumbent advantages in digital markets. Users often face barriers to switching such as data lock-in, while network effects, market tipping, and data accumulation reinforce incumbents’ positions and limit market contestability through self-reinforcing advantages.

The contribution also highlights how incumbents may strategically reinforce these barriers through restrictions on interoperability, data portability, or self-preferencing practices. UOKiK’s enforcement practice is discussed through examples involving Allegro, including a decision concerning self-preferencing of its retail offers and ongoing proceedings regarding potential favouring of Allegro’s logistics services. These cases illustrate how practices affecting user choice and platform visibility may simultaneously distort competition and harm consumers.

A central part of the paper concerns exploitative practices in digital markets. While excessive pricing remains a classical form of exploitation, the contribution emphasizes that traditional methods of assessment may not always be adequate in digital environments characterized by multi-sided platforms, zero-price services, and dynamic pricing mechanisms. UOKiK’s experience in proceedings concerning online car listing services, real estate advertising platforms, and the gaming market illustrates the growing need to adapt analytical tools to digital business models and platform pricing strategies.

The paper further argues that exploitation in digital markets frequently takes non-monetary forms. Users may “pay” not with money, but through extensive data collection, reduced privacy, behavioural profiling, diminished freedom of choice, or exposure to opaque platform practices. Large digital platforms may also leverage vast datasets to strengthen market power, while privacy-related justifications may at times conceal potentially anticompetitive conduct. In this context, the contribution refers to UOKiK’s proceedings against Apple concerning the implementation of the App Tracking Transparency Framework and its effects on competition in digital advertising.

The contribution concludes that competition enforcement in digital markets should not focus exclusively on exclusionary abuses. Authorities should also pay increasing attention to exploitative conduct enabled by behavioural lock-in and structural market power. Effective protection of competition and consumers in digital markets may therefore require a combination of competition enforcement, consumer protection measures, and complementary regulation aimed at restoring contestability and limiting excessive concentrations of digital power.

## *Romania*

Romania's contribution to the OECD Roundtable illustrates that digital market enforcement frequently engages competition and consumer protection frameworks simultaneously, but the current institutional architecture distributes these mandates exclusively between the Romanian Competition Council (RCC) and the National Authority for Consumer Protection (ANPC), without a formal mechanism for joint proceedings or cross-referral.

Within this bifurcated model, both authorities have demonstrated a strong operational record and growing analytical capacity in addressing digital market conduct, including data-driven theories of harm, non-price parameters, and behavioural design concerns.

Romania considers its existing inter-institutional cooperation framework a sound foundation for further development and looks to the OECD Roundtable's comparative analysis to inform how coordination across the competition–consumer boundary can be strengthened in a manner consistent with each authority's mandate.

## *Saudi Arabia*

The overall approach in relation to regulating digital markets adopted by Saudi Arabia is based on its recognition that competition and consumer protection are often inherently interconnected. Practices adopted by platforms can simultaneously raise competition concerns (e.g. the practices reduce competition, in turn negatively affecting value for money and choice, both statically and dynamically) and raise consumer protection concerns (e.g. the practices are considered unfair or consumers have no effective recourse, either from a capability or incentive perspective). In order to prevent regulatory interventions that address competition concerns but either ignore consumer protection concerns – or even increase the consumer protection concerns (or vice versa), regulators should adopt a coordinated and coherent response.

The General Authority for Competition (GAC) enforces the Saudi Arabian competition law, the Ministry of Commerce enforces the consumer protection rules, and the Saudi Data and Artificial Intelligence Authority (SDAIA) enforces data protection rules. This institutional framework relies on effective coordination and collaborating in areas of overlap.

In its digital market studies, GAC has focused on resolving the competition concerns, whilst aligning with other regulators to ensure that its proposed solution do not increase consumer protection or data concerns as identified by the other regulatory entities.

## *Spain*

This contribution by the Spanish National Markets and Competition Commission (CNMC)<sup>1</sup> for the 149<sup>th</sup> meeting of the Competition Committee addresses the topic of the session on “Competition and consumer policy in digital markets”, to be held in June 2026<sup>2</sup>.

Digital markets have transformed the economy, offering consumers and businesses significant efficiencies, broader access to goods and services, and lower search costs. However, they have also given rise to a range of competition and consumer protection concerns that are increasingly intertwined and that require a coherent, coordinated policy response.

From a competition advocacy perspective, the CNMC has been active in digital markets for some years. Its 2018 market study on the impact of new technologies on competition in the financial sector (the Fintech study) was an early and influential contribution to the analysis of competition and consumer protection in digital financial services, advocating for activity-based regulation, the use of Regtech, and the creation of a regulatory sandbox — a recommendation that was subsequently implemented by the Spanish Parliament in 2020. Its 2021 market study on online advertising identified high concentration, opacity and self-preferencing by large platforms as key concerns, and proposed specific recommendations to address them. More broadly, the CNMC’s ongoing cloud services market study and a range of other digital-sector initiatives continue to develop the CNMC’s understanding of competition dynamics in these markets.

From a consumer perspective, the CNMC’s 2025 Study on Behavioural Economics for Efficient Regulation and Supervision provides an important analytical framework for understanding the interplay between consumer behaviour, digital market design and competition policy. The study documents how cognitive biases are systematically exploited by operators through dark patterns and other choice-architecture tools, undermining effective consumer decision-making and thereby weakening competitive discipline.

The CNMC’s experience highlights several key dimensions of the competition–consumer policy interface in digital markets. First, consumer vulnerabilities arising from bounded rationality and dark patterns can directly distort competitive outcomes by reducing demand-side discipline and entrenching incumbent power. Second, behavioural insights are increasingly relevant to competition analysis, informing market definition, dominance assessment, and the design of remedies. Third, institutional cooperation between competition and consumer authorities is essential, both at the domestic level and through international coordination fora such as the OECD and the European Competition Network (ECN).

In conclusion, the CNMC considers that the boundaries between competition and consumer policy in digital markets are porous and increasingly interdependent. An integrated approach, informed by behavioural economics and supported by robust institutional cooperation, is necessary to ensure that digital markets function effectively for both consumers and businesses.

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<sup>1</sup> This contribution has been prepared by the staff of the CNMC and shall not be regarded as the official position of the CNMC unless it refers to CNMC approved documents.

<sup>2</sup> The contribution was prepared and sent to the OECD in early May 2026.

## *Singapore*

This paper explains how the Competition and Consumer Commission of Singapore (“CCS”) uses its competition and consumer protection powers together to support well-functioning digital markets. Digital markets may create overlapping competition and consumer harms. This paper explains how CCS’s combined mandate allows it to address those risks in a coordinated way. The paper outlines CCS’s institutional framework as a single authority responsible for both competition and consumer protection, including how it organises case teams across functions, assesses complaints under one or both frameworks where relevant, and supports this integrated model through knowledge sharing, market studies and government advisory work. It also highlights CCS’s investment in digital capabilities, including data science, digital forensics and behavioural insights. The paper then describes how CCS approaches digital markets in practice, including by considering non-price parameters such as data practices, transparency and design in competition analysis, and by using market studies, guidance and advocacy and education alongside enforcement to shape conduct and support compliance. It discusses selected interventions, including market studies on online travel booking and e-commerce platforms, the revision of Technical Reference 76 on e-commerce transactions, and the launch of the AI Markets toolkit. It also examines examples where competition and consumer concerns may converge, including online choice architecture and fake reviews generated using AI tools, as well as a case involving sellers using an e-commerce platform to facilitate collusion. The paper concludes that CCS’s combined mandate is a meaningful advantage in digital markets, where conduct may affect both competition and consumer choice at the same time, and that this integrated approach will become increasingly important as digital business models evolve.

## *Chinese Taipei*

This report explains the competition and consumer-protection issues faced by the Chinese Taipei Fair Trade Commission (hereinafter referred to as the ‘CTFTC’) in digital markets, the respective roles of the competition authority and the consumer-protection authority, and the relationship between the Fair Trade Act (hereinafter referred to as the ‘FTA’) and the Consumer Protection Act (hereinafter referred to as the ‘CPA’). It also illustrates the CTFTC’s enforcement position through relevant cases and studies.

With the advent of the digital economy, global economic systems are facing unprecedented challenges and opportunities. In a world where control over data and technology can create a competitive advantage, ensuring fairness and competition in digital markets has become a shared concern among competition authorities. In December 2022, the CTFTC published the White Paper on Competition Policy in the Digital Economy, which compiled numerous competition issues that also relate to consumers. New issues emerging on digital platforms, such as ‘keyword advertising,’ ‘dark patterns’ and ‘subscription traps,’ have in recent years also highlighted how relevant they have become to consumer protection. From the perspective of competition law, false advertising or the failure to disclose important information online prevents consumers from making transaction decisions based on accurate information, places law-abiding competitors at an unfair disadvantage, and disrupts the order of market competition.

Because the enforcement of competition policy and consumer-protection policy falls under different authorities in Chinese Taipei, clarifying the respective roles of the competition authority and the consumer-protection authority is crucial when handling cases related to digital markets. The FTA essentially remains focused on maintaining competitive order, whereas the CPA is aimed at safeguarding consumer rights. The ‘consumer interests’ referred to in Article 1 of the FTA are not the primary object of direct legal protection, but are instead protected indirectly through the Act’s mechanisms for preserving market order and ensuring fair competition, which in turn give rise to a spillover effect that benefits consumers.

The implementation of competition policy in Chinese Taipei’s digital markets, namely, the preservation of competitive order, has always been the CTFTC’s foundational legislative purpose and primary enforcement objective under the FTA. Protecting the competitive mechanism and enhancing consumer welfare are not mutually exclusive goals. In the face of rapid environmental changes in digital markets and the emergence of new technologies, the CTFTC must continue to refine its analytical tools and enforcement strategies to ensure that market competition remains fair and effective. The CTFTC’s competition policy is centered on maintaining the contestability of markets.

Looking ahead, the CTFTC’s scope for intervention in such cases will continue to depend on whether the conduct meets the requirement of being ‘sufficient to affect trading order’ and whether it implicates the public interest. In practice, the CTFTC has already relied on empirical data to assess the impact of business conduct on market order and competition.

## *Ukraine*

The rapid expansion of digital markets in Ukraine has increased the interaction between competition policy and consumer protection. Digital platforms, e-commerce businesses, online financial services, and digital advertising increasingly influence both market conditions and consumer decision-making, creating challenges that often cannot be addressed solely through either a competition or a consumer protection perspective.

Ukraine's experience illustrates how competition enforcement and unfair competition rules can contribute to addressing these challenges in digital markets.

A notable example is the Kyiv Digital case. Kyiv Digital, one of Ukraine's largest municipal digital platforms, provides access to a wide range of public services and serves more than 3.3 million registered users. The Antimonopoly Committee of Ukraine (AMCU) found that certain requirements imposed on payment service providers seeking access to a platform functionality were not established by law and created unjustified barriers to market access. The case illustrated how access conditions imposed by a digital platform providing access to essential municipal services may affect both competition among service providers and the terms offered to consumers. According to the AMCU's findings, alternative providers were able to offer commission rates of approximately 3%, compared with around 10% charged through the selected provider.

An important feature of the Ukrainian framework is the application of unfair competition legislation, particularly Article 15-1 of the Law of Ukraine "On Protection against Unfair Competition", which prohibits the dissemination of misleading information capable of influencing consumers' purchasing decisions. This legal instrument enables the AMCU to address practices that may affect both competition and consumer interests.

Recent enforcement and advocacy activities demonstrate the growing relevance of these issues. In 2025, the AMCU assessed the transparency of cashback programmes offered by banking institutions and identified cases where advertised benefits were emphasised while important eligibility conditions, limitations and exclusions were disclosed less prominently. Such practices may mislead consumers and provide undertakings with an unfair competitive advantage.

In 2026, the AMCU also launched a study of online discounts and marketing practices in e-commerce, focusing on potentially misleading price comparisons, false urgency claims and false scarcity practices. Preliminary findings indicate that such practices may influence consumer purchasing decisions while also affecting competitive conditions in online markets.

Ukraine's experience demonstrates that digital market practices increasingly affect both competition and consumers. The practical examples discussed in this contribution show that unfair competition law can serve as an effective tool for addressing misleading and non-transparent practices in the digital economy. At the same time, the evolving nature of digital markets highlights the importance of continued cooperation between competition and consumer protection authorities to ensure effective enforcement and promote fair market conditions.

## *United Kingdom*

This paper explains how the CMA considers the interaction between competition and consumer protection in digital markets, and how our toolkit has evolved to respond to new challenges created by digital business models, platforms and online choice architecture.

The CMA's integrated mandate for competition and consumer protection can allow it to consider and address competition and consumer harms together, using a range of different tools including enforcement, market studies, advocacy and behavioural analysis.

The Digital Markets, Competition and Consumers Act 2024 has strengthened the CMA's powers through a new digital markets competition regime, amendments to existing consumer law and direct consumer enforcement, including stronger powers on drip pricing, fake reviews and unfair practices.

In digital markets, issues relevant to both consumer protection and competition can interact. Examples include:

- misleading pricing
- fake reviews
- default settings
- harmful online choice architecture
- lock-in
- unfair contract terms and barriers to switching

The CMA's recent work shows that improving transparency, reducing friction and supporting informed consumer choice can also strengthen rivalry and reduce the ability of powerful firms to entrench their position.

The paper also covers how the CMA has considered non-price parameters, which include quality, reliability, innovation, range and choice, interoperability, privacy and data protection, advertising load, and levels of trust (including trust in rankings and reviews).

## *United States*

Competition and consumer protection laws promote free market competition by correcting distortions in markets and promoting informed consumer choice. Competition law supports free markets by safeguarding the competitive process—the rivalry between market participants that incentivizes them to, for example, offer lower prices, enhance quality, innovate, improve wages and working conditions, and expand choice. The Federal Trade Commission (“FTC”) intervenes when business conduct has distorted or threatens to distort a market by artificially suppressing or eliminating rivalry. For its part, consumer protection law stops unfair or deceptive business practices, allowing consumers to make well-informed decisions based on truthful information. Truthful information promotes free market competition by ensuring that businesses compete based on the merits of their products and that consumers have accurate information to make purchasing decisions, based on the merits of products. As an agency with the dual mission of enforcing competition and consumer protection laws, the FTC is well positioned to share its views on how its consumer protection efforts promote competition.

While FTC consumer protection cases have promoted competition in sectors across the economy, the increasing importance of digital markets in the U.S. economy makes it particularly critical to understand how consumer protection enforcement in digital markets has facilitated increased competition. To that end, this contribution summarizes recent cases involving online subscription services, a digital platform for reselling sporting event tickets, and AI-powered services.