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Executive Summary of the Roundtable on Co-operative Antitrust in Remedy Design

Annex to the Summary Record of the 142nd meeting of Working Party 3 on Co-operation and Enforcement

3 December 2025

This Executive Summary by the OECD Secretariat contains the key findings from the discussion of the Roundtable on Co-operative Antitrust in Remedy Design held during the 142nd meeting of the Working Party 3 on Co-operation and Enforcement held on 3 December 2025.

More documents related to this discussion can be found at:
https://www.oecd.org/en/events/2025/12/cooperative-antitrust-in-remedy-design.html

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Executive Summary of the Roundtable on Co-operative Antitrust in Remedy Design

By the Secretariat[1]

On 3 December 2025, the OECD Working Party No. 3 on Co-operation and Enforcement held a roundtable on Co-operative Antitrust in Remedy Design to discuss the relevance of co-operative approaches for effective, proportionate, and implementable remedies in antitrust and merger cases.

Taking into account the background note prepared by the OECD Secretariat, the written contributions, as well as the discussion by the expert panellists, the following key points emerged:

1. Co-operation in remedy design may occur in various forms and at different stages of a case.

The design of effective remedies is inherently complex and requires case-specific, fact-intense approaches. Competition authorities can benefit from interacting with sector regulators, other public bodies, competition authorities or private actors when designing remedies. The expertise, experience and market information of such other stakeholders contribute to more timely, robust, feasible and proportionate remedies.

Co-operation in remedy design may take multiple forms and can happen at different stages of proceedings. It ranges from informal consultations and technical input to structured market testing. Co-operation may occur at early stages of investigations or merger reviews to inform the initial assessment and scope of remedies; during the design phase of remedies, to refine proposals and ensure feasibility; and later, to support implementation and monitoring.

Co-operation may include targeted consultations to provide comments on specific remedy proposals; or, if deeper, it may include the formation of working groups to design and evaluate the remedies.

Engagement with private actors may take different shapes. Parties to the proceeding may propose measures on their own initiative and participate in multiple rounds of discussions to adapt and finalise remedies. Third parties can be asked for feedback and consultations or be involved in market testing of remedies with competitors and consumers.

2. Input from regulators and other competition authorities raises quality and coherence.

Delegates agreed that other regulators, including sectoral ones as well as consumer or data protection agencies often informed remedy scope and contributed to a better design, including on monitoring the implementation of remedies.

Collaboration with regulators helps to inform on specificities of the functioning of the market, and make sure that remedies are implementable and do not interfere with existing regulation.

[1] This Executive Summary does not necessarily represent the consensus view of Working Party No. 3. It does, however, encapsulate key points from the discussion.

Delegates shared different experiences of remedy design in antitrust investigations and merger reviews in regulated sectors or when their concerns intersected with other policy objectives like data privacy, consumer protection, or intellectual property rights. In these cases, input from the relevant bodies proved to be useful to identify remedy solutions that were suitable to address the harm to competition and consider the relevant sector or policy.

Competition authorities highlighted the relevance of international co-operation with other competition authorities in remedy design for cross-border issues, to guarantee coherence and avoid conflicting outcomes. Examples revealed experiences where co-operation resulted in large, uniform remedy solutions that were feasible and appropriate for multiple jurisdictions and remedy packages that complemented each other but accounted for local particularities and needs. In engaging with competition authorities from other jurisdictions, delegates agreed that, in merger reviews, securing confidentiality waivers is crucial to enable sharing case-specific information with other authorities, and enhance the feasibility and proportionality of the remedies.

3. Targeted questions, public consultations and market testing procedures are central tools for the success of remedies.

Delegates shared multiple examples that illustrated how continuous dialogue with third parties, as well as with parties to the investigation or merger review, have enabled them to bridge information asymmetries and refine measures to ensure that they align with market realities. They particularly highlighted how complexities in highly specialised sectors, such as digital markets, may require competition authorities to seek for technical information from third parties.

Most competition authorities have available mechanisms for the review of remedy proposals that involve stakeholder inputs, including targeted requests, public consultations and market testing procedures. These processes often lead to material revisions of the remedies proposed and enhance their success.

4. In engaging with public and private stakeholders, competition authorities should also be aware of potential risks.

Competition authorities, sector regulators and other relevant public bodies operate under different rules and frameworks. Effective collaboration in remedy design requires a shared understanding of each authority's goals, roles and institutional framework.

Differences in the tools available to each authority for carrying out their mandates may also create inconsistency in their actions. For example, in merger cases, some authorities have powers to impose remedies autonomously, while others must wait for remedy proposals by the parties.

Competition authorities also have different goals from private actors. Firms focus on profit maximisation and their conduct (for example when transactions or conduct aim to gain or consolidate market power) may run counter to the objectives of competition authorities. Co-operation with directly involved parties is easier in mergers and market investigations, where procedures are less contentious, than in conduct cases. In antitrust investigations, co-operation is likely more straightforward when remedies are designed together with the parties (e.g. through commitment procedures), than when they are imposed as part of an infringement decision.

To overcome challenges arising out of misaligned incentives and help remedy design and implementation, competition authorities endeavour to engage with the different relevant actors early on, identify possible biases and follow an open and transparent remedy design process. Authorities also attempt to gather information from different types of stakeholders to reduce asymmetries of information and build long-term trust when possible.

5. Past experiences indicate that co-operation in remedy design is an essential part of improving remedy effectiveness and implementability.

Recent studies on remedies converge on a clear message: co-operation is encouraged and mechanisms to do so should be strengthened. This means creating engagement opportunities to support remedy design and enabling timely feedback on proposed measures. Definition on when to engage with stakeholder, what information is relevant and how feedback will inform revisions can incentivise collaboration.

Retrospective studies, including from other jurisdictions, may also inform remedy design. This includes previous collaboration with other authorities and market players. Delegates highlighted the relevance of retrospective studies as a tool to review effectiveness and implementability of remedies. Identifying what worked and what did not work provides useful insights for future remedy design. Past experiences may also inform about missed opportunities for more or deeper co-operation and good practices when engaging with different types of stakeholders.