Organisation for Economic Co-operation and Development

DAF/COMP/WP3/M(2026)1/ANN2/FINAL

Unclassified English - Or. English

12 November 2026

DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE

## Working Party No. 3 on Co-operation and Enforcement

# Executive Summary of the Roundtable on National Security Considerations in Competition Enforcement

**Annex to the Summary Record of the 143rd meeting of Working Party 3 on Co-operation and Enforcement**

This Executive Summary by the OECD Secretariat contains the key findings from the discussion of the Roundtable on National Security Considerations in Competition Enforcement held during the 143rd meeting of Working Party 3 on Co-operation and Enforcement held on 23 June 2026.

More documents related to this discussion can be found at:
https://www.oecd.org/en/events/2026/06/national-security-considerations-in-competition-enforcement.html

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JT03597966

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# *Executive Summary of the Roundtable on National Security Considerations in Competition Enforcement*

By the Secretariat[1]

On 23 June 2026, the OECD Working Party No. 3 on Co-operation and Enforcement held a roundtable on National Security Considerations in Competition Enforcement to explore how national security concerns, including economic security, resilience and sovereignty, interact with competition enforcement.

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

**1. Competition can promote national security objectives.**

Although trade-offs may occasionally arise between competition and national security objectives, competitive and diversified markets can in general enhance resilience, lessen reliance on individual suppliers, foster innovation, and strengthen long-term productivity and adaptability in strategically important sectors.

Sustained competitive rivalry remains a fundamental driver of these outcomes, even where additional policy tools are needed to remedy specific market failures or address security-related concerns. Therefore, effective policymaking requires a careful calibration of these instruments to sector-specific conditions, ensuring that measures introduced to address national security concerns do not erode the competitive dynamics that underpin long-term innovation, resilience, and capability.

**2. National security concerns may be assessed under competition law when they relate to competitive conduct and effects.**

Where national security concerns can be articulated in terms of competition-relevant conduct and effects, they may be assessed within established competition law frameworks by competition authorities. This may occur, for instance, where concerns relating to resilience or security of supply are linked to greater concentration, decreased supplier diversity, or dependence on a small number of critical inputs. In practice, several points of engagement arise for competition enforcement: the assessment of competitive constraints, merger control, conduct enforcement, and remedy design.

In certain sectors, for instance, competitive dynamics are influenced not only by prices, quality, innovation, and other economic parameters, but also by national security-related policies, including procurement rules, export controls, foreign investment screening, security clearance requirements, and restrictions on vendors. These measures may shape whether particular firms can bid, provide goods or services, expand their market presence, continue operating in the sector, or be considered as credible suppliers by customers.

Furthermore, remedies, whether structural, behavioural, or hybrid in nature, may be characterised as affecting national security by reconfiguring critical industries, altering control over strategic assets, or reducing the international competitiveness of domestic

[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.

firms. Such arguments may be used to challenge, influence, or circumscribe the scope of remedial measures.

**3. Maintaining distinct institutional mandates and analytical discipline is essential.**

Although competition policy does not operate in a vacuum, the Committee agreed that competition authorities should remain within their respective expertise, institutional capacity and mandate when engaging in national security issues. Where they concern broader geopolitical considerations and national security trade-offs, they lie beyond the scope of competition enforcement and should instead be addressed through the appropriate institutional channels within the government. Competition authorities, whose mandate is based on legally established economic criteria, are generally not the institutions most suited to weighing such considerations or determining priorities among competing national security objectives.

**4. Competition law exemptions should be granted only on a sound evidentiary basis and remain temporary, targeted, and proportionate.**

In some jurisdictions, legal frameworks allow for exemptions from, or restrictions on, the application of competition law in emergency situations, including pandemics and periods of armed conflict. It was stressed that any departure from the ordinary application of competition law should be temporary, targeted, and proportionate.

The Committee further stated the importance of requiring a robust evidentiary basis for such measures, reflecting a continuing commitment to a rigorous and cautious approach to competition law exemptions. Overall, the circumstances in which such exemptions are applied in practice tend to be limited, and institutional and procedural safeguards have been established to prevent competition law exemptions from being granted too readily.

**5. Efficiency and pro-competitive justifications should be substantiated by robust, verifiable evidence.**

Outside of legally recognized exemptions, efficiency or pro-competitive justifications framed in terms of resilience, technological capability, or strategic autonomy must be demonstrated to be necessary, proportionate and causally linked to competition-relevant benefits. They should be treated and used with caution, particularly where such claims being invoked to exempt conduct from competition law scrutiny and thereby undermines the benefits of competition.

**6. Advocacy, co-ordination and business guidance can play an important role.**

Competition authorities should deploy their available tool, including advocacy to encourage less competition-restrictive approaches to security concerns. It is also useful to ensure institutional co-ordination to bring together security expertise and competition authorities' assessment of market structure, competitive effects, and remedies. Those initiatives are crucial to help national security authorities understand the competitive nature and impact of the transactions from an economic point of view. Providing guidance to the business community is another effective means of supporting market participants because they may sometimes consider collaborating with other firms in their activities related to national security issues.

The Committee shared their experiences with advocacy, institutional co-ordination across government, and guidance to the private sector. Competition authorities can usefully contribute objective, evidence-based economic analysis of market conditions and competitive effects to inform the work of national security authorities. Guidance to businesses through issuing guidelines and casebooks for instance can contribute to reducing legal uncertainty by clarifying the application of existing competition rules in these

contexts and by distinguishing permissible conduct from conduct that continues to be prohibited under competition law.