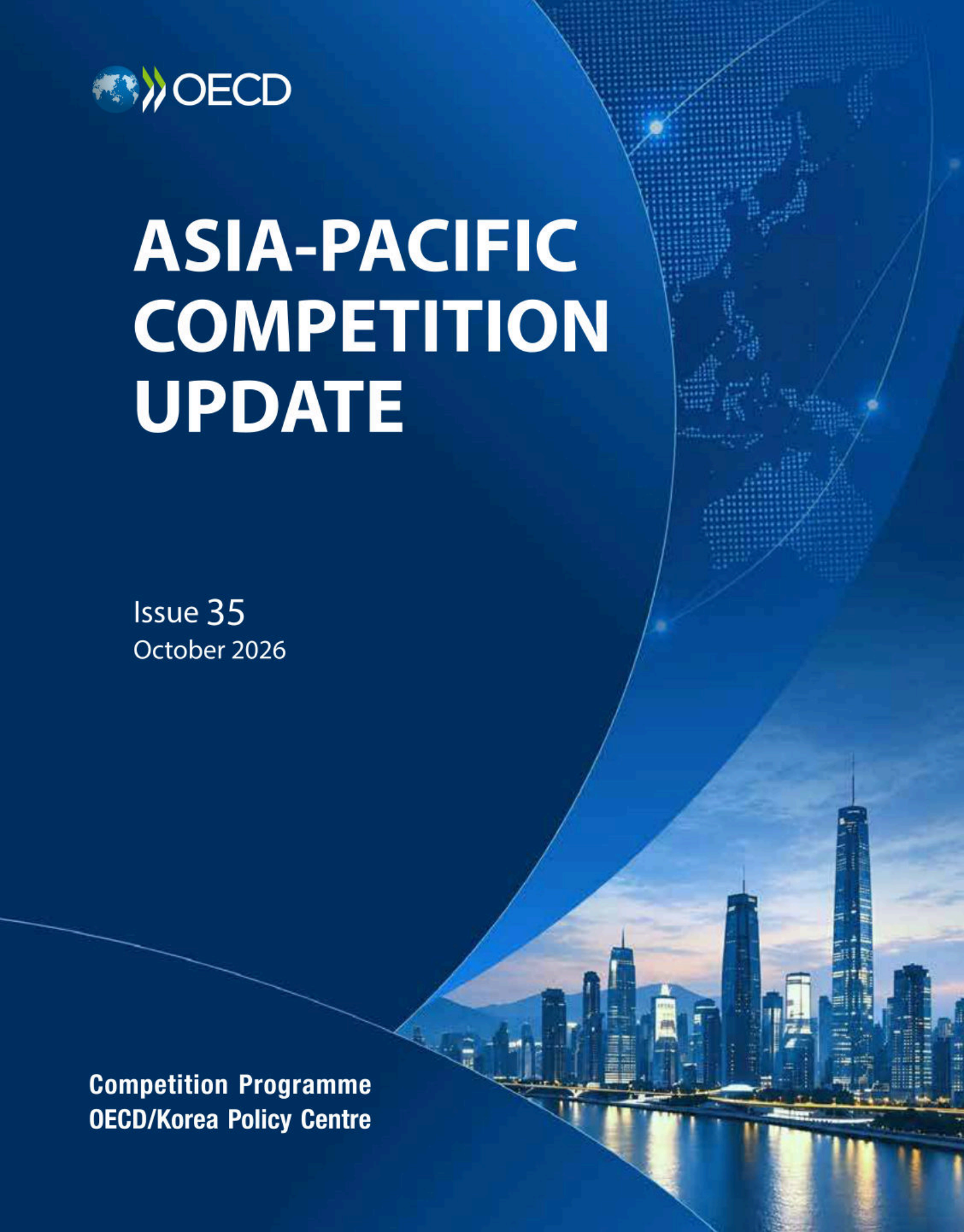
OECD

ASIA-PACIFIC COMPETITION UPDATE

Issue 35
October 2026



Competition Programme
OECD/Korea Policy Centre

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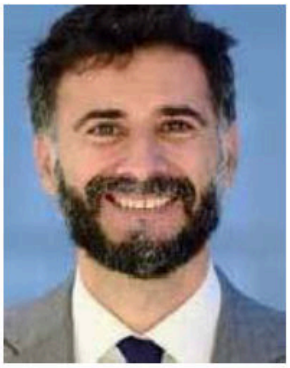
ASIA-PACIFIC COMPETITION UPDATE

Issue 35
October 2026

The Competition Programme of the OECD/Korea Policy Centre provides education and training to officials of Asia-Pacific competition authorities in the field of competition law and policy, and OECD/KPC organises events for judges. This newsletter includes information about our work and the work of the OECD, as well as news, case studies and reports from competition authorities in the Asia-Pacific region.

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Entry Point



Ruben Maximiano

Coming back to competition work in the Asia-Pacific after three years away has been a wonderful reminder of how quickly both the region and competition policy itself can change.

When I last worked closely with competition authorities across the region, many of the conversations naturally centred on building institutions and strengthening the core enforcement toolkit: how to investigate cartels, review mergers, assess abuses of dominance and establish credible enforcement procedures. Those questions remain important, of course, but returning to the region in 2026, I have been struck by how much the discussion has developed.

Authorities are increasingly dealing with cutting edge questions. Artificial intelligence and access to computing infrastructure are becoming competition-policy issues. Digital platforms are being examined through the lenses of interoperability, self-preferencing, switching and control over data. Procurement authorities and competition agencies are experimenting with increasingly sophisticated tools to identify bid rigging. Merger regimes are being redesigned, while market studies are being used to understand problems that do not fit neatly into an infringement case. Perhaps most importantly, competition authorities are increasingly part of wider conversations about productivity, resilience, investment and economic growth.

For me, this has coincided with a slightly different journey within the OECD. During the past three years, I have been working in the Economics Department, looking more broadly at the role competition plays in macroeconomic performance and, in particular, at how regulation shapes the ability of firms to enter and compete in markets.

This work has reinforced the idea that competition policy does not begin when a competition authority opens an investigation. The rules governing entry into a market, permits, licences, technical standards, access to infrastructure, qualification procedures or regulatory requirements, can determine which firms and technologies are able to compete long before competition law is formally engaged.

Regulation is, of course, essential. Governments regulate for good reasons: safety, consumer

protection and others. The relevant question is therefore not whether to regulate, but how to achieve those objectives while imposing the minimum unnecessary restriction on entry and competition.

This becomes particularly important when markets are changing rapidly. Regulation is often designed around the technologies and business models that already exist. New entrants may then find that they do not fit comfortably within rules written for incumbent technology, even where they can deliver the same regulatory objective in a different way. Competition analysis can help policymakers identify those barriers and ask whether requirements remain necessary, proportionate and technologically neutral.

Energy markets have provided an especially interesting testing ground for this approach. The new technologies that are now market ready require large upfront investment leading then to low marginal costs, but it requires entry of those new technologies and new business models. New forms (or new technologies) of generation, storage, hybrid projects and more decentralised forms of energy production frequently interact with permitting systems, grid-connection rules and technical requirements designed under very different market conditions. We developed a Toolkit to provide a structured way of examining whether regulation unnecessarily restricts entry, weakens incentives to compete or favours particular technologies or business models.

Returning to Asia-Pacific competition work has made the connection between these two strands particularly clear to me. Strong enforcement remains indispensable. The workshops described in this newsletter, on abuse of dominance in Seoul, Korea, market studies in Ghuanzhou, China and cartel investigations in Ulaanbaatar, Mongolia, demonstrate how much practical expertise authorities across the region have developed in identifying competition problems and intervening effectively.

But enforcement is only one side of the equation. Governments can also make markets more competitive by design, and competition authorities can help there. Reducing unnecessary barriers to entry, improving regulatory neutrality and allowing new firms, technologies and business models to enter can strengthen productivity and innovation while making markets more resilient. In some settings, creating a more contestable market can even make anticompetitive coordination harder to organise and sustain.

That is perhaps the biggest difference I notice on coming back. Competition policy in the region is no longer about establishing the basic tools of competition enforcement. Increasingly, it is also about how competition can contribute to better regulation and better economic policy.

After three years looking at these questions from a somewhat different part of the OECD, it is very good to be back in that conversation.

News from Asia-Pacific Competition Authorities

Australia

Australia's New Merger Control Regime: Early Developments

Australia's merger control framework moved from a voluntary, informal system to a mandatory, suspensory regime on 1 January 2026, following reforms enacted in December 2024.

Businesses proposing acquisitions that meet certain notification thresholds (based on revenue and transaction value) must now notify the Australian Competition and Consumer Commission (ACCC) and obtain its approval before completing the transaction.

The ACCC is the first-instance decision maker for each notified acquisition. The Australian Competition Tribunal can review an ACCC decision following an application by the notifying party or a third party.

In some cases, businesses may apply to the ACCC for a notification waiver which, if granted, removes the need to notify the acquisition, even if it meets the thresholds. The notification waiver process is intended to provide a simple and fast way to enable acquisitions which clearly do not raise material risks to competition or consumers to proceed quickly.

All decisions about notified acquisitions and notification waiver applications (and review timelines) are published on the ACCC's acquisitions register.

The ACCC's substantive test for notified acquisitions remains whether the acquisition would be likely to substantially lessen competition, now with explicit clarification that this includes creating, strengthening or entrenching substantial market power.

The ACCC has published guidance on the new regime to assist businesses and advisers. This includes assessment guidelines setting out its analytical approach which is intended to give business and advisers greater predictability about how matters will be assessed. The ACCC has also published process guidelines outlining key steps in the merger control regime and guidance on notification waivers.

Most notifications are assessed and cleared in an initial phase (Phase 1), with only a small proportion of notifications subject to a more detailed Phase 2 review.

Between 1 January and 30 June 2026, the ACCC received 145 notifications (in addition to 13 received during a voluntary transition period between 1 July and 31 December 2025) and 286 notification waiver applications (of which 4 were ceased). Of the notifications received, 115 were approved in Phase 1, with 6 moved to Phase 2. 234 notification waivers were granted.

The ACCC has committed to deciding around 80 per cent of acquisitions within 20 business days either through an early phase 1 decision or notification waiver. The ACCC is currently meeting this commitment with over 90% decided in this timeframe.

The new regime is allowing the ACCC to build a greater understanding of patterns of consolidation in different sectors, while allowing most notified acquisitions to proceed quickly, suggesting the new regime is functioning as intended.

Source: ACCC

Indonesia

Google Play Billing decision becomes final

Google Play Billing decision becomes final

Indonesia's Google Play Billing case reached its conclusion in March 2026, when the Supreme Court rejected Google cassation appeal. The ruling, issued on 10 March, means that the Indonesia Competition Commission's (KPPU) decision in Case No. 03/KPPU-I/2024 is now final and binding.

The case concerned Google's policy requiring application developers distributing digital products and services through the Google Play Store to use Google Play Billing (GPB) and preventing them from using alternative payment methods. Google also charged service fees on digital transactions. KPPU considered that the policy could create barriers to entry in digital payment services and reduce the choice of payment methods available to developers and consumers. According to KPPU, Google Play Store accounted for vast majority of the application-distribution market in Indonesia.

In January 2025, KPPU found Google to have infringed Articles 17 and 25(1)(b) of Indonesia's competition law and imposed a fine of IDR 202.5 billion. It also ordered Google to end the mandatory use of Google Play Billing and to allow all application developers to participate in its User Choice Billing programme, with a reduction in service fees for one year once the decision became final.

Google challenged the decision before the Jakarta Central Commercial Court, which rejected the appeal in June 2025. The Supreme Court's rejection of Google's subsequent appeal closes the remaining legal avenue identified in the KPPU release and requires Google to comply with the decision, including payment of the fine and implementation of the ordered policy changes.

Source: https://kppu.go.id/berita/ma-tolak-kasasi-google-putusan-kppu-atas-google-play-billing-berkekuatan-hukum-tetap

Japan

JFTC publishes generative AI market study

The Japan Fair Trade Commission (JFTC) continued to focus on competition issues arising from digitalisation during the first half of 2026. In April, it published Version 2.0 of its report on generative AI, updating its assessment of a market that the authority considers to be evolving rapidly. The report draws on information submitted through a dedicated channel and hearings with around 30 stakeholders, including domestic and foreign businesses, experts, government bodies and overseas competition authorities. It updates the JFTC's overview of generative AI markets, adds an assessment of autonomous driving, and reorganises the competition issues identified under Japan's Antimonopoly Act.

The JFTC said it intends to continue monitoring developments in generative AI, address specific conduct where competition concerns arise, and cooperate with other government bodies and competition authorities internationally. The authority emphasised the need to preserve fair competition while allowing generative AI to develop and support new services, business models and innovation.

Source: Japan Fair Trade Commission, https://www.jftc.go.jp/en/pressreleases/yearly-2026/April/260416.html;

Korea

KFTC launches market study into AI services

In May 2026, the Korea Fair Trade Commission (KFTC) launched a market study into AI services, focusing on the structure, competitive conditions and transaction practices of the domestic market. The study follows earlier KFTC work on the broader AI ecosystem in 2024 and on the data sector within AI infrastructure in 2025, but moves the focus further downstream to the provision and integration of AI services.

The study will be conducted in two stages. The first covers 29 major Korean and foreign AI service developers serving Korean users and 17 major providers of products incorporating AI services. It examines the current state of AI-service businesses and integration-related transactions, competitive conditions, how AI services are provided to users, and firms' experiences of potentially anticompetitive or unfair trading practices. A second survey, later in 2026, will focus on consumers, including their use of AI services and their awareness of AI embedded in other products and services.

Source: Korea Fair Trade Commission, "Launch of the AI Services Market Study", 22 May 2026.

Malaysia

Digital markets review and Competition Appeal Tribunal upholds cartel decision

The Malaysia Competition Commission (MyCC) combined market-wide analysis with significant enforcement developments during the first half of 2026. In February, it launched the findings of its Market Review on the Digital Economy Ecosystem, following an 18-month review covering mobile operating systems and payment services, retail e-commerce platforms, digital advertising services and online travel agencies. Privacy and data protection issues were also examined across the four areas.

The review identified a number of practices that may adversely affect competition, consumer choice and the competitiveness of Malaysian businesses, including high commission structures, restrictive contractual terms, limited transparency in pricing mechanisms and control over consumer data. MyCC issued 18 policy recommendations aimed at strengthening regulatory frameworks, improving transparency and data access, and protecting consumers and micro, small and medium-sized enterprises as Malaysia's digital economy develops.

The review illustrates the increasingly important role of market studies in examining competition concerns that span several interconnected digital markets and also reflects the extent to which competitive conditions in digital markets can depend on relationships between different layers of an ecosystem.

In 11 February 2026, the Competition Appeal Tribunal dismissed appeals brought by four chicken-feed producers against MyCC's December 2023 cartel decision. The Tribunal agreed with MyCC that the companies had coordinated the amounts by which chicken-feed prices would be increased during three separate periods between January 2020 and June 2022. It found MyCC's conclusions to be supported by strong evidence and upheld both the financial penalties and the directions imposed by the Commission.

MyCC has also continued efforts to strengthen the prevention and detection of bid rigging in public procurement. By the end of June 2026 it had signed Letters of Understanding with 11 government ministries, including the Ministries of Finance, Health and Education, three of them during the first half of 2026. The arrangements provide for training of procurement officials in identifying potential bid-rigging conduct and technical cooperation between ministries and MyCC.

Source: Malaysia Competition Commission

India

CCI finds bid rigging in public procurement tenders

In April 2026, the Competition Commission of India (CCI) found 17 contractors to have engaged in bid rigging in tenders issued by the Assam Police Housing Corporation for internal and external electrification works in police station buildings across the State of Assam. The Commission concluded that the parties had used bid rotation and cover bidding to reduce competitive intensity in the tender process.

The CCI relied on evidence including identical mistakes in bid submissions and common IP addresses, amongst others. Taken together, these patterns supported the finding that what looked like competing bids had not been prepared independently. The Commission found the conduct to infringe India's prohibition on bid rigging and directed the parties to cease and desist from the practices concerned.

Source: Competition Commission of India, April 2026.

Philippines

Energy merger cleared subject to competition commitments

The Philippine Competition Commission approved the acquisition of hydropower and pumped-storage assets by Cleanergy 9 Power, part of the Aboitiz group, subject to commitments addressing competition concerns in ancillary services markets in the Luzon electricity system.

The PCC identified concerns relating to the merged entity's position in reserve services and the possibility that it could affect prices or available capacity before the introduction of tariff regulation.

The transaction illustrates the particular challenges of merger assessment in regulated energy markets. Competition authorities must consider not only concentration between firms but also the interaction between ownership of generation assets, market rules, system-security requirements and sector regulation.

Source: Philippine Competition Commission, January 2026

Singapore

CCS modernises procedures and scrutinises mergers in emerging markets

Singapore's Competition and Consumer Commission (CCS) introduced important procedural reforms during the first half of 2026 while remaining active in merger review.

Revised Merger Procedure Guidelines, effective from 1 May, introduced a streamlined track under which Phase 1 reviews of transactions unlikely to raise competition concerns may be completed within 25 rather than 30 working days. The changes also seek to reduce information burdens and give merging parties earlier indications of whether clearance is likely.

In June, CCS also published new Fast Track Procedure Guidelines for investigations into anticompetitive agreements and abuse of dominance. Businesses that resolve cases through the procedure may receive a discount of up to 30% on the financial penalty. In return, the procedure limits the extent of submissions, requires the business to agree to the proposed financial penalty when entering the Fast Track Agreement, and provides that the discount will be revoked if the business subsequently appeals. The approach is intended to reduce both administrative costs for CCS and the time and uncertainty faced by businesses.

These procedural changes were accompanied by active merger enforcement. In May, CCS conditionally cleared SP Mobility's acquisition of EV charging provider ChargEco after accepting three-year commitments concerning charging prices, non-discriminatory discounts and notification of price changes.

Source: CCS of Singapore

Chinese Taipei

Policy statement on generative AI and competition

On 18 March 2026, the Fair Trade Commission of Chinese Taipei (CTFTC) published its Public Consultation Report and Policy Statement on Generative Artificial Intelligence and Competition, setting out how it intends to balance effective competition enforcement with the need to preserve innovation. The statement identifies seven principal areas of potential concern: access to key inputs such as chips and data; self-preferencing by cloud providers and switching difficulties; bundling, tying and ecosystem integration; talent mobility; mergers; concerted practices and cartels; and improper marketing. It also provides guidance on how the CTFTC intends to approach these issues in future enforcement.

The CTFTC's approach is built around four principles. It will focus resources on cases supported by evidence and a credible theory of competitive harm; take account of local market conditions, including Chinese Taipei's important role in the semiconductor value chain; assess whether AI markets remain contestable, particularly as competition shifts from individual products towards ecosystems; and apply a case-by-case, rule-of-reason analysis that weighs both pro- and anticompetitive effects. The statement follows the adoption of the Artificial Intelligence Basic Act on 14 January 2026 and reflects the CTFTC's view that AI competition issues are increasingly cross-border, requiring continued engagement with the international competition community.

Source: CTFTC (March)

Papua New Guinea

ICCC streamlines merger clearance review

In March 2026, Papua New Guinea's Independent Consumer and Competition Commission (ICCC) introduced a streamlined review process for merger clearance applications. The reform follows the growth in notifications under Papua New Guinea's mandatory merger regime and is intended to allow transactions presenting limited competition risks to be assessed more efficiently. Under the revised approach, appropriate cases may be subject to shorter and more targeted stakeholder consultation and receive determinations in a more concise format, while transactions presenting material or uncertain competition concerns continue to undergo a full assessment. The change does not alter the substantive legal standard but is meant to introduce greater proportionality into its merger-review process.

Source: ICCC

Summary of OECD Competition Week

OECD Competition Week – June 2026

The OECD Competition Week, held in Paris from 22 to 26 June 2026, brought together competition authorities, policymakers, academics and practitioners to discuss a wide range of current competition law and policy issues. Across the Competition Committee and its Working Parties, discussions ranged from institutional design and enforcement strategy to healthcare regulation, national security, labour markets, digital markets and public procurement. A recurring theme was how competition authorities can remain effective as the economic and policy environment in which they operate becomes increasingly complex.

Institutional arrangements, competition advocacy and market dynamics

How competition authorities are organised can have important implications for what they are able to achieve. Drawing on the experiences of the Competition Bureau of Canada and Colombia's Superintendencia, the discussion examined how institutional arrangements interact with enforcement priorities, competition advocacy and engagement with government.

Particular attention was given to the role authorities can play beyond individual enforcement cases. By identifying regulatory barriers, contributing to policymaking and advocating for reforms, competition authorities can influence the conditions under which markets operate and help governments avoid unnecessary restrictions on competition.

The session also presented the OECD Guide for Assessing the Impact of Competition Authorities' Activities. One important message was that the performance of an authority should not be assessed only by counting cases, decisions or fines. Significant multiplier effects can arise from the impact through deterrence effects, improvements in regulation that can have pro-competitive effects and changes in market behaviour that may be difficult to capture through more simple enforcement indicators.

Competition assessment in healthcare

Healthcare provided a particularly useful illustration of why competition considerations should be incorporated into regulatory design. The roundtable considered how regulation and public policy can inadvertently restrict competition, including through barriers to entry, hospital consolidation and contractual arrangements that limit competitive alternatives.

Recent US enforcement experience provided examples involving hospital mergers, restrictions affecting labour markets and anticompetitive agreements. The discussion also considered Certificates of Public Advantage (COPAs), under which certain hospital mergers may proceed under state supervision despite competition concerns. These arrangements illustrate the difficult trade-offs that can arise where governments pursue public-interest objectives while accepting greater concentration in a market.

An important broader lesson concerned deterrence. The benefits of enforcement are not confined to the transactions or practices actually challenged. Credible intervention can also influence decisions taken by other market participants, discouraging anticompetitive conduct or problematic mergers before they occur. Competition assessment therefore has a role both in individual enforcement and in the design of healthcare policies capable of supporting affordability, innovation and efficient market outcomes.

Competition policy and national security

The growing interaction between competition policy and national security was another important session. Geopolitical tensions, technological rivalry, supply-chain concerns and export controls are increasingly influencing government intervention in strategically important markets.

The discussion examined the challenges this creates for competition authorities, particularly where mergers or conduct involve sectors considered important for security or economic resilience. Governments are increasingly pursuing strategic autonomy, including through measures designed to support domestic production or reduce dependence on foreign suppliers.

Such measures may address legitimate resilience or security concerns, but they can also carry competition costs. Protecting domestic suppliers or limiting foreign competition may weaken competitive pressure, reduce incentives to innovate and distort market outcomes over

time. Participants therefore stressed the importance of transparent decision-making with clearly defined goals, principles and criteria, clearly defined institutional responsibilities and effective cooperation between competition and national-security authorities. The underlying challenge is to pursue legitimate security objectives without unnecessarily sacrificing the longer-term benefits generated by competitive markets.

Non-compete clauses and competition in labour markets

The session focused on competition in Labour markets that has continued to receive increased attention from competition authorities. The discussion examined how contractual restrictions may impact employee mobility, particularly non compete clauses, but also no poaching and wage fixing agreements, and thus may reduce competition, productivity and innovation. The discussion highlighted growing evidence that these restraints have become widespread across sectors and often extend beyond their original purpose of protecting legitimate business interests.

Participants explored their impact on labour mobility, knowledge diffusion, business dynamism and wage growth, while highlighting the increasingly significant role of com

petition authorities in addressing anti competitive practices in labour markets. The session also considered potential policy responses, including stronger enforcement against labour market restraints, improved regulatory frameworks, and the use of less restrictive alternatives, such as non disclosure agreements, to balance legitimate business interests with competitive labour markets.

Competition and consumer policy in digital markets

The roundtable discussed the boundaries between competition and consumer protection and how they are becoming increasingly difficult to draw in digital markets. Digital platforms, algorithms and artificial intelligence can affect not only the structure of markets but also how consumers behave and make decisions within them, therefore affecting market outcomes.

The roundtable considered concerns related to personalised pricing, self-preferencing, data-driven lock-in and forms of choice architecture that may influence or manipulate consumer decisions. AI-based recommendation and decision-making systems add another layer of complexity, particularly as increasingly autonomous or agentic AI systems begin to act on behalf of consumers.

A central message was the need for closer cooperation among competition, consumer, data-protection and digital regulators. Joint priority-setting, policymaking and enforcement may become increasingly important where the same conduct creates several different forms of harm.

The discussion also considered the role of remedies. Transparency requirements, new forms of remedial intervention and potentially AI-based regulatory tools could help authorities respond to data-driven harms. At the same time, intervention needs to preserve the innovation and consumer benefits generated by digital technologies. Ensuring that consumers retain the ability to make informed and autonomous choices is therefore increasingly relevant to both competition and consumer policy.

Information sharing and competition

The session on Information sharing and competition sharing illustrates particularly clearly how the same business practice can produce both benefits and competition risks. Exchanges of information can reduce uncertainty, facilitate investment and support legitimate forms of cooperation. They can, however, also make coordination easier by enabling competitors to monitor each other and align their behaviour.

The discussion therefore cautioned against treating all exchanges according to rigid categories. Their competitive effects depend on the information exchanged, the characteristics of the market and the way in which firms can use the information.

Digitalisation has made this assessment more important. Platforms, algorithms and data intermediaries can allow information to be exchanged at unprecedented speed and scale. Practical safeguards may consequently play an increasingly important role. Aggregating or anonymising data, restricting access to commercially sensitive information and delaying disclosure can sometimes preserve the legitimate benefits of information exchange while reducing the risk of coordination.

Case prioritisation and prosecutorial discretion

With finite resources, choosing which cases not to pursue can be almost as important as choosing which cases to investigate. The roundtable on case prioritisation examined how authorities can translate broad institutional objectives into decisions about individual investigations and enforcement projects.

Authorities may consider a wide range of factors when making those decisions: the likely competitive impact, the scale of consumer harm, prospects of successful enforcement, deterrence, the legal significance of a case, the resources required and its contribution to broader strategic objectives.

The OECD Secretariat presented the results of its 2026 survey of competition authorities, which showed considerable variation in how these choices are made. Differences concern the degree of prosecutorial discretion, the transparency of prioritisation criteria, the use of internal guidelines and the allocation of decision-making responsibilities. Some systems rely more heavily on priorities established by senior management, while others allow cases to emerge more strongly from operational teams.

The broader message was that prioritisation should be understood as part of an enforcement cycle rather than a one-off screening exercise. Strategic objectives, project selection, delivery and subsequent evaluation need to reinforce one another if authorities are to direct scarce resources towards the areas where they can have the greatest impact.

OECD Peer Review of Latvia

Competition Week also included the OECD Peer Review of Latvia, providing an opportunity for other competition authorities to examine Latvia's institutional framework and enforcement experience against the findings of the OECD Secretariat.

The discussion recognised the progress made by Latvia while identifying a number of areas in which stronger enforcement could increase impact. These included relatively limited use of ex officio investigations, leniency and whistleblowing mechanisms, as well as questions concerning the level of sanctions and their deterrent effect.

Participants also considered the Competition Council's economic capabilities in complex investigations, particularly abuse of dominance and digital cases, and its use of interim measures and commitments. Merger control, market studies, advocacy, private enforcement and cooperation with neighbouring authorities were also discussed, together with the application of competition rules to state-owned enterprises and municipalities.

A central issue was therefore how to translate institutional capacity into enforcement results. Additional resources matter, but their value ultimately depends on whether they enable an authority to become more proactive and to increase the deterrent effect of competition enforcement.

Competition, corruption and public procurement

The roundtable explored the close relationship between competition and corruption in public procurement, emphasizing the significant economic importance of public procurement, which accounts for a substantial share of public expenditure and plays a critical role in delivering public services. Corruption can undermine competitive tendering by favouring particular suppliers, discouraging entry and innovation, raising prices and ultimately increasing concentration.

The interaction with bid rigging is particularly important. Corruption may facilitate collusive arrangements and can simultaneously make them harder to detect. Tackling one problem without considering the other may therefore leave important enforcement gaps.

Institutional fragmentation presents an additional challenge. Competition authorities, procurement bodies, anti-corruption agencies and law-enforcement authorities may operate under different procedural rules and possess different information and investigative powers. At the same time, efforts to increase transparency must be designed carefully so that commercially sensitive information does not itself facilitate collusion.

The discussion consequently emphasised stronger cooperation and information sharing between the relevant public bodies, including coordinated investigations where appropriate. A whole-of-government approach can strengthen prevention and detection while helping ensure that public procurement delivers both integrity and genuine competition.

Summary of OECD KPC Workshops

Key Challenges in Abuse of Dominance Cases

Seoul, Korea, 11–13 March 2026

The first OECD/Korea Policy Centre competition workshop of 2026, held in Seoul from 11 to 13 March, examined one of the most complex areas of competition enforcement: abuse of dominance. Across three days, the programme followed the analytical progression of an abuse case, beginning with market definition and the assessment of dominance, moving to exclusionary and exploitative conduct, and concluding with the particular challenges presented by digital markets, economic evidence and remedies. Two extended hypothetical exercises enabled participants to apply the framework progressively, while experts and competition authorities from Australia, the European Union, Korea, Chinese Taipei, Japan, Indonesia and Malaysia shared practical experience.



The workshop opened with Ms. Alessandra Tonazzi, senior competition expert at the OECD, providing an overview of abuse-of-dominance enforcement. A central message was that dominance itself is not an infringement. Competition policy protects competition and the competitive process, rather than individual competitors or any particular market structure. A successful firm can acquire a strong position through innovation, efficiency or a superior product. The challenge is distinguishing vigorous competitive behaviour, which may disadvantage rivals but benefit consumers, from conduct through which a firm with substantial market power excludes competition, exploits trading partners or preserves its position through means other than competition on the merits.

Determining market power and dominance

Mr. João Vareda of the European Commission began the substantive programme with market definition in abuse-of-dominance cases. Market definition was presented not as an objective in itself, but as a means of identifying systematically the effective and immediate competitive constraints faced by a firm. Demand substitution normally provides the most direct constraint, whether customers can readily switch to another product when price, quality or other conditions deteriorate. Supply substitution can also be relevant where suppliers are able to switch production rapidly and without substantial additional sunk costs. In the EU, more remote potential competition is generally considered as part of the broader assessment of competitive constraints.

The session also explored the limitations of familiar tools. The hypothetical-monopolist or SSNIP test can help structure thinking about substitution, but can be particularly difficult in abuse cases. Where prevailing prices already reflect market power, using them as a benchmark can make other products appear stronger substitutes than they would be at a competitive price. Price-based tools are also less informative where services have a zero monetary price or firms compete mainly through quality, privacy, innovation or attention. Multi-sided platforms, aftermarkets, bundles and digital ecosystems create additional difficulties because the competitive constraints operating on different parts of the business may be interdependent.

The programme then moved from defining the market to establishing dominance, with presentations from Alessandra Tonazzi of the OECD and Ms. Johanna Croser of the Australian ACCC. The starting point was that dominance requires substantial and durable market power rather than simply a large firm or a high market share. Market shares remain useful indicators, but need to be examined alongside a number of other factors such as the strength of existing

rivalry, barriers to entry and expansion, buyer power and evidence concerning the evolution of the market over time.

Direct and indirect evidence can therefore reinforce one another. Persistently high margins or the ability to worsen terms without losing customers may provide relatively direct evidence of market power. Structural evidence includes market shares, the strength of competitors, scale economies, network effects, switching costs and barriers to entry. Potential entry matters only if it is sufficiently timely, likely and sufficient to constrain the incumbent player.

Participants then put these concepts into practice in the first hypothetical exercise, which asked them to define a relevant market and assess whether the firm concerned was dominant.

The first day concluded with Korean experience, presented by Mr. Choongsik Yang Director of the KPC, linking the general analytical framework to Korea's approach to abuse-of-dominance enforcement.

Moving to abuse of dominance

Day 2 moved to the second core question in an investigation: if a firm is dominant, when does its behaviour become abusive?

Ms. Johanna Croser of the ACCC opened the day with a session on exclusionary conduct. Noting that successful competition routinely causes rivals to lose customers, the relevant concern is whether a dominant firm uses conduct such as exclusivity, tying, refusal to deal or other restrictions in a way that limits rivals' ability to compete effectively and thereby protects or extends market power.

The Chinese Taipei FTC then provided concrete enforcement examples: one concerned agreements between Pao Lien Optical and contact-lens supplier CooperVision under which favourable supply terms were guaranteed and certain discounts to competitors had to be notified in advance. The CTFTC considered that these arrangements could reduce suppliers' incentives to offer discounts or promotions to smaller or newly entering distributors, thereby restricting downstream competitive opportunities.

A second case concerned Foodpanda, where restaurants were required to maintain prices on the platform consistent with in-store prices, limiting their ability to differentiate prices or promotions across channels. The TFTC used restaurant questionnaires, information from competitors and contractual evidence to assess how the practices affected restaurants'

commercial freedom and competition between channels.

Mr. João Vareda then addressed exploitative conduct. Exploitative theories focus more directly on terms imposed on customers or trading partners by a firm able to act without effective competitive constraint.

Participants then returned to the hypothetical for exercise, this time assessing the allegedly abusive conduct itself. They now had to develop a theory of harm, distinguish harm to competitors from harm to competition, consider efficiencies or objective justifications and decide whether intervention would be warranted.

The day concluded with the Japan FTC's presentation on its Google Android case, given by Mr. Toshiyuki Igarashi and Ms. Yuki Nishino of the JFTC Digital Platform Investigation Division. This provided a bridge between the traditional analytical framework for unilateral conduct and the digital-market issues that would dominate the final day.



Digital markets and adapting the analytical toolkit

Day 3 opened with Ms. Alessandra Tonazzi examining market power and abuse of dominance in the digital economy, as the characteristics of digital markets can make both

market power and competitive harm more difficult to determine. These markets may feature network effects, economies of scale and scope, multi-sided business models, strong data advantages, high switching costs, zero monetary prices, vertical integration and ecosystems covering several complementary services.

As a result, market power may manifest itself through reductions in privacy, quality, interoperability or innovation rather than conventional price increases. Exclusion can likewise operate through default settings, algorithmic ranking, access to data, restrictions on multi-homing or platform design, rather than traditional contractual exclusivity. The enforcement challenge is therefore to adapt existing concepts to these competitive mechanisms without treating integration, network effects or successful ecosystems as anticompetitive in themselves.

Mr. João Vareda followed with European Commission experience in digital abuse cases, with the Google Shopping case, with a theory of harm on self-preferencing and where Google's own comparison-shopping service received prominent placement in general-search results while rival services were demoted. Evidence showed that visibility affected click-through rates. Since general search was an important source for customers for comparison-shopping services, the conduct could divert traffic from competitors towards Google's own service.

Mr. Vareda then used the Google Android case to illustrate the competitive significance of defaults and pre-installation. Device manufacturers wishing to pre-install Google Play were also required to pre-install Google Search and Chrome. Evidence indicated that users subsequently downloading competing applications did not fully offset the advantage conferred by pre-installation. Other examples included Amazon's use of non-public marketplace seller data, Apple's restriction of access to NFC functionality for mobile payments, Meta's tying of Facebook Marketplace to its social network and Google's conduct across different levels of the advertising-technology stack. Across these technologically different cases, the analytical question was around whether a dominant position at one strategically important point of an ecosystem could be used to weaken competition elsewhere.

Using economics to move from theory to evidence

Professor Hwa Ryung Lee of Sejong University then examined the use of economic analysis in abuse-of-dominance cases. The investigative lifecycle was presented as a sequence: observations lead to a theory of harm; that theory determines which evidence needs to be gathered; quantitative and qualitative analysis then tests the hypothesis; and the final assessment balances likely harm against efficiencies.

Abuse cases are particularly challenging because they are fundamentally counterfactual. The authority needs to estimate what competition would probably have looked like but for the conduct, often in a market that may already have been characterised by considerable market power. Historical sales data, internal company experiments and A/B tests can therefore be especially useful because they reveal actual behaviour. Econometric techniques such as event studies, before-and-after comparisons or difference-in-differences can assist where suitable variation exists, although robust causal identification is frequently difficult.

The presentation also stressed that foreclosure need not involve the complete disappearance of a competitor. Preventing a rival from obtaining critical customers, content or inputs, or from reaching the minimum scale needed to compete effectively, may be enough. Professor Hwa used the KFTC's Google Play Store case as an illustration. He showed that economic analysis connected the commercial incentive created by the practice, the mechanism of foreclosure and observable market effects.

From infringement theory to workable remedies

After lunch, the KFTC presented its recent Google/YouTube consent decision. The investigation concerned Google's sale of subscription-based, ad-free YouTube video through YouTube Premium, which also included YouTube Music. The KFTC examined whether the video and music services constituted separate products, whether users wanting the paid video service were effectively required to acquire the music service, and whether the bundling strategy affected competition in Korea's online music market.

The case moved into Korea's consent-decree procedure rather than ending in a final determination of illegality. The resulting remedies included the launch in Korea of YouTube Premium Lite, allowing consumers to purchase a standalone subscription to the video service without YouTube Music.

The case showed that consent procedures may in some circumstances allow authorities to secure detailed changes to product design or commercial arrangements that may be more difficult to formulate through a conventional cease-and-desist decision.

The final session brought the experiences from Indonesia and Malaysia. Indonesia's KPPU presented two digital-platform cases. In the Shopee case, the authority examined the platform's treatment of affiliated courier Shopee Express, including algorithmic prioritisation and interface design that restricted courier choice. Shopee and Shopee Express ultimately agreed

to behavioural changes, including modifications enabling users to choose among delivery providers. KPPU also discussed the Google Play Billing case. Google required developers selling digital products through Google Play to use its billing system and restricted alternative payment mechanisms. The KPPU ordered Google to stop mandatory Google Play Billing, imposed a fine and required opportunities for developers to use user-choice billing and reduced service fees.

Malaysia contributed two contrasting examples. MyCC's investigation of Foodpanda ended without a finding of dominance. Despite significant market shares at certain points, MyCC considered that the platform faced sufficient constraints from competitors and potential competitors, while merchants possessed some countervailing power. The MyEG case, by contrast, showed how control of one market can be used to influence competition in another. MyEG operated the sole online channel for renewal of foreign-worker permits while a related entity acted as an insurance agent. MyCC found that different conditions were applied to competing insurance providers, placing them at a disadvantage in the downstream market. The decision resulted in a financial penalty and directions aimed at providing competing insurers with equivalent access.

The workshop concluded by returning to the analytical sequence followed over the three days: define the market, establish whether substantial and durable market power exists, identify the allegedly abusive practice, and then determine whether the evidence demonstrates harm to competition rather than simply harm to competitors. Efficiencies and objective justifications need to be taken seriously, while remedies should respond directly to the mechanism through which competition has been weakened.

The Seoul workshop showed why doing so requires sound legal and economic analysis, and detailed knowledge of how markets actually work, and why there is rarely a shortcut from a large market share to a finding of abuse.

Tools to Assess Markets' Competition: Market Studies and Market Investigations

Guangzhou, People's Republic of China, 19–21 May 2026

The OECD/Korea Policy Centre workshop on Tools to Assess Markets' Competition: Market Studies and Market Investigations took place in Guangzhou, People's Republic of China, from 19 to 21 May 2026. Over three days, participants examined how competition authorities can use market studies to identify why competition may not be functioning effectively, particularly where the problem cannot readily be attributed to an infringement by an individual firm. The programme combined OECD methodology, international and Asia-Pacific experience, economic analysis and two practical exercises in which participants worked through successive stages of the same hypothetical market study.



The workshop opened with two presentations by Mr. Ruben Maximiano of the OECD considering the place of market studies within the broader toolkit of a competition authority. Unlike enforcement investigations, which focus on establishing whether particular firms have infringed competition law, market studies allow authorities to examine markets more broadly, including their structure, barriers to entry, consumer behaviour, regulation and business

practices. International approaches nevertheless differ significantly. Most authorities use market studies principally as diagnostic and advocacy tools, while some jurisdictions have stronger information-gathering powers and, in a smaller number of cases, formal market-investigation regimes allowing remedies to be imposed directly. The discussion highlighted that the design and effectiveness of market studies therefore depend on an authority's legal powers, institutional objectives, economic expertise and relationship with sector regulators.

Choosing the right question

A central theme of the first day was that a successful market study begins well before information requests are sent. Because studies can require considerable resources from both authorities and businesses, authorities need to ask why a particular market should be examined, why the study should be undertaken at that moment and whether a market study is the appropriate tool. Possible considerations include the number of consumers affected, the economic importance of the market, the importance of the suspected problem, the viability of obtaining useful evidence and the likelihood that recommendations can improve market outcomes.

First up in sharing some of the work it has been doing in the field was China's State Administration for Market Regulation (SAMR) that presented its latest experience with anti-monopoly market investigations, focusing on the online food-delivery platform sector. Ms. Wang Jirong, of the Antimonopoly Enforcement Department I, explained that in January 2026, the Office of the Anti-Monopoly and Anti-Unfair Competition Commission under the State Council publicly announced an investigation and assessment of competition conditions in the sector, the first public announcement of an anti-monopoly market investigation in China. SAMR explained how it combines on-site investigations, face-to-face interviews and questionnaires to build a multi-source picture of market conditions. Operational data obtained were used to assess market structure and competitive behaviour, while interviews and surveys covered merchants, delivery riders and consumers. The different sources were then cross-checked, including through statistical and regression analysis, to connect data, behaviour and market impact and support targeted recommendations

Korea's Ms. Jiyoung Koo, Director KFTC, and Mr. Choongsik Yang, Director of the Competition Programme at KPC then shared insights that illustrated how the tool can evolve alongside the economy. The Korea Fair Trade Commission (KFTC) combines longer-term market monitoring with more agile fact-finding surveys that can examine emerging issues over a shorter period.

Its focus has increasingly moved towards digital and technology markets. A recent survey of the generative AI sector, for example, examined different layers of the AI value chain, including semiconductors, cloud infrastructure, foundation models and downstream AI services. The KFTC identified potential issues around high capital and computing requirements, access to chips and cloud services, vertical integration, self-preferencing and acquisitions of technology through arrangements such as talent hiring and intellectual-property licensing that may not resemble conventional acquisitions.

Participants then applied these principles themselves. In the first of two small-group exercises, they were asked to advise the president of a fictional competition authority on whether to launch a market study, with a body of evidence being provided for discussion. Their task was therefore to define a manageable scope, develop preliminary theories of concern and decide what evidence would actually be required to test them and then decide whether to propose to initiate an investigation.

Following the evidence



The second day moved from identifying questions towards finding answers to them. Mr. Eshien Chong, Chief Economist of the French Autorité de la concurrence, emphasised the importance of beginning with a sufficiently clear preliminary understanding of the market to

formulate focused and testable hypotheses. Evidence gathering can then be targeted towards confirming or rejecting those hypotheses, combining interviews and documentary material with market data, surveys and quantitative analysis where appropriate.

The Autorité's recent study of veterinary medicines provided an instructive example. One preliminary concern was that increasingly important joint purchasing structures might obtain such bargaining power over pharmaceutical laboratories that margins, and ultimately incentives to invest in R&D, could be weakened. Yet the evidence did not support that theory straightforwardly. The case illustrated the point that the purpose of evidence gathering is to test the authority's theory.

Mr. Shintaro Ueda of the Deputy Director, Office of Economic Analysis of the Japan Fair Trade Commission (JFTC) complemented this with a detailed account of how economists contribute throughout a fact-finding survey, from questionnaire design and sampling to data visualisation, regression analysis and interpretation. The JFTC regards fact-finding surveys as part of a broader advocacy function: they can encourage voluntary improvements by businesses, support recommendations to ministries and regulators and generate knowledge that can subsequently inform enforcement. The JFTC also stressed the practical limitations of quantitative analysis. Data suitable for identifying causal effects may not exist; business questionnaires may produce low response rates or biased samples; complex results still need to be communicated to non-specialists; and economic expertise is itself a scarce resource.

Singapore offered a further reminder that a market study need not confirm the concern that originally triggered it. CCS described its 2025 joint study with the National Environment Agency into the supply and repair of household appliances, launched following concerns that manufacturers might restrict independent repairers' access to spare parts and other repair inputs. The study used interviews, consumer research and focus groups but did not find widespread restrictions by manufacturers. It nevertheless identified areas for improvement, including clearer warranty and product-durability information and ensuring appropriate access to repair inputs.

Digital markets provided a particularly strong illustration of the longer-term value of market studies. The French Autorité's earlier studies of data and online advertising helped it build an understanding of how data could contribute to market power, how programmatic advertising markets function and how privacy considerations may interact with competition. That accumulated knowledge subsequently informed cases involving digital advertising and platforms, as well as merger analysis. More recent studies of cloud computing and generative AI continue this approach. Market studies can therefore represent an investment in an authority's

future enforcement and advocacy capabilities, developing expertise before a specific case or government policy arises that may require action from the agency. This is especially important in fast-moving digital markets, where broad inquiries can quickly become difficult to manage.

From concerns to proportionate action

The second practical exercise returned participants to the fictional market six months later, this time with the market study substantially completed. The new evidence deliberately pointed in different directions. Participants therefore had to distinguish between concerns, efficiencies, evidence and proof. And some issues might be better addressed through consumer protection, regulatory engagement or continued monitoring rather than competition-law enforcement. The exercise required groups to balance possible harms against efficiencies and propose interventions that were proportionate, evidence-based and realistically implementable, in what were intense debates and discussions amongst participants, moderated by Mr. Ruben Maximiano.

Turning market knowledge into change

The final day looked at how market analysis can influence wider economic and regulatory policy. Ms. Yesim Elhan-Kayalar, Advisor, of the Office of the Chief Economist of the ADB, and her two economist colleagues Mr. Yothin Jinjarak, Senior Economist, and Mr. Rolando Avendano, from the Asian Development Bank examined links between competition, firm dynamics and productivity and discussed the role of competition in telecommunications markets across Asia. The discussion highlighted instruments including open access, infrastructure and spectrum sharing and mobile number portability, while also drawing attention to the problems that can arise when responsibilities are fragmented between competition authorities, sector regulators and government ministries.

The JFTC's experience in electricity showed particularly clearly why market studies remain relevant even after formal liberalisation. Japan progressively opened its electricity markets to competition, completing retail liberalisation in 2016. By January 2025, the number of registered electricity retailers had increased three-fold, while new entrants accounted for about one fifth of total retail electricity sales. Yet liberalisation did not remove the need for continued competition scrutiny. Recent JFTC studies have examined entrants' access to power sources, restrictive provisions in bilateral contracts, relationships between incumbents' generation and

retail activities, transparency in bilateral electricity transactions and aspects of offshore-wind tendering. Market studies thus provide a means of identifying the obstacles that can remain after a market has been legally opened to competition.

Ms. Atyqah Apan of MyCC of Malaysia provided another detailed regional example through MyCC's review of the digital economy ecosystem. The 18-month exercise covered mobile operating and payment systems, e-commerce, digital advertising and online travel agencies, using consultations, focus groups, surveys, expert input and public and industry information. In mobile ecosystems, MyCC identified concerns around mandatory payment systems, high commissions and limitations on access to functionalities such as NFC. In online travel agencies, the study examined price-parity provisions, commissions, dependence by smaller hotels and the transparency of ranking algorithms. The recommendations combined advocacy and institutional coordination with possible investigative action, demonstrating how market studies can generate several different forms of follow-up rather than a single enforcement response.

The Philippine Competition Commission's Mr. Jenno Ravalo, also shared its experience with mobile number portability, providing a further regional example of how competition authorities can contribute to the assessment of markets in which competitive outcomes depend heavily on sector rules and consumer switching conditions.

The workshop concluded by underlining that impact depends on selecting issues where the authority can make a difference, obtaining credible evidence, engaging the relevant regulators and stakeholders, designing recommendations that respond directly to the identified problem and following up on whether those recommendations are implemented. This means that effective market studies require legal powers and resources, but also prioritisation and recommendations that are realistic.

Across the three days, experiences from Asia-Pacific and beyond demonstrated the versatility of the tool. Market studies can reveal regulatory barriers, improve understanding of new technologies, identify issues deserving enforcement scrutiny, support regulatory reform or sometimes establish that an initial concern is not borne out by the evidence. Their value lies precisely in that flexibility to understand why a market is producing the outcomes it does and identify the most effective way to make competition work better. This may lead to cases, but might also be recommendations or proposals to legislators and government to make rules more pro-competitive.

Challenges in Cartel Investigations



Ulaanbaatar, Mongolia, 1–3 July 2026

The OECD/Korea Policy Centre workshop on Challenges in Cartel Investigations took place in Ulaanbaatar, Mongolia, from 1 to 3 July 2026. Bringing together competition officials and experts from across Asia-Pacific and beyond, the workshop focused on a practical challenge that is common to many competition authorities across the globe: how to move from a legal prohibition of cartels to the operational capacity needed to detect, investigate and prove secret agreements. The programme combined international enforcement experience, Asia-Pacific case studies, a practical exercise and a concluding discussion of the wider policies needed to support competitive markets.

The workshop was opened by Mr. Ruben Maximiano of the OECD, Mr. Seungkyu Lee, Director General of the OECD/KPC Competition Programme, and Mr. Bilguun Boldbaatar, Chairman of Mongolia's Authority for Monopolies (AMA), with keynote remarks from Mongolia's Deputy Prime Minister, Mr. Dorjkhand Togmid. The AMA then presented Mongolia's legal framework for cartel enforcement and unfair trade practices. The high-level participation reflected the wider economic importance of effective competition enforcement for Mongolia, including for investment, economic diversification and the efficient use of public resources.

From law on the books to enforcement in practice

The opening OECD session by Mr. Ruben Maximiano set out why hard-core cartels remain among the clearest and most harmful violations of competition law. Cartels replace independent rivalry with coordination over prices, output, customers or markets, with direct consequences for consumers and businesses. Bid rigging is particularly damaging because the additional cost is borne by the public budget, so that when firms manipulate tenders, the same government budget can purchase fewer roads, schools, health services or other public goods.

The discussion then emphasised that deterrence depends on the incentives facing firms. A cartel becomes less attractive when the expected cost of collusion, considering both the probability of detection and the sanctions imposed, is higher than the additional profits it can generate. This makes strong sanctions important, but also means that improving detection is also key. An effective anti-cartel policy therefore requires a combination of complaints,



"Workshop on challenges in cartel investigations" 1 - 3 July 2026 Ulaanbaatar, Mongolia

whistleblowing, leniency, investigative powers, market monitoring, economic screening and cooperation with other public authorities.

At the same time, preventing cartels is not solely about enforcement after collusion has begun. Market conditions matter. High barriers to entry, limited contestability and small numbers of competitors can make coordination easier to organise and sustain. Pro-competitive regulation and policies that facilitate entry and expansion can therefore complement enforcement by making markets less conducive to stable collusion.

Breaking the secrets

Mr. Miguel Mota Marques of the Portuguese Competition Authority took participants through the process of building a cartel case, from initial detection and the opening of proceedings to inspections, evidence review and the final decision. Portugal's experience showed why modern investigations increasingly require multidisciplinary teams combining lawyers, economists and forensic IT specialists. Digitalisation has greatly increased the quantity of evidence available to investigators, but has also created a new challenge: finding the relevant material within very large volumes of emails, files, messages and other electronic records while at the same time ensuring procedural safeguards.

The Philippine Competition Commission provided a complementary Asia-Pacific perspective on dawn raids. Its three-stage approach separates pre-inspection intelligence and preparation, execution of the inspection order, and post-raid assessment. As administrative inspections in the Philippines require a court order, investigators must demonstrate the relevance and necessity of the evidence sought before the operation takes place. Raid teams then combine investigators, evidence-control officers, forensic IT personnel and logistical support and use specialised tools to examine mobile phones, computers and other electronic sources. Drawing on operations conducted in 2023 and 2026, the PCC also highlighted very practical challenges. The PCC highlighted that successful inspections depends on advance planning, trained staff, appropriate technology, careful evidence management and the ability to respond to problems in real time.

Leniency provides another way of overcoming the secrecy of cartels by giving participants an incentive to break ranks. Portugal's experience illustrated how such programmes can destabilise the trust on which collusion depends. Following reforms to strengthen legal certainty and incentives, the Portuguese programme has become an important source of cartel cases alongside complaints and ex officio detection.

The case involving prefabricated classrooms provided a concrete example. A leniency application exposed a scheme in which suppliers allocated public contracts, coordinated bids and fixed prices. Later applicants received reductions according to the timing and evidential value of their cooperation, while several companies also settled. The case illustrated how leniency and settlement perform different but complementary functions: the former helps authorities detect and prove secret conduct, whilst the latter can make resolution of the resulting case faster and less resource-intensive.

Singapore's CCS similarly emphasised that a successful leniency programme depends on more than the level of immunity or penalty reduction. Its programme has generated more than 40 cases involving over 80 applicants. CCS uses a marker system allowing a potential applicant to preserve its place in the queue while assembling the necessary evidence, and the large majority of applications make use of this mechanism. Confidentiality protections, the possibility of oral corporate statements and predictable procedures all help build confidence in the system.

Singapore also illustrated how enforcement tools can be combined. Its new Fast Track Procedure, effective from 1 July 2026, offers reductions of up to 30% of the remaining penalty to parties admitting liability and facilitating an expedited resolution.



Detecting bid rigging before somebody reports it

The second day shifted the focus towards proactive detection, particularly in public procurement. Procurement markets are well suited to screening because tenders generate repeated and potentially comparable observations over time.

Mr. Choi Ho, from the Korea Fair Trade Commission presented one of the most developed examples. Korea's highly digitalised procurement system feeds bidding information into the KFTC's Bid-Rigging Indicator Analysis System (BRIAS). The system receives information from more than one thousand contracting authorities and assigns risk scores based on indicators including winning ratios, numbers of participants, restrictions on participation and previous bid-rigging concerns. In 2024, BRIAS collected data on more than 45,000 bids and identified more than 500 for further scrutiny. A high score is not treated as evidence of an infringement, but rather than a further investigation may be warranted.

Spain's Mr. Jorge Nieto Rueda from the CNMC developed this point further. Its approach is based on the proposition that a detection system is not an algorithm or a list of red flags, but an institutional system connecting intelligence, data, analytical tools and investigative workflow. The Spanish model combines information from contracting authorities, whistleblowers, other public bodies and ex officio analysis with procurement databases, statistical screening, business-intelligence tools and graph analysis. Detection requires sufficiently granular information, including losing bids, bidder identities, rankings, subcontracting relationships and information

across repeated tenders.

The CNMC has progressively built its own analytical environment, integrating procurement, company and documentary information. Its tools include dashboards and the BRAVA – Bid Rigging Algorithm for Vigilance in Antitrust, which applies machine learning to classify tenders according to risk using information from millions of procurement lots. But the Spanish experience again reinforced the distinction between detection and evidence, as algorithms can help authorities decide where to look, but not determine whether an infringement has occurred.

Participants then worked through a practical case, applying the detection concepts.

Cartels behind the appearance of competition

The Competition Commission of Hong Kong, China presented an example of how sophisticated bid rigging can become. Its building-maintenance investigation concerned an alleged syndicate involving contractors, intermediaries and a central organiser. Members used coded language: the intended winner was the "main character", cover bidders were "helpers", and detailed pricing instructions were referred to as "homework". Those instructions could specify bids, leaving the chosen winner with the lowest bid while offering the appearance of competition. In March 2026, the Commission commenced proceedings against a number of undertakings and individuals relating to a number of different tenders. The case also demonstrated the importance of cooperation as the investigations involved joint operations with both the Independent Commission Against Corruption and the Hong Kong Police, reflecting the fact that bid rigging may overlap with corruption, fraud and other offences.

Indonesia's KPPU offered a different example of coordination, this time in a rapidly developing digital market. In March 2026, KPPU found 97 fintech peer-to-peer lending companies liable for price fixing and imposed cumulative fines of IDR 755 billion. The case concerned an interest-rate ceiling adopted through the industry association AFPI. Although the arrangement had been presented as a means of preventing predatory lending and protecting borrowers, KPPU concluded that competitors had collectively determined a key dimension of competition without an explicit statutory basis for doing so. The case provided a useful reminder that industry self-regulation designed to pursue legitimate objectives can still create competition risks. KPPU's response combined enforcement against the agreement with a recommendation that the financial regulator establish appropriate statutory rules, thereby distinguishing between legitimate consumer-protection regulation and price-setting by competitors themselves.

Beyond cartels: preserving competitive market conditions

On the final day, the discussion widened beyond horizontal collusion. Mr. Tomohiro Watanabe of the JFTC explained Japan's rules on unfair trade practices, which allow intervention against a range of exclusionary or exploitative trading practices that may impede fair competition even where the higher threshold for private monopolisation is not met.

The JFTC's Google Android case showed how this can apply in digital markets. Google had imposed conditions concerning the placement of its search services on Android smartphones, making it more difficult for competing search services to gain access to those devices. The JFTC prohibited the restrictive elements while leaving room for non-exclusive revenue-sharing arrangements and required independent monitoring. The case illustrated the remedies principle that intervention should address the competitive mechanism identified without unnecessarily eliminating legitimate commercial arrangements.

MyCC also shared Malaysian enforcement experience, further contributing to the exchange of practical approaches among Asia-Pacific authorities.

Ms. Yesim Elhan-Kayalar, Mr. Martino Pelli, and Mr. Luvsandorj from the Asian Development Bank concluded the substantive programme by placing these enforcement issues in Mongolia's wider economic context. Mongolia remains strongly dependent on mining and transportation, while its exports are heavily concentrated in coal and copper. In relatively small and resource-rich economies, high concentration, substantial entry barriers and state involvement can create conditions in which coordination is easier to organise and sustain. ADB therefore connected cartel enforcement with a wider policy agenda. Strong investigative powers, credible sanctions, leniency and screening increase the cost and probability of detecting collusion. But pro-competitive reforms can also reduce the conditions that make collusion sustainable in the first place. Lowering unnecessary barriers to entry, widening opportunities for private participation, improving regulatory neutrality and strengthening the investment environment can increase contestability and make market allocation and coordination harder to maintain. ADB linked these objectives to reforms in areas including financial markets, PPPs, state-linked institutions and investment regulation.

This broader perspective brought the workshop back to its starting point. Strong cartel enforcement requires investigators who can move from warning signals to evidence and then to a robust decision. Therefore, leniency, dawn raids, digital forensics, procurement screening and sanctions raise the risks of collusion, whilst open and contestable markets make collusion harder to organise and sustain. Together, enforcement and pro-competitive policy help create markets in which firms have both the incentive and the opportunity to compete rather than coordinate.

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