



United Nations Conference on Trade and Development

Distr.: General
28 April 2025

Original: English

Ninth United Nations Conference to Review All Aspects of the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices

Geneva, 7–11 July 2025

Item 9 of the provisional agenda

Maximizing synergies between competition and consumer protection policies

Note by the UNCTAD secretariat

Summary

As globalization and digitalization reshape economies, markets are becoming increasingly interconnected and subject to challenges, such as those related to market concentration, data privacy concerns and exploitative consumer strategies. Such cross-cutting issues highlight the need for improved synergies between competition and consumer protection policies. A coordinated approach can not only strengthen trust in regulatory systems but also ensure they remain adaptable to evolving market dynamics, supporting sustainable and inclusive economic growth to the benefit of businesses and consumers.

Effective coordination between competition and consumer protection authorities allows policymakers and enforcement bodies to develop coherent legal frameworks, implement comprehensive strategies and enhance law enforcement. Aligning policies enhances market efficiency and integrates consumer rights and interests into both policy areas, while preventing regulatory gaps or overlaps that could affect implementation and enforcement. A cooperative framework allows regulators to achieve a balance between promoting efficiency and innovation and protecting consumers, thereby ensuring fair access to goods and services while maintaining competitive markets. Greater collaboration also enables regulators to address market distortions more effectively, including those related to excessive concentration, collusive behaviour and unfair commercial practices.

In this note, the synergies between competition and consumer protection policies are explored, the role of UNCTAD in fostering international cooperation is highlighted and policy recommendations are provided related to advancing such efforts, particularly in less experienced economies that face additional challenges regarding the interaction between these policy areas.



I. Introduction

1. The long-standing interplay between competition and consumer protection policies has had a crucial role in fostering inclusive and sustainable development. The Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices was adopted by the General Assembly of the United Nations in resolution 35/63 of 5 December 1980. This served to show recognition of the fact that adopting a global framework on competition could enhance market conditions, improve efficiency and increase participation in international trade and development, particularly among developing countries; and protect and promote social welfare, ensuring that consumers in both developed and developing countries could benefit. In 2015, the General Assembly stated that a robust legal and regulatory framework for consumer protection “serves an important public interest, contributing to economic dynamism and consumer welfare”.¹

2. An ad hoc expert meeting on consumer protection, organized by UNCTAD in 2012, explored the relationship between competition and consumer protection and UNCTAD, in the note for the meeting, emphasized that competition benefited consumers when general contract laws and anti-deception regulations were effectively enforced. In competitive markets, sellers strive to attract buyers and well-informed and educated consumers can evaluate offers and make sound purchasing decisions, rewarding more efficient and innovative businesses; however, if consumers lack access to critical information or are influenced by decision-making biases, suppliers might exploit such weaknesses to maximize profits and, in such cases, well-designed consumer policies can be instrumental in ensuring fairer and more efficient market outcomes. Enhancing the alignment between competition and consumer protection policies should be a priority, to improve market efficiency for both businesses and consumers. Strengthening collaboration between competition and consumer protection authorities can involve sharing complaints received, exchanging investigative findings, considering the broader policy implications of remedies and, where appropriate, coordinating investigations and policy responses. Such efforts should extend beyond retail practices that directly impact consumers, to also address upstream market structures and the necessity for international cooperation in addressing global challenges.²

3. The increasing complexities of globalization and digitalization have further emphasized the need for a more collaborative approach, highlighting the urgency of comprehensively addressing related challenges. As markets continue to evolve, the intersection of competition and consumer protection has become even more important as part of addressing issues such as market power abuse, data privacy concerns and exploitative consumer practices.

4. The Intergovernmental Group of Experts on Competition Law and Policy, at its twenty-second session, and the Intergovernmental Group of Experts on Consumer Protection Law and Policy, at its eighth session, requested the UNCTAD secretariat to prepare a report as background documentation for the Ninth United Nations Conference to Review All Aspects of the Set on the topic of maximizing synergies between competition and consumer protection policies.³ In this note, the synergies are explored in terms of policymaking and law enforcement and related challenges are identified, including by drawing on responses to a questionnaire circulated by UNCTAD.⁴ Insights into the best

¹ A/RES/70/186.

² TD/B/C.I/EM/2. See <https://unctad.org/meeting/ad-hoc-expert-meeting-consumer-protection-interface-between-competition-and-consumer>.

³ TD/B/C.I/CPLP/42, TD/B/C.I/CPLP/77.

⁴ The questionnaire on the substantive topic was circulated in November 2024–January 2025, with questions on authority mandates, examples of instances involving the two policy areas, the interplay between competition and consumer protection laws and policies in the digital economy, cases addressing competition issues that also address consumer protection concerns, challenges in developing synergies and suggestions of appropriate ways to better integrate the two areas. Respondents included Armenia, Bhutan, Brazil, Bulgaria, Canada, Guatemala, Iraq, Italy, Japan, Lithuania, Mauritius, Paraguay, Peru, Poland, the Russian Federation, Seychelles, Spain, Sri Lanka,

options for enhancing synergies are provided, the role of UNCTAD is highlighted and policy recommendations are offered.

II. The value of integrating competition and consumer protection

5. The legal frameworks for competition and consumer protection are distinct yet interconnected, and both are aimed at fostering fair, efficient and inclusive markets that benefit businesses and consumers alike. The complementary nature of the frameworks is evident in their shared goal of promoting consumer welfare and market efficiency. Competition policy incentivizes businesses to offer better products at fair prices and consumer protection policy deters misleading practices that could distort consumer choices. Competition law seeks to prevent distortions by prohibiting cartels, monopolistic dominance and restrictive practices that limit market access; and consumer protection law empowers individuals to avoid deceptive practices, sanctioning these and other unfair strategies, ensuring product safety and providing avenues for redress.

6. Together, the frameworks create an environment in which businesses can compete on fair terms and consumers can make informed choices, ultimately driving innovation, price reductions and improvement in services. For example, product recalls, such as of hazardous toys, demonstrate how regulatory oversight can benefit both market integrity and consumer safety. In addition, coordinated enforcement efforts in digital markets, where misleading advertising and exploitative pricing tactics are prevalent, are crucial in addressing both structural competition concerns and direct consumer harm. However, competition alone does not always guarantee consumer welfare, particularly in markets where power imbalances and information asymmetries persist. Consumer protection measures, such as clear labelling requirements, fraud prevention rules and safety standards, can not only protect individuals but also reinforce market transparency and accountability.⁵ By ensuring that suppliers meet safety and quality benchmarks, such regulations help prevent anticompetitive behaviour that can benefit from misinformation. A stronger, more coordinated approach to competition and consumer protection is necessary, to close enforcement gaps and ensure that businesses do not exploit consumers under the guise of being competitive.

7. Certain vulnerable or disadvantaged consumer groups, such as children, the elderly or low-income households, require additional safeguards beyond that which can be provided through competition policy alone.⁶ This is particularly relevant in important utilities sectors, such as telecommunications and energy,⁷ and other complex sectors, such as financial services and digital markets, where businesses can more easily exploit consumers' limited access to or understanding of information despite applicable sector-specific regulations.

8. The digital economy has introduced new challenges and opportunities for businesses and consumers, through platforms and algorithms increasingly shaping market dynamics. Competition law has a critical role in addressing anticompetitive practices such as the abuse of market dominance, predatory pricing, mergers that can reduce choice and lead to abusive conduct and collusion among technology giants. Consumer protection law focuses on preventing exploitative tactics such as misleading advertising, dark commercial patterns and hidden fees, protecting data privacy, promoting transparency in algorithms and providing for online dispute resolution. A collaborative policy and enforcement approach is

Türkiye, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Zimbabwe.

⁵ See <https://unctad.org/publication/manual-consumer-protection>.

⁶ The United Nations guidelines for consumer protection state that the protection of vulnerable and disadvantaged consumers is a legitimate need that the guidelines are intended to meet.

⁷ See https://ec.europa.eu/commission/presscorner/detail/es/ip_23_1891 and https://commission.europa.eu/document/download/131d2167-ade8-4838-ad44-bcaa143f1f38_en?filename=ccs_2022_executive_summary.pdf.

therefore critical in maintaining competition while safeguarding consumers from deceptive commercial strategies.

9. In this regard, one of the objectives of the Set is to protect and promote social welfare in general and in particular the interests of consumers.⁸ In addition, the United Nations guidelines for consumer protection state that Member States should “encourage fair and effective competition in order to provide consumers with the greatest range of choice among products and services at the lowest cost” and should develop, strengthen or maintain “measures relating to the control of restrictive and other abusive business practices which may be harmful to consumers, including means for the enforcement of such measures”.⁹

10. A coordinated approach helps to ensure that markets remain open, competitive and fair for businesses and consumers. By aligning competition and consumer protection, regulators can deter anticompetitive and unfair practices, promote fair business conduct and enhance consumer trust in markets. Such a holistic strategy can not only strengthen economic efficiency but also foster a marketplace in which businesses thrive through genuine competition and consumers benefit from transparency, choice and protection from deception and fraud.

III. Synergies between competition and consumer protection

11. Synergies between competition and consumer protection from the legislative and policymaking, institutional and enforcement perspectives are explored in this chapter. Attention is given to optimizing synergies in digital markets, recognizing their impact on businesses and consumers globally. In addition to research, UNCTAD received contributions from member States that offered diverse perspectives on how different jurisdictions integrated competition and consumer protection policies and law enforcement, illustrating how competition initiatives incorporated consumer protection considerations and vice versa. Such efforts included joint investigations, information-sharing and coordinated policymaking, demonstrating how integrated approaches can enhance regulatory efficiency and improve consumer outcomes, particularly in markets with complex and evolving dynamics. Several States¹⁰ reported obstacles in developing synergies between competition and consumer protection policies and law enforcement, and addressed appropriate ways to better integrate these areas.

A. Legislative frameworks and policymaking

12. Competition and consumer protection policies serve distinct yet interconnected roles in market regulation. Competition policy focuses on market structures and business practices, ensuring that companies do not engage in anticompetitive behaviours that undermine market efficiency; consumer protection policy is directly concerned with protecting individual rights, empowering consumers and preventing consumer harm.

13. Over 140 countries, including most developing countries and some of the least developed countries, as well as many regional economic organizations, have adopted competition law and policy at the national or regional level and established competent institutions to implement and enforce national or regional regimes.¹¹ This proliferation has been due, at least in part, to the influence of the Set. Since competition law applies to all economic activities and to all enterprises engaged in a commercial activity, it interacts with other legislation of relevance to market functioning, such as those on subsidies and public procurement.

⁸ A/RES/35/63.

⁹ A/RES/70/186.

¹⁰ Armenia, Bhutan, Iraq, Italy, Mauritius, Paraguay, Peru, Poland, Russian Federation, Spain, Sri Lanka, Türkiye, United States, Zimbabwe.

¹¹ UNCTAD, 2024a, *The UNCTAD Model Law on Competition After 30 Years: Some Reflections* (United Nations publication, sales No. E.24.II.D.4, Geneva).

14. Consumer protection is also widespread internationally, as illustrated by the UNCTAD world consumer protection map,¹² and has a similar cross-cutting scope, interacting with other bodies of law. Consequently, in some developed countries, consumer protection law and policy tend to be fragmented, since several sectoral or theme-specific legislative and regulatory frameworks include consumer protection rights, as in the European Union with regard to financial services, public services, passenger rights, electronic communications and gas and electricity services.¹³ Financial regulators have been entrusted with responsibilities regarding consumer protection in financial services following the global financial crisis of 2008/09, as recommended in the 12 high-level principles on financial consumer protection of the Group of 20 and Organisation for Economic Co-operation and Development.¹⁴ The fragmentation of applicable rules and the regulators responsible for enforcement, which may be difficult for businesses and consumers to understand, requires close coordination between public bodies, for policy coherence and consistency purposes.

15. Although competition and consumer protection laws are aimed at common goals, tensions can arise, particularly in the short term, due to different primary objectives, substances and instruments.¹⁵ For example, predatory pricing may initially appear to benefit consumers by lowering prices but, eventually, it can reduce competition, leading to monopolistic control and higher prices. Similarly, the consolidation of large technology firms offers convenience, seamless services and free access to consumers, yet such market dominance can stifle competition, limit innovation and raise concerns about data privacy and market control. In addition, consumer protection remedies, such as the standardization of contractual terms, while ensuring fairness and transparency, might unintentionally restrict competition by limiting service differentiation based on qualitative factors.

16. Beyond these inherent tensions, regulatory frameworks in different jurisdictions may not allocate particular responsibilities across competition and consumer protection authorities, possibly leading to gaps or inconsistencies in policy implementation and enforcement. This can create regulatory inefficiencies, particularly in sectors where both policies intersect, such as with regard to regulated services sectors, digital markets and essential consumer goods.

17. Despite these challenges, many countries have proactively taken steps to maximize synergies between competition and consumer protection policies. For example, in Canada, in 2022, consultations on the future of competition policy included inputs from a provincial consumer protection agency, influencing amendments to the national competition law.¹⁶ In Japan, the Consumer Policy Council, which develops the national consumer policy plan, includes the Chairperson of the Fair Trade Commission and the Consumer Affairs Agency participates as an observer in discussions related to the Act on Promotion of Competition for Specified Smartphone Software, ensuring consumer perspectives are considered in competition-related policymaking.¹⁷ In Spain, the Ministry of Social Rights, Consumer Affairs and 2030 Agenda incorporates competition considerations into the sanctioning framework for consumer protection violations, recognizing the broader market impact of such infringements.¹⁸

18. Given the potential conflicts and differing priorities between the two policy areas, particularly when managed by separate authorities, it is crucial to consider both perspectives when drafting legislation and formulating policies. Such an approach can help ensure that both sets of policies address the most pressing market concerns effectively.

¹² Of the 195 UNCTAD member States, 144 States have designated a consumer protection contact point and 105 have dedicated laws on consumer protection. See <https://unctad.org/topic/competition-and-consumer-protection/consumer-protection-map>.

¹³ See https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/consumer-issues-other-policies_en.

¹⁴ See https://www.oecd.org/en/publications/g20-oecd-high-level-principles-on-financial-consumer-protection-2022_48cc3df0-en.html.

¹⁵ See <https://www.concurrences.com/en/dictionary/> for the definitions of relevant terms.

¹⁶ Response to the questionnaire from Canada.

¹⁷ Response to the questionnaire from Japan.

¹⁸ Response to the questionnaire from Spain.

A dedicated framework should focus on identifying common policy objectives, assessing market risks from both the competition and consumer welfare perspectives, to allow for more coherent and efficient resource allocation. This could be followed by a structured prioritization plan regarding policy implementation. Sectors in which market functioning and structure can easily lead to consumer exploitation, such as public services, financial services and essential consumer goods, could be jointly monitored and studied.

19. In addition, impact assessments of competition policies on markets and societies are critical in ensuring that policies remain fit for purpose and could serve to highlight possible synergies between the two areas. For example, in Peru, the National Institute for the Defence of Competition and the Protection of Intellectual Property estimated consumer overpayments of \$305 million during a period of cartelization in the toilet paper sector and, following the dissolution of the cartel, households experienced significant cost savings on essential hygiene products.¹⁹ Evaluating how competition-related interventions lower prices, improve product quality and enhance market access can provide tangible evidence of the benefits. Such assessments can reinforce the complementary nature of competition and consumer protection policies and can support countries in refining regulatory frameworks and strategies, to better achieve consumer welfare.

B. Institutional design

20. The institutional architecture of competition and consumer protection authorities impacts the effectiveness of synergies between the two policy areas and this architecture varies across jurisdictions.²⁰ Some countries adopt dual-mandate authorities that oversee both competition and consumer protection, such as the Competition and Consumer Commission in Australia; the National Institute for the Defence of Competition and the Protection of Intellectual Property in Peru, which also serves as the national authority for consumer protection; and the Competition and Consumer Commission of Singapore. Some countries have separate authorities for handling competition and consumer protection policies, such as the Administrative Council for Economic Defence and the National Consumer Secretariat in Brazil; the Competition Commission and the Ministry for Consumer Affairs, Food and Public Distribution in India; and the Fair Trade Commission and the Consumer Affairs Agency in Japan. The choice between models depends on a combination of factors related to the national legal framework, economic conditions and policy priorities, resulting in a spectrum of regulatory approaches.

21. In addition, sectoral regulators are increasingly involved in consumer protection in some jurisdictions, particularly regarding utilities, telecommunications and financial markets.²¹ This trend reflects markets' complexities, specialized oversight and necessary collaboration. For example, water and energy regulators ensure public service obligations on fair pricing and the accessibility of public and private providers, while telecommunications authorities monitor similar obligations regarding service quality and pricing structures. Financial regulators balance oversight with financial consumer protection in banking, insurance and securities markets, ensuring transparency and fairness in financial products.²²

22. The diversity of national institutional frameworks for competition and consumer protection policies and the need for increased collaboration between these authorities and sectoral regulators, as well as other public bodies active in adjacent areas at the national, regional and international levels, underlines the importance of developing formal cooperation agreements and exploring informal arrangements. These are instrumental in

¹⁹ Response to the questionnaire from Peru.

²⁰ See https://www.oecd.org/en/publications/the-interface-between-competition-and-consumer-policies_94cefc3f-en.html.

²¹ See https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/consumer-issues-other-policies_en.

²² See https://www.oecd.org/en/publications/g20-oecd-high-level-principles-on-financial-consumer-protection-2022_48cc3df0-en.html.

order to enable exchanges and discussions and pave the way for consultations and joint activities.

C. Law enforcement and other initiatives

23. Competition and consumer protection law enforcement serve consumer welfare; however, there are challenges in promoting synergies between the two policy areas due to factors that include fragmented enforcement mechanisms and differing priorities between the authorities responsible for each policy area, in addition to the inherent difference in objectives.

24. In particular, while competition law enforcement tends to be centralized in a single or dual institution, consumer protection law is fragmented with regard to some issues (that is, the regulated services sectors), as well as geographically, in ensuring that all consumers are duly heard and protected. Local, regional and national bodies may be entrusted with particular areas of consumer protection law enforcement. According to the UNCTAD world consumer protection map, 99 of 111 countries have a main consumer protection agency and 66 conduct research and analysis on consumer protection issues. Continuous collaboration and coordination is therefore crucial with regard to consumer protection law enforcement.

25. Insufficient communications and collaboration between competition and consumer protection authorities appears to hinder effective synergies. If enforcement actions overlook the broader implications for market competition and consumer welfare, this may lead to conflicting or incomplete regulatory responses. Different enforcement priorities and institutional structures may exacerbate this issue, affecting the success of interventions. To bridge this gap, information and intelligence-sharing, joint investigations and, when appropriate, coordinated enforcement strategies, are critical.

26. Authorities with dual mandates, covering both competition and consumer protection, are often better positioned to implement holistic enforcement strategies. By leveraging expertise across both fields, such authorities can coordinate efforts more effectively. However, dual-mandate authorities also face resource allocation challenges.²³ With responsibilities spanning two broad policy areas, balancing enforcement priorities becomes complex and there is a risk that one policy area may receive greater emphasis at the expense of the other. Ensuring an equitable distribution of resources and a clear prioritization strategy is crucial in order for such authorities to operate effectively. Establishing formal mechanisms for cooperation among separate authorities can help coordinate enforcement efforts, ensuring that regulatory actions comprehensively address both market distortions and consumer harm.

27. Resource and capacity constraints remain a significant challenge, particularly in developing economies. Many authorities lack technical expertise and/or investigative tools to conduct investigations and market monitoring or to assess the interplay between competition and consumer protection. Some States²⁴ have noted limited financial resources. Addressing such gaps requires continuous assistance through capacity-building, training programmes and inter-agency collaboration within and between jurisdictions.

28. Despite these challenges, some member States have taken proactive steps to maximize synergies between competition and consumer protection in enforcement. Dual-mandate authorities, in particular, have demonstrated the benefits of an integrated approach. For example, in Italy, the Competition Authority, with a mandate for competition and consumer protection law enforcement, found that energy companies had abused dominant positions in the retail market by using consumer data collected through privacy consent agreements, to formulate exclusionary commercial offers, thereby limiting competition. In addition, during the pandemic, Italy leveraged consumer protection powers to address price increases in health products, recognizing that competition law provisions on excessive pricing were insufficient, as many suppliers lacked dominant positions and traditional investigations would not have been timely enough. Instead, the authority launched

²³ Responses to the questionnaire from Italy and Poland.

²⁴ Bhutan, Peru, Sri Lanka, Zimbabwe.

consumer protection investigations into aggressive commercial practices that had exploited exceptional circumstances.

29. Single-mandate competition authorities can also enhance synergies through strategic enforcement approaches. One effective strategy is to prioritize sectors with significant consumer impacts, for example, food, energy and digital markets, where competition and consumer protection concerns often overlap. For example, Brazil has actively addressed competition concerns with direct consumer implications, such as through investigations of self-preferencing practices by a food-delivery application and of exclusivity agreements by an application offering access to different gyms and sports clubs, thereby serving to illustrate how competition enforcement can preserve consumer choice and prevent market distortions.²⁵

30. Another relevant action for competition authorities is to explicitly integrate consumer protection considerations into case assessments. This means analysing the impact of anticompetitive conduct beyond market structure, considering issues such as unfair pricing, exploitative contract terms and misleading commercial practices. By incorporating consumer harm considerations into competition analysis, authorities can adopt more holistic enforcement strategies aligned with broader consumer welfare objectives. In addition, competition remedies should be designed to also directly consider consumer interests rather than focusing solely on restoring competition. For example, in Mauritius, authorities intervened in the pay-television market, addressing anticompetitive auto-renewal policies that restricted the ability of consumers to switch services; following the investigation, the company amended its commercial policy, providing consumers with greater contractual flexibility and improved choice.²⁶

31. Public consultations and consumer engagement in enforcement processes can further strengthen synergies. For example, in Zimbabwe, an investigation into restrictive practices by medical aid societies revealed that health service providers were being deregistered, forcing consumers to pay out-of-pocket instead of using medical aid and consumers were steered, against their preferences, towards providers preferred by medical aid societies. Recognizing the direct impact on consumers, authorities invited public submissions, allowing affected individuals to share experiences, and the enforcement outcome ensured that deregistered providers were reinstated, allowing consumers to choose preferred health-care providers while securing reimbursements for prior expenses.²⁷

32. These cases illustrate the contribution of public engagement in enforcement, particularly through direct consultations with consumer representatives, to design remedies that effectively address consumer harm.

33. Establishing institutional cooperation mechanisms is critical, to enhance collaboration in jurisdictions where competition and consumer protection functions are handled separately. Memorandums of understanding can facilitate information-sharing, enabling authorities to exchange market intelligence, consumer complaints data and investigation updates. Regular consultations can further support joint investigations, coordinated decision-making and, when possible, coordinated enforcement approaches, ensuring consistent outcomes. Greater collaboration also allows consumer protection agencies to help competition authorities identify sectors in which market functioning may raise consumer concerns due to anticompetitive practices, guiding targeted enforcement actions.

34. For example, in Brazil, the Administrative Council for Economic Defence and the National Consumer Secretariat have a framework for institutional cooperation, formalized through a memorandum of understanding signed in 2012 and renewed in 2023.²⁸ This

²⁵ Response to the questionnaire from Brazil.

²⁶ Response to the questionnaire from Mauritius. See <https://competitioncommission.mu/wp-content/uploads/2024/11/ENQ318-MR-281124.pdf>.

²⁷ Response to the questionnaire from Zimbabwe.

²⁸ See https://www.gov.br/mj/pt-br/assuntos/seus-direitos/consumidor/defesadoconsumidor/Biblioteca/acordos-de-cooperacao-upload/acordocooperacaocade08012007403_2012_02.pdf and <https://cdn.cade.gov.br/Portal/acesso-a>

collaboration has led to coordinated enforcement actions and a shared regulatory agenda, for example a joint institutional response in 2021 to a privacy policy update by a messaging application, which prompted a historic cross-cutting effort involving the Administrative Council for Economic Defence, the National Consumer Secretariat, the National Data Protection Authority and the Public Prosecutor's Office, with the authorities issuing a joint recommendation, underscoring the need for integrated approaches to data protection, consumer rights and competition in the digital economy.²⁹ Another significant case was a joint action against anticompetitive practices in the health-care sector, such as restrictions on the use of medical discount cards.³⁰ Such efforts reflect an increasing commitment to regulatory "transversality," whereby mandates are addressed collaboratively to ensure fair markets, safeguard consumers and enhance legal certainty in complex, evolving sectors.

35. In Chile, since 2006, the National Economic Prosecutor and the National Consumer Service have maintained collaboration to safeguard both free competition and consumer rights, based on a memorandum of understanding.³¹ This partnership has led to joint actions in high-impact cases, such as, in 2009, during a pharmaceutical price-fixing case, in which the National Consumer Service publicly supported the National Economic Prosecutor investigation and evaluated complementary measures for protecting consumers.³² In 2010, the National Consumer Service submitted evidence to the National Economic Prosecutor on sharp increases in intercity bus fares during peak seasons, contributing to investigations of possible anticompetitive practices.³³ The institutions have also worked together to address monopolistic practices in telecommunications services in residential buildings, with the National Consumer Service backing proposals by the National Economic Prosecutor to the Competition Tribunal, aimed at ensuring fair market access.³⁴ These examples illustrate the synergy between the National Economic Prosecutor and the National Consumer Service in promoting a competitive, transparent and consumer-friendly market environment in Chile.

36. Beyond enforcement, actions by competition and consumer protection authorities such as joint market studies and soft-law guidance provide additional opportunities for constructive interaction.³⁵ Market studies conducted collaboratively by the authorities offer a comprehensive view of market dynamics, enabling the early identification of potential anticompetitive and unfair practices before they can escalate into full-scale enforcement cases. In addition, soft-law measures, such as guidelines, recommendations, warnings and opinions, serve as proactive tools for bridging gaps between the authorities.

37. Another area for collaboration is joint advocacy and business and consumer awareness initiatives. It is easy for consumers to misunderstand or underestimate the long-term benefits of competition and how it affects daily lives. Without public awareness, integrating competition and consumer protection policies becomes more challenging, since consumer support and microenterprises and small and medium-sized enterprises have a crucial role in enforcement effectiveness. To bridge the knowledge gap, competition and consumer protection authorities could engage in joint outreach efforts, using accessible language and real-world examples to illustrate the impact of competition on consumer welfare. For example, in Poland, the Office of Competition and Consumer Protection, which operates under a dual mandate, conducts educational campaigns through social media and by issuing consumer guidance.³⁶ Such initiatives help consumers recognize

informacao/Transpar%C3%A2ncia%20e%20Prestacao%20de%20Contas/2024/Senacon-MJ.pdf.

²⁹ See <https://www.mpf.mp.br/go/sala-de-imprensa/noticias-go/mpf-cade-anpd-e-senacon-recomendamos-que-whatsapp-adie-entrada-em-vigor-da-nova-politica-de-privacidade>.

³⁰ See <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-multa-entidades-medicadas-por-tentarem-impedir-uso-de-cartoes-de-descontos-em-consultas>.

³¹ See https://www.fne.gob.cl/wp-content/uploads/2011/03/2006_coop_sernac.pdf.

³² See <https://www.sernac.cl/portal/604/w3-article-1090.html>.

³³ See <https://www.eldinamo.cl/pais/2010/12/29/sernac-acude-fne-tras-detectar-alzas-de-casi-200-en-pasajes-de-buses/>.

³⁴ See <https://www.sernac.cl/portal/604/w3-article-3314.html?quickaccess=1>.

³⁵ TD/B/C.I/CLP/L.11. See <https://unctad.org/meeting/intergovernmental-group-experts-competition-law-and-policy-eighteenth-session> and <https://unctad.org/publication/model-law-competition>.

³⁶ Response to the questionnaire from Poland.

potentially unfair business practices, enhancing market transparency and strengthening enforcement.

38. Finally, staff exchange initiatives can strengthen collaboration, enhancing the ability to identify issues and sectors of similar attention and overlapping concerns, leading to more effective regulatory interventions. Such exchanges can also help bridge institutional divides, fostering long-term cooperation and ensuring consistent enforcement approaches.

D. Digital markets

39. The rapid digitalization of markets worldwide has intensified the need for greater integration between competition and consumer protection policies. Digital platforms operate in fast-evolving, multi-sided ecosystems, in which algorithmic pricing, data-driven business models and network effects create unique regulatory challenges. Digital platforms simultaneously influence both competition dynamics and consumer welfare, making it increasingly ineffective to address issues through competition or consumer protection policies alone.³⁷

40. Many respondents to the UNCTAD questionnaire highlighted experiences in addressing competition and consumer protection infringements in digital markets. For example, as a soft-law measure, Canada has taken proactive steps to understand the competition implications of artificial intelligence and data-driven markets; a discussion paper issued by the Government explores concerns related to algorithmic pricing and potential collusion, emphasizing the role of consumer trust in fostering competitive and fair digital markets. The approach of Canada underscores the importance of transparency and accountability in artificial intelligence applications, ensuring that digital platforms operate in ways that benefit both competition and consumers.³⁸ In Türkiye, Competition Authority investigations of digital platforms underscore such concerns; for example, the following demonstrate the growing importance of safeguarding consumer choice in digital markets: abuse of dominant position by a major digital platform in the general search services market, to favour its own local search and accommodation price-comparison services, which raised significant competition and consumer welfare issues; and an online shopping platform that was found to have manipulated the algorithm to provide an unfair advantage to its own retail activities while hindering competitors, which led to an intervention.³⁹

41. However, there remain significant divergences between jurisdictions with regard to competition and consumer protection law enforcement regarding digital platforms. Some respondents to the UNCTAD questionnaire noted the lack of experience in law enforcement regarding digital platforms, due to regulatory gaps and institutional and resource constraints that hindered effective interventions. Less experienced and small authorities in particular might not be fully equipped to address anticompetitive and unfair commercial practices in these markets or might prefer to prioritize collusive conduct and deceptive and misleading practices in other critical sectors.

42. Given such challenges, digital markets represent a critical area in which competition and consumer protection authorities need to strengthen synergies at both the policy and enforcement levels, through bilateral, regional and international cooperation.⁴⁰ The data-driven, algorithmic nature of digital platforms and practices such as self-preferencing and predatory pricing often coincide with consumer protection concerns, including about misleading advertising, unfair contract terms and data privacy violations. In addition,

³⁷ TD/B/C.I/CLP/57; UNCTAD, 2021, *Competition and Consumer Protection Policies for Inclusive Development in the Digital Era* (United Nations publication, Geneva); UNCTAD, 2024b, *Global Competition Law and Policy Approaches to Digital Markets* (United Nations publication, sales No. E.24.II.D.5, Geneva).

³⁸ Response to the questionnaire from Canada.

³⁹ Response to the questionnaire from Türkiye. See <https://www.rekabet.gov.tr/en/Guncel/investigation-on-google-reklamcilik-ve-p-adb5fd5447b9ef1193d90050568585c9> and <https://www.rekabet.gov.tr/tr/Guncel/dsm-grup-danismanlik-iletisim-ve-satis-t-b3da5d0675adef1193d70050568585c9>.

⁴⁰ UNCTAD, 2021.

enforcement in these markets is complex, requiring better international cooperation among regulators. Regulatory cooperation and knowledge-sharing, as well as joint investigations, need to be further encouraged, to ensure that digital platforms remain open, fair and safe for both businesses and consumers.

43. In enhancing enforcement effectiveness, a significant step forward would be to establish inter-agency task forces to oversee digital platform cases involving both competition and consumer protection issues.⁴¹ Such task forces could include representatives from competition authorities, consumer protection agencies and other related regulators, addressing cross-cutting issues such as data portability, algorithmic transparency and platform accountability. By centralizing expertise and resources, such a framework would facilitate coherent and proactive regulation, ensuring that emerging challenges could be discussed comprehensively.

44. Digital markets require a more integrated regulatory approach, combining competition and consumer protection laws and policies, to preserve and promote fair competition while preventing abusive, deceptive and fraudulent practices. As digital platforms continue to reshape global markets, regulators need to adapt enforcement strategies, collaborate at the national and regional levels and foster international partnerships, to create a fair, transparent and competitive digital economy that works for both businesses and consumers.

IV. The role of UNCTAD in fostering synergies

45. International organizations have a crucial role in fostering global cooperation in competition and consumer protection by developing frameworks, best practices and mechanisms for improved international coordination, particularly when they have global mandates in both areas and large memberships.

46. UNCTAD, as the focal point for competition and consumer protection within the United Nations system, facilitates interactions between competition and consumer protection authorities through the United Nations Conference to Review All Aspects of the Set, which provides a unique platform for dialogue, policy alignment and exchanges of best practices, strengthening regional and international cooperation and enhancing enforcement effectiveness across jurisdictions.

47. UNCTAD capacity-building and technical assistance in developing countries addresses both policy fields and helps to streamline them, improve institutional coordination and address emerging challenges, such as those raised by digital markets. In 2015–2018, UNCTAD, under the Competition and Consumer Protection Policies for Latin America programme, organized several regional workshops, to strengthen the capacities of competition and consumer protection authorities, focused on identifying common challenges, fostering synergies and promoting regional collaboration. Authorities across the region continue to organize workshops and conferences in partnership with UNCTAD.⁴²

48. In addition, UNCTAD capacity-building and technical assistance in Portuguese-speaking countries in Africa and in Timor-Leste has included a series of webinars, to foster the adoption and effective implementation of competition and consumer protection frameworks and cooperation and to address the synergies between the two areas.⁴³

49. Most recently, in Albania, in cooperation with the Competition Authority and the Consumer Protection Commission, UNCTAD organized an international forum on the

⁴¹ Responses to the questionnaire from Brazil and the Russian Federation referred to the relevance of inter-agency task forces.

⁴² At the conclusion of the programme, the beneficiary countries were Argentina, the Plurinational State of Bolivia, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru and Uruguay.

⁴³ See <https://unctad.org/project/technical-assistance-and-capacity-building-competition-and-consumer-protection-african> and <https://unctad.org/meeting/webinar-competition-and-consumer-protection-policies-portuguese-speaking-countries>.

interface between competition and consumer protection, particularly in digital markets, following which a memorandum of understanding was signed between the two authorities, emphasizing their commitment with regard to joint market studies and cooperation on consumer complaints.⁴⁴

50. By supporting authorities in identifying synergies and improving collaboration and coordination, UNCTAD contributes to more coherent and effective market governance.

V. Topics for consideration

51. Delegates at the Ninth United Nations Conference to Review All Aspects of the Set may wish to consider the following recommendations on enhancing collaboration between competition and consumer protection authorities:

(a) Strengthen legal and institutional coordination to eliminate regulatory overlaps and gaps. Competition and consumer protection authorities need to review legal and institutional frameworks, to identify areas of common interest, overlaps, gaps and opportunities for enhanced collaboration. Regular assessments of how competition law impacts consumer welfare, and how consumer protection law impacts competition, can help ensure that both policies remain complementary rather than contradictory. Bringing competition authorities into consumer protection policy discussions and vice versa would allow for a more consistent approach to market regulation, towards achieving the enhanced protection of consumers;

(b) Propose formal or informal cooperation mechanisms, including memorandums of understanding. To facilitate coordination between competition and consumer protection authorities, UNCTAD recommends adopting memorandums of understanding, to enable collaboration in market monitoring, information-sharing, joint actions when possible and any relevant advocacy and awareness-raising initiatives. Regular meetings between authorities can foster a cooperative environment, allowing them to respond appropriately to emerging challenges;

(c) Conduct joint market studies to consider competition and consumer protection insights. Market studies and behavioural insights are powerful tools in identifying competition and consumer protection concerns and prioritizing measures. UNCTAD encourages competition and consumer protection authorities to collaborate on market studies and explore behavioural research,⁴⁵ to combine expertise and intelligence, leading to a more comprehensive assessment of market conditions and consumer behaviour. Such an approach helps to ensure that enforcement actions and policy implementation pursue both market efficiency and consumer welfare;

(d) Enhance advocacy and awareness campaigns for businesses and consumers, in particular microenterprises and small and medium-sized enterprises. Businesses, in particular small companies, are often not familiar with consumer rights, and consumers are not always aware of how competition benefits them or the rationale behind competition law and policy. UNCTAD suggests jointly organized events, outreach to business and consumer associations and tailored communications strategies, to make complex economic concepts more accessible to consumers and microenterprises and small and medium-sized enterprises. In addition, UNCTAD encourages authorities to engage with consumer organizations and other civil society representatives, namely during public consultations, to allow for active contributions from the perspectives of consumers and smaller businesses in ongoing competition and consumer protection initiatives, including those involving merger remedies and soft-law guidance;

⁴⁴ See <https://unctad.org/meeting/international-forum-interface-between-competition-and-consumer-protection-policies>.

⁴⁵ See <https://www.oecd.org/en/topics/sub-issues/consumer-behavioural-insights.html> and https://commission.europa.eu/strategy-and-policy/policies/consumers/consumer-protection-policy/evidence-based-consumer-policy/behavioural-research_en.

(e) Strengthen cross-sectoral cooperation in addressing challenges in digital markets. Digital markets present unique regulatory challenges that require collaboration across multiple regulatory fields. UNCTAD recommends closer coordination between competition authorities, consumer protection agencies and other relevant regulators, such as of data protection, financial services, information and communications technology and telecommunications. Many practices such as algorithmic pricing, self-preferencing and data-driven market dominance are interconnected with consumer protection and data protection concerns. By improving multisectoral cooperation, joint investigations and coordinated policy responses, authorities can help ensure that digital markets remain competitive, fair and transparent for both businesses and consumers.

52. Delegates at the Ninth United Nations Conference to Review All Aspects of the Set may wish to reflect on possible topics in the area of competition and consumer protection law and policy that UNCTAD should focus on over the next five years and may wish to consider the following in determining topics to be addressed:

(a) What policy measures can be taken to strengthen the interaction between competition and consumer protection policies?

(b) How can national, regional and international frameworks better integrate competition and consumer protection policies, towards achieving dynamic, innovative and fairer markets?

(c) How can UNCTAD support member States, particularly developing countries, in improving collaboration between competition and consumer protection authorities?
