

# ICN UNILATERAL CONDUCT WORKSHOP

Prague, 15 – 17 April 2026

## PRELIMINARY AGENDA

Wednesday, 15 April 2026

8:30 – 9:00	<b>Registration</b>
9:00 – 9:10	<b>Welcome speech</b> Chairman of the Office for the Protection of Competition
9:10 – 9:20	<b>Opening remarks</b> Representative of the Czech Government
9:20 – 10:40	<b>Plenary session</b> <i>Current challenges in unilateral conduct and new competition tools</i> Introductory lecture on the global challenges and obstacles faced by national competition authorities while investigating unilateral conduct and their possible solutions that could serve as a source of inspiration for member NCAs.
10:40 – 11:00	<b>Coffee break</b>
11:00 – 12:30	<b>Breakout sessions</b> <ol style="list-style-type: none"><li><i>Exploitative abuses with focus on “traditional” industries</i> Focusing on buzzwords does not mean that the harmful unilateral conduct disappeared from “traditional” industries and sectors. This session will focus on what is going on in competition within these industries around the world. What standards of proof are helpful and working? What is acceptable and what can be considered excessive? How to assess potentially harmful conduct? Did the substance of competition in these industries change?</li><li><i>Interoperability in antitrust</i> With growing control power over the design of the business environment itself the problem of interoperability becomes a more pressing issue. Vendor lock-in, nudging, dark patterns or behavioural biases are necessary aspects for the NCA to understand, find and/or use in unilateral conduct investigations. The session will discuss the best practices used in the investigation of dominant undertakings related to interoperability issues.</li><li><i>New tools in a toolkit for fighting the unilateral conduct</i> As the business environment changes, new effects and behaviours harm competition. New competition tools, DMA or similar regulations and/or interim measures can be used to fill the gaps and help NCAs to correct the effects and behaviour that harm competition. The presentations will cover several of these new tools that have recently been established in some jurisdictions.</li></ol>
12:30 – 13:30	<b>Lunch break</b>
13:30 – 15:00	<b>Plenary session</b> <i>Theories of harm in digital and traditional markets</i> With multisided platforms, algorithms and AIs or zero prices, the establishment of a robust theory of harm may prove to be a quite challenging

	task. The presentations followed by a discussion will illustrate how the abuse was assessed and the harm constructed. The session will cover presumptions of abusive conduct in this specific environment as well as in traditional industries. It will touch upon “naked restrictions” and effect-based cases as well.
15:00 – 15:30	<b>Coffee break</b>
15:30 – 17:00	<p><b>Breakout sessions</b></p> <p>1. <u>Exclusive dealing as an abusive conduct</u> This breakout session aims to discuss the challenges of analysis of exclusive dealing. Necessary legal and economic conditions that need to be examined in exclusive dealing cases may differ from one agency to another. There are differences among agencies in terms of whether exclusive dealing arrangements should be considered as per se illegal or they should be assessed on a case-by-case basis. Also, this session will provide an opportunity to explore the recent developments and practices related to exclusive dealing.</p> <p>2. <u>Price discrimination as an abusive conduct</u> With personalised pricing, hidden offers and algorithmic and dynamic pricing, the possibility of price discrimination by the abuser increases. This session will cover various aspects of a possible price discrimination that can harm competition and consumers.</p> <p>3. <u>Administrative monopolies and exclusive rights given by the government</u> Conduct distorting competition may, in some cases, be an indirect result of a government action – giving rights and privileges to undertakings creates administrative monopolies or dominants that can later act in a way harmful to competition. How to identify what is legitimate action and what is harmful? How to deal with distortion of competition caused by the action and/or activity of administrative monopolies? The session will review significant cases worldwide.</p>
19:00 – 22:00	<b>Welcome cocktail</b>

### Thursday, 16 April 2024

8:30 – 9:00	<b>Registration</b>
9:00 – 10:30	<p><b>Plenary session</b></p> <p><u>Definition of the relevant market and the concept of dominance</u> When the economy grows the exchange of goods becomes more and more complicated. New products and new markets satisfy smaller and smaller nuances in consumers utility. This makes the market definition harder. Presentations will cover this topic in the context of the most pressing issues such as market definitions in multi-sided markets. It will compare a traditional approach and its applicability in the digital environment. Also, the role of presumptions will be discussed.</p>
10:30 – 11:00	<b>Coffee break</b>
11:00 – 12:30	<p><b>Breakout sessions</b></p> <p>1. <u>Market power vs market share</u> Market share may no longer be a reliable indicator of the market power in fast evolving industries. Vertical concentration may add a complexity that shall be addressed. The session will discuss possible new concepts enabling to</p>

	<p>indicate the market power and, hence, establish a dominant position. It will also cover the various and specific dimensions of the products such as must-have and should-have products and their impact on the investigation strategy and construction of the case.</p> <p>2. <u>Quantitative methods used for market definition and unilateral conduct assessment</u></p> <p>This session will demonstrate how to efficiently use quantitative methods of analysis, how to present the methods and their results to courts, and most importantly how to obtain relevant data.</p> <p>3. <u>Best practices in defining relevant markets</u></p> <p>Each relevant market is unique, characterised by specific economic aspects and effects. This session will explore some of these factors, such as the impact of consumer loyalty and strong brands. It will touch upon unique patterns of consumer behaviour and distinctive features on the supply side, while addressing the challenges associated with defining markets.</p>
12:30 – 13:30	<b>Lunch break</b>
13:30 – 15:00	<p><b>Plenary session</b></p> <p><u>Evaluation of remedies and commitments</u></p> <p>Remedies and commitments are tools that can restore competition. This session will focus on how NCAs can effectively evaluate remedies and commitments. How should they be designed? Should NCAs monitor them and how to do so? Should there be a preference between behavioural and structural remedies? These issues will be discussed in this session.</p>
15:00 – 15:30	<b>Coffee break</b>
15:30 – 17:00	<p><b>Breakout sessions</b></p> <p>1. <u>Ex-ante enforcement</u></p> <p>The session will focus on efficient regulation when a sector regulator is involved and will show the best practices from the area of successful cooperation and coordination of the NCA and sector regulator. It will explore the benefits and risks related to interim measures.</p> <p>2. <u>Ex-post evaluation</u></p> <p>Reflection is necessary in order to improve NCAs effectiveness in the future. Ex-post evaluations are an important way how to learn what proved effective and what did not. How can a successful ex-post evaluation be conducted? Who could provide an assistance with it? What has been the experience with cooperation with academia?</p> <p>3. <u>Evidence gathering for unilateral conduct cases</u></p> <p>While markets differ significantly from one another, the evidence standards are high in all cases. This session will focus on how to effectively gather evidence, how to successfully use it in specific cases, how to interpret it, and, most importantly, how to present it in order for the case to be successful.</p>
18:30 – 22:00	<b>Social programme/ICN gala dinner</b>

## Friday, 17 April 2026

9:30 – 11:00	<p><b>Plenary session</b></p> <p><u>Possible future of dealing with unilateral conduct of dominant undertakings</u></p> <p>This forward-looking session will try to formulate the thought-provoking vision of possible future obstacles NCAs might face and will try to offer</p>
--------------	---

	reasonable and feasible answers. Competition might face great challenges in the near future such as AI/AGI, algorithmic discrimination, personalized abuse of dark patterns or decomposition of whole labour markets and disappearance of large numbers of competitors and entire markets. Should our presumptions of dominance and/or abuses adapt or does it have to change? Should we rely more on regulation or will competition enforcement be enough?
11:00 – 11:30	<b>Coffee break</b>
11:30 – 11:45	<b>Plenary session and closing remarks</b> <i>Unilateral Conduct Working Group presentation</i> TBC
11:45 – 12:00	<b>Closing remarks</b> Chairman/Vice-chair of the Office for the Protection of Competition of the Czech Republic
14:00 – 15:30	<b>Cultural programme – Guided Tour in Prague</b>