BRICS COMPETITION LAW&POLICY CENTRE

BRICS COMPETITION POLICY IN THE AI ERA



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POLICY BRIEF

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BRICS Competition Law and Policy Centre

Artificial Intelligence (AI) is rapidly transforming both markets and regulation. As markets continue to be in a state of flux due to AI's disruptive impact, there is, to date, no unified common language that regulators can use to discuss competition policy in the AI era. As noted in the preamble to the BRICS Leaders' Statement on the Global Governance of Artificial Intelligence, multiple — and often diverging — approaches to regulation proliferate at the global level leading to fragmentation and lack of understanding[1]. Several jurisdictions have emerged that aspire to promote their regulatory model as the global standard. Among the most prominent ones, China seeks to formulate global policy in the language of societal values and cooperation. This approach views AI as a public good, which aligns with the development goals of the Global South. This cooperative model of AI regulation is now embodied in the charter of the World Artificial Intelligence Cooperation Organization ("WAICO") established in July 2026 in Shanghai, China[2]. The charter recognizes the public goods nature of AI and builds on the idea that AI benefits should be disseminated equally.

At the opposite pole, the US continues its lax treatment of digital and AI industries to ensure its global dominance through aggressive trade policy that rests more on export control than on prevention of AI-related risks. This approach is best illustrated by the recent Pax Silica alliance that prioritizes security of supply above all else and mostly appeals to Western economies. Finally, the European Union is attempting to level its innovation disadvantage by introducing stringent, multi-dimensional regulation that could extend the Union's regulatory authority onto the global AI value chain.

This global divergence is taking place against the backdrop of new regulatory challenges posed by AI transformation of production processes. Beyond data security challenges, concerns related to content safety, child protection, environmental impacts stemming from AI's energy consumption, and a myriad of other risks[3], harm to economic competition remains one of the key points for regulatory intervention. While not all levels of the AI value chain are overly concentrated[4], the networked nature of AI production where upstream and downstream actors are often linked through various partnerships and investment agreements raises potential collusion and foreclosure risks.[5]

One typical example is NVIDIA which entered into a strategic arrangement with OpenAI one year ago, under which OpenAI will buy NVIDIA's GPUs for datacenters and computing infrastructure, while NVIDIA will invest billions in OpenAI to support the partnership[6]. Thus, NVIDIA will finance OpenAI's infrastructure development based on NVIDIA's own

chips. A variety of examples showing just how tightly interconnected AI value chain participants are is presented in a recent US FTC report[7]. Finally, the recent global financial stability report by the IMF points out the decreasing free cash flows of hyperscale companies as they try to sustain large AI investments thus increasing their debt financing and, potentially, systemic risk.[8]

Even beyond infrastructure ownership, one has to be mindful of "monopolies of the moment" that arise through short-term modes of coordinated behavior, temporary control over a critical node, or a certain form of algorithmic manipulation[9]. These forms of AI monopolism require an even more advanced mode of analysis, one that does not overly rely on market power and ownership as conditions for intervention.

Anticompetitive Slow-Down?

An example of a new form of monopolism driven by the urge to win the AI market is the recent sequence of statements issued by the CEOs of the main competing US AI companies (Anthropic, OpenAI, X, and Google). The statements called for a slowing down of the AI model development in the public interest[10]. Anthropic's CEO admitted potential antitrust risks and proposed granting an antitrust exemption to the largest US AI companies[11]. At the same time, OpenAI declared that it had begun to slow its models down without waiting for any exemption or state approval[12]. These coordinated statements, expectedly, generated concerns of an anticompetitive nature. On September 18, 2026, a class lawsuit was filed against the four companies claiming that the coordinated statements of their CEOs pointed to a cartel agreement to limit the quality and speed of model deployment — the main parameter of competition in the AI model market[13]. The outcome of this lawsuit is difficult to predict. Recently exemptions from cartel enforcement have increasingly been granted in the context of sustainability agreements, where restriction of competition could be justified on the grounds of enhancing sustainability. Just as with AI, companies repeat the same mantra: AI safety or sustainable development are not commercially viable for a standalone business. This is an accepted justification for cooperation that is often questionable from a competition point of view. Another concern is the downplaying of the role of competition in AI markets that are largely shielded from competitive pressure by industrial policy and national security strategies.

All these developments suggest that AI has become the epicenter of multiple imbalances in the global economic and political system. The geopolitical rivalry over AI capabilities, the concentration of control over critical AI infrastructure and resources, and increasingly aggressive competition for technological leadership are exacerbating existing asymmetries of economic power. These developments unfold against the lack of agreement on how to regulate AI as a source of risk and as a competitive benefit.

Under these circumstances, competition policy remains an important institutional mechanism for addressing these imbalances and reconciling competing economic and strategic interests. Ensuring fair competition in AI is no longer an issue of mere economic vitality of a particular market. Rather, it is an issue of maintaining a more balanced and sustainable global economic order; one that avoids aggressive confrontation and proposes to compete on the merits instead of competing via foreclosure and exclusion.

The idea of this brief review of the state of AI and competition policy in the BRICS is to promote competition law and policy as a peaceful yet powerful tool to address social and economic imbalances created by the AI race. And importantly, this document shows that competition authorities in the BRICS are already on the right track as they are addressing concentration of power across the AI value chain and exploring the potential of AI itself to serve as a valuable market monitoring tool.

This brief relies on the contributions made during a meeting of the BRICS competition authorities on AI and competition, held in June 2026, in Moscow, Russia (hereinafter — 'the Moscow Workshop'). The Moscow Workshop brought together regulators, businesses, and policy experts from the BRICS countries that shared their valuable insights into the future of AI and competition policy.

This document is structured as follows. First, it reviews the challenges AI poses to competition in the BRICS countries. Second, it examines how the BRICS competition authorities are adapting to better address enforcement challenges in the AI era. Third, it turns to businesses in the BRICS and the strategies they use to build society-conscious AI markets in their countries. Finally, it concludes with the main takeaways and proposals for a more consistent BRICS competition policy in AI markets.

How AI Challenges Competition: A BRICS Perspective

The pace of AI development and the ownership patterns in infrastructure and computing power create fertile conditions for multiple competition challenges in the AI value chain, from upstream inputs to downstream deployment.[14] Several of these challenges are particularly alarming for the state of competition in the global AI value chain. These include growing concentration through merger-like arrangements such as acquihires, increasing financialization of AI production, abusive use of algorithms and AI in consumer markets, and algorithm-facilitated cartels. This section reviews these challenges as they have been addressed by the BRICS competition enforcers.

Mergers and merger-like arrangements in the AI value chain

Several recent investigations have visualized the so-called "circular deals" and "circular financing" along the AI value chain — interlinkages of investment between companies that act as both suppliers and consumers to one another.[15] These complex interconnections, first, increase the vulnerability of the AI system, leading to the "too big to fail" type of arrangement. Should the AI bubble burst, it can impact a larger fraction of the industry due to the multiple interdependencies among its players. Second, these arrangements increase the industry concentration as capital and investment are consolidated within a tight group of companies.[16] This creates an exclusionary effect as access to innovation and capital is restricted to the members of such a group.

One distinctive feature of these investment and knowledge arrangements is that they do not take the form of conventional mergers and acquisitions. Instead, companies rely on licensing agreements, strategic partnerships, and so-called reverse acquihires, which allow them to obtain access to key assets without formally acquiring the target company. While contributing to the increasing concentration of capital and innovation in the AI market, these arrangements are designed to avoid merger control scrutiny.

These arrangements are only now gaining visibility on the radar of competition authorities.[17] The BRICS competition authorities are among the most

proactive enforcers worldwide in approaching the new forms of concentration in the AI market. CADE has investigated several AI partnerships that may happen below normal notification thresholds.[18] In May 2026, CADE initiated a review of several AI-related partnerships that involved the Big Tech incumbents alongside smaller startups. As a result, CADE referred Microsoft/Inflection.AI for a deeper, ex post merger review procedure.[19] CADE's analysis classified the Microsoft/Inflection.AI partnership as, essentially, an acquihire agreement that involved investments on behalf of Microsoft, IP licensing, and hiring out Inflection's core team members.

Interestingly, while the same reasoning is applicable to the Google/Character.AI partnership, the degree of Google's involvement with Character was not to the degree observed in the Microsoft/Inflection; this did not amount to a merger-like situation, as concluded by the authority. CADE recognized the arrangements as a single economic package capable of ensuring the functional transfer of technologies, personnel, know-how, and innovation potential. However, unlike Inflection AI, Character.AI transferred only part of its employees, retained an independent product, and continued its activities in the market.[20]

Another case concerned Microsoft's €15 million investment in Mistral AI through convertible instruments, corresponding to approximately 0.31% of Mistral's capital following conversion. CADE found that Microsoft's shareholding was below the applicable 5% threshold and that neither the investment nor the associated commercial arrangements conferred control over Mistral. Consequently, on 13 May 2026, the authority closed the gun-jumping investigation without requesting notification of the transaction. Gun-jumping investigations with respect to partnerships between NVIDIA and Run, Amazon and Anthropic have been closed, while investigations into Google's partnerships with Windsurf and Hume AI are still on-going.

CADE's analysis in these cases shows the need for less rigid, less conventional rules of merger control and, potentially, the urgency of a merger control reform. What is more important is the holistic assessment of merger-like arrangements — even when the conventional merger control categories of influence and control do not apply, the assessment of a broader strategy behind the exchange of teams and intellectual property coupled with the market power of incumbent parties paints a clear concentration picture.

China is yet another BRICS jurisdiction that is accumulating enforcement experience regarding concentration in the AI value chain. NVIDIA's

acquisition of Mellanox demonstrates that China is willing to analyze the global market structure. SAMR pointed out that the relevant products were supplied globally, suppliers competed on a global scale, price differences across countries were insignificant, and there were no substantial cross-border trade barriers. Therefore, the relevant geographical market was defined as the global market (with separate focus on examining the Chinese domestic market). SAMR relied on the global market share: NVIDIA held 90%–95% of the GPU accelerator market; Mellanox held 55%–60% of the dedicated network interconnect equipment market; and 60%–65% of the high-speed Ethernet adapter market. Ultimately, the transaction was determined to have, or potentially have, an exclusionary or restrictive effect on competition in the relevant global and Chinese markets.[21]

Furthermore, enforcement extends to business operations after approval as SAMR continues to monitor the transaction due to the highly dynamic nature of the AI value chain. In December 2024, SAMR launched an investigation into NVIDIA for allegedly violating the Anti-Monopoly Law and its 2020 conditional approval decision on the merger[22]; in September 2025, SAMR announced the progress of the investigation, reflecting its continued supervision of compliance with restrictive conditions on major cross-border mergers and acquisitions.[23]

On July 14, 2025, SAMR conditionally approved Synopsys' acquisition of Ansys. It explicitly stated that the transaction had, or may have, an exclusionary or restrictive effect on competition in the global and Chinese markets for optical software, photonics software, certain electronic design information ("EDA") software, and semiconductor design IP. In the global optical software market, the combined share of the two companies was 65%-70%, with a pre-transaction HHI of 2489.69 and a post-transaction HHI of 4802.49, resulting in a ΔHHI as high as 2312.8. The ΔHHI for the global photonics software market also reached 1718.08.[24]

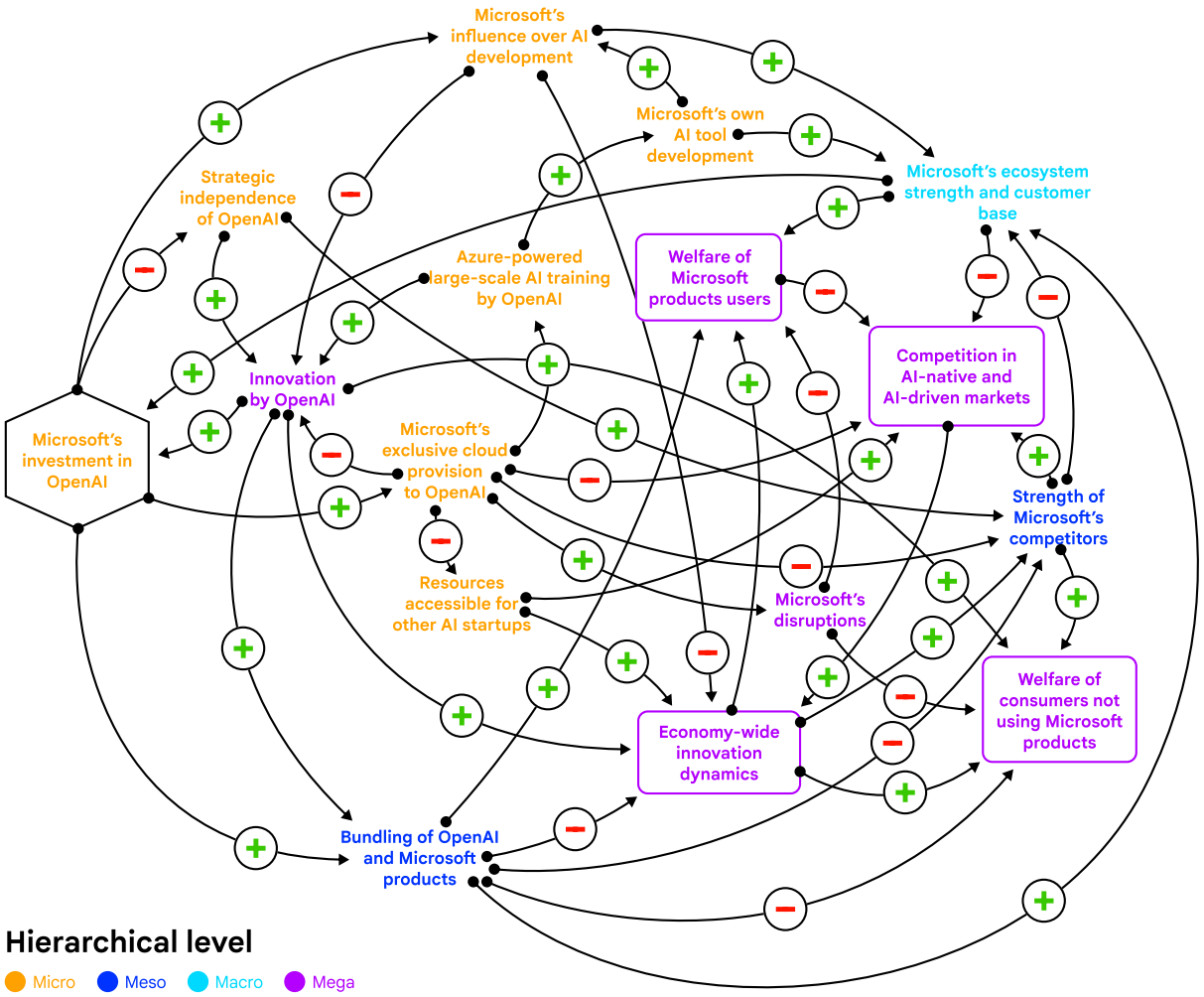
In its official media statements, SAMR declared that the decision demonstrates China's determination to protect fair competition in the global EDA software and design IP market and added that it will continue to supervise and implement the decision to maintain the order of fair competition in the global EDA software and design IP market. It is worth noting that in this case, the Chinese competition authority not only assessed the impact of the transaction on domestic market but clearly stated its commitment to sustain competition in relevant global markets, reflecting extension of its merger review beyond domestic market to global level.

China's policy with respect to AI mergers extends well beyond competition law, thus emphasizing the public interest nature of competition in AI markets. In April 2026, China's foreign investment regulator blocked the acquisition of Manus, an autonomous AI agent startup with Chinese roots, on national security grounds.[25] Tencent has recently been reported to be planning to buy the startup back from Meta[26] and thus become the company's largest shareholder. In November 2026, the same regulator blocked ABB Robotics' acquisition by SoftBank group[27], while the European Commission approved that merger earlier.

A shared vision on the relationship of competition and AI is of particular importance for merger control policy. For the BRICS and the Global South in general, cooperation in AI & competition through forums such as the WAICO may prove valuable. Such multilateral platforms may help position competition as a shared goal in the AI policies of the developing world and coordinate shared policy visions. Merger-like arrangements discussed above have a global reach and may impact national markets in the BRICS no less severely than competition on a global level. At the same time, their complexity and fluid nature help them evade conventional merger control and require constant market monitoring to account for their effects. Against this backdrop, the BRICS competition authorities all agree on the need to pool their expertise and technological capabilities to jointly develop tools for monitoring AI markets and strengthen cooperation in investigating potentially anticompetitive arrangements.[28]

Systems Mapping of AI Partnerships

A candidate method to disentangle the complexities of the new forms of concentration in the AI value chain and their social and economic effects is being developed by the BRICS Competition Law and Policy Centre together with the International Institute for Applied Systems Analysis (IIASA). The concept of the method was presented by Elena Rovenskaya of IIASA at the Moscow Workshop and has already been applied to the Microsoft/OpenAI partnership[29] and the AI-enabled Covantis platform for grain trade (also a partnership of the largest commodity traders).[30] This proposal rests on the methodology of causal loop diagramming as an approach to systems mapping informed by expert knowledge. Systems mapping can make visible the ecosystem-level pathways, dependencies, and feedback mechanisms through which arrangements like the Microsoft/OpenAI partnership may shape competition, innovation, and consumer welfare. It also may help predict the broader social outcomes of such market events. Competition authorities can scale up this method by using larger data sets and relying on data they receive from market surveys and monitoring.



System map of the Microsoft/OpenAI Partnership. Source: Elena Rovenskaya et al., "Assessing Competition Concerns in Digital Markets Using a Systems Approach: A Case-Study of Microsoft's Partnership with OpenAI," SSRN, October 16, 2026, https://doi.org/10.2139/ssrn.7715160.

Financialization of AI and competition policy

Finance plays an enormous role in the business model of the AI value chain participants. Financialization of the AI value chain is simultaneously the reason for and the outcome of the circular asset exchanges and investments among the largest AI companies. A recent S&P Global publication states that leading U.S. tech companies and AI hyperscalers likely possess hidden and unrecorded AI-related debt connected to data center leases and chip purchases.[31] This debt is often off the balance sheets and thus cannot be used to predict actual financial risk. Exemplary here is the recent downgrading of Oracle, one of the top AI investors, to a higher risk category due to rapidly expanding AI spending.[32] Oracle is the prime example of highly complex debt and equity schemes based on circular financing and interlocking liability structures. Oracle's data centers are built in a way that makes them particularly vulnerable to a financial crash: should the computational power fail to be supplied to Oracle's AI clients, it cannot serve its obligations with respect to the multiple agents such as landlords and property owners.[33]

Beyond Oracle, a recent report on circular financing states that between 2021 and 2025, 28.7% of artificial intelligence (AI) firms' investment deals (by deal value) involved a target company that was also an AI firm, while 55.2% of incoming investments in AI firms came from other AI firms.[34] Almost half of the deal value involved supply chain relationships between the investor and the target firm.[35] The economic justifications of such circular relationships mostly involve lowering of information, monitoring or contracting costs and scarcity of relation-specific investments, such as highly specialized inputs. Partly, this may be explained by low competition and heightened concentration at the upstream segments of the AI value chain that reduces choice of suppliers and buyers[36]. This is an issue competition authorities appear to have overlooked long before the current AI investment wave.

Competition law has the potential to address these imbalances. First of all, enforcement against partnerships and investment agreements that may serve as a pretext for circular financing arrangements is already quite active, as demonstrated by the enforcement campaign in Brazil. Assessment of such partnerships, however, should be more cautious not only because the complex structures of these arrangements might obscure the true degree of control. Competition authorities should approach these cases using a different standard for assessing economic power, bearing in mind the already established market power of most AI hyperscale companies and their gatekeeper status in jurisdictions

with ex ante regulatory regimes. As noted in India CCI's market study on AI, partnerships along the value chain can entrench existing market power.[37] The report cites "structural hurdles such as enormous computational requirements, lack of data, or the need for significant user bases to achieve network effects"[38] arising from increased concentration. Therefore, even when the arrangement in question does not meet the notification thresholds or control and influence tests required for it to be classified as a merger, it can still be reviewed and potentially blocked on the basis of incumbent's pre-existing market power. A similar mechanism of referral under Article 22 of the EU Merger Regulation has been used in combination with call-in powers of national competition authorities in the EU for several killer acquisitions.[39]

Second, market power assessment can be strengthened by incorporating indicators that capture access to finance and capital markets as a parameter of market power. One example of existing legislation is article 19a of the German competition law, which includes financial strength as one of the criteria of gatekeeper power (paramount significance for competition across markets). However, as demonstrated by the German's competition authority's designation decisions concerning the Big Tech firms, the assessment of this criterion is mainly narrowed down to market capitalization value and claims that these firms attract significant investment. A more advanced competition law assessment could include detailed mapping of existing and planned partnerships and financial arrangements therein. An analytical connection between these complex arrangements and their contribution to increasing concentration and barriers to entry could serve as a basis for proving potential competitive harm linked to deep financialization of the AI industry.

Anticompetitive use of algorithms: exclusion and unfair competition

Market power in the downstream segments of the AI value chain often manifests in abusive use of algorithms, leading to exclusion of less powerful competitors, or in abuses of bargaining power to the detriment of consumers and business users. The BRICS competition authorities have dealt with several cases where the operation of an algorithm led to restrictive effects on competition.

In July 2026, SAMR fined Trip.com, China's largest OTA (online travel agency) platform, for multiple violations of competition law. The complaint alleged that Trip.com forced hotels to accept unfavorable trading

terms and used algorithms to influence pricing, thereby restricting competition and reducing the profitability of hotel businesses. During the investigation, SAMR found that the company used internet traffic allocation mechanisms, platform rules, and algorithms to require certain hotels to enter into exclusive agreements and offer the lowest price compared to other online providers.[40] The platform divided the hotel owners into three categories, with hotels of "special" category entering into exclusive cooperation agreements with the platform in exchange for increased traffic and better visibility.[41] The "gold" category providers were forced to offer "the lowest price across the Internet". The platform continuously monitored the prices, using algorithms to ensure compliance, and imposed punitive measures on hotel providers that failed to adhere to the lowest price policy. Trip.com used several technical tools to ensure compliance. First, it used the "price adjustment assistant" and "AI business assistant" to automatically adjust the price of a hotel to ensure the lowest price. Second, the platform used the "listing pass" tool to automatically change the price. Additionally, the price in the system could be changed manually. The investigation found that Trip.com earned approximately USD 249 million of revenue attributable to bookings where the price adjustment was applied. These "illegally obtained gains" were confiscated by the enforcer alongside the remedies in the form of an administrative fine and compensation of loss to the hotel providers.

Involution-Style Competition as a Threat for A Healthy Market Ecology

An important point in SAMR's decision is the broad variety of harms identified in Trip.com's behavior. Apart from an exclusionary effect on competition in the OTA market and restriction of consumer choice, the competition authority noted the detrimental effect for the "healthy development of the market".[42] Trip.com's behavior led to "downward competition", disrupted the market and ultimately undermined competitive ecology in the market. This case, then, demonstrates a straightforward application of the "downward" or "involution" competition concept that has recently featured in China's competition policy.[43] Downward competition often relies on algorithms and digital technologies to ensure the lowest price thus undermining not only competition as such, but also quality offered to the consumers. Prevention of AI-facilitated downward competition is one of the main priorities for China's competition policy, and the Trip.com case demonstrates its application.

China also addresses the abusive use of algorithms through its unfair competition regime. A notable case is the recent lawsuit in Hangzhou. In May 2026, the Intermediate People's Court of Hangzhou, Zhejiang Province, issued a ruling in China's first unfair competition case involving AI-generated recommendation posts. The court found that two generative AI service providers had fabricated consumer experiences and mass-produced fake endorsement content, thereby disrupting the

authentic content ecosystem of the platform and committing unfair competition under the general clause of Article 2 of the Anti-Unfair Competition Law. In reaching its decision, the court applied a four-factor test establishing the duty of care of a generative AI provider where the following conditions are met simultaneously: the service is generative in nature; it targets a specific scenario or a third party's product as its application layer; its operation is directional and designed to induce user behavior; and it is provided on a commercial, paid basis. This ruling is relevant to BRICS competition policy as it demonstrates that existing competition law can be applied to new forms of AI-mediated harm without dedicated AI-specific legislation, provided courts are willing to develop adaptive interpretations of general statutory clauses.

In South Africa, the use of AI in the digital economy and its potential anticompetitive effects have been investigated recently with the use of the market inquiry tool. The Online Intermediation Platforms Market Inquiry (OIPMI) and, more recently, the Media and Digital Platforms Market Inquiry (MDPMI) have been instrumental in this regard. A major focus has been the role of ranking, recommendation, and display algorithms in shaping downstream competition. The Competition Commission of South Africa (CCSA) has raised concerns that search and platform design can favour large digital intermediaries and make it more difficult for smaller businesses to gain visibility.

For example, the CCSA, in the final report of its MDPMI Inquiry published on 13 November 2025, found that the introduction of Google AI Overviews had reduced organic referral traffic from search results to publisher websites and increased the share of zero-click searches.[44] The South African experience is instructive from the standpoint of remedial design: Google committed not only to a ZAR 42 million (approximately USD 2.2 million) media fund but also to granting publishers the right to opt out of AI Overviews without suffering a search ranking penalty, and to implementing a feature enabling South African users to select local news sources.[45] The last commitment establishes the principle of decoupling between search ranking and AI summarization as distinct market functions, thereby limiting the use of a dominant position in search to obtain a productive input for AI systems on a cost-free basis from downstream market participants.

As a recent development, on 18 November 2026, the CCSA reached a settlement with X Corp. and secured a voluntary commitment from X.AI following the MDPMI inquiry. Under the agreements, X Corp. will support South African news publishers through monetization programs, training and access to revenue-generating tools, while X.AI will provide

training on content controls and opt-out mechanisms concerning the use of publishers' content for AI training. The agreements replace the original remedies with two-year commitments, reflecting a negotiated approach to addressing the relationship between digital platforms, AI developers and news publishers. Following the settlement, both companies withdrew their appeals they filed against the MDPMI inquiry findings and remedies.

In Brazil, a recent investigation into Meta's policy to prevent general-purpose AI bots from accessing the WhatsApp Business API[46] makes an interesting case of control over APIs as a parameter of competition in the AI distribution segment of the AI value chain. The theory of harm pursued by CADE resembles that of CADE's opinion in the recent Apple case[47] and concerns offensive leveraging and self-preferencing strategies.[48] CADE imposed an interim measure requiring Meta to restore access and abolish its business terms, with which Meta did not comply; Meta introduced charges for messages sent by AI bots which maintained exclusionary effects.[49]

In a sense, this case demonstrates how incumbent AI companies compete aggressively in the downstream segments of the AI value chain where competition in AI distribution and deployment is still rather vibrant. Instead of competition on the merits, however, incumbents use their ecosystem leverage in pre-AI markets — such as instant messaging — to outcompete smaller newcomers. Despite this tendency, the downstream segment remains saturated with players, and thus, CADE's view on WhatsApp as a potential bottleneck and foreclosure mechanism is disputed.[50] The case remains unresolved as a daily fine imposed by CADE was suspended by a federal court[51], and the administrative inquiry into the merits is continuing at the time of writing.

Beyond competition law, Meta has been under scrutiny in Brazil, as in October 2026, a court imposed an injunction on Meta's new commercial terms based on a claim filed by several national media associations.[52] Meta's rules required news outlets to provide access to their content for free even when that content was protected by copyright; Meta thus received free training material for its AI models. The rules were obligatory if news publishers wanted to use Meta's distribution platforms. Although the lawsuit at hand focused on contractual abuse of rights,[53] the case has obvious competition implications. News publishers are dependent on Meta's infrastructure for content distribution, and conduct classified as contractual abuse by the court can also be viewed as foreclosure and abusive leverage within a gatekeeping ecosystem. Similar behavior by Google is being investigated by CADE that opened administrative

proceedings in April 2026.[54] In terms of remedies, the South African MDMPI Inquiry obliged Google to establish a media support fund and granted news publishers an opt-out scheme without ranking penalties.

In September 2026, the Indonesian Competition Commission (KPPU) raised an issue about potential infringements of the rights of the digital media industry, particularly arising from the widespread use of AI overviews.[55] The Commission is consulting the market and looking into potential violations from a competition standpoint. This is not the first time that the Indonesian regulator engages with the AI value chain. In 2026, KPPU released an ex post impact assessment on its earlier 2024 commitment decision in a case concerning algorithmic discrimination on the e-commerce platform Shopee.[56] Shopee was accused of manipulating its ranking algorithm to prioritize its own logistics affiliate over competitor services.[57] It committed to changing the algorithm pursuant to KPPU's investigation. KPPU's assessment found that the commitment created healthier competition in the Shopee ecosystem but did not remove structural challenges for logistics providers. One of the future measures proposed by the assessment is imposition of mandatory algorithmic neutrality for high-value transactions alongside monitoring of potential predatory pricing in the e-commerce sector.[58]

In India, the main recent development is the comprehensive market study on artificial intelligence and competition released by CCI in October 2025.[59] The study covers the structure of the AI value chain, competition risks at each of its layers, and the practice of AI deployment across key sectors of the Indian economy, including retail, logistics, banking and finance, and healthcare.

As was presented by CCI Member Sweta Kakkad at the Moscow Workshop, the central conclusion of the market study is that AI introduces new pathways for market concentration and exclusion if left without targeted oversight, even as it generates productivity gains across sectors. The structural risks identified in the study include concentration at the level of foundational infrastructure, high switching costs, ecosystem lock-in and dependency, and the risk that the competition may become confined to a handful of hyperscalers and their respective partner ecosystems. A particularly telling structural finding is that 67% of surveyed Indian AI startups operate exclusively at the application layer, relying on foundation models developed by a small number of large providers, while only 3% of companies develop foundation models themselves — a ratio that points to deep structural dependence of the national AI sector on a few international providers operating at the upper tiers of the stack.

Regarding proposed remedies, the CCI favors cooperative compliance instruments over prescriptive rules as the primary tool for addressing AI-related competition risks. The report introduces a six-pillar self-audit framework for companies, encompassing internal AI governance, fairness and bias review of training data, rigorous pre-deployment testing, continuous post-deployment monitoring, lifecycle-integrated transparency obligations, and comprehensive documentation and record-keeping. Under the 2023 amendments to national competition law, the CCI was granted the authority to enter into memoranda of understanding for structured consultations and coordination with other regulatory bodies, providing a statutory foundation for the inter-regulatory coordination required by the cross-sectoral nature of AI risks. The CCI experience demonstrates that a detailed regulatory position on AI can be developed based on existing legal instruments without bespoke legislation — an approach oriented primarily towards establishing enforcement benchmarks and building institutional capacity.

In Russia, the effect of the Western economic aggression requires regulators to balance out competition and economic resistance of national enterprises. Self-regulation by the largest Russian technological companies plays a major role. The key industry-wide document was signed in 2022 between several largest market players and FAS Russia.[60] The document emphasizes platform transparency, including explainability of ranking algorithms, and platform neutrality including when dealing with competitors. Since 2022, FAS Russia has played a supervisory role in the market ensuring that the principles agreed upon in 2022 remain respected by the market. Thus, in 2025, FAS required Ozon and Wildberries to ensure transparency of automated discount systems and to avoid enrolling sellers without their consent.[61] Furthermore, some of the issues related to the use of algorithms are covered by the law "On the Platform Economy" adopted in 2025. Article 9 of the law addresses abuses of bargaining power related to application of discounts on e-commerce platforms, while Article 10 of the same law is aimed at preventing self-preferencing in ranking output and manipulation of search results.

AI as a Cartel Facilitator and the AI Capabilities of the BRICS Competition Authorities

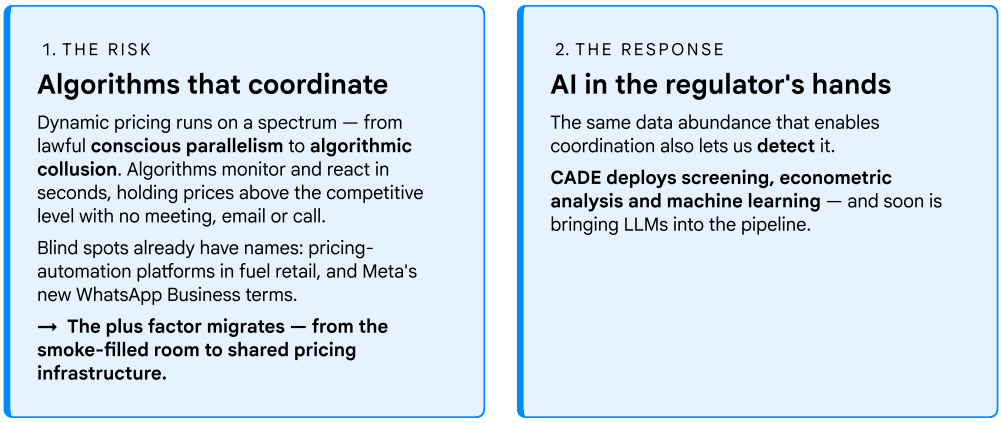
Tackling the use of algorithms to facilitate price coordination, including in procurement environments, has long been on the agenda of the BRICS competition authorities. Many of them have accumulated significant experience in identifying abnormal pricing patterns, including through the use of sophisticated AI-based investigation tools.

For CADE, the issue of algorithmic collusion remains one of the key priorities. As noted during the Moscow Workshop by Carlos Neves, who serves as the chief of Projeto Cérebro, CADE's own bid-rigging detection tool, AI is both a challenge and an opportunity for competition policy.[62] Since AI runs on data, the same abundance of data that makes collusion possible makes its detection equally possible. For this purpose, CADE employs screening, econometric analysis, and machine learning in its anticartel enforcement, eyeing also the use of LLMs. Several recent investigations showcase CADE's advances in AI-assisted enforcement. To boost its AI capabilities, the authority formally established an AI project to support the authority's enforcement in AI markets. This is yet another addition to CADE's already broad AI toolkit.

In December 2024, based on analysis of data from Brazil's Federal Court of Accounts (TCU), Projeto Cérebro identified a cluster of companies displaying suspicious bidding behavior in road engineering procurement tenders, resulting in the Novo Rumo Operation launched jointly with the Office of the Comptroller General and the Federal Highway Police against 16 companies and 15 individuals over procurements of up to BRL 10 billion between 2021 and 2024.[63] In April 2026, CADE opened an administrative proceeding against LATAM and GOL over alleged algorithmic price coordination on domestic air routes, following Projeto Cérebro's detection of patterns of interdependent price movements and the identification that both carriers had contracted overlapping providers of dynamic pricing and content distribution systems.[64] The Aprix investigation concerned an algorithmic pricing platform used by fuel retail stations: CADE's Department of Economic Studies found statistically significant price increases at adopting stations ranging from BRL 0.01 to BRL 0.04 per liter depending on fuel type, across multiple

econometric models.[65] According to the settlement reached in April 2026, the software developer committed to increasing the explainability and transparency of the pricing algorithm, and CADE retained access rights to the company's facilities and the software for the duration of the settlement agreement.[66] CADE also may conduct algorithmic audit of the Aprix software.[67]

A New Blind Spot — and a New Tool



Source: Presentation of Carlos Neves at the Moscow Workshop, https://bricscompetition.org/events/102

All three cases share a single analytical logic: Projeto Cérebro does not establish a violation on its own, but it constructs an evidentiary basis sufficient to open an investigation, lowering the threshold for proactive enforcement. The system's development roadmap foresees the integration of LLMs into the screening pipeline to process unstructured text in tender documentation, a step that would substantially extend the system's coverage.

The FAS Russia has accumulated significant experience in using AI in bid-rigging investigations. A digital investigations unit has been established within the cartel department of the FAS Russia.[68] The Governmental Information System (GIS) "Anticartel" is actively used by the authority. The system is designed to improve the effectiveness of enforcement, curb unfair practices in procurement procedures, enhance competition in public procurement, and generate budget savings. It incorporates a risk-based approach to identifying procurement procedures that may show signs of collusion. Information on ongoing procurement procedures is automatically screened against 37 criteria daily. In 2025, 21% of cartels in procurement were detected using the system's data, while in 2026 the figure has already reached 40% to

date. A defining architectural feature of the system is a pattern-transfer mechanism: algorithms are trained on the records of closed cartel cases and then applied to new tenders using anonymized data, allowing enforcement knowledge to be scaled without disclosure of confidential information.[69] FAS Russia has also tested cross-border pattern transfer using procurement data from Switzerland, Italy, and Japan.

In October 2026, FAS Russia opened a cartel investigation based exclusively on an alert from its "Anticartel" tool. The system flagged unusual patterns in bids submitted by two building maintenance companies.[70] Earlier in 2026, the "Anticartel" system output was used to identify a major cartel agreement in road maintenance procurement.[71]

The South African CCSA is increasingly using AI as an enforcement and analytical tool itself, as noted by the CCSA's Senior Analyst Donnavan Linley at the Moscow Workshop. Copilot has already been incorporated into its knowledge-management system to assist with information processing. The Commission is exploring software for scraping online pricing data and identifying pricing patterns, specialized tools for merger assessment, and cooperation with a local university to apply computer-science techniques to cartel detection. It is also using its competition expertise to contribute to the development of South Africa's wider national AI policy.

In China, the China Cybersecurity Review, Certification and Market Regulation Big Data Center (the "Big Data Center") was established to deploy digital and intelligent solutions in three key areas: price regulation and anti-unfair competition, law enforcement and inspection, and anti-monopoly. Advanced technologies (cloud computing, big data, etc.) have enabled multi-dimensional, real-time, and precise detection of anomalous pricing. Tools for anti-unfair competition enforcement are also within the ambit of the project.

Moreover, during 2023-2025, SAMR has been actively implementing a three-year action plan to enhance "Digital + Enforcement" capabilities. As a result, on the national level, SAMR has launched a market regulation enforcement platform. The platform connects SAMR with market regulation authorities across 31 provinces and regions, effectively eliminating "information silos." By embedding enforcement standards and procedures directly into the digital system, the platform ensures that case data is entered once and shared across the entire network, while also automating the generation of legal documents. It aggregates 8 million enforcement cases and 5.9 million legal documents, while also

incorporating 1,188 laws and regulations and 1,919 exemplary cases—thereby providing a vital data foundation for market regulation enforcement efforts. With regard to merger review, the entire case-handling process has been digitized into a closed-loop system.

To address the common frontline challenge of high caseloads relative to limited staffing, the system introduces an "intelligent assistant" for case handling (currently piloted in several regions of China (Shanxi, Shandong, Guangxi, and Ningxia) and a "streamlined processing" model for straightforward cases. These tools provide intelligent support—such as references for similar cases and guidance on discretionary penalties—thereby significantly shortening the time required to resolve cases. There are also **some trial local initiatives**, such as "Authenticity Verification" (for investigating infringement and counterfeiting cases), a remote administrative interrogation system (enables online questioning and cloud-based evidence collection), "Internet Evidence Pioneer" system (for gathering evidence from live-stream e-commerce) etc, implemented at the level of certain provinces or cities.

To assist the regulators, the Data Law Lab of the China University of Political Science and Law is currently developing **a Fair Competition Review AI Agent**. It would be able to track government portals, law databases and enforcement notices to spot provisions with potential anticompetitive effects in new regulations and policies.

In Egypt, the competition authority has been actively working on integrating AI into its routine monitoring functions. As noted by Sarah Abdelhamid of the Egyptian Competition Authority (ECA), there has been a shift by the ECA from reactive, complaint-driven enforcement toward proactive, data-driven market intelligence[72]. The approach implemented by the ECA rests on a three-phase market screening model, comprising sequential anomaly identification, pattern analysis, and enforcement prioritization. The operational foundation of the system is the monitoring of approximately 130 categories of strategic goods, producing daily analytical dashboards, automated detection of price anomalies relative to historical baselines, and volatility benchmarking across commodity categories. A defining feature of the system's architecture is its exclusive reliance on data obtained by the ECA through its ordinary administrative functions, eliminating the need to construct dedicated data collection infrastructure. This makes the model reproducible for most of the Global South competition authorities with their administrative access to price data.

Example of Risk Matrix

Priority Level	Product Characteristics	Example from Bulletins	Next Steps
High Priority	Concentrated markets/ markets investigated before	سعر الكتكوت/البيض الاحمر	Set meetings; draft data requests; monitor competitors for parallel jumps.
Medium Priority	High-volume retail staples, multi-product spikes on the same day.	الأسماك - الخضراوات Broad-based 5%–17%) (spikes	Inspect wholesale hubs or distribution channels
Low Priority	Highly seasonal, highly perishable items, single-product spikes.	موز بيكو (%44.23)	Monitor over a 7-day rolling period to check if the price mean-reverts naturally as supply stabilizes.

Source: Presentation of Sarah Abdelhamid at the Moscow Workshop, https://bricscompetition.org/events/102

The practical outputs of the tool are supported by concrete enforcement outcomes. In February 2025, the ECA initiated criminal proceedings against 162 broiler chick producers for coordinated price-setting practices and simultaneously issued a cartel decision in the advertising and publishing market against five companies that had agreed to boycott public tenders — both cases arising from systematic price anomaly monitoring. The limitations of the instrument lie in its primary effectiveness for physical commodities markets with regular transactional data; it is less readily applicable to digital service markets, where pricing structures are not reflected in publicly accessible registries.

In the UAE, the local competition authority is investing into the development of the National Competition Platform, an agentic AI tool to process submissions, generate case outputs for human validation and build a centralized competition data ecosystem.[73] Once developed, the tool will be used across all domains of competition enforcement including merger review.

Business and AI: How Businesses in the BRICS Respond to Challenges of AI and Regulation

The uncertainty of the AI market development presents a challenge for BRICS businesses and regulators alike. For national regulators, this means they must balance protection of the domestic market from the dominance of global incumbents with the need to ensure innovation and competition development. In many BRICS countries, businesses actively partake in regulatory initiatives to ensure fair and safe AI development.

China represents a particular example of businesses actively working on competition and safety in AI markets. Chinese AI-backed companies are contributing to the regulatory landscape in line with Chinese regulatory traditions, which place responsibility on businesses to contribute to broader societal benefits. As presented during the Moscow Workshop by Fu Hongyu from Alibaba Research, the company's Model Spec for AI agents comprises a six-level hierarchy of principles governing agent behavior ranging from Root Principles grounded in national law, core values, and frontier AI risks. The framework works on System Rules set by regulatory requirements and user characteristics, Developer Policies, and User Preferences, with explicit conflict-resolution mechanisms between levels. Structurally, the document creates a deterministic, auditable governance hierarchy in which each principle carries a differentiated permission level specifying which actors may override it and under what conditions.

The Doubao Controversy: Designing An Industry-Wide Safety Standard

China's AI companies are actively engaged in designing governance frameworks for the Chinese AI ecosystem. The ongoing dispute between ByteDance's Doubao AI-powered smartphone and app developers, along with the interactions among the companies involved, provides an illustrative example, as noted by Jia Kai of Shanghai Jiao Tong University at the Moscow Workshop.[74] The Doubao AI assistant allows AI to execute functions normally performed by humans using their smartphones — such as ordering food or using online marketplaces — by providing the AI agent access to the respective app.[75] Major Chinese app developers, including Alibaba and Meituan, prevented the model from accessing their apps citing safety and exploitation of incentives aimed at human users, such as promo codes and promotions. Banks resisted access to financial ecosystem apps referring to concerns about safety of personal financial data. As a result, as of October 2026, ByteDance introduced several measures, including a security protocol that app developers could use to restrict certain screens in their apps from being used by the AI agent.[76] Importantly, the protocol allows apps to hand over some of their functions to human users, thus, restricting the AI agent's interaction with the app interface. Some industry players expressed concerns whether ByteDance's proprietary protocol could be trusted and proposed that industry-wide protocols be adopted instead.[77]

This example shows how AI ecosystem orchestrators can introduce new governance arrangements to ensure greater interoperability within the broader market ecology. At the same time, this case reflects the highly dynamic competition process in the Chinese AI market. Although technical trust is one element in ByteDance's safety protocol, experts mention that many market players choose to reject access for the Doubao agent out of competition considerations.[78] Many of the apps on the "rejection list" of ByteDance's AI agent are themselves powerful AI players and invest heavily into their own AI agents. Refusal to grant access to some of the most used apps, such as WeChat and AliPay, may be considered as anticompetitive foreclosure, should ByteDance prove that its safety protocol is neutral and unbiased. Another concern is that AI agents may inadvertently or deliberately prioritize ByteDance's own apps thus engaging in automated self-preferencing.[79] In the future, development of similar systems may need to follow principles of algorithmic neutrality to ensure industry trust, as one of the parameters of healthy market competition.

The Chinese government and industry leaders are working together on regulation ensuring the technological and application safety, without hindering their development at the same time. China's experience so far shows that regulation does not necessarily stifle AI innovation, as Jia Kai of Shanghai Jiao Tong emphasized in his presentation. It also shows that innovation does not always have to be strictly efficiency minded and may factor in broader societal and developmental needs.

In Russia, self-regulation with the supervision of the FAS Russia plays a pivotal role in supporting market competition. As noted by Alexander Krainov, the Chief AI officer of Yandex during the Moscow Workshop, Yandex is particularly interested in ensuring a positive social impact of its AI-related products; thus, the company actively works with its AI market competitors on providing access to technology and education resources to smaller start-up companies, business users, and universities. According to Yandex, Russia is among jurisdictions that provide the best regulatory landscape for AI development thanks to lack of excessive administrative barriers, such as multi-layer AI regulation in the EU.

In Brazil, similarly, businesses work together to ensure data and infrastructure interoperability for the sake of competition. DrumWave, a Brazilian-born data start-up, proposed the creation of data wallets, where consumers can store their data and enter into digital contracts with companies with which they agree to share their data in exchange for returns.[80] Through a digital wallet (dWallet), users can request data from companies with which they interact and obtain certificates to establish data ownership and rights connected to that data. These certificates can subsequently be linked to a data savings plan, allowing users to authorize commercial licensing and potentially receive compensation when companies pay to use the data or data-derived products. Rather than necessarily transferring or storing the underlying data, the proposed system relies on certification and intermediated arrangements for data access and use.

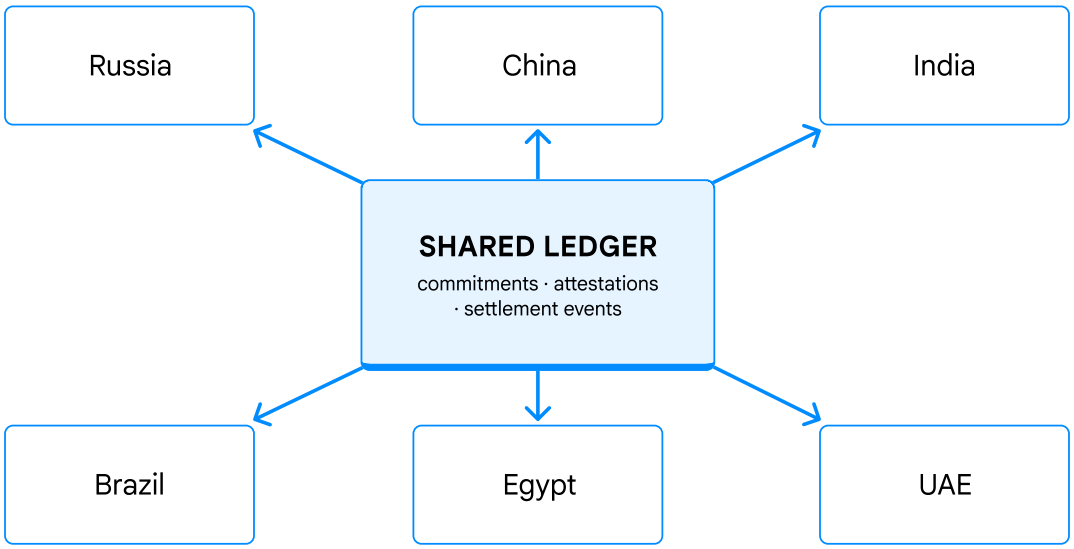
As noted by Alberto Blumenschein-Cruz of DrumWave during the Moscow Workshop, the goal is to make sure consumers have their share of the multitrillion-dollar data economy. DrumWave's data wallet will operate on local infrastructure located in Brazil to ensure data security. Moreover, the initiative runs along a project by the federal government to launch legislative outlines for a nation-wide data monetization ecosystem.[81]

The value of data for AI and digital businesses is hard to dispute. Initiatives aimed at economy-wide data sharing already exist — for instance, the Shanghai Data Exchange has grown to be an important hub for data transactions between large data-based companies[82] including cross-border cooperation, such as with Kazakhstan.[83] Projects like this offer a chance for the BRICS to decrease their dependency on global AI incumbents and develop their own data-run AI ecosystem.

Finally, beyond the AI value chain itself, businesses in the BRICS are looking into AI as a means of creating alternative market structures in

physical value chains. At the Moscow Workshop, Mohammed El-Beltagy, CEO of Optomatica, an Egypt-based AI solutions company, visualized an AI-driven platform for commodity trade in the BRICS.[84] Instead of AI solutions, such as Covantis, that are owned by dominant commodity traders, BRICS AI capabilities allow creating commonly owned AI-powered platforms to facilitate grain trade, for example. Such platforms will be based on data sovereignty principles, meaning that the platform would only manage data to the extent allowed by the data holder. Most importantly, such a design avoids centralizing all data on one proprietary platform as is the case with private-owned solutions.

Cooperation without surrendering control



Each nation controls sensitive data.
The network shares only what the transaction requires.

Source: Presentation of Mohammed El-Beltagy at the Moscow Workshop, https://bricscompetition.org/events/102

Competition Policy's Balancing Role in the AI Age

From a technology that requires oversight, much like digital platforms a decade ago, AI has turned into a strategic resource that largely dictates national economic development as well as a nation's global value chain upgrading. National AI policies follow national strategic priorities thus making AI regulation deeply embedded in the global political economy and diverging public interests in multiple jurisdictions.

AI has accelerated the power struggle between various actors, ranging from major political powers, private corporations, and global governance platforms. This struggle exists mainly along three dimensions, as noted by Vasiliy Gromov from the Centre for the Language and Semantic Technologies of HSE University in Moscow, Russia. The struggle largely follows the AI value chain and implies a straight-on conflict for the upstream components of AI production including hardware and infrastructure; continues downstream to actual application and prompting, and peaks as a conflict for values and trajectories of AI develop-

Monopolism in AI sphere

It can be divided into three levels.

For reference: three types of war

- **The War of Ares — classical war:** a war for space, for its key points, and for control over them (the vertices of the graph)
- **The War of Athena — trade and economic war:** a war for flows (the edges of the graph)
- **The War of Apollo — psychohistorical war:** a war for meanings (why we are drawing the graph at all)

Type of war	AI-related content	Policy implication
The War of Apollo: psychohistorical, a war for meanings	Control over AI ontologies. Control over human ontologies in relation to AI.	The need to create standards for the operation of AI and HMSs with different ontologies — for example, how will a Brazilian trade-oriented AI interact with a Russian philosophical AI?
The War of Athena: trade and economic war, a war for flows	Control over the Internet as the environment of human–AI communication. Control over prompting as the instrument of human–AI communication.	A strict requirement to develop national "schools" of prompting and AI work.
The War of Ares: conventional war, a war for space	Control over hardware: the physical location of data centres and servers; electricity and sites of power generation; the storage of LLMs on servers; control over software.	Joint creation and use of AI centres; "discounted access" to AI models and computing capacities of the participating countries

Source: Presentation of Vasiliy Gromov at the Moscow Workshop, https://bricscompetition.org/events/102

ment.[85] Therefore, regulation inevitably becomes part of this struggle at each of the value chain levels and has to be mindful of the broader political economy issues surrounding AI development and deployment.

Winning strategies as far as this struggle over AI is concerned vary globally and depend on whether a certain national economy is on the supply or demand side of the AI market.[86] The US, famously, aggressively fights at the upstream level seriously limiting (although not blocking completely) China's access to the US-dominated hardware segment.[87] This, essentially, is elimination of a close competitor through direct foreclosure and an attempt to monopolize the global market. China's strategy, on the contrary, has been more nuanced with the government and Chinese private companies actively promoting open-source AI globally to ensure AI benefits are disseminated globally. This, of course, is a much more laudable strategy, especially in the eyes of the Global South that views AI through the lens of openness, inclusivity, and human development, rather than efficiency and profiteering.[88]

The US-China rivalry does not only fragment the value chain itself; it also strongly fragments AI governance. In July 2026, under China's leadership, the WAICO was established in Shanghai. The WAICO brings together nearly all the BRICS countries, along with other Global South leaders such as Malaysia, but does not include Western countries. The WAICO is the rival of Pax Silica, a US-led organization that focuses more on the AI value chain security, rather than on cooperation proposed by the WAICO. Recently, several countries, such as Kazakhstan or Uzbekistan, which chose the middle way of joining both formats, have been under aggressive pressure by US officials to align with just one of the two AI platforms.[89]

These developments signify deepening polarization of the world around AI, at times when geopolitical polarization is already at a record high. However, the choice of which model to follow should not be value-laden and permanent. A greater diversity of models and cooperation formats is needed to cater to the diversity of political and economic interests, especially, in the Global South that itself is not a monolithic entity. South-to-South cooperation at every level can substantially decrease (but most likely, not fully eliminate) dependency on US-backed upstream and downstream players. While domestic AI agency is important, AI's nature and the nature of its components make it impossible for a value chain to stay fully local emphasizing the need to ensure competition globally.

Under these circumstances, BRICS proves useful as it comprises a variety of actors that all have their strong advantages in the AI stack and components. A partnership of the BRICS members focused on joint data governance and shared infrastructure could attract more Global South countries that can offer finance, talent, or data to contribute to jointly develop more autonomous AI capabilities. Making use of the UN platform in combination with the WAICO could also prove successful in attracting a wider range of actors without the spirit of the US-China rivalry in the background.

The Role of Competition Policy

In an increasingly multipolar global economy, competition policy can work as a balancing tool against aggressive economic confrontation and help preserve the sustainability of the global economic system. For a long time, the rules of global economic competition were largely shaped by a single hegemonic economic power. Today, as the world moves towards multipolarity, no single actor can dictate these rules. At the same time, a common understanding of fair competition has yet to emerge. Although fair competition is a universal principle, it is difficult, if not impossible, to formalize all the rules that would ensure fair play at a global scale. In this context, competition authorities are uniquely positioned promote and protect this principle, providing a common ground for an open dialogue on the acceptable forms of economic rivalry. The growing concern over so-called involution-style competition in China, for example, where increasingly aggressive competition produces diminishing collective benefits, further shows that competition without rules is not always beneficial in itself. In this sense, a jointly developed competition policy can help reconcile competing interests through shared rules and principles, rather than allowing economic rivalry to escalate into more confrontational forms such as the ones observed now in the increasingly fragmented global economy. The BRICS competition authorities may start an inclusive dialogue with the following key points in mind.

FIRST, technological and political risks generated by AI force competition policy to open up towards a more sophisticated and integrated vision of markets and value chains. It is now obvious that AI is no longer just a good traded on the market, but rather, a complex socio-economic product that requires such parameters of analysis as resilience and sustainability, a more advanced concept of economic power, and human welfare beyond the narrow total welfare standard. This reality, along with already existing challenges posed by sustainability concerns, geopolitical instability, and the ever-increasing complexity of capitalism should finally trigger the paradigm shift long expected in compe-

tition law. In their attempt to carve out a place in the global AI arena, the BRICS countries can experiment with their competition policies to boost innovation and AI adoption in areas that can provide the necessary value chain upgrading. CADE's recent approach to investigating AI partnerships and highlighting the need for a holistic assessment of all elements such partnerships may contain is one example of a gradual revamp of competition policy in AI markets.[90] Another way lies in adopting a complexity-based vision of AI markets that factors in the multitude of actors and their interactions as opposed to standard, more static competition economics models.[91]

SECOND, AI-enabled cooperation inevitably changes the way competition authorities think. Rules on cooperation in competition policy have been mainly crafted decades ago, when cooperation focused on more linear, non-digital cases where procedure was all that mattered. Siloed data provided by businesses did not require sharing or could be shared under the strict conditions of confidentiality waivers. However, just as AI changes the way the markets function, it also changes the mode of cooperation. Rules regulating cooperation must be mindful of the highly dynamic, fluid environment that AI is — a good example is economic concentration masked under the legally uncertain label of strategic partnerships, or DeepSeek's foray into the market dominated by OpenAI and Google. Due to this environment, competition authorities no longer deal with datasets pertaining to a certain transaction or dominance situation; rather, they deal with large, aggregated datasets that describe markets in motion. This requires a different mode of cooperation — one that prioritizes real-time data sharing, flexible procedural rules, and collective use of AI capabilities to exercise joint market monitoring and analytics. From focusing on AI as a set of nationally regulated technologies, competition authorities should move into focusing on AI as a capability that can be integrated into their enforcement and cooperation procedures.

Therefore, competition policy can play a balancing role in an increasingly polarized world, ensuring that value chain roles and market positions are allocated according to capabilities, not abusive practices. Paradoxically, AI can be used for this purpose as a safeguard against excessive polarization of competition policy. Evidence-based and data-driven competition policy that relies on advanced analytical techniques may ensure that investigation outcomes and policy proposals are politically and technologically neutral; thereby promoting the actual dynamism of competition. As this brief shows, the BRICS competition authorities are already quite well-versed in integrating AI into their routines. The next step, then, would be to ride the wave of emerging AI cooperation platforms and join capabilities in creating a network of AI-savvy authorities

with enough bargaining power to resist the monopolizing tendencies of the largest AI players.

Takeaways from the Moscow Workshop:

1) Enhancing cooperation among competition authorities

While the BRICS leaders' statement on AI's Global Governance does not explicitly mention competition policy, it gives the competition authorities a clear mandate to cooperate by way of recognizing "fair competition and market regulation [...] at the heart of an equitable AI future".[92] As the statement emphasizes joint efforts to regulate AI globally, cooperation among the BRICS competition authorities should be positioned as an essential element of the emerging BRICS vision of AI policy. Therefore, advocating for explicit inclusion of competition law and policy in BRICS-level AI initiatives is a necessary first step to increase the visibility and prominence of competition policy. Moreover, fair competition should be further promoted as a public good, much in line with the goals of the WAICO agreement that prioritizes cooperation as a way to share AI's benefits globally and non-exclusively.[93] Without these advocacy steps, competition authorities will continue to exist as entities external to the market thus inevitably falling behind those that they chase.

2) Turning the BRICS competition cooperation track into an AI-enabled cooperation environment

Most BRICS competition authorities are already rather advanced in terms of integrating AI into their practice. These capabilities can be joined to create a common, shared environment for data exchange that could enable analysis of better, more advanced datasets with outcomes relevant for several or all the BRICS jurisdictions depending on the case. Such an environment can include a joint market monitoring tool for early detection of merger and merger-like arrangements ("merger radar"), secure systems for confidential data exchange and storage, and — in the future — AI-powered predictive tools enabling multiparameter analysis across relevant jurisdictions to support expert analysis. Development of this tool was advocated by Alexey Ivanov of the BRICS Competition Law and Policy Centre at the Moscow Workshop.[94] Ac-

cording to him, a jointly developed AI-powered tool that would enable confidential data sharing among the BRICS competition authorities can meaningfully increase the bargaining power of the BRICS economies vis-à-vis global corporations and restrict their currently increasing economic power.

3) Addressing M&As and merger-like arrangements in AI-driven markets and beyond

Concentration through M&As is the most powerful form of accumulation of economic power by major market players. In AI markets along with other highly concentrated markets, traditional M&As are currently being supplemented with various forms of merger-like arrangements: strategic partnerships, acquihires and joint ventures, that often escape merger control. These require alert and constant monitoring on behalf of all the BRICS competition authorities if they wish to shield their AI value chain positions from US AI expansion.

Cooperation in merger control is particularly suitable to tackle the challenges raised by the rapid spread of AI and advancement of global value chains. As the extensive experience of competition authorities shows, the same transaction is often reviewed in several jurisdictions at the same time. Methodologically, competition authorities already rely on broadly comparable analytical tools and data sets, including documentation submitted by the merging parties. Strategically, global mergers create a natural basis for joint work. Therefore, rather than pursuing extensive procedural harmonization, the BRICS countries should focus on developing more advanced mechanisms for information sharing, case-based exchanges, and joint market analysis. Merger review can also provide a relatively controlled environment for testing new AI-based tools for competition analysis, as enough data is normally submitted for review, and a transaction provides a clear set of parameters to be analyzed. Assessing such arrangements with the use of advanced compute and network analysis methods, such as the systems mapping tool developed jointly by the BRICS Competition Law and Policy Centre and IIASA could prove useful, all the more so that it runs on open data that can be easily collected by regulators.

4) Embracing the need for data sharing

The BRICS Center's 2023 study shows that BRICS competition authorities face several obstacles to cooperation in merger review. These obstacles include, first of all, legal and technical restrictions on sharing confidential data with partner agencies. The reality of the AI economy

dictates these barriers to be removed if competition authorities wish to keep pace with the market. Since AI is all about data, and AI policy fundamentally rests on data governance, competition authorities shall provide an impetus for legislative and institutional change that would allow sharing of data and analytics in investigations that require a co-operative approach. While data sharing may seem sensitive, often even politically, its ubiquity for efficient competition policy in AI markets is difficult to dispute.

Apart from introducing new technological tools proposed in the previous recommendation, new legal and institutional arrangements can be created to promote the sharing of data, information, and capabilities. For the BRICS specifically, such arrangements could help streamline enforcement approaches and facilitate the application of competition law principles and practices developed in one jurisdiction to similar competition concerns arising in other BRICS economies. For instance, the approaches taken in China's investigation into Trip.com could inform similar investigations in Russia, Brazil, or other BRICS jurisdictions. Given the cross-border nature of AI markets and value chains, these challenges require joint efforts rather than isolated national responses. The BRICS Working Group on Digital Markets could provide a platform for developing such cooperation, including joint investigations and market monitoring. In doing so, the BRICS competition authorities could draw inspiration from the UN Set on Competition and the long-standing work of UN Trade and Development (UNCTAD) in promoting international cooperation. Therefore, this policy brief urges the BRICS competition authorities to develop practical arrangements for coordinating enforcement efforts and, potentially, establishing a joint technological environment that facilitates cross-border investigations and market monitoring.

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