



The Daily Dish

When and How Competitors Can Play Nicely

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Everything is more complicated than you, or at least I, think. As a result, it is not uncommon to read an analysis and think, “I never thought of that.” This happens to me about 14,675 times a week. So, when Fred Ashton offered up [“AI, Algorithmic Pricing, and Information Exchanges: Updating the Collaboration Guidelines”](#) I thought: “What can that be about?”

It turns out that your government had guidelines for how competitors could cooperate. Of course it did. It probably also has rules on how conciliators can be combatants. Snark aside, Ashton points out: “Collaborations are often procompetitive, enabling firms to reach new markets, develop innovative products, or engage in research and development that one firm alone cannot achieve.” Yet as the Department of Justice and Federal Trade Commission cannot let cooperation turn into collusion, the agencies created the 2000 Antitrust Guidelines for Collaborations Among Competitors.

But the world changes and the developments in algorithmic pricing, information exchanges, and artificial intelligence led the agencies to withdraw the guidelines in December 2024. Algorithmic pricing tools have [raised antitrust concerns](#), when a large number of competitors are using a common pricing algorithm. Information exchanges are often run by third-party consultants and trade associations that conduct industry surveys and provide to customers aggregated market data on production, costs, sales, and so forth. And regarding AI, Ashton notes:

The emergence and rapid expansion of AI has led to headlines marking joint ventures within the same or across levels of the technology stack. Multi-billion-dollar partnerships between Microsoft and OpenAI, Google and Anthropic, and others suggest competition is intense. These coalitions have proved fluid, however, as structural changes to agreements continue to be made as the industry continues to evolve and the

needs of each firm changes.

With these issues in mind, the agencies launched a joint public inquiry regarding potential guidance on collaborations among competitors. The goal should be to provide clear guidance that keeps firms from running afoul of antitrust law, while avoiding excessive prescription that could stifle procompetitive collaboration. See Ashton's piece for a more nuanced discussion of the issues.