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COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in Sweden

-- 2021 --

This report is submitted by Sweden to the Competition Committee FOR INFORMATION.

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Sweden

1. Executive Summary

1.1. Anticompetitive agreements

1. In one case investigated by the Swedish Competition Authority (“SCA”) involving alleged vertical restraints, the authority closed the investigation after the undertaking voluntarily changed its conduct. In a case of an alleged horizontal anticompetitive agreement in connection with a procurement procedure the Patent and Market Court upheld the SCA’s summons application and ordered one of the companies to pay competition fines. That case has been appealed. Other cases were closed after the SCA concluded that the investigation did not support a finding of a breach of the competition rules, while a number of other vertical and horizontal cases continued to be investigated.

1.2. Abuse of dominance

2. The SCA adopted an interim decision in one ongoing case involving an alleged refusal to supply, since it found that it was likely that the conduct amounted to an abuse of dominance and there were particular grounds for adopting the decision. The SCA’s interim decision was upheld by the Patent and Market Court and the SCA continues to investigate the case.

1.3. Mergers

3. During the year, 135 mergers were notified to the SCA. Four phase 2 investigations were opened and two cases led to remedies. No mergers were prohibited.

1.4. Advocacy and competition research

4. In 2021, the SCA submitted 178 replies to official consultations from the government and other public bodies, including consultations on questions of capacity in the national grid, waste management and the stockpiling of medicines.

5. Additionally, the SCA published several reports as part of its advocacy activities. On such report was a government-assigned investigation into competition in the Swedish building materials industry.

6. In February 2021, the SCA also published the results of a sector inquiry into digital platforms, which investigated competitive conditions on five different digital platform markets and identified areas where measures might be required to improve competition. Among its conclusions, the report identified the need for the introduction of a flexible complementary framework in Sweden that can be used to investigate and remedy competition concerns that cannot be remedied in an effective manner under current competition law prohibitions.

1.5. Changes to competition law and policies

7. As highlighted in last year’s report, the SCA was granted decision-making powers for competition fines in March 2021. These amendments came into force at the same time as the implementation of the ECN+ Directive into Swedish law, which among other things

resulted in the SCA also being granted the power to impose procedural fines, the power to impose structural remedies, and the power to find that an infringement has been committed in the past without imposing fines.

2. Changes to competition law and policies, proposed or adopted

2.1. Summary of new legal provisions of competition law and related legislation

8. As highlighted in last year's annual report, on 1 March 2021, legislative changes came into force implementing Directive (EU) 2019/1 of the European Parliament and of the Council of 11 December 2018 to empower the competition authorities of the member states to be more effective enforcers and to ensure the proper functioning of the internal market (the "ECN+ Directive").

9. The amendments resulting from the implementation of the ECN+ Directive include provisions granting the SCA the power to impose procedural fines, the power to impose structural remedies and the power to find that an infringement has been committed in the past without imposing fines. The amendments also include extended powers to seal premises. The cooperation mechanisms within the European Competition Network were also strengthened.

10. A further amendment came into force granting SCA decision-making powers for issuing competition fines.

11. The EU Directive on Unfair Trading Practices in the Agriculture and Food Supply Chain was transposed into Swedish law in 2021, and the SCA has been designated as the relevant enforcement authority in Sweden. As a result, a new unit has been established for the investigation and enforcement of the rules.

2.2. Other relevant measures, including new guidelines

12. As highlighted in last year's annual report, the SCA has decided on new general guidelines for immunity from fines and reduction of fines.¹ The SCA's general guidelines on trading prohibitions have been withdrawn, although the SCA's handling of such matters is unchanged. In 2021 the SCA also revised its method for calculating competition fines, which means that fining levels will now be more in line with other jurisdictions in the EU for comparable infringements.²

13. The Swedish Competition Authority has also undertaken comprehensive work to review internal routines and methodologies. In addition to the already broad range of robust quality assurance measures in place, the SCA has introduced even further procedural safeguards. A new function, separate from the case teams, has been introduced that is responsible for issues of due process. Another function has been introduced to scrutinise investigations, offering a fresh pair of eyes completely separate from the case team and reporting directly to the Director General. The SCA has also introduced internal deadlines that aim to further streamline its investigative operations and to inform investigated companies about its decisions more quickly.

¹ KKVFS 2021:1

² Policy statement 2021:1 (https://www.konkurrensverket.se/globalassets/dokument/engelska-dokument/competition/2021-1_policy-statement-competition_method-for-determining-the-size-of-the-administrative-fine.pdf)

3. Enforcement of competition laws and policies

3.1. Action against anti-competitive practices, including agreements and abuses of dominant positions

3.1.1. Summary of activities of the SCA

Anti-competitive agreements and abuse of dominant position

14. In 2021, the SCA closed eight prioritised competition investigations into suspected infringements of Chapter 2, Articles 1 and 7 of the Swedish Competition Act, and Articles 101 and 102 of the Treaty on the Functioning of the European Union (TFEU). One investigation was closed after the parties involved voluntarily made changes to their behavior meaning that continued investigation was no longer justified.

15. Several other ongoing investigations are expected to be concluded during the first half of 2022. In one ongoing investigation concerning a suspected abuse of a dominant position the SCA adopted an interim decision which was confirmed by the Patent and Market Court.

Tip-offs and complaints

16. During 2021, the SCA received 683 competition-related tip-offs and complaints from companies, customers and consumers, which is roughly in line with levels in previous years. This number does not include leniency applications.

3.1.2. Description of significant cases, including those with international implications

Horizontal agreements

Insurance sector

17. In 2017, the SCA initiated an investigation into suspected anticompetitive agreements in connection to the procurement of insurance solutions. The investigation covered several public and private procurements, most of which encompassed a large number of different types of insurance. In 2019-2020, the SCA closed the investigation into certain of the undertakings. The continued investigation focused on suspicions of agreements or coordinated actions between two insurance companies and an insurance broker to divide contracts between the insurance companies to avoid competition on price, specifically in relation to the coordinated procurement of corporate insurance for municipal energy companies.

18. The case was closed in its entirety in February 2021, owing to the fact that the SCA's investigation did not provide clear support for the allegation that the investigated companies had participated in conduct that amounted to a breach of competition law, as well as the fact that a continued investigation was not deemed able to produce further evidence of a competition law breach.³

³ Ref. no. 731/2016

Paint and building products

19. The SCA closed an investigation in July 2021 into suspected anticompetitive agreements between companies engaged in the sale of paint and building products. As part of the investigation the SCA analysed email correspondence between the companies to assess whether the companies had colluded in the form of a collective boycott of certain assessment systems, or through the exchange of strategic information. The case was closed owing to the fact that the conduct investigated does not appear to have led to any coordination prohibited by competition law, since one of the companies distanced itself from the action and made clear that it considered that it breached the competition rules. The action by one company to distance itself from the conduct was then followed by several other companies as well as the chair of the trade organization that the companies belonged to.⁴

Aviation fuel handling

20. This investigation was initiated after the SCA had received information that gave rise to suspicions of anticompetitive agreements or an abuse of dominance regarding the handling of aviation fuel at Arlanda Airport. Among the suspicions was the alleged limiting of access to infrastructure for the handling of aviation fuel in relation to a number of suppliers. The SCA's investigation did not support the suspicion that anticompetitive coordination in order to limit access had occurred. The SCA also noted that the Swedish Transport Agency had explicit supervisory responsibilities for conditions and reimbursements related to access to airport infrastructure, and that the Transport Agency had initiated a supervisory case against the infrastructure company. The SCA therefore closed the case in September 2021.⁵

Vertical agreements

Furniture sector

21. The SCA investigated whether a company in the furniture sector had engaged in retail price maintenance (RPM). The investigation did not demonstrate that the companies had expressly agreed on fixed or minimum retail prices. Nor did the investigation support the suspicion that there was an implied agreement or concerted practice in a competition law sense regarding prices to consumers. The company provided explanations to the SCA about recurring references to retail prices in correspondence between the company and retailers, and referred to the fact that the company has initiated internal work involving training on competition law. With reference to this, and statements from the company about measures taken to avoid ambiguities about retailers' ability to decide their prices to consumers in the future, the SCA decided that there were not grounds to continue the investigation.

Energy drinks and foods

22. The SCA investigated whether a distributor had engaged in RPM regarding a particular brand of energy drinks and foods. The SCA's investigation did not provide any indication that email exchanges amounted to more widespread RPM conduct. The sales

⁴ Ref. no. 61/2020

⁵ Ref. no. 726/2020

values that the suspected RPM concerned were small. On the basis of this, the SCA deemed that there were not grounds to continue investigating the case.⁶

Car sector

23. The SCA investigated whether one or two undertakings in the car industry had breached the competition rules by applying absolute territorial protections whereby the sale of new cars to end customers abroad was restricted. The agreement between the company and the reseller did not contain any restrictions on the sale of a certain car to end customers or other authorized resellers in the EEA, UK or Switzerland. The agreement did not contain any restrictions on export sales to end customers, and the reseller stated that there had not been any pressure from the company. Nor did the SCA find any indications that the company's financing conditions implied that the reseller was limited by an absolute territorial protection. The SCA therefore closed the investigation.⁷

Abuse of a dominant position

24. The SCA closed one case concerning an alleged abuse of dominance in 2021. This case also concerned alleged anticompetitive agreements, and is reported above under the heading aviation fuel handling.

25. Other cases into alleged abuses of a dominant position continued during 2021 and are still pending at the time of writing. In one of these cases, the SCA adopted an interim decision. This case is reported in section 2.1.3 below.

Anticompetitive sales by public entities

Provision of fibre-optic internet

26. The SCA investigated whether a municipally owned company, Norrskén, had engaged in the sale of fibre-optic internet capacity at events such as skiing and music competitions in a manner contrary to the Swedish rules on anticompetitive sales by public entities. The SCA did not find any clear indications that Norrskén's activities restrict or distort competition, and closed the investigation in November 2021. On the other hand, the SCA made the assessment that the company's activities were in conflict with a so-called locality principle set out in the Local Government Act, which means that companies may only carry out activities within their own geographical area. The SCA also found that there was a risk that activities in the area of fibre-optic and broadband provision may fall outside the responsibilities of the municipalities.

27. Taking into account the fact that there is currently an ongoing government-appointed investigation into the question of exemptions from the locality principle regarding municipal broadband, and the fact that there is a lack of clarity about the types of fibre-optic and broadband activities that the municipalities can carry out, the SCA wrote to the government suggesting that further clarification in law would limit the potential areas of conflict between public and private operations on the markets in question and lead to improved competitive conditions.⁸

⁶ Ref. no. 763/2020

⁷ Ref. no. 53/2021

⁸ Ref. no. 705/2021

3.1.3. Summary of activities of courts

Anti-competitive agreements

Arla Foods AB

28. In October 2021, the Patent and Market Court sided with the SCA and ordered Arla Foods to pay just over SEK 1 million in competition fines. In December 2020, the SCA had made a summons application alleging that Arla had engaged in an anticompetitive agreement prior to a procurement of dairy products. The company had applied for leniency during the course of the SCA's investigation, but the SCA deemed that the conditions for leniency were not fulfilled since the company provided the information only after the SCA had ordered it to do so. However, the level of competition fines that the SCA requested in its summons was reduced by half to take account of the fact that the company has assisted the SCA's investigation. The Patent and Market Court agreed with the SCA that Arla had engaged in an anticompetitive agreement, and that the company could not be granted leniency since the information had not been submitted on its own accord or voluntarily. Arla has appealed the case, which will now be heard by the Patent and Market Court of Appeal.

Abuse of dominant position

Svensk Mäklarstatistik AB (interim decision)

29. In July 2021, the SCA decided on an interim decision against Svensk Mäklarstatistik AB, ultimately owned by the Association of Swedish Real Estate Agents. The company gathers, compiles and publishes information about the housing market. The company has had an agreement since 2009 to supply another company, Valueguard, with data gathered about the housing market. Based on these data, Valueguard has, among other things, produced a housing price index, which is used by a number of customers including government agencies. In the spring of 2020, Svensk Mäklarstatistik served notice to terminate the current agreement, and at the same time communicated its decision to no longer supply data with publishing rights to Valueguard in accordance with previous agreements.

30. The SCA adopted an interim decision to order the company to continue supplying the data while its investigation is ongoing, since the authority deemed that there were particular grounds to do so and that it was likely that the refusal to supply data amounted to an abuse of dominance. Upon appeal of the interim decision, the Patent and Market Court sided with the SCA, and the interim decision was not appealed further to the appeals court. The case is still under investigation.

3.2. Mergers and Acquisitions

3.2.1. Statistics on number, size and type of mergers notified and/or controlled under competition laws

31. As of 1 January 2018, the SCA has been competent to prohibit mergers that are harmful to competition, instead of having to raise an action in the courts. During the year, 135 mergers were notified to the SCA. Four phase 2 investigations were opened and two cases were cleared with remedies. No mergers were prohibited.

32. As can be seen from the table below, the number of mergers notified is a significant increase compared to previous years.

33. The following table shows statistics for the period 2017-2021:

Table 1. Merger statistics

	2021	2020	2019	2018	2017
Notified mergers	135	80	74	80	80
Of which the SCA requested on particular grounds	0	0	1	0	0
Of which voluntary notifications	1	1	4	1	2
Number of decisions to launch a phase 2 investigation	4	1	4	1	2
Number of decisions to clear a case with remedies	2	1	1	1	0
Number of cases where the SCA raised an action in court to prohibit a merger ⁹	-	-	-	-	0
Number of cases where the SCA has adopted a prohibition decision. ¹⁰	0	0	1	0	-

3.2.2. Summary of significant cases

Altia Plc – Arcus ASA

34. The notification concerned the merger of the respective businesses of Altia Plc and Arcus ASA. Both companies produced, imported, sold and distributed drinks, in particular wine and spirits. The SCA found that the merger risked leading to significant anticompetitive effects on the markets for the sale of flavoured schnapps, cognac and vodka/unflavoured schnapps, particularly as a result of a dominant position being created or strengthened. The parties submitted voluntary commitments with the purpose of addressing the competition problems identified. The commitments entailed among other things the parties divesting a number of brands of schnapps and vodka, as well as divesting or sublicensing a cognac brand to an independent company. The SCA deemed that the commitments were sufficient to ensure that the merger would not significantly impede competition.¹¹

Dagab Inköp & Logistik AB - Axfood AB – Bergendahl Food AB – City Gross i Sverige AB

35. This notified merger comprised two transactions. The first concerned Dagab's purchase of Bergendahl Food AB, and the second concerned Axfood Investering och Utveckling AB's purchase of 9.9 per cent of the shares in City Gross, which meant that Axfood Investering och Utveckling AB and Bergendahl would exercise joint control over City Gross. The mergers were assessed as one concentration. Dagab and Axfood Investering och Utveckling AB are both owned by the same parent company, Axfood AB. Axfood and Bergendahl Food both had wholesale and retail operations within the grocery sector. The phase 2 investigation showed that the acquisition of City Gross did not risk significantly impeding an effective competition. However, at the time of the decision the SCA could not rule out that the acquisition of Bergendahl risked leading to higher prices or worsened delivery terms. Dagab submitted commitments with the purpose of addressing

⁹ Prior to decision-making powers for the SCA being granted on 1 January 2018

¹⁰ After decision-making powers for the SCA being granted on 1 January 2018

¹¹ Ref. no. 637/2020

the competition problems that the SCA had identified. Among other things, the commitments entailed Dagab providing Bergendahl's current customers contractual terms that are equivalent to or better than existing agreements with Bergendahl up to 1 January 2027. For existing customers whose annual turnover was less than SEK 1 billion the commitment applies up to 1 January 2030.¹²

4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies

4.1. Advocacy

36. One of the SCA's tasks is to identify obstacles that may restrict or distort effective competition in public and private operations. The SCA presents proposals with the aim of opening up markets to competition, initiating regulatory reforms, as well as monitoring developments within the area of competition. The SCA makes proposals for improving competition in reports, responses to official consultations and official communications to the Swedish Government. The SCA also provides comments and opinions to other public authorities that seek the SCA's views on a particular investigation or changes to the regulatory framework.

4.1.1. Reports

37. The following is a summary of reports published with competition law and policy relevance in 2021.

Report on the SCA's competition and public procurement supervision in 2020

38. In March 2021, the SCA published a report accounting for the authority's strategic priorities, investigations and decisions in 2020 regarding competition enforcement and public procurement supervision. Among other things, the report includes qualitative and quantitative assessments of investigations, decisions, appeal outcomes, case handling times and resource allocation. The enforcement report is an important tool for promoting transparency and communicating the results of the SCA's work with stakeholders.¹³

Online pharmacy markets in the Nordics

39. In April 2021, the Nordic competition authorities published a joint report on online pharmacy markets in the Nordics. The report describes the current market conditions for online pharmacies in the Nordic countries and discusses the changes required to improve the conditions for the online sale of medicines.

Competition and growth within e-commerce

40. In October 2021 the SCA published a report with its findings from a government-assigned study to map out the development of e-commerce in Sweden. Among the report's conclusions, the SCA found that there had been an unusually high rate of growth in e-commerce in 2020 and that there are clear signs that there is generally strong competition in the market. The report also found that prices are most often the same within e-commerce and in brick-and-mortar shops, and that the barriers to competition do not appear to be

¹² Ref no. 361/2021

¹³ Report 2021:2

significant. Notably, in an international context, Swedish consumers' dependence on digital marketplaces appears to be relatively low. Finally, digital visibility can be decisive for e-commerce companies' ability to compete.¹⁴

Competition in the Swedish building materials industry

41. In December, the SCA published a report with findings from a government-assigned study of competition in the Swedish building materials industry. In its report, the Swedish Competition Authority concludes that there are challenges to effective competition on markets encompassing building materials, from the manufacturing of building materials to the completion of new residential units. The competitive conditions in the relevant markets seem to have a significant impact on the development of prices for building materials. Some important product markets are characterised by limited competition, but the report also highlights a number of other factors that affect the competitive conditions and effective pricing.¹⁵

4.1.2. Sector Inquiries

42. As reported in last year's report, the SCA concluded a sector inquiry into the functioning of competition on digital platforms in Sweden. The purpose of this study was to highlight the extent of competition and to identify any potential need for measures to promote competition. In February 2021, the results of this study were published in a report. Among its conclusions, the report identified the need for the introduction of a flexible supplementary framework in Sweden that can be used to investigate and remedy competition concerns that cannot be remedied in an effective manner under current competition law prohibitions.¹⁶

4.1.3. Responses to official consultations

43. In 2021, the SCA issued 183 responses to official consultations (145 of which were requested by the Swedish government and 38 by other public authorities). By providing opinions on proposals made in reports and other inquiries, the SCA can assist the Government and other authorities in the preparation of proposed legal amendments and decisions. Below is a selection of the SCA's responses to official consultations in 2021.

Capacity in the electrical grid

44. In a response to a government proposal regarding creating incentives for network operators to invest in increasing capacity in the grid, the SCA restated its previous criticism of the proposal that network operators should be able to raise their fees. The SCA argued that although the proposed changes implied fewer negative effects compared to previous proposals, they still entailed an unjustified cost increase for consumers.¹⁷

45. Furthermore, the SCA also responded to proposals from the Energy Markets Inspectorate regarding capacity shortages in the electricity grid, as well as enhanced incentives for cost-effective solutions in electricity operations.¹⁸

¹⁴ Report 2021:3

¹⁵ Report 2021:4

¹⁶ Ref. no. 627/2019

¹⁷ Ref. no. 715/2020

¹⁸ Ref. no. 694/2020

46. The SCA also responded to a proposal regarding reduced connection costs for offshore wind farms, stating that an expansion of offshore wind farms can be appropriate if it benefits society in the long-term, but that the Swedish national grid should base its expansion on economic viability assessments.¹⁹

Waste management

47. A number of consultation responses related to questions of waste management and the Swedish system of producer responsibility. For example, in one statement, the SCA proposed that prior to a system of producer responsibility for textiles being introduced there should be an investigation into the appropriateness of introducing a nationwide regulation of the collection of textile waste. If this was shown to be appropriate, alternatives to producer responsibility should also be explored.²⁰

48. The SCA also supported a proposal that companies should be able to dispose of waste with actors other than municipalities. The SCA welcomed a framework that would make it possible for companies to use and reuse waste in different ways, and agreed with the inquiry's assessment that a freedom of choice for companies should imply greater opportunities for innovation and business models.²¹

Stockpiling of medicines

49. The SCA stated that a legally mandated obligation to stockpile medicines is complicated and may lead to pharmaceutical companies compensating themselves for increased costs through price rises. The SCA did not agree with the inquiry's proposal that the incumbent Apoteket AB should be given the societal task of establishing pharmacies with medicine stockpiles, and instead promoted a solution that would involve a competitive procurement of this task.²²

4.1.4. Research

50. The SCA has a mandate from the Swedish Government to grant funding for research related to competition and public procurement. In 2021, the Government's letter of appropriation allocated approximately SEK 11 million to conduct such research. The SCA primarily finances research within competition and procurement law and economics. As part of its activities, the SCA also arranges conferences, seminars and workshops with the aim of presenting information about the research and its findings. In addition to this, the SCA organizes an essay competition for students each year.

Projects that received funding in 2021

51. In 2021, the SCA received 39 applications for funding in the areas of competition and procurement. The SCA granted SEK 4.3 million to 5 new projects, of which 3 had a competition focus. The SCA also paid out approximately SEK 4.4 million to 7 ongoing projects.

52. The following is an account of ongoing research projects in the area of competition law and economics.

¹⁹ Ref. no. 86/2021

²⁰ Dnr. 732/2020

²¹ Ref. 385/2021

²² Ref. 275/2021

Ongoing competition-related research projects

- Marcel Garz, Media competition and media slant in Swedish newspapers
- Catarina Marvao, Cartel, Managerial Incentives and Merger and Acquisitions (up to 31 December 2021, no funding in 2021)
- Maksym Khomenko, Optimal Design and Regulations in Healthcare
- David Isaksson, Does Competition in the Market for Primary Care drive Quality?
- Xavier Groussot, The Application and Impact of the EU Charter of Fundamental Rights in Competition Law, the Digital Single Market and Sweden.
- Richard Friberg, Mini-courses in Competition (until 2023, no funding in 2021).
- Vladimir Bastidas, Platform envelopment in the online pharmacy industry: an effects-based approach.

Commissioned research

53. The SCA commissions research when it sees a direct need to investigate or highlight specific issues within competition and/or procurement. The results are then published in a special report series for commissioned research. The SCA assigns a reference group to each project to provide quality assurance for the study. The reference groups consist of individuals with special expertise in the field in question. The SCA's ambition is for the reports to be founded on solid academic grounds and to be written in such a way that non-specialists can also understand the content. In 2021, approximately SEK 2 million was allocated for commissioned research within the fields of competition and procurement.

54. In 2020, the SCA published the following commissioned research reports on competition:

- David Sundén (2021): *The Positive Effects of Competition* (Commissioned research report series 2021:1)
- Magnus Söderberg (2021): *Are successive acquisitions a competition problem in Sweden?* (Commissioned research report series 2021:2)
- Tuwe Löfström (2021), *Collusion in Algorithmic Pricing* (Commissioned research report series 2021:3)
- Torbjörn Andersson and Magnus Strand (2021), *The Swedish Competition Authority's court procedures* (Commissioned research report series 2021:4)

Council for Research Issues

55. The SCA has a designated Council for Research Issues, which consists primarily of external academic researchers within the fields of economics, law and business administration. The Council's task is to stimulate research in the fields of competition and procurement, and to provide the SCA and the National Agency for Public Procurement with findings from developments, primarily in the economic and legal sciences, which may be of significance to the agencies' activities.

4.1.5. Conference on the "Pros and Cons of Sustainability Considerations"

56. To share and advance knowledge about current competition-related matters, the SCA holds an annual international research seminar entitled "Pros and Cons". Since the first seminar in 2002, researchers and experts have discussed the pros and cons of

compelling questions in the field of competition law. The seminar has traditionally been held in November every year, however forthcoming conferences will instead be arranged annually in May/June. As such, the next conference will be held in May 2022 on the topic “the pros and cons of sustainability considerations”.

4.1.6. Essay contest

57. In an effort to promote interest in competition and procurement matters among students, the SCA holds an annual essay contest. The contest is open for all topics that are relevant to the activities of the SCA. In 2021, there were 32 entries submitted, and six of these were awarded prizes, sharing a total of SEK 100,000.

4.2. Communication and knowledge

58. Part of the SCA’s task is to promote competition and provide appropriate information for companies and other stakeholders regarding important decisions, implementation of the rules and the content of these rules.

4.2.1. Ongoing focus on digital communication

59. The SCA continued to prioritize digital communication throughout 2021. It communicated via its website, through digital newsletters, podcasts and social media, through traditional media, meetings and industry forums, and in several different arenas both in Sweden and internationally.

Internal communication

60. Due to the outbreak of the COVID-19 pandemic, the majority of the SCA’s employees worked from home and conducted meetings digitally during 2021. On our intranet, we created a separate page on which we collected and made all Covid-19 related information accessible for employees. Collaboration spaces in the intranet facilitated collaborative project work.

Development of a new homepage

61. Our new website was launched in 2021. The redesigned homepage lives up to the requirements stipulated in the Act on Accessibility of Digital Public Services. It is now easier to submit tip-offs and to get informed about the SCA’s cases and decisions. The new website also offers more in-depth information about specific topics and cases in the area of competition law or public procurement.

Social media

62. We regularly utilize social media and complementary channels to convey news and create interest and engagement regarding issues and topics related to our areas of operation. The SCA has accounts on Twitter, LinkedIn, Facebook and Youtube. During the pandemic we have made greater use of live-streamed events and published films on our website, social media channels and intranet.

Electronic newsletter: Procurement and competition

63. During the year, the SCA has continuously published a newsletter that addresses both public procurement and competition issues. The newsletter is published bi-weekly, and provides almost 2300 subscribers with up-to-date information. In 2021, 22 editions of the electronic newsletter were sent out.

Podcasts

64. The SCA continued to develop its podcast throughout 2021. The podcast, which has the title “Konkurrenten” (The Competitor), addresses relevant competition and procurement-related issues. A total of seven new episodes were published in 2021. In addition to the participation of staff from the authority, the SCA has on several occasions invited external guests to participate in the podcast interviews.

Interactive guidance

65. The SCA’s interactive digital guidance is an effective way to provide a target audience with help and support on various issues. The guidance promotes a better understanding of rules and regulations and is greatly appreciated by its users. The SCA’s digital guidance package is accessible on its website and includes guidance on distribution agreements, anti-competitive sales activities by public entities, direct award contracts, collaboration in the public procurement process as well as guidance for industry associations.

Web-based question forum

66. Questions and complaints to the SCA are primarily submitted via the SCA’s tip-off function. To make it easier for the SCA’s target audience to find the right answers to its questions, the SCA has developed a web-based question forum.

4.3. International work*4.3.1. ECN*

67. Within the European Competition Network (ECN), the SCA works closely with the European Commission and the competition authorities of the EU member states in the application of Articles 101 and 102 of the TFEU. The national competition authorities are obligated to consult the Commission before reaching decisions under Articles 101 and 102 of the TFEU. The SCA did not consult with the Commission on any such matters in 2021.

4.3.2. Co-operation on merger control

68. During 2021, the SCA participated in six meetings organised by the Advisory Committee on mergers regarding the Commission’s merger control procedures. In addition, the national competition authorities and the Commission have a working group that is tasked with promoting greater co-operation in merger review. In 2021, the SCA took part in five meetings organised by this working group.

4.3.3. EU competition policy

69. The SCA actively contributed to the review of different aspects of the EU competition rules during 2021. Among other things, the SCA contributed views on the review of the Horizontal and Vertical Block Exemption Regulations and the respective guidelines. It also submitted views on the European Commission’s initiative regarding the application of the EU competition rules to collective agreements for solo self-employed people. The SCA has additionally provided support to the Swedish Government Offices in the negotiations regarding the Digital Markets Act.

4.3.4. *Nordic cooperation*

70. The Nordic competition authorities have enjoyed close cooperation for many years. In September 2017, a new Nordic co-operation agreement was signed by the competition authorities in Denmark, Finland, Greenland, Iceland, Norway and Sweden. The now-ratified agreement enhances the Nordic competition authorities' ability to collect information on behalf of each other, for example, through dawn raids, and to exchange information in conjunction with investigations.

71. The Nordic competition authorities held a number of digital meetings and workshops throughout 2021, including meetings within working groups for chief economists and mergers. A number of staff participated in a meeting organized in Denmark in November, where the SCA arranged a workshop on national rules as a complement to the Digital Markets Act.

72. In April 2021, the Nordic competition authorities published a joint report on online pharmacy markets in the Nordics (see section 3.1.1 above).

4.3.5. *OECD*

73. In 2021 the SCA participated in two digital meetings of the OECD Competition Committee. In connection with the meetings, the SCA held presentations and provided oral contributions on the topics of competitive neutrality and enforcement with respect to SOEs, and held a presentation on cooperation with procuring agencies during a workshop on bid-rigging cartels.

4.3.6. *International Competition Network*

74. The SCA actively participates in the International Competition Network's (ICN's) five working groups. From April 2018 to October 2021, the SCA was co-chair of the Agency Effectiveness Working Group (AEWG). Within the framework of this working group, the SCA led a project on digitalization and innovation aimed at exploring the experiences of competition authorities with regard to the digitalization of agency operations. This resulted in a report being published by the working group in conjunction with the ICN's annual conference in the autumn of 2021.

75. During the ICN's digital annual conference, the SCA's Director General took part in a panel discussion on effective competition authorities after the COVID-19 pandemic.

5. Resources of the SCA

5.1. Resources overall (current numbers and change over previous year)

5.1.1. *Annual budget (in SEK and USD)*

- 2020: SEK 155.4 million / USD 16.9 million, including public procurement supervision.²³
- 2021: SEK 164.7 million / USD 19.2 million, including public procurement supervision.²⁴

²³ Average annual exchange rate (aggregate) 2020, Swedish Riksbank

²⁴ Average annual exchange rate (aggregate) 2021, Swedish Riksbank

5.1.2. Number of employees (person-years)

76. The average number of employees during 2021 was 172, while the number of full-time equivalent employees was 146. Of these, 116 worked on competition issues, and more specifically 101 as non-administrative staff. Among the non-administrative competition staff, there were 56 lawyers, 36 economists and 7 with other types of functions.

5.2. Human resources (person-years) applied to:

5.2.1. Enforcement against anticompetitive practices / merger review and enforcement

77. 93 Non-administrative staff working with competition issues (relevant staff in the Cartels and Mergers Unit, Market Abuse Unit, Communications and IT Unit, Legal and International Affairs Unit, Litigation Unit, and Chief Economist's Unit).

5.2.2. Advocacy efforts

78. Eight non-administrative staff working with competition issues (relevant staff in the Advocacy and Research Unit).

5.3. Period covered by the above information

79. 2021.