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COMPETITION COMMITTEE

Annual Report on Competition Policy Developments in Sweden

-- 2022 --

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

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Table of contents

| | |
|--|----------|
| 1. Executive Summary | 3 |
| 1.1. Anti-competitive agreements..... | 3 |
| 1.2. Abuse of dominance | 3 |
| 1.3. Mergers..... | 3 |
| 1.4. Advocacy and competition research | 3 |
| 1.5. Changes to competition law and policies | 4 |
| 2. Changes to competition law and policies, proposed or adopted | 4 |
| 2.1. Summary of new legal provisions of competition law and related legislation | 4 |
| 2.2. Other relevant measures, including new guidelines | 4 |
| 2.3. Government proposals for new legislation | 5 |
| 3. Enforcement of competition laws and policies | 5 |
| 3.1. Action against anti-competitive practices, including agreements and abuses of dominant positions | 5 |
| 3.2. Mergers and Acquisitions | 8 |
| 4. The role of competition authorities in the formulation and implementation of other policies, e.g. regulatory reform, trade and industrial policies | 9 |
| 4.1. Advocacy..... | 9 |
| 4.2. Communication and knowledge | 13 |
| 4.3. International work | 14 |
| 4.4. Human resources (person-years) applied to: | 16 |
| 4.5. Period covered by the above information | 16 |

Tables

| | |
|----------|---|
| Table 1. | 8 |
|----------|---|

Sweden

1. Executive Summary

1.1. Anti-competitive agreements

1. During 2022, The Swedish Competition Authority (“SCA”) closed four cases that involved alleged horizontal anti-competitive agreements. Two of them were closed with decisions imposing competition fines. This was the first time the SCA used its new powers to decide on competition fines. The other two cases were closed since the investigations did not support that the investigated undertakings were cooperating in a way that could breach the competition rules.

1.2. Abuse of dominance

2. In June 2022, the SCA adopted an interim decision in a case that concerned an alleged abuse of dominance in the financial sector. However, due to the fact that the suspected undertaking voluntarily changed its behaviour, further investigation was not deemed necessary and the case was closed.

1.3. Mergers

3. During the year, 121 mergers were notified to the SCA. The SCA decided to open three phase 2 investigations. No mergers were prohibited.

1.4. Advocacy and competition research

4. In 2022, the SCA submitted 162 replies to official consultations from the Swedish government and other public bodies, including consultations on private healthcare insurance, transportation and carbon capture and storage.

5. In June 2022, the SCA published the results of a sector inquiry regarding public sales operations in the gym market. Among its conclusions, the SCA found that there are negative effects on competition due to the presence and behaviour of municipal gyms, in particular from gyms that do not take into account all relevant costs in their pricing.

6. The SCA also published the results of a sector inquiry on the impact of private digital healthcare services on competition in primary care. The SCA found that the current compensation system has a negative impact on healthcare centres and skew competition on the primary care market.

7. In November 2022, the SCA adopted a new strategical commitment - “*Competition in times of crises*”. It includes a series of brief reports that highlight the importance of competition in times of crisis, focusing on areas that are particularly relevant in this regard, such as the food, energy and fuel markets.

8. Additionally, the SCA published several reports as part of its advocacy activities. One of these reports focused on the SCA’s work related to competition supervision. The SCA also financed or commissioned several research projects related to competition and held a research seminar on “The Pros and Cons of Sustainability Considerations”.

1.5. Changes to competition law and policies

9. Within the EU, the revised Vertical Block Exemption Regulation and revised Guidelines on vertical restraints entered in to force, resulting in corresponding changes to the Swedish rules on vertical agreements.

10. The Digital Markets Act entered into force in November 2022, regulating the behavior of online platforms acting as digital gatekeepers. Its enforcement will require close cooperation between the European Commission and the national competition authorities.

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

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

11. The revised Vertical Block Exemption Regulation¹ (VBER) and revised Guidelines on vertical restraints², entered into force in June 2022. The VBER exempts agreements between suppliers and buyers from Article 101(1) of the Treaty on the Functioning of the European Union (TFEU), if their agreements do not contain severe restrictions of competition and each have market shares not exceeding 30 %. As a result, corresponding changes have been made to the Swedish rules on vertical agreements.

12. In November 2022, the Digital Markets Act³ (DMA) entered into force, regulating the behavior of large online platforms that qualifies as “gatekeepers” in the digital economy. The DMA aims to ensure that these platforms behave in a fair way online. Even though the European Commission will be the sole enforcer of the DMA, the Commission will cooperate closely with competition authorities in EU Member States.

2.2. Other relevant measures, including new guidelines

13. A large inflow of tip-offs and complaints demands that we have effective routines for prioritizing the cases that we pursue. Therefore, the SCA has developed a prioritization policy for its enforcement activities, which was revised in June 2022. The update clarified the areas covered by the prioritization policy and the fact that the policy solely relates to competition and procurement supervision and not to other enforcement areas, such as the enforcement of the Act on Unfair Trading Practices in the Agricultural and Food Supply Chain⁴. It also clarified that the policy is only used in the initial prioritization of cases.

14. In July 2022, the SCA opened up an external whistleblowing function for any employee, consultant, intern or other person in a work-related situation that discovers a violation in the areas of competition and public procurement. Such misconduct can be

¹ Commission Regulation (EU) 2022/720 on the application of Article 101 (3) of the Treaty on the Functioning of the European Union to categories of vertical agreements and concerted practices.

² Communication from the Commission – Commission Notice – Guidelines on vertical restraints (2022/C 248/01), OJ C 248, 30.6.2022, p. 1–85.

³ Commission Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act).

⁴ The Act implements Directive (EU) 2019/633 of the European Parliament and of the Council of 17 April 2019 on unfair trading practices in business-to-business relationships in the agricultural and food supply chain.

reported to the SCA in accordance with Protections for Persons Reporting Irregularities Act (The Whistleblowing Act)⁵.

15. As mentioned in last year's report, the SCA was in March 2021 granted decision-making powers for issuing competition fines. In October 2022, the SCA made its first decision on competition fines, which was followed by a second decision in December 2022.

16. Finally, it is worth mentioning that the EU is making a comprehensive review of the regulatory framework of competition enforcement. The SCA is participating in this review by providing expert knowledge and experience.

2.3. Government proposals for new legislation

17. The Swedish Government has not proposed any new legislation of relevance for this report during 2022.

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

18. In 2022, the SCA closed five prioritized competition investigations into suspected infringements of Chapter 2, Article 1 and 7 of the Swedish Competition Act, and Articles 101 and 102 TFEU. Two of the investigations were closed after the SCA issued decisions on competition fines. Another investigation was closed after a voluntary change of behavior by the investigated undertaking, and two investigations without the SCA taking any further actions. Several other ongoing investigations are expected to be concluded during the first half of 2023.

Tip-offs and complaints

19. During 2022, the SCA received approximately 740 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

PCR-and antigen testing

20. In 2021, the SCA opened an investigation regarding a suspected anti-competitive collaboration between three undertakings that provided COVID-19 tests (both PCR and anti-gen testing) at Stockholm's main airport Arlanda. The SCA had suspicions that market actors had agreed to divide customers between them and not compete on prices, and

⁵ SFS 2021:89. The Act implements Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

therefore carried out on-site inspections. The SCA ultimately closed the investigation in March 2022 after concluding that, although the undertakings had had discussions about cooperating in a way that could breach the competition rules, the discussions were discontinued before an agreement came about (Ref. 518/2021).

Electrical installations

21. In 2021, the SCA opened an investigation concerning a suspected anti-competitive cooperation between undertakings in the electrical installation sector. The suspicion was that a number of electrical contractors jointly exerted pressure towards a wholesaler in order to get it to apply artificially high prices combined with retroactive discounts to one of its customers, who was a competitor to the electrical contractors. The investigative measures taken by the SCA (e.g. collection of documents and interrogations) did not support a violation of the competition rules and the SCA therefore decided to close the case in March 2022 without any further actions (Ref. 334/2021).

Mobility service transportation

22. In late 2020, the SCA initiated an investigation concerning two taxi undertakings cooperating in an illegal way when presenting tenders in a procurement of mobility service transportation. The investigation turned out to be the SCA's first decision on competition fines since the Swedish government granted the SCA decision-making powers for issuing competition fines in 2021.

23. The case concerned a collaboration between two undertakings in a procurement for mobility service transportation. There were similarities between the bids of the undertakings, which indicated that this was a result of a collaboration or information exchange between the two taxi undertakings. After on-site inspections, the SCA decided in October 2022 to fine the undertakings a total of SEK 1,55 million. Due to the undertakings financial situation, the fines were set at lower amounts than would be justified by the gravity of the violation. Both undertakings appealed the decision. In February 2023, the Patent and Market Court sided with the SCA and rejected the appeals (Ref. 569/2020).

Sanitation services

24. This case was the SCA's second decision on competition fines. It concerned a horizontal cooperation between two undertakings in the sanitation sector, dividing the market between them. After an on-site inspection, the SCA decided in December 2022 that both undertakings had infringed competition law through an agreement that had been in force from 2014 to 2019. However, since one of the undertakings reported the violation to the SCA, it was granted immunity from fines. The other undertaking concerned was fined approximately SEK 1,2 million. The decision was appealed to the Patent and Market Court, but in April 2023 the appeal was withdrawn (Ref. 121/2021).

Vertical agreements

25. In 2022, the SCA did not issue any decisions related to vertical agreements.

Abuse of a dominant position

Trading of shares

26. The SCA initiated an investigation in May 2022 regarding the main stock exchange in Sweden, which had announced it would offer trading of shares in undertakings listed on the Nordic Growth Market Nordic SME (NGM). The SCA found that the action was likely

in breach of the prohibition on abuse of dominance, as it would leverage the stock exchange's strong position in relation to traders to draw trade in the affected shares away from NGM, against the wishes of the undertakings who had chosen to list on NGM. The SCA therefore adopted an interim decision in June 2022, ordering the undertaking not to offer trading of shares in undertakings listed on NGM if the undertakings had not consented thereto. The investigation against the stock exchange was closed in October 2022, after it had announced that it would not offer shares in companies listed on NGM without the issuers' explicit consent (Ref. 366/2022).

Anticompetitive sales by public entities

27. In 2022, the SCA did not issue any decisions related to anti-competitive sales activities by public entities.

3.1.3. Summary of activities of courts

Anti-competitive agreements

Dairy products

28. In October 2022, the Patent and Market Court of Appeal decided that Arla Foods AB had to pay competition fines for being guilty of unlawful collaboration in connection with a procurement of dairy products. Arla Foods had admitted that it was guilty of unlawful cooperation, but claimed that it should not be subject to an administrative fine since the undertaking had provided the SCA with information and evidence regarding the infringement. The Court emphasized that an undertaking cannot qualify for leniency where the information provided by the undertaking consists of information already requested by the SCA. In order to do so, the information would have to be provided by the company on its own initiative. The Court found that Arla Foods should pay an administrative fine of SEK 1,1 million, which was the amount that the SCA had claimed (Ref. 713/2020).

Mobility service transportation

29. As mentioned above in Section 2.1.2, the SCA fined two undertakings that had cooperated in a procurement of mobility service transportation. In November 2022, the undertakings appealed the SCA's decision. In February 2023, the Patent and Market Court sided with the SCA and rejected the appeals (Ref. 736/2022).

Sanitation services

30. The decision described above in Section 2.1.2 regarding two undertakings offering sanitation services, was appealed to the Patent and Market Court by the undertaking that had been fined by the SCA. However, in April 2023 the undertaking withdrew the appeal (Ref. 846/2022).

Abuse of a dominant position

Data on residential transactions

31. In 2021, The SCA imposed a temporary obligation on Svensk Mäklarstatistik to continue to deliver data on residential transactions in Sweden to Valueguard Index Sweden, including the right for the latter to publish its own statistics based on this data. The interim decision was appealed to the Patent and Market Court, but the court sided with the SCA

and rejected the appeal in February 2022. The investigation was ultimately closed without a finding of infringement, and the interim decision lifted in January 2023 (Ref. 475/2021).

3.2. Mergers and Acquisitions

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

32. 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, 121 mergers were notified to the SCA. Three phase 2 investigations were opened. No mergers were prohibited.

33. The following table shows statistics for the period 2018-2022:

Table 1.

| | | | | | |
|---|-----|-----|----|----|----|
| Notified mergers | 121 | 135 | 80 | 74 | 80 |
| <i>Of which the SCA requested on particular grounds</i> | 1 | 0 | 0 | 1 | 0 |
| <i>Of which voluntary notifications</i> | 2 | 1 | 1 | 4 | 1 |
| Number of decisions to clear a merger in phase 1 | 115 | 135 | 73 | 76 | 71 |
| <i>Of which with commitments in phase 1</i> | 0 | 0 | 1 | 1 | 1 |
| Number of decisions to launch a phase 2 investigation | 3 | 3 | 1 | 4 | 1 |
| Closed cases in phase 2 | 2 | 4 | 1 | 3 | 1 |
| <i>Of which withdrawn by the parties in phase 2</i> | 0 | 0 | 0 | 0 | 0 |
| <i>Of which with commitments in phase 2</i> | 0 | 2 | 0 | 0 | 0 |
| <i>Of which prohibited in phase 2</i> | 0 | 0 | 0 | 1 | 0 |
| <i>Of which cleared without remedies in phase 2</i> | 2 | 2 | 1 | 2 | 1 |

3.2.2. Summary of significant cases

Optical products

34. In 2022, the SCA conducted a phase 2 investigation of an acquisition regarding optical products. Due to the merger, the undertakings would become the second largest player in the Swedish retail sector. The buyer was also involved in wholesaling of optical products and owned important brands in the optical retail industry. There were concerns that the merged entity after the concentration would not provide its products to competing optical retailers, or provide them on less favourable terms. Further, the investigation showed uncertainties regarding, among other things, market shares in the wholesale market, margins, and closeness of competition. In phase 2, the notification was completed with information the notifying party had failed to provide earlier. In the end, the SCA found that the merger would not have anti-competitive effects in the retail sector for optical products and decided to clear the merger (Ref. 128/2022).

Insulation, component and packaging solutions

35. The second phase 2 investigation in 2022 concerned two undertakings operating in manufacture and sale of insulation, component and packaging solutions of cellular plastics. Since the merger was notified in several Nordic countries the Swedish, Norwegian and Finnish Competition Authorities cooperated during their investigations. In Sweden, there

were some initial concerns regarding technical and thermal insulation for vehicles and components. However, the investigation showed that customers could turn to suppliers abroad for technical insulations and components, and that the concentration would not prevent competitors to enter the market. It also showed that suppliers with spare production capacity were available in the market. The SCA decided to clear the merger (Ref. 129/2022).

Draining insulation products

36. The third phase 2 investigation conducted by the SCA concerned draining insulation products. There were concerns among contractors and retailers that the notified merger could lead to increased prices of insulation products, even though other technical solutions were available. The investigation indicated that the undertakings concerned were each other's closest competitors, and their combined market share would be very high if the market included only "single-layer" solutions. In December 2022, the SCA communicated a draft decision taking action against the merger. As a consequence, the undertakings decided to abandon the transaction and the notification was withdrawn in the beginning of 2023 (Ref. 594/2022).

Concrete products

37. According to the Swedish Competition Act, The SCA may order parties to notify a concentration below the notification thresholds where particular grounds exist for doing so. In 2022, the SCA ordered the notification of an acquisition in the concrete product sector. The undertakings concerned were the two largest of four significant Swedish manufacturers of a special type of water and sewage products. There were indications that competition or substitutability between concrete and plastics could be limited in some cases. Ultimately, the investigation confirmed that concrete products were indeed substitutable with plastic products and that the merger would not significantly impede effective competition in the market. However, an analysis of public procurements showed that the choice of material depended on the requirements. Therefore, the SCA recommended a wider use of functional requirements. The SCA thus decided to clear the merger.

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

38. 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

39. The SCA published several reports as part of its advocacy activities in 2022.

Report on the SCA's competition supervision in 2022

40. In April 2022, the SCA published a report accounting for the authority's strategic priorities, investigations and decisions in 2021 regarding competition enforcement. The report also covers the SCA's work related to supervision of public procurement and unfair trading practices. 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 (Ref. Report 2022:1).

Competition in times of crises

41. In November 2022, the SCA adopted a new strategic commitment - "*Competition in times of crises*". It includes a series of brief reports that highlight the importance of competition in times of crisis, focusing on areas that are particularly relevant in this regard, such as the food, energy and fuel markets.

4.1.2. Sector Inquiries

Report on anti-competitive public sales operations in the gym market

42. In June 2022, the SCA published the results of a sector inquiry regarding public sales operations in the gym market. The purpose of this study was to give a comprehensive and better understanding of the effect on competition. Among its conclusions, the SCA found that there are negative effects on competition due to the presence and behaviour of municipal gyms, in particular of gyms that do not take into account all relevant costs in their pricing. The report also aims to contribute to the development of a method to estimate competitive effects from public sales operations. The method will provide support to the SCA in its recommendations to municipalities that wish to minimize the risk that their sales operations damage competition. The report also shows that only five out of 133 municipal gyms are operating in accordance with The Swedish Local Government Act. According to media reports, the SCA's conclusions and assessments have made some municipalities review their activities in the gym sector. (Ref. Report 2022:2).

Report on the impact of private digital healthcare services on competition in primary care

43. In August 2022, the SCA published a report that focuses on how private digital healthcare services have affected competition on the primary care market. The report concludes that a healthcare centre that offers digital healthcare services to its patients receives less compensation than if the patient visits a private digital healthcare service with a so-called "out-of-county-compensation". The report notes that private digital healthcare services and the healthcare centres operates in the same market since they target the same patients and are financed within the framework of the same regional healthcare system, even though they are covered by two diametrically different compensation systems. The current compensation system therefore has a negative impact on healthcare centres and skew competition on the primary care market (Ref. Report 2022:3).

4.1.3. Responses to official consultations

44. In 2022, the SCA issued 162 responses to official consultations (111 of which were requested by the Swedish government and 51 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 2022.

Private healthcare insurance

45. The SCA responded to a governmental report regarding private healthcare insurances and concluded that there are obvious risks of overuse, distortions and cross-subsidy if a business receives compensation from several different clients for performing the same or related services. If a region chooses to purchase healthcare services from private healthcare providers, it should as a general rule not be permitted for the contractor to perform its services on behalf of, or receive funding from, clients other than the region, unless the region has agreed to it in connection with the procurement. The SCA considered that all healthcare providers that receive public funding to maintain certain competences or infrastructure must be obliged to report all costs and income for the activity in question (Ref. 638/2021).

Carbon Capture and Storage

46. The SCA responded to a consultation regarding a proposal from the Swedish Energy Agency on the design of a support system for Carbon Capture and Storage (CCS). The SCA agreed that reverse auctioning would be the best option for the system. However, the SCA believed that there may be reasons to try out and find the best design of the auctions, in particular regarding the choice between "pay as bid" and "pay as clear" (Ref. 786/2021).

Transportation

47. In the memorandum "*Increased national access to public transport tickets*", the Swedish Transport Administration proposed that regional public transport authorities should be able to receive state co-financing in order to adapt their ticket systems and increase national access to public transport tickets. However, the SCA considered that the proposal did not ensure that national coordination could take place, and that the proposal means that separate clusters of regions can be formed with internally harmonized but mutually incompatible ticketing systems. The SCA advocated a regulated national coordination of ticketing systems in public transports (Ref. 507/2022).

48. The SCA rejected a proposal in the ministerial memorandum "*Arlanda airport - a plan for the future*", which introduced a public service obligation in parts of Sweden where commercial air traffic may cease or be greatly reduced in the future. The SCA considered that it would not be advisable to identify in advance which routes that may be subject to public transport obligations, since that could create incentives for companies to reduce their air traffic in order to enter into agreements on public service obligations. The SCA also pointed out that there could be a risk of overcompensation, since airlines would have incentives to understate relevant network effects and overstate costs that are part of the joint costs of the public service obligation (Ref. 455/2022).

4.1.4. Research

49. The SCA has a mandate from the Swedish Government to grant funding for research related to competition and public procurement. In 2022, 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 2022

50. In 2022, the SCA received 27 applications for funding in the areas of competition, public procurement and other areas. The SCA granted SEK 4,1 million to six new projects, of which four had a competition focus. The SCA also paid approximately SEK 4,1 million to five ongoing projects.

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

Ongoing competition-related research projects

- Anna Tzanaki, Competition Compliance Programmes: A Comparative Law & Economics Analysis (Ref. 444/2022).
- David Isaksson, Is the competition on the primary healthcare market driven by quality? (Ref. 405/2019).
- Maksym Khomenko, Optimal Design and Regulations in Healthcare (Ref. 455/2021).
- Marcel Garz, Media competition and media slant in Swedish newspapers (Ref. 406/2019).
- Marcel Garz, Competition, multimarket contact, and quality of local newspaper coverage (Ref. 445/2022).
- Niklas Rudholm, How does the algorithmic pricing affect the probability for price collusions? (Ref. 443/2022).
- Richard Friberg, Mini-course in competition (Ref. 371/2016).
- Richard Friberg, Research conference Norio 2023 (Ref. 446/2022).
- Vladimir Bastidas, Platform envelopment in the online pharmacy industry: an effects-based approach (Ref. 454/2021).
- Xavier Groussot, The Application and Impact of the EU Charter of Fundamental Rights in Competition Law, the Digital Single Market and Sweden (Ref. 453/2021).

Commissioned research

52. 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 2022, approximately SEK 2 million was allocated for commissioned research within the fields of competition and procurement.

53. In 2022, the SCA published the following commissioned research reports on competition:

- Björn Lundqvist, The regulation of platform business practices under general competition law and in related legal systems – a Swedish perspective, (Commissioned research report series, 2022:6).
- David Granlund, Competition between patented medicines, (Commissioned research report series, 2022:2)
- Matilda Orth and Florin Maican, Competition in pharmacy market, (Commissioned research report series, 2022:4).
- Sanna Wolk, Pay-for-delay-agreements, (Commissioned research report series, 2022:1).

Council for Research Issues

54. 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”

55. 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 theme of the 2022 seminar, which was held in May 2022, was “*The Pros and Cons of Sustainability Considerations*”.

4.1.6. Essay contest

56. 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 2022, there were 26 entries submitted, and six of these were awarded prizes, sharing a total of SEK 100,000.

4.2. Communication and knowledge

57. 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

58. The SCA continued to prioritize digital communication throughout 2022. It communicated via its website, through digital newsletters, podcasts and social media, traditional media, meetings and industry forums, and in several different arenas both in Sweden and internationally.

Internal communication

59. In February 2022, the SCA's employees returned to work in the office after a long period of working from home due to the COVID-19 pandemic. Since the SCA's staff have been offered to sign an agreement with the SCA on the possibility of working remotely up

to two days a week, a well-functioning internal communication have been crucial for the employees working from home.

The SCA's website

60. During 2022, the SCA updated and continued to work with the content of the authority's website, newly launched in 2021. After the design and concept development, technical platform development and content updating, the website has continued to be an important channel for the authority's communication towards external stakeholders as a key place for news and information about the daily work of the SCA. Since November 2022, the SCA's web-based case register has been reposted for access.

Social media

61. The SCA regularly utilizes social media and complementary channels to convey news and create interest and engagement regarding issues and topics related to the authority's areas of operation. The SCA has accounts on Twitter and LinkedIn. Regarding webinars and live broadcast conferences, the SCA has continued to increase the production of moving picture material published in its intranet and its social media channels, such as LinkedIn.

Digital newsletter

62. 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 2 200 subscribers with up-to-date information. In 2022, 22 editions of the electronic newsletter were sent out.

Podcasts

63. The SCA continued to develop its podcast throughout 2022. The podcast, which has the title "*Konkurrenten*" (The Competitor), addresses relevant competition and procurement-related issues. A total of eight new episodes were published in 2022. The participation of staff from the authority in the podcasts has contributed to share valuable knowledge of current subject areas.

Interactive guidance

64. 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 anti-competitive sales operations by public entities, collaboration in the public procurement process as well as guidance for industry associations.

4.3. International work

4.3.1. ECN

65. 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 2022.

4.3.2. Co-operation on merger control

66. During 2022, the SCA participated in three oral hearings and seven meetings organized 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 2022, the SCA took part in five meetings organized by this working group.

4.3.3. EU competition policy

67. Throughout the year, the SCA actively participated in discussions on the future of EU competition policy. Among other things, the SCA contributed to the updates of the Horizontal and Vertical Block Exemption Regulations and the respective guidelines. It also submitted views on the Commission's review of the Market Definition Notice. The SCA has additionally provided support to the Swedish Government Offices in the negotiations regarding the Digital Markets Act and the Regulation on foreign subsidies distorting the internal market.

4.3.4. Nordic cooperation

68. 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 new 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. After Iceland ratified the agreement in 2020, the agreement is now in force in all Nordic countries.

69. The Nordic competition authorities have held a number of meetings throughout the year, including meetings within working groups for chief economists and mergers. A number of staff participated in the annual meeting organized in Iceland in September, where the SCA arranged a workshop on building materials markets. The SCA also hosted a meeting for the Director Generals and chief legal officers.

70. In 2022, the Swedish and Danish competition authorities have set up a Nordic network for data analysts. The purpose of the network is to allow for exchange of experience and the sharing of knowledge between the staff working with data analysis.

4.3.5. OECD

71. In 2022, the SCA participated in two meetings of the OECD Competition Committee. In connection with the meeting in June, the SCA submitted written contributions on transport services, interim decisions and remedies for consummated mergers. The SCA has also contributed with comments on updates of OECD recommendations. Mr. Rikard Jermsten, Director General of the SCA, has been a member of the Bureau of the Competition Committee.

4.3.6. International Competition Network

72. The SCA actively participates in the International Competition Network's (ICN's) five working groups. As part of a project on digitalization and innovation within the Agency Effectiveness Working Group, the SCA held a webinar on "*Shaping agency digital transformation: the role of digital experts*".

73. At the ICN's annual conference, the SCA's Director General took part in a plenary discussion on how the pandemic has changed agencies' investigative processes. In addition,

SCA staff have participated as speakers or moderators in panel discussions, workshops and webinars.

4.3.7. Annual budget (in SEK and USD)

- 2022: SEK 169,4 million / USD 16,7 million, including public procurement supervision.⁶
- 2021: SEK 164,7 million / USD 19,2 million, including public procurement supervision.⁷

4.3.8. Number of employees (person-years)

74. The average number of employees during 2022 was 188, while the number of full-time equivalent employees was 154. Of these, 97 worked on competition issues, and more specifically 96 as non-administrative staff. Among the non-administrative competition staff, there were 54 lawyers, 32 economists and 10 with other types of functions.

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

4.4.1. Enforcement against anticompetitive practices / merger review and enforcement

75. 96 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).

4.4.2. Advocacy efforts

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

4.5. Period covered by the above information

77. 2022.

⁶ Average annual rate (aggregate) 2022, Swedish Riksbank

⁷ Average annual rate (aggregate) 2021, Swedish Riksbank