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**Global Forum on Competition**

**Use of Economic Evidence in Cartel Cases – Contribution from Armenia**

**- Session III -**

7-8 December 2023

This contribution is submitted by Armenia under Session III of the Global Forum on Competition to be held on 7-8 December 2023.

More documentation related to this discussion can be found at: [oe.cd/egci](https://oe.cd/egci).

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## *Use of Economic Evidence in Cartel Cases*

### *- Contribution from Armenia -*

1. Anticompetitive agreements stand apart from other offenses in the field of economic competition, primarily due to their dangerousness and the intricacies associated with their proving. Given the inherent nature of such offenses, these agreements are typically proved by evidence of an economic nature. This evidence often involves a thorough analysis of behaviours and actions undertaken with the specific intent of forming anticompetitive agreements.
2. In other words, anticompetitive agreements can be proved through "behavioural" evidence obtained by studying the actions and conduct of legal entities. It's essential to highlight that various competition authorities, including the Competition Protection Commission of the Republic of Armenia, can seek support from the bodies carrying out operational intelligence activity in order to uncover or prevent violations in the realm of economic competition.
3. However, within the agreement disclosure process, the Commission employs various powers beyond specific tools, including its authority to request information. It's worth noting that all legal entities and government agencies are obligated to comply with these requests. Often, when examining the information gathered, clear indications of prima facie offence are assessed, moreover, the actions of economic entities that do not comply with the law are proved by the data provided by them.
4. The statistics on the disclosure of anticompetitive agreements by the Commission reveal that, primarily, the existence of an offense has been proven by indirect and economic evidence. Examples of anticompetitive agreements supported by economic evidence include those offences documented in Commission Decisions.
5. It's worth highlighting that in one of these agreements, companies initially lowered and then raised the prices of their goods in an agreed manner, effectively edging out other market participants, particularly small legal entities, and restricting the entry of potential competitors to the market by pricing goods below cost, limiting the ability of the latter to turn a profit.
6. Regarding another, the company with the considerably larger volume in the market increased prices, but despite the potential for competitors to seize a significant market share quickly, they maintained their pricing strategy, missing out on an opportunity to enhance their market position.
7. As for another case, certain companies consistently raised prices for highly sought-after goods during the period of high demand brought about by the coronavirus pandemic.
8. It's essential to highlight that, although cases of economic competition offences in Armenia are adjudicated in a specialized administrative court, the courts approach economic and indirect evidence justifying anti-competitive agreements with a reservation, and the assessment of the evidence in these cases can take a long time, even years. However, it's noteworthy that these efforts yield valuable results, as the Commission's decision, grounded in economic evidence, has been validated by a final court decision.