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English - Or. English

18 June 2025

**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
COMPETITION COMMITTEE**

**Corporate Influence in Competition Policymaking – Summaries of contributions**

20 June 2025

This document reproduces summaries of contributions submitted for Item 13 of the 146<sup>th</sup> OECD Competition Committee meeting on 18-20 June 2025.

Antonio CAPOBIANCO  
Antonio.Capobianco@oecd.org, +(33-1) 45 24 98 08

**JT03568362**

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## *BIAC*

*Business at OECD* (BIAC) appreciates the opportunity to provide its views to the OECD Competition Committee for the discussion on Corporate Influence in Competition Policymaking.<sup>1</sup> Our contribution focuses on the following main elements.

- The right to petition and freely express one’s views to government is a protected fundamental right in leading jurisdictions. The free exercise of this right is especially important in the context of competition policy given the potential impact of market regulation on the rights and interests of market players.
- Corporate engagement improves competition policy decision-making, as decision-makers benefit from hearing different market actors’ perspectives before the decision-makers engage in the objective assessment of the different inputs from all contributors, corporate and otherwise, in pursuit of the public interest. Competition policy consultation processes recognize the value of these elements, giving due weight to various interests, and are bounded by rules to ensure procedural fairness and soundness of decision-making.
- The scope of the Competition Committee’s discussion on corporate influence is unclear. For example, it is unclear whether the issue is the nature of the corporation, the nature of the advocacy, or the nature of its impact. Corporations represent a broad range of often differing commercial interests, from small players to state-controlled enterprises, from upstream to downstream, and from industrial to consumer-facing market players.
- A discussion on the nature of influence in competition policymaking cannot credibly be limited to the advocacy efforts of corporate actors and certainly not a subset of corporate entities. Nor should the Competition Committee’s discussion on this topic exclude consideration of the advocacy activities of other interest groups, government departments and, where relevant, even other competition authorities, especially where these groups have an impact on policy decision-making. Consideration of useful input should not be biased based on the source of the input. What matters is the substance of the input and how it is evaluated by policymakers.
- The Competition Committee’s discussion focuses on the term “influence.” *Business at OECD* assumes that, for the purposes of this debate, the discussion excludes illegal activities, e.g., acts of bribery or corruption that are proscribed by law. *Business at OECD* notes that this discussion lacks an agreed definition of what constitutes inappropriate influence<sup>2</sup> and that the Secretariat note acknowledges that “the boundary between legitimate engagement and undue influence is often inherently blurred, contested and contextual.”<sup>3</sup> Wherever that fuzzy line may be drawn, the risk alone should not allow unbounded, amorphous concerns to

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<sup>1</sup> It is *Business at OECD’s* understanding that the discussion will focus on policymaking and excludes enforcement actions, which is reflected in our contribution.

<sup>2</sup> OECD, Corporate Influence in Competition Policymaking – Note by the Secretariat, DAF/COMP(2025), ¶ 14 (May 7, 2025), [https://one.oecd.org/document/DAF/COMP\(2025\)4/en/pdf](https://one.oecd.org/document/DAF/COMP(2025)4/en/pdf) [hereinafter Corporate Influence Secretariat Note].

<sup>3</sup> *Id.* ¶ 22.

corporate interests from being heard or to exclude them from policymaking discussions that affect their interests.

*Business at OECD's* contribution sets out points of principle before making a series of recommendations to ensure that authorities' consultation processes remain transparent, accessible, and meaningful.

## *Brazil*

This contribution illustrates the main strategies adopted by the Brazilian Competition Defense System to mitigate the adverse effects of corporate influence on competition policy. Regarding the influence of private agents (Section 2), the Brazilian Electronic Information System (SEI) expands the competition agency's administrative transparency, and the research funding by the Fund for the Facto Joint Rights (FDD) that incentivises the production of independent technical knowledge. In relation to corporate influence on the regulatory process (Section 3), in addition to traditional competition advocacy measures, the Regulatory and Competition Assessment Procedure (PARC) stands out. This is an initiative of the Secretariat for Economic Reforms of the Ministry of Finance (SRE), promoting public consultations for market players and other interested parties to contribute by submitting possibly anticompetitive regulations for analysis by the SRE.

## *Canada*

The Competition Bureau of Canada's submission examines the benefits and risks of corporate participation in the Bureau's public consultations and discussion papers. Input from the public comes from a variety of sources, including businesses, legal experts, consumers, and others. Their input helps the Bureau be more efficient in its practices and clear about its thinking on competition issues. However, there are risks that if participation by larger corporations—such as well-funded enterprises, industry associations, or firms with dedicated regulatory and public affairs teams—is disproportionately higher than that of other groups, it may reflect narrow commercial interests in ways that obscure the broader public interest. A transparent and inclusive consultation process is essential to ensure that the Bureau's approach to competition promotion and enforcement serves the public interest.

## *European Union*

Striking a balance between the risks of undue corporate influence and the benefits of private sector engagement is crucial in competition policy. Undue corporate involvement could lead to regulatory capture, where policies are shaped to favour certain businesses over others, undermining fair competition. But interactions with the private sector can and do provide valuable insights and expertise, ensuring that policies are both practical and informed by industry realities. The Commission's contribution therefore examines the benefits of corporate participation and illustrates them with concrete examples, while also explaining which are the primary mechanisms through which corporations can exert undue influence and which safeguards can be put in place to mitigate those.

The challenge lies in maintaining transparency and safeguards to ensure that these interactions enhance, rather than compromise, the integrity of competition policy. For that purpose, the European Commission has implemented a comprehensive set of measures to (i) bolster transparency, accountability, and integrity among its officials, (ii) ensure due process and regulatory independence in its decision-making processes and (iii) foster public engagement and scrutiny. Key initiatives include a robust Code of Conduct for Commissioners, mandating the disclosure of potential conflicts of interest, monitoring post-office activities, and enforcing transparency through the publication of meetings and travel costs. The Commission also maintains a Transparency Register to track organizations influencing EU policies, and the European Ombudsman oversees maladministration complaints, contributing to the deterrence of conflicts of interest. Additionally, the principle of collegiality ensures that the College of Commissioners collectively makes decisions, supported by the oversight of Hearing Officers and judicial review by EU courts. Public involvement is encouraged through open consultations and access to documents, backed by regulation, which supports stakeholders' engagement in policymaking processes. Furthermore, the ECN+ directive strengthens national competition authorities, ensuring they possess the independence and resources necessary for the consistent enforcement of competition law across the Union.

## *Greece*

Corporate participation in competition policymaking can provide valuable market insight but may also open the door to potential undue influence. This Note overviews the corporate participation in competition policymaking, undue influence, and the safeguards the Hellenic Competition Commission (HCC) implements to counter undue corporate influence.

While the benefits of corporate input are evident, it is essential for Competition Authorities to manage this involvement carefully to avoid skewed outcomes. The HCC has deployed several safeguards to ensure its independence and to counter potential undue corporate influence. More specifically, it has established institutional safeguards in Competition Act through provisions ensuring the Authority's independence and resources for the effective performance of its tasks and the effective exercise of its powers. The Competition Act also provides for cooling-off periods for HCC personnel transitioning between the public sector and private companies and has introduced provisions ensuring independent research and transparency in funding to avoid biased policy analysis provided by external experts it collaborates with.

Further, the HCC has taken steps to diversify and expand considerably its advocacy efforts recognising the importance of engaging a wide range of stakeholders, including small businesses, consumers, and civil society organizations, to counterbalance the influence of large corporations. The HCC outreach efforts include, among others, professionals, businesses, policy makers, which design and legislate public policies. The Publication of annual reports, semiannual newsletters, HCC Decisions, enhance transparency and accountability of the Authority.

The HCC has a crucial role in safeguarding fair competition in Greek markets, and should be able maintain its important role, while also benefiting from the valuable contributions of corporations. By continuously enhancing transparency, accountability, and robust conflict-of-interest safeguards, the HCC may minimize the risk of undue corporate influence while taking into consideration industry views, both necessary for robust and pragmatic decision making.

## *Israel*

As detailed more broadly in the he Israel Competition Authority (ICA)'s contribution to the Session on Corporate influence in Competition Policy making, the ICA acknowledges that corporations may play a role in shaping competition policy due to their direct involvement in markets, the information which they hold, and the impact policy changes may have on them; However, the ICA is also very mindful of the potential for corporations to exert undue influence. To prevent such influence, the ICA employs several key practices and principals, among which are the following:

- **Publicity and Transparency:** The ICA initiates policy changes by announcing its intentions on its website and soliciting written public comments, which are then made public (excluding confidential information). This allows diverse stakeholders, including civil organizations, lawyers, economists, and corporations, to offer input, fostering public debate. The ICA also publishes its initial stance and the final policy, enabling the public to track changes and the influence of inputs.
- **Roundtables:** The Authority holds, where relevant, public roundtable events to facilitate dialogue between the ICA and market stakeholders regarding new or amended competition policies. Relevant materials are published beforehand, and participants can submit queries in advance, which provide for an open and equally presented forum.
- **Professionalism and Deep Market Knowledge:** ICA professionals are regularly engaged in specific market sectors and hold unique expertise to assess whether corporate input genuinely improves policy for broader public interest or serves narrow corporate-interests. This professionalism is also vital in interactions with the Israeli Knesset, where the ICA champions the public interest against corporate lobbying.

A case study on an amendment to Israeli Competition Law in 2023, prohibiting direct importers from harming competition from parallel imports, demonstrates the effectiveness of some of these practices. Through a public hearing process, in-depth meetings with stakeholders, and transparent procedures, the ICA gained a comprehensive understanding of the market, received essential information, and prevented undue corporate influence. This thorough preliminary process also facilitated a quick and efficient passage of the amendment through parliament, with minimal objections.

In conclusion, while relevant involvement of private corporations is part of designing effective competition; concerns about undue corporate influence are mitigated when the policy-making process is orderly, established, transparent, and publicly accessible throughout.

## *Lithuania*

Business associations play an important role in the legislative process. Their practical knowledge of various economic sectors shared with the decision-makers can result in better, more rational and more pro-competitive regulation. Nevertheless, business associations represent the private interests of their members. For this reason, the decision-makers should act with caution when evaluating the business associations and their members' initiatives, as well as balance them against the public interest and other policy goals.

This Note overviews the Lithuanian experience related to corporate influence in the competition policy making. In the Lithuanian Competition Council's view, corporate influence (usually exerted by the business associations) can be beneficial, but also can harm the society's interests. This influence may be reinforced by various tools and strategies available to the associations, such as media publications endorsing the corporate position.

In this Note, we share both types of examples: business associations siding with the Competition Council in seeking regulation more favourable to freedom of economic activities, and, *vice versa*, business associations attempting to protect their interest detriment to the consumer interests. The most recent example concerns business associations targeting the rules for imposition of fines for anti-competitive agreements.

## *United States*

The United States Department of Justice, Antitrust Division (DOJ) submits this note in connection with the Competition Committee’s session on “Corporate Influence in Competition Policy Making.”

Competition agencies, organizations, and other entities involved in competition policy and enforcement rely on information and advocacy from those with knowledge or expertise, be they academics, economists, trade associations, think tanks, representatives of industry or other specialists. These individuals, organizations or corporations are a significant source of know-how, and their experience and knowledge play an important role in the vibrant intellectual debate surrounding competition law and policy. DOJ considers its views carefully in weighing enforcement decisions and key policy positions.

However, this necessary and valuable engagement between private sector actors and competition authorities must contend with inherent tensions. Corporate participants naturally advocate for their own interests, which may not always align with the broader public welfare. When these interactions occur without adequate transparency, they can undermine the decision-making process and create the perception—or reality—of undue influence over policy outcomes.

The challenge facing competition agencies is not whether to eliminate corporate input from policy making, which would be counterproductive, but rather how to structure these interactions to maximize their benefits while minimizing their risks.

This paper discusses both the constructive role that corporate input can play in competition policy development and the systemic risks that arise when such influence operates without sufficient transparency. It also identifies some practical mechanisms to enhance understanding of corporate influence while preserving the benefits of private sector expertise in the policy making process.