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

Information Sharing in Competition Policy – Note by Paraguay

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Ori SCHWARTZ
Email : Ori.Schwartz@oecd.org

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Paraguay

1. Introduction

1. This article aims to present the experiences of the National Competition Commission of Paraguay in cases where issues related to **information sharing among competitors** were examined.

2. Law and Authority

2. The Paraguayan Constitution of 1992 establishes the guarantee of competition in the market.¹

3. Paraguay's competition law was enacted in 2013 under Law No. 4956, titled the *Competition Defense Law (LDC)*.² In addition to establishing the country's first legal framework on mergers and anticompetitive practices (abuse of dominant position and anticompetitive agreements or cartels), it also created, for the first time, a national competition authority: **CONACOM**. Prior to this, no institution or office performed the role of a competition authority in the country.

4. CONACOM operates through two main bodies. One of them—the **Board**, composed of three members—has the exclusive responsibility of issuing decisions³.

3. Guide to Good Competition Practices for Business Associations and Trade Groups

5. In December 2020, the CONACOM Board approved the *Guide to Good Competition Practices for Business Associations and Trade Groups*⁴, whose objective was to inform associations about the most relevant aspects of competition rules, providing guidelines and recommendations so that they and their members can identify and avoid conduct contrary to free competition principles.

6. The Guide includes a series of recommendations for association members, helping them understand in advance what information they can or cannot share during meetings, particularly with respect to **prices or other sensitive information**.

¹ Constitution of the Republic of Paraguay, Article 107

² The LDC is available in Spanish at: <https://www.bacn.gov.py/leyes-paraguayas/4775/ley-n-4956-defensa-de-la-competencia> (Accessed October 21, 2025).

³ LDC, Articles 17 and 29

⁴ Available at the provided link: <https://protect.checkpoint.com/v2/r02/> [https://drive.google.com/file/d/1SfSDKrSPQ6tLuOkBp5B-tsfXnaoO1bM-/view](https://drive.google.com/file/d/1SfSDKrSPQ6tLuOkBp5B-tsfXnaoO1bM-/view?usp=sharing) <https://drive.google.com/file/d/1YzJI0m91Y2Q6YzpvOjFiOTMyZGM0MWE3ODI1ZTIwNGI1MDliZTFjYmEwYzgwOjc6ZjM5ND00OWMwNTU1MTg4MTdmOGUxNjI3YjM0OGIxNWVjYWExZDg4MjY2OWYwMWM4MDhiZTQ2NWUxMGQ3YTlxYzQ0MzQ2OnQ6VDpG>

4. Investigation and Sanction of Business Associations and Trade Groups

7. In 2022 and 2023, the CONACOM Board sanctioned three trade associations operating in the petroleum and related sectors for repeatedly issuing public statements recommending collective price increases for fuel sales and other commercial conditions.⁵

8. In this regard, the Board considered that prohibited concerted practices, decisions, and collective recommendations under the LDC include agreements adopted by business associations—whether binding or merely suggestive—that have the object or potential to affect competition, or that actually restrict or distort competition in the market.⁶

9. The conduct of association representatives—announcing that product prices would increase on a given date—was interpreted by the Board as an agreement among competitors, since the law prohibits even **mere collective recommendations to set selling prices or other commercial conditions**. This conduct is prohibited by its very object, regardless of whether it actually produced effects in the market. In other words, whether or not the recommendations were followed by brands, member firms, or competitors, the conduct itself is described as prohibited under Article 8 of the LDC.

10. Regarding the possible imposition of fines, it was noted that associations are non-profit entities and do not themselves compete in any market (their members do). During the administrative proceedings, no evidence was found that the associations obtained profits from the infringing practice, nor that they had revenues in the affected markets. According to Article 63 of the LDC, infringements may be sanctioned with fines of up to 150% of the profits obtained from the violation, or up to 20% of gross turnover from the sale of the products involved in the affected market over the previous 12 months.

11. For this reason, no fines could be imposed on the associations, as they did not generate profits from the collective recommendations nor did they have turnover related to the sale of the products or services affected by the infringement.

12. However, the Board found grounds to impose **corrective measures**, considering that the infringement altered the competitive process. These measures were intended to prevent, stop, and deter future violations, whether by the same or other associations.

13. Thus, the Board adopted the following corrective measures: (i) **Order to cease**: The associations' representatives were instructed to refrain from repeating the conduct in the future; (ii) **Public disclosure**: The associations were required to publish a notice in a national newspaper informing the public that they had been sanctioned by CONACOM, in a reserved advertising space; and (iii) **Educational material**: The associations were required to provide CONACOM with 1,000 printed copies of a brochure containing full reproductions of Law No. 4956/2013, its implementing regulation and CONACOM guidelines

⁵ CONACOM Resolutions (2022–2023) concerning CADIPAC, APESA, and CAPAGAS cases. The Resolutions are available in Spanish at: <https://protect.checkpoint.com/v2/r02/https://conacom.gov.py/practicas/historial/.YzJIOM9IY2Q6YzpvOjFiOTMyZGM0MWE3ODI1ZTIwNGI1MDliZTFjYmEwYzgwOjc6ZDVkODoyYTYzYWVjMTg4MDUzYmYxZGUxMDE5ZGRINjE0Y2NINzNhNTNkMzNkZmFiZjM5MTZiNTFhOTk2NzIzNTA1ZTI5OnQ6VDpG>

⁶ Article 8 – Restrictive agreements: Any agreement, decision, or concerted practice, whether written or oral, formal or informal, that aims to or may restrict or distort competition in the national market is prohibited.

14. Additionally, the Board established that failure to comply with these measures would result in **daily coercive fines**.

15. Finally, it should be noted that one association complied with CONACOM's decision, while two others appealed to the courts. Of those appealed cases, one was upheld by the Paraguayan Supreme Court through Agreement and Judgment No. 357/2025, dated December 3, 2025, while the other remains under judicial review.