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Summary of Discussion of the Roundtable on Assessing the Impact of Competition Authorities' Activities

Annex to the Summary Record of the of the 79th Meeting of Working Party No. 2

16 June 2025

This document prepared by the OECD Secretariat is a detailed summary of the Roundtable on Assessing the Impact of Competition Authorities' Activities, held by the Working Party No. 2 on Competition and Regulation on 16 June 2025. It presents a factual summary of the views expressed by speakers and delegations that intervened during the discussion.

More documents related to this discussion can be found at https://www.oecd.org/en/events/2025/06/assessing-the-impact-of-competition-authorities-activities.html

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Summary of Discussion of the Roundtable on Assessing the Impact of Competition Authorities' Activities

1. On 16 June 2025, Working Party No. 2 on Competition and Regulation held a roundtable discussion on Assessing the Impact of Competition Authorities' Activities. The roundtable was chaired by **Natalie Harsdorf**.

1. Introduction and Chairperson's Opening Remarks

2. The session commenced with a welcome from the Chair, who set the stage for a focused and substantive discussion on the assessment of competition authorities' impact.

3. **The Chair** emphasised that monitoring and evaluation are critical elements of good governance, transparency, and public trust. She highlighted the ongoing relevance of this topic within the Working Party, referencing the OECD's "Guide for helping competition authorities assess the expected impact of their activities" as a foundational resource.

4. The Chair outlined the session's structure, which would begin with presentations on the strategic use of impact assessments, followed by methodological discussions and consideration of potential updates to the OECD guidance. The session would benefit from four expert speakers:

- Camila Cabral Pires Alves, Commissioner CADE
- Anita Shah, Director of Regulation Value for Money, UK National Audit Office
- John Kwoka, Professor, Northeastern University
- Fabienne Ilzkovitz, Professor Université Libre de Bruxelles

5. The Chair encouraged open disclosure of conflicts and invited delegates to keep contributions concise, noting the substantial volume of contributions received for the session. The Chair then handed over to the secretariat to talk to the background paper for the session.

2. Secretariat Presentation: Background and Methodological Foundations

6. **The Secretariat** provided an overview of the background paper. They clarified the distinction between ex ante and ex post impact assessments, explaining that ex ante assessments estimate the expected value of interventions before their effects materialise, while ex post assessments review actual market outcomes after decisions have been implemented.

7. The Secretariat described the typical impact assessment methodology, which involves estimating relevant turnover, anticipated price impact, and expected duration, then aggregating these to produce a monetary estimate of consumer benefit. The Secretariat acknowledged the reliance on standard assumptions due to data limitations and referenced the OECD's 2014 guidance as a widely used benchmark.

8. The Secretariat highlighted the practical utility of impact assessments in demonstrating value for money, informing prioritisation, and advocating for resources, while cautioning against over-reliance on quantification. Then concluded by inviting

volunteers to join a drafting group to revise the guidance, signalling the Secretariat's commitment to ongoing improvement.

3. Overall Approaches to Evaluation

9. Following the Secretariat's overview, the Chair introduced two expert speakers Commissioner Camila Cabral Pires Alves of Brazil's Conselho Administrativo de Defesa Econômica (CADE) and Anita Shah of the United Kingdom's National Audit Office to provide their perspectives on evaluating authorities.

10. **Commissioner Camila Cabral Pires Alves** of CADE (Brazil) shared insights into CADE's experience with impact assessments. She traced the agency's adoption of impact assessment to 2020, following retrospective studies and a project with the United Nations Development Programme to adapt OECD methodology to the Brazilian context. Alves emphasised that impact assessments are essential tools for demonstrating the value of interventions to society, enhancing transparency, and promoting accountability. She described CADE's internal process, where the Department of Economic Studies conducts assessments using data from adjudicated cases, publishing results in reports and media releases.

11. Alves discussed the limited use of impact assessments in budget discussions, attributing this to historical budget allocation practices, but identified potential for future expansion in resource allocation and priority setting. She advocated for partnerships with academia to improve methodologies and address challenges such as measuring deterrence effects, innovation, and broader macroeconomic impacts. Alves concluded by emphasising the need for balanced and inclusive decision-making, considering economic and social indicators beyond direct price effects.

12. **Anita Shah,** Director of Regulation Value for Money at the UK's National Audit Office (NAO) provided an external perspective on assessing agency effectiveness. She described the NAO's role as the UK's spending watchdog, reporting to Parliament and supporting accountability for public expenditure. Shah outlined the NAO's approach to regulatory assessment, which encompasses system design, implementation, outcomes, and learning. She emphasised the importance of clear objectives and accountability between regulators and government.

13. Shah discussed the NAO's evaluations of the UK competition regime, noting the focus on outcomes-based strategy and the need for regulatory systems to facilitate learning and adaptation. She highlighted the value of transparency not just in disclosure but in accessibility and clarity for stakeholders. Shah concluded by underscoring the significance of compliance and deterrence as indicators of regulatory success, and the importance of stakeholder engagement and capability within agencies.

14. Following the presentations from the expert speakers the Chair invited jurisdictions to reflect on their overall approaches to impact evaluations as well as work down across countries.

15. The **United Kingdom** started by elaborating on the CMA's well-established impact assessment programme, which is externally validated and reported annually to Parliament. The CMA follows OECD methodology and includes market studies and investigations in its assessments. The agency is developing a new framework to better capture indirect impacts, advocacy work, and stakeholder engagement, alongside traditional enforcement metrics. The CMA aims to improve its methodology, broaden the scope of impact measurement, and introduce new key performance indicators reflecting pace,

predictability, proportionality, and process. The agency is also increasing survey activity to assess compliance awareness, business confidence, innovation, productivity, and deterrence effects, with plans to publish an updated framework.

16. Then **Hungary** reported on an ICN survey of agency effectiveness, noting that ex ante impact assessments are widely used for advocacy and public relations due to their simplicity and intuitive nature. The authority highlighted that several respondents to the survey mentioned the OECD guide highlighting its coverage and impact.

17. The survey also highlighted challenges with ex-ante assessments in that these assessments often focus on direct price effects and omit dynamic impacts and deterrence, resulting in blind spots. While effective for advocacy, reliance on such metrics for performance evaluation or resource allocation can be problematic. The survey found positive experiences overall, with challenges deemed manageable.

18. The **European Commission** described its annual estimation of customer savings from interventions, using a methodology aligned with the OECD guide. The Commission has aggregated data from 17 Member States participating in the exercise, revealing that national enforcement adds significantly to overall consumer savings for the European Union. The Commission supported updating assumptions in the OECD guidance to reflect current economic literature, while maintaining simplicity and flexibility to ensure consistency across jurisdictions and over time.

19. **Ireland** discussed its strategic commitment to impact assessment, despite the absence of a legal requirement. The CCPC collaborates with other economic regulators to promote joint thinking and prioritise interventions with maximum consumer impact. Impact assessments help identify data gaps, inform future case selection, and enhance credibility in enforcement, particularly in merger reviews and consumer protection cases.

20. **New Zealand** shared preliminary results from its impact assessment exercise, inspired by international best practice. The Commission applies OECD guidance where possible and develops bespoke methodologies for other regulatory areas. The results, which will be published in the annual report, demonstrate a strong return on investment and are intended for broad stakeholder communication.

21. **Costa Rica** outlined the competition authority’s structured framework for ex post evaluation, prioritising cases based on market impact, data availability, timing, learning potential, and strategic sector relevance. The agency faces challenges such as data constraints, technical capacity, and ensuring independence in evaluations. The competition authority views ex post evaluation as a strategic necessity for institutional learning, accountability, and advocacy for resources.

22. **Mexico** emphasised the importance of rigorous methodologies for quantifying both monetary and non-monetary benefits of interventions. COFECE engages in inter-institutional collaboration and public communication to disseminate the value of competition policy, strengthen institutional capacity, and promote a culture of competition. The authority has organised forums which have showcased the benefits of competition policy including in relation to the health sector, this included highlighting the role of academic partnerships in ensuring objectivity.

23. Lastly, **BIAC** advocated for a holistic approach to impact assessment, encompassing substantive results and process quality. BIAC recommended broadening the scope to include deterrence, innovation, advocacy, and market studies, enhancing methodological clarity, and prioritising real-world impact over activity metrics. The BIAC representative stressed the importance of transparency, stakeholder engagement, and investment in human capital.

4. Methodological Advancements and Challenges

24. The Chair opened the second half of the session by introducing Professor Kwoka to speak on how results from empirical studies can inform ex ante assessments.

25. **Professor John Kwoka** discussed the use of merger retrospectives and meta-analysis to synthesise evidence on price effects as evidence to inform impact assessment assumptions. He noted findings for average price increases of 3–7% in policy-relevant merger retrospectives. Kwoka highlighted the importance of considering ranges and sector-specific effects, as well as the need for further research on non-price outcomes. Kwoka emphasised that while price effects are the most studied, quality, innovation, and other non-price effects require greater attention in future research.

26. The Chair then invited jurisdictions to talk to their approaches with regards to specific methodological aspects such as assumptions.

27. **France** discussed additional assumptions for vertical cases and contentious matters, advocating for tailored approaches. It highlighted its use of different lower assumptions for such cases.

28. **Turkey** highlighted a significant increase in Retail Price Maintenance (RPM) infringements in their jurisdiction. The authority noted the expansion of impact assessment to (RPM) and information sharing cases, it suggested in its experience RPM cases often had similar impacts to cartels and so they applied assumptions in line with the cartel pricing assumptions. They highlighted studies such as the CMA's 2018 study and other academic papers in support of this.

29. **Finland** shared reflections on ex post studies of mergers, noting the unpredictability of market reactions to mergers and the challenge of having standard assumptions given the uncertainty. Finland raised the possibility of additional categorisation of cases if it would lead to more precise default assumptions. Highlighting that especially for smaller jurisdictions with smaller cases the risk of a small sample leading to estimates away from the population mean is higher.

30. **Italy** described methodological refinements to include horizontal non-cartel and vertical agreements, as well as proceedings closed with commitments. It highlighted that for cases closed with commitments it uses a lower assumption to be more conservative. Italy highlighted the potential for including merger withdrawals in the assessment especially if there are public reasons showing that the withdrawal is due to the authority's action. The Italian Competition Authority strongly supported efforts to update and refine the OECD methodology, as well as any development aimed at strengthening the empirical evidence justifying the standard assumptions

31. **Romania** described their approach to impact assessments which follows the approach set out by DG COMP. It provided examples of buying cartels and abuse of dominance cases, illustrating the limitations of standard price effect methodologies and the need for flexible assessment frameworks.

32. **Saudi Arabia** presented the results of their assessment of the impact of enforcement actions. Saudi Arabia indicated that more focus on the issue of discounting could be helpful as it is very important for the calculation of the impact of the authority's intervention.

33. The **United States** discussed the inclusion of abandoned mergers in impact assessments, highlighting that the US approach includes assessing the effect of abandoned mergers and emphasising the impact of deterrence. The US indicated that they rely on case teams to evaluate the causal link but in many cases, this is not challenging. Lastly the US

proposed that impact assessments may also need to consider the differential impact on various customer groups, and could for example look at the number or proportion of people impacted who have lower incomes.

34. The **EU** highlighted research by the late Stephen Davies assessing the differential impact on different customer groups which was published by the CMA.

5. Potential Expansion of Approach of the OECD Guidance on Impact Assessment

35. Following the conclusion of the discussion of existing methodological approaches based on the guide the Chair introduced Professor Fabienne Ilzokovitz to present on potential areas of expansion for the guidance.

36. **Professor Fabienne Ilzkovitz** explored the feasibility of expanding impact assessments to cover innovation, deterrence, and macroeconomic effects. She recommended using simple descriptive indicators and cautioned against integrating complex effects into customer savings calculations due to uncertainty. Ilzkovitz advocated for maintaining simplicity, transparency, and conservatism in methodology while recognising the need for ongoing refinement. She presented preliminary results from a new EU survey on deterrence effects, confirming their significance and highlighting the challenges of measurement. As competition authorities increasingly consider innovation in enforcement decisions, she also recommended initiating a descriptive analysis of interventions driven by innovation concerns.

37. **Lithuania** reported on a Competition Council survey of deterrence effects, which targeted legal professionals. It identified conservative multipliers for mergers and anti-competitive agreements. The resulting deterrence multipliers were 2.6 for mergers and 6.6 for prohibited agreements. Lithuania highlighted several challenges they had identified in the process including participants struggling to recall information about past instances in which clients abandoned planned transactions or agreements due to deterrence concerns and concerns over confidentiality.

38. **Argentina** described the potential expansion of assessing impact to a broader effect on the economy. Argentina suggested conducting a cross-country study using input-output analysis to estimate indirect effects, thus estimating a standard percentage of the indirect effects. This could allow agencies to incorporate the indirect effects into future impact assessments using an additional assumption.

39. **Latvia** highlighted efforts to assess soft enforcement activities and market surveillance findings. Latvia indicated an approach of applying a 0.5% rate to contract value or turnover. Latvia also discussed a pilot project to test the benefits of market surveillance findings. In this approach they plan to utilise the OECD's Competition Assessment Toolkit. Latvia is also considering how to deal with a voluntary memorandum from suppliers and how to treat this in impact calculations.

40. **Singapore** discussed the challenges of quantifying benefits from advocacy interventions. Singapore discussed the challenges of assessing impact in such a conduct which are often case specific and need to consider what governments may have done absent the intervention.

6. Concluding Remarks and Future Directions

41. The session concluded with reflections from Professors Kwoka and Ilzkovitz, who reiterated the importance of balancing simplicity and comprehensiveness in impact assessment, enhancing transparency, and fostering trust in competition policy. Kwoka emphasised the need for further research on vertical mergers, RPM, and quality effects, while Ilzkovitz advocated for the use of ranges in assumptions and the continued focus on deterrence effects. Both academics stressed the value of maintaining a credible, transparent, and conservative methodology.

42. In closing **the Chair** summarised the discussions, noting the broad support for updating the OECD guidance and the productive exchange of ideas. She highlighted the recurring themes of advocacy, deterrence, and non-price effects as potential areas for future work. Delegates were invited to participate in a drafting group to advance the revision of the guidance, and the session closed with expressions of gratitude for the contributions and commitment to ongoing collaboration.