

Unclassified

English - Or. English

20 May 2025

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

Working Party No. 2 on Competition and Regulation

Assessing the Impact of Competition Authorities' Activities – Note by Austria

16 June 2025

This document reproduces a written contribution from Austria submitted for Item 4 of the 79th meeting of Working Party 2 on 16 June 2025.

Federica MAIORANO
Federica.Maiorano@oecd.org

JT03566569

Austria

1. Effective assessment of competition authorities' activities is crucial for demonstrating enforcement benefits, guiding internal improvements, and ensuring accountability. Since the OECD's 2014 *Guide for Assessing the Impact of Competition Authorities' Activities*, many agencies have tailored its methodologies to fit their national contexts. This paper examines the Austrian Federal Competition Authority's (AFCA) approach to impact assessment and explores potential updates to the OECD guidance in light of methodological developments and newly relevant dimensions of impact.

1. Current Practice and Use of OECD Guidance

1.1. Adaptation of OECD Framework in Austria

2. While the OECD guide offers a foundational methodology, the AFCA has developed a country-specific adaptation that aligns with its impact-oriented approach. In the following key aspects are outlined.

3. The AFCA leverages **Case-Specific Evidence** to avoid generalisation, illustrating the impact of its decisions through comprehensible examples. This includes the use of press releases and case reports that detail individual disputes, their resolution, and the reasoning behind each decision.

4. **Tailored analytical approaches** are employed for complex areas such as vertical agreements and information sharing.

5. Austria's practice of publishing **annual agency reports** on the AFCA's work, along with **impact-oriented metrics** presented before Parliament, exemplifies a transparent, flexible approach that supports both public accountability and strategic enforcement goals. These reports, which must be approved annually by Parliament—unanimously approved, for example, last year—are published online and detail activities, key performance indicators (KPIs) and budgetary impacts. KPIs encompass for example: yearly expenditure (2024: EUR 7,49 Mio), applications to the cartel court (2024: 22 applications), fines imposed by the cartel court (2024: EUR 41 Mio), number of national mergers reviewed (2024: 352), number of sector inquiries conducted (2023: 3), etc.). In 2023, the AFCA reported a return of €6.5 per euro spent through fines and fees (AFCA 2023, p.4).

6. Systematic, **tailor-made impact assessments** are conducted as part of the AFCA's impact orientation. The relevant metric is publicly available in the annual Federal Budget 2024 under Subsection 40 – Economy – Bundeswettbewerbsbehörde (BMF 2023, p.26). These evaluations follow various strategic goals, such as measuring the **impact of ensuring competition** through collecting numbers on investigations, merger controls, and legal proceedings measured via KPIs like court applications, investigations, and merger reviews.

7. **Outreach** is assessed a part of **Prevention and Transparency** through indicators such as media interactions, website traffic, and public inquiries, while internal training, participation in conferences, and knowledge-sharing events are systematically documented under **quality and knowledge management**.

8. The subsection of **building awareness** actively demonstrates AFCAs societal value of competition enforcement and monitors public responses. It shows that AFCA maintains a strong media presence, handling around 100 press inquiries and issuing 140 APA

releases, and reached over 170,000 website visitors on its German and English platforms over a one-year period. The agency also prioritized awareness-raising through more than 60 external lectures and hosted events including a Competition Law Moot Court in its 11th edition and sector-specific roundtables. Additionally, the AFCA provided timely guidance by responding to over 40 merger notification inquiries, helping businesses comply with competition rules.

9. **Communication efforts** and **international recognition** are further **quantified** using a media-monitoring tool provided by APA to track reach and public mentions. In 2023, the AFCA reported 220 million media contacts.

1.2. Challenges and Stakeholder Communication

10. Despite these successes, the AFCA faces challenges such as limited cooperation from the private sector, which affects data quality. In some cases, such as with sector inquiries, estimates must be based on assumptions, reducing precision. Nevertheless, the agency's consistent and transparent reporting practices—including guidelines, annual reports, and sector inquiries—have fostered stakeholder trust. The AFCA emphasizes that showcasing best practices and demonstrating input-to-output efficiency is more effective than relying on abstract concepts, which risk being misinterpreted or dismissed.

2. Potential for Updating OECD Assumptions

2.1. Caution Against Frequent Assumption Changes

11. While the AFCA values tailored communication of impact, it advises caution when it comes to frequently revising baseline assumptions. Changing assumptions too often may compromise cross-jurisdictional comparability. For this reason, the AFCA has maintained a consistent metric approach over the years. Annual report KPIs include figures such as yearly expenditure (2024: €7.49 million), applications to the cartel court (2024: 22 applications), fines imposed by the cartel court (2024: €41 million), the number of national mergers reviewed (2024: 352), and the number of sector inquiries conducted (2023: 3).

2.2. Suggestion for further Sub-Categorisation

12. The AFCA supports refining OECD frameworks by introducing distinctions between vertical and horizontal agreements, including further sub-categories such as information sharing, and by adding dominance cases and sector-specific evaluations. Additional guidance on incorporating sector inquiries into impact assessments would also be welcomed. Although the AFCA cannot impose remedies following inquiries, its recommendations are influential in shaping policy. The authority's sector inquiries and focus papers have offered market openness recommendations aimed at promoting transparency, minimizing market entry barriers, and supporting supplier diversity.

3. Potential for Expanding OECD Guidance

3.1. Balancing Standardisation and Flexibility

13. Standardising elements such as cartel durations could support international comparison, but the AFCA cautions that such models must remain adaptable to national

differences in market structure and size. Potential areas for expanded OECD guidance include deterrence effects, which are difficult to quantify but essential—for example, merger withdrawals following scrutiny. A best-practice questionnaire could assist in generating credible deterrence data. Advocacy and market studies, although currently underrepresented in impact assessments, are also significant from a policy perspective. Digital advocacy, which allows for fast and easy access to information on agency activities, is another promising area, and the development of tools for measuring digital engagement (such as on LinkedIn or via press releases) could be beneficial.

3.2. Accounting for Legal and Procedural Outcomes

14. Procedural outcomes, including settlements and appeals, should also be accounted for in OECD guidance. The AFCA has, in some instances, secured settlements before formal decisions, delivering timely benefits to consumers. To fairly reflect the value of all case outcomes, a scoring or points-based system could be introduced, assigning weight to each closed case based on the nature and impact of its resolution. Such a system could better capture the effectiveness of alternative dispute resolution mechanisms and incentivize early and efficient case management.

4. Conclusion

15. In conclusion, the Austrian Federal Competition Authority successfully applies an impact assessment framework that is adapted to national realities. Its approach—grounded in strategic planning, transparent communication, and evidence-based evaluation—demonstrates how competition authorities can effectively measure and communicate their value to society. As competition policy continues to evolve, particularly in digital markets and in the face of increasingly complex enforcement challenges, the AFCA supports a cautious and thoughtful expansion of OECD guidance. Areas of particular potential include further sub-categorisation of enforcement activities, better integration of advocacy, market studies and deterrence effects, guidance on the role of sector inquiries, and methodological tools tailored to digital market environments. At the same time, the AFCA underscores the importance of maintaining stability in baseline assumptions, which supports long-term comparability and builds stakeholder trust. Ultimately, a revised OECD framework that balances methodological consistency with contextual flexibility will not only improve global benchmarking but also strengthen the effectiveness of competition policy at the national level.

References

- Federal Finance Ministry (BMF).** *Bundesvoranschlag 2024 – Untergliederung 40, Teilheft Wirtschaft*. Retrieved from: https://service.bmf.gv.at/Budget/Budgets/2024/bfg/teilhefte/UG40/UG40_Teilheft_2024.pdf
- Austrian Federal Competition Authority (AFCA).** *Tätigkeitsberichte 2019–2023*. Retrieved from: <https://www.bwb.gv.at/recht-publikationen/taetigkeitsberichte-der-bundeswettbewerbsbehoerde>
- OECD.** (2013). *Guide for Assessing the Impact of Competition Authorities' Activities*, DAF/COMP/WP2(2013)1. Retrieved from: [https://one.oecd.org/document/DAF/COMP/WP2\(2013\)1/en/pdf](https://one.oecd.org/document/DAF/COMP/WP2(2013)1/en/pdf)