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**Market Studies and other Market Analysis Tools for Competition Authorities – Note by
Brazil**

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Brazil

Part 1. Administrative Council for Economic Defense (CADE)¹

1. Purpose and Proactive Orientation – Strengthening the Strategic Use of Market Studies in Brazil

1. In Brazil, the Administrative Council for Economic Defense (CADE) has progressively incorporated studies as part of its analytical and institutional practice. These include the *Cadernos do CADE* - sectoral publications that consolidate case law and advocacy experience² -, Technical Opinions on draft bills and regulations, and *Working Papers* that assess the quantitative impact of the authority's actions issued by the Department of Economic Studies (DEE). Together, these outputs reflect CADE's effort to ground decision-making in empirical analysis and to promote transparency in its institutional practice. Building on this tradition, Brazil contributed to the OECD in 2020 with a paper on the use of market studies³ as a strategic and ex-ante tool for competition authorities.⁴ The present contribution updates and expands that discussion, integrating insights from recent experience.

¹ This paper was written by Camila Cabral Pires-Alves, Vitor Jardim Barbosa, and Isadora Aires Schwarz Viana, a Commissioner at the Tribunal of CADE, her Head of Office, and Assistant, respectively. It was proofread by Nathália Oliveira Silva and Wictória Johanna Campos Pinheiro, in-house translators at the International Unit of CADE.

² The *Cadernos do CADE* (CADE's Notebooks), are not market studies in the strict sense but rather compilations of the authority's case law and precedents in a given sector. The objective of the publication is to consolidate and organize the enforcement experience of the authority, providing stakeholders with a clearer picture of how competition law has been applied in that specific market.

³ According to the OECD definition, market studies are formal analytical instruments conducted by competition authorities to understand how markets function and to identify structural or behavioural features that may restrict competition, even in the absence of a specific infringement. They are therefore ex ante and exploratory tools, designed to inform both policy or regulatory recommendations and, where appropriate, enforcement action. Typically, such studies involve direct information gathering, public consultation, and the publication of findings and recommendations. In the Brazilian context, while CADE regularly undertakes analytical and advocacy-oriented studies — through the *Cadernos do CADE* series, Technical Opinions on draft regulations, and Working Papers issued by the Department of Economic Studies (DEE) — these initiatives do not amount to a “market study” in the formal OECD sense.

⁴ See Brazil's contribution to the OECD Working Party No. 2 on Competition and Regulation (2020), “*Market Studies – Using Evidence Strategically to Anticipate Competition Challenges*”, elaborated by CADE's Department of Economic Studies (DEE).

2. Led by the DEE, these studies have helped to generate evidence-based insights into the functioning of markets and to support informed decision-making in enforcement, advocacy, and regulation. Although still used on a selective basis, they already contribute to an effectively bridge between these dimensions of competition policy. The need for market studies is usually identified in the context of merger reviews and conduct investigations. Such studies are typically required where there is no relevant case law, where the market has undergone significant structural or regulatory changes, or where numerous complaints of antitrust violations have been made. In this sense, both the decision to conduct a study and the definition of its scope reflect the enforcement challenges currently faced by the authority.

3. Market studies can be initiated upon request made by CADE's Administrative Tribunal or the Office of the Superintendent General. The Department of Economic Studies can also initiate the studies on their own; however, in such cases, the analysis is adapted to meet the needs of the other two branches of the authority mentioned before. In addition, market studies may occasionally be initiated in response to external requests from other governmental entities. There is no fixed number of market studies to be conducted annually, as their initiation depends on resource availability and the specific challenges encountered. Recent studies - conducted in dialogue with other Brazilian government agencies such as the National Petroleum Agency (ANP)⁵ on fuel distribution, with the Central Bank (BCB)⁶ on payment systems, and on standard essential patents within the context of the Technical Group on Intellectual Property⁷, which includes several government bodies - illustrate CADE's efforts to align economic analysis with policy relevance. These collaborations have strengthened inter-institutional dialogue and produced inputs for regulatory adjustments and advocacy initiatives.

4. At the same time, it should be noted, however, that there is no clear policy guidance from the Tribunal of CADE regarding the prioritization of sectors to be studied. This process tends to be carried out in a rather ad hoc manner, with limited regimental structuring or institutionalized criteria. Normally, the request involves a sector that has had relevant cases or that is receiving significant attention.

5. The Brazilian experience shows that market studies can evolve into a more systematic and strategic component of competition policy. Our market studies are primarily concerned with a specific market or an aspect of a market rather than addressing broader economic scenarios. This strategy has both advantages and downsides. On the one hand, it allows for a detailed and comprehensive analysis of the market under examination, producing concrete conclusions that are more readily translated into enforcement. Additionally, it also requires fewer resources and may be completed in a shorter timeframe when compared to a broader inquiry. On the other hand, if the studies are too narrowly focused, they may fail to capture the broader context and have limited applicability, as their usefulness is confined to the specific situation under review.

⁵ ANP and CADE (2018), *Rethinking the Fuel Sector: Pro-Competitive Measures*, Brasília: Administrative Council for Economic Defense (CADE) and National Petroleum Agency (ANP).

⁶ CADE and Central Bank of Brazil (2019), *Credit and Debit Card Market in Brazil: Competition and Regulation*, Brasília: Administrative Council for Economic Defense (CADE).

⁷ CADE and INPI (2023), *CADE Contributions: Standard Essential Patents (SEPs)*, Brasília: Administrative Council for Economic Defense (CADE) and National Institute of Industrial Property (INPI).

6. While currently focused on generating analytical evidence, these studies could increasingly serve as a proactive mechanism to identify structural or regulatory barriers to entry, anticipate concentration trends, and inform proportionate interventions. In this regard, the experiences of jurisdictions such as the United Kingdom⁸, Mexico⁹, and South Africa¹⁰ suggest that a structured approach - where market studies form part of a forward-looking agenda - can enhance the preventive function of competition authorities.

7. Consolidating this approach in Brazil would not require a shift in mandate but rather a deepening of existing practices: developing well-defined procedures to prioritise, develop, coordinate and follow-up the agency's actions, strengthening methodological consistency, formalising cooperation with sectoral regulators, and linking market studies more directly to enforcement priorities and policy design. CADE's accumulated experience, combined with its technical capacity and growing network of cooperation agreements, provides a strong basis for such progress.

8. In this sense, market studies represent both an established practice and an ongoing opportunity. By continuing to integrate economic evidence into the broader cycle of competition policy, Brazil can progressively develop a more proactive and coherent framework - consistent with the preventive orientation advocated by the OECD and observed across mature jurisdictions.

2. The Evolving Experience of CADE in Market Analysis and Cooperation

9. CADE considers cooperation essential for understanding markets at both international and domestic levels. The exchange of perspectives provides a critical foundation for drawing a comprehensive picture of the market and the competitive forces at play. In that context, a notable example of our multilateral efforts is the BRICS Digital Economy Report¹¹, a proactive and ongoing market study conducted with the competition authorities of Russia, India, China, and South Africa to analyse the complex digital sector. Our international engagement includes contributing national expertise to studies and initiatives led by counterpart agencies. The primary utility of such cooperation lies in its ability to challenge our own assumptions and methodologies.

10. For instance, the BRICS project exposed the constraints of applying traditional competition assessment tools to borderless digital platforms, prompting a re-evaluation of

⁸ See:

https://assets.publishing.service.gov.uk/media/68b6bd2dd723ba6f74dba8ca/The_CMA_s_approach_to_markets_work.pdf

⁹ See: https://www.cofece.mx/wp-content/uploads/2020/12/Using-Market-Studies-Mexico.pdf?utm_source=chatgpt.com

¹⁰ See: <https://www.compcom.co.za/media-and-digital-platforms-market-inquiry/#>

¹¹ This refers to the series of reports on the digital economy published by the BRICS Competition Authorities. The first report is: BRICS Competition Authorities (2019), *BRICS in the Digital Economy: Competition Policy in Practice*. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/brics-in-the-digital-economy/brics-digital-economy-cade.pdf>. A follow-up report was published in 2024: BRICS Competition Authorities (2024), *Digital Economy Report 2.0*. Available at: <https://cdn.cade.gov.br/Portal/assuntos/noticias/2024/BRICS%20Digital%20Economy.pdf>.

our analytical frameworks. Likewise, these exchanges help us reflect on and better understand our own regulatory model, with the potential to highlight inconsistencies that might otherwise remain unnoticed. The benefit thus lies in identifying critical gaps that become visible only through a comparative, cross-border lens.

11. In addition to our international engagements, CADE has some experience in conducting market studies as joint projects with other domestic regulatory agencies. This domestic cooperation is fundamental to ensuring a coherent approach to competition policy and regulation across different sectors of the Brazilian economy. Three key examples of this practice are our collaborations on the fuel, payment systems, and intellectual property markets.

12. In the fuel sector, the authority has maintained a structured channel of coordination with the sectoral regulator, grounded in formal instruments that facilitate technical dialogue, access to data, and participation in broader policy discussions such as the *Combustível Brasil* initiative. Within that institutional setting, the authority prepared and issued its own analytical contribution in 2018, *Rethinking the Fuel Sector: Pro-Competitive Measures*, which set out a diagnosis of structural and behavioural constraints and advanced proposals to improve market rivalry and transparency. The document explicitly situates itself in the continuum of prior work by the authority and its departments and frames the recommendations as inputs to an ongoing public debate in which different public and private actors may legitimately hold distinct views. The emphasis is on careful recalibration of institutional design choices and on incremental measures capable of lowering informational frictions, strengthening contestability, and aligning sectoral practices with the public interest.¹²

13. In the payments sphere, coordination with the Brazilian monetary authority has taken the form of working interfaces that allow the exchange of information, the alignment of analytical perspectives, and the articulation of enforcement and advocacy where network effects, access conditions, and governance arrangements intersect. Drawing on this institutional dialogue, the competition agency produced and published its own comprehensive assessment of the credit and debit cards ecosystem in its editorial series, examining the relationship between schemes and issuers, the role of interchange fees, and the conditions for entry and expansion by new participants. The resulting body of analysis has been used to inform subsequent regulatory and enforcement practice while preserving the institutional delineation of mandates and responsibilities.¹³

14. Regarding the intersection between intellectual property and competition, the authority has pursued cooperation with the industrial property community to promote clarity and predictability in areas where licensing practices, standard setting, and market power interact. As part of this effort, the Department of Economic Studies prepared a stand-alone technical contribution on standard essential patents, which maps core conceptual issues, presents comparative references, and discusses methods and legal benchmarks

¹² CADE (Administrative Council for Economic Defense) (2018), *Repensando o Setor de Combustíveis: Medidas Pró-Concorrência* [Rethinking the Fuel Sector: Pro-Competitive Measures]. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/contribuicoes-do-cade/repensando-setor-combustiveis-medidas-pro-concorrencia-cade.pdf>

¹³ CADE (Administrative Council for Economic Defense) (2012), *Cadernos do Cade: Mercado de Cartões de Pagamento* [CADE Papers: The Payment Card Market]. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/estudos-economicos/cadernos-do-cade/mercado-de-instrumentos-de-pagamento-2019.pdf>.

associated with FRAND commitments, royalty determination, and litigation incentives. The contribution is explicit about its scope, and it is intended to support informed dialogue across public bodies while preserving the independence of competition analysis. The text underscores the absence of specific legislation on standard essential patents in Brazil, highlights the diversity of approaches across jurisdictions, and points to pathways for improved governance that do not constrain innovation but enhance transparency, interoperability, and accountability in markets shaped by technological standards.¹⁴

15. Furthermore, CADE considers market investigation powers to be a critical component of a modern competition policy toolkit, which must be capable to address market-wide issues that fall outside the scope of traditional, case-by-case enforcement. Their introduction has been motivated by the need to address structural or systemic problems that are not easily remedied through actions against individual cartels, abuses of dominance, or mergers. Their main advantage consists in providing authorities with a more holistic and ex-ante tool that targets the underlying drivers of competition.

16. By enabling intervention before harm materializes, these powers can support regulatory reforms and reduce the likelihood of recurring infringements. In some jurisdictions, they are explicitly designed to include binding remedial powers, allowing authorities to tackle market failures with proportionate and comprehensive solution packages.

17. Market investigations initiatives are generally triggered by markets undergoing rapid technological change, those exhibiting signs of structural failure, or those impacted by major regulatory shifts¹⁵. They can also be prompted by government priorities, particularly when regulatory reforms are being considered, allowing the competition authority to help shape a more competitive market design. Additionally, they can also be triggered by inter-agency cooperation via a Memorandum of Understanding (MOU) to coordinate timing and information-sharing with sector-specific regulators.

18. The intent behind such investigations is often transformative, seeking a gradual strengthening of understanding and governance. International experience indicates that systematic inquiry can, over time, enhance institutional learning and contribute to more balanced and adaptive market frameworks. South Africa's Health Market Inquiry has highlighted concerns around costs and utilization, with suggestions meant to inform ongoing discussions on National Health Insurance. In Mexico, the inquiry work in the financial sector is often cited as contributing to the policy environment that culminated in

¹⁴ CADE (Administrative Council for Economic Defense) (2020), *Contribuições do Cade: Patentes Essenciais* [CADE Contributions: Standard Essential Patents]. Available at: <https://cdn.cade.gov.br/Portal/centrais-de-conteudo/publicacoes/contribuicoes-do-cade/Contribui%C3%A7%C3%B5es-do-Cade-Patentes-Essenciais.pdf>.

¹⁵ OECD (2016), *The Role of Market Studies as a Tool to Promote Competition* (DAF/COMP/GF(2016)4), Background Note by the Secretariat for the 15th Global Forum on Competition. Available at: https://www.oecd.org/en/publications/the-role-of-market-studies-as-a-tool-to-promote-competition_3aaffccf-en.html.

the 2018 Fintech Law, including debates on user control over financial data and market openness.^{16 17 18}

19. When confronted with a competition problem in a specific market, a key strategic consideration for an authority is whether to launch a formal market investigation or a less formal market study. Market investigations are best suited for situations where structural or oligopolistic failures require swift and far-reaching intervention, especially when binding remedies are necessary to correct the market¹⁹. In contrast, market studies are preferable when the primary goal is ex-ante diagnosis, reducing market uncertainty, or guiding future policy. The decision often rests on practical criteria, including the stage of the problem, the need for broad sectoral remedies, and the timeliness required to prevent irreversible harm to competition.

20. Furthermore, despite their advantages, market investigation powers present notable challenges. They are often costly, time-consuming, and with high data demands, particularly in emerging markets²⁰. Without strong information-gathering powers, the authority's reliance on voluntary data provision may weaken its findings.

21. In the Brazilian context, CADE does not currently possess formal market investigation powers in the context of market studies. In addition, the process for initiating studies remains weakly institutionalised and lacks a clear, regimentally structured framework for prioritizing sectors. As a result, this can reduce predictability and limit the strategic alignment of studies with broader competition policy goals.

22. Recent legislative debates, such as Bill no. 4675/2025 on digital markets, indicate a potential move towards an ex-ante framework. The bill introduces significant innovations regarding studies and analytical work within CADE. It proposes the creation of the Digital Markets Superintendence (SMD), a new unit with functions similar to the Office of the Superintendent General and the Department of Economic Studies (DEE). The SMD would develop studies and research to guide the implementation of special obligations for systemically relevant digital platforms and may request technical studies and opinions from the Chief Economist at CADE. It would also publish an annual agenda of initiatives and priority studies, to be approved by the Tribunal after consulting the Ministry of Justice. The

¹⁶ Competition Commission of South Africa (2019), Health Market Inquiry: Final Findings and Recommendations Report. Available at: <https://www.compcom.co.za/wp-content/uploads/2020/01/Final-Findings-and-recommendations-report-Health-Market-Inquiry.pdf>.

¹⁷ Federal Economic Competition Commission (COFECE) (2014), *Work of Investigation of the Financial System*. Available at: https://www.cofece.mx/cofece/images/Estudios/TrabajoDeInvestigacionDelSistemaFinanciero_IN_GLES.pdf

¹⁸ Federal Economic Competition Commission (COFECE) (2018), *COFECE-010-2018: Commission's acknowledgement of Fintech law including COFECE's recommendations*. Available at: <https://www.cofece.mx/wp-content/uploads/2018/03/COFECE-010-2018-English.pdf>

¹⁹ S. Tetani & I. Lesofe (2022), *Using market inquiries: A sharper tool for competition authorities*. Available at: <https://www.compcom.co.za/wp-content/uploads/2024/08/S-Tetani-and-I-Lesofe-Using-market-inquiries -A-sharper-tool-for-competition-authorities.pdf>.

²⁰ OECD, 'Using market studies to tackle emerging competition issues' (2020) DAF/COMP/GF/WD(2020)57, contributions from Austria and Latvia Available at DAF/COMP/GF/WD(2020)57.

DEE's role is strengthened as it becomes the analytical backbone of these procedures, providing economic assessments, data analysis, and impact evaluations.²¹

3. Knowledge Cycle and Transparency

23. Market studies in Brazil function as a bridge between competition enforcement and regulatory dialogue. Their purpose is to improve the understanding of how markets operate, to identify structural bottlenecks, and to inform both investigative priorities and policy design. This integration remains as an ongoing process, yet notable progress has been achieved in sectors where competition and regulation intersect closely.

24. Such efforts should contribute to build a more coherent evidence base, aligning with international developments that have emphasised the role of competitive assessment in regulatory design. The OECD has highlighted that market studies, when embedded in enforcement strategy, can strengthen early detection of systemic risks and improve the targeting of investigations. Brazil's experience follows this direction, showing how collaborative studies can produce actionable insights even within existing institutional boundaries.

25. The ongoing challenge lies in formalising this interaction into a predictable and transparent process - one in which market studies not only inform individual cases but also guide enforcement priorities, support advocacy initiatives, and promote consistency with sectoral regulation. CADE must develop methodological guidelines and assess templates that aim to structure this process and ensure its continuity over time.

4. Stakeholder Engagement and Evidence Generation

26. Active engagement with market participants became a central element of CADE's analytical practice. Over the past decade, the Department of Economic Studies (DEE) has developed a methodology that combines data collection, institutional dialogue, and transparent dissemination of evidence. This approach, reflected in the *Cadernos do CADE* and in the DEE's Working Papers, has strengthened the use of economic analysis to inform enforcement, advocacy, and regulatory initiatives.

27. Access to adequate data is another recurring challenge. As documented in the series *Mensuração dos Benefícios Esperados da Atuação do CADE*,²² the quality and granularity of information are crucial for quantitative analysis. Cooperation with regulatory bodies can expand data access, though differences in scope, format, and frequency continue to require methodological adjustments. The DEE's publication on *Advocacy Evaluation Methodologies*²³ highlights the relevance of developing data-sharing protocols and standardized templates to ensure consistency across studies.

²¹ Brazil, Chamber of Deputies, Projeto de Lei (Bill) no. 4675. Available at: <https://www.camara.leg.br/proposicoesWeb/fichadetramitacao?idProposicao=2562481>

²² Administrative Council for Economic Defense – Department of Economic Studies (CADE/DEE). *Measurement of the Expected Benefits of CADE's Actions in 2023*. Working Paper no. 01. Brasília: CADE, 2023.

²³ Administrative Council for Economic Defense – Department of Economic Studies (CADE/DEE). *Methodologies for Evaluating Competition Advocacy Actions*. Working Paper no. 04. Brasília: CADE, 2022.

28. Continuous interaction with other public institutions is essential to addressing these challenges. Cooperation with bodies such as the National Health Agency (ANS) can expand access to sectoral information and foster dialogue on competition-sensitive issues. Joint dissemination efforts, including technical workshops and public events, have also contributed to promoting a culture of transparency and awareness of competition principles among regulators and market participants.

29. The DEE's publications, such as *Passado, Presente e Futuro* and *Parâmetro de Conduta*,²⁴ illustrate the effort to consolidate these practices into a coherent framework of economic knowledge. CADE's experience demonstrates both the potential and the limitations of using market studies to inform competition policy. The authority's continued investment in methodological development, data integration, and institutional dialogue will determine how far these tools can contribute to anticipating competition challenges and promoting a more transparent and adaptive policy framework.

5. Monitoring and Impact Assessment

30. In 2022, Brazil completed a joint competition assessment of ports and airports with the OECD that examined how regulation affects rivalry and efficiency across civil aviation and port activities.²⁵ The review mapped specific rules that can restrain entry and switching, assessed options to increase transparency and access, and adapted the OECD competition assessment methodology to Brazilian institutions and data.²⁶ The work was carried out by a joint OECD and CADE team, with Brazilian experts contributing to the quantification of expected benefits. It drew extensive consultations with market participants and public bodies, including airline and airport associations, port terminals, shipping and pilotage representatives, and user groups.²⁷

31. On civil aviation, the report analysed airport governance and revenues, ground handling, slot allocation, and the structure of jet fuel distribution.²⁸ It presented a quantitative exercise on consumer gains from facilitating entry into jet fuel distribution and discussed measures to make the primary allocation and secondary trading of slots more contestable and predictable, with technical annexes detailing assumptions and data sources. The aviation chapter integrated sector statistics and case evidence to indicate where regulatory design can better align incentives with competitive outcomes.

32. On ports, the assessment presents an economic and legal account of a sector central to Brazil's presence in global trade, responsible for the vast majority of exports and imports

²⁴ Administrative Council for Economic Defense – Department of Economic Studies (CADE/DEE). *Department of Economic Studies of CADE: Past, Present and Future*. Working Paper no. 06. Brasília: CADE, 2020.

²⁵ OECD. *OECD Competition Assessment Reviews: Brazil. Ports and Civil Aviation*. Paris: OECD Publishing, 2022.

²⁶ OECD. *OECD Competition Assessment Reviews: Brazil. Ports and Civil Aviation*. Paris, 2022. Table of contents that sets out the aviation and ports chapters and sub topics.

²⁷ OECD. *OECD Competition Assessment Reviews: Brazil. Ports and Civil Aviation*. Paris, 2022. List of stakeholders consulted.

²⁸ OECD. *OECD Competition Assessment Reviews: Brazil. Ports and Civil Aviation*. Paris, 2022. Table of contents that sets out the aviation and ports chapters and sub topics.

in volume. Ports do not appear as a uniform object; the work addresses the concrete architecture of service provision within the harbour complex, the institutional design of worker pools, and the incidence of charges such as the segregation and delivery fee. The quantitative annexes on pilotage and on labour organisation serve as instruments for clarification rather than prescription. They show how calibrated adjustments reduce costs and enhance reliability for users, while they recognise the operational constraints and social arrangements that sustain daily activity in Brazilian ports.

33. The cross-sectoral proposals proceed with prudence rather than haste. Where regulation accumulated without a clear competitive rationale, simplification receives encouragement. Where international participation serves the public interest, clearer and more predictable access appears as a sound course. Where public procurement and contracting shape market outcomes, the text calls for transparency, accountability, and value for money. The DEE seminar series in April 2021 launched the assessment and hosted public discussions, an initiative that placed evidence at the centre of advocacy and suggests a channel through which market studies inform policy design and regulatory craft. The purpose remains the reinforcement of sectoral institutions through technical analysis capable of alignment of incentives, better coordination, and support for proportionate enforcement in line with recognised international practice.

34. Beyond conducting market studies, CADE has taken steps to evaluate their impact and ensure that the knowledge generated translates into tangible outcomes. In this regard, the DEE applies the OECD's methodology for measuring the expected benefits of competition authorities' actions²⁹, making case-specific adaptations when necessary. These assessments, covering merger control and antitrust investigations, are regularly published in the *Mensuração dos Benefícios da Atuação do CADE* series. While advocacy actions are not yet included in these measurements—reflecting the methodological challenges already acknowledged by the OECD—the DEE has explored this possibility in its own research³⁰ and CADE is currently engaging an external consultancy to propose a methodology for evaluating the effects of competition advocacy, expected to be concluded later this year.

35. Recent studies estimate that, in 2023, CADE's actions yielded expected benefits of approximately BRL16.3 billion, with a three-year moving average of BRL12.2 billion. While these figures are conservative and exclude deterrence and dynamic effects, they provide a transparent framework for evaluating institutional effectiveness. Similar methodologies are being adapted to assess the influence of market studies themselves - tracking how recommendations affect regulation, enforcement, or public debate. For Brazil, developing this capability can reinforce accountability and guide the refinement of methodologies, ensuring that market studies contribute directly to policy outcomes and enforcement priorities.

36. In the medium term, institutionalizing ex-post evaluation could help CADE build a continuous feedback loop between evidence, implementation, and learning - an essential step towards a mature, data-driven competition policy framework.

²⁹ OECD. *Guide for Helping Competition Authorities Assess the Expected Impact of Their Activities*. Paris, 2014. Available at: <https://www.oecd.org/content/dam/oecd/en/topics/policy-sub-issues/evaluation-of-competition-interventions/Guide-competition-impact-assessmentENG.pdf>

³⁰ Administrative Council for Economic Defense – Department of Economic Studies (CADE/DEE). *Methodologies for Evaluating Competition Advocacy Actions*. Working Paper no. 04. Brasília: CADE, 2022.

6. Strategic Evolution and Future Outlook

37. Looking ahead, CADE is examining how to enhance the role of market studies considering Brazil's institutional context and policy priorities. The aim is to refine analytical tools so that they not only align with international best practices but also respond effectively to domestic market realities, ensuring that competition policy remains forward-looking and adaptive.

38. Potential areas for future studies include digital markets (app ecosystems, online advertising, data portability), healthcare (integration with the Unified Health System and the National Health Agency), and green transition and sustainability. Each study would aim to articulate clear hypotheses and expected outcomes, creating a basis for subsequent enforcement or advocacy initiatives.

39. In parallel, Brazil is debating new legislative tools that could complement the existing framework. The proposed Digital Markets Bill (PL no. 4.675/2025) envisions the creation of an ex-ante regime and a digital markets superintendence with agenda-setting powers. While these discussions are at an early stage, CADE's experience in conducting market studies and impact evaluations could provide valuable input for designing proportionate and evidence-based mechanisms.

40. Developing the capacity to undertake formal market inquiries could represent a natural progression. Such inquiries, focused initially on sectors like digital services and healthcare, would allow for deeper examination of structural competition issues and potential remedial recommendations, while maintaining proportionality and transparency.

41. Ultimately, the evolution of market studies in Brazil will depend on consolidating methodological clarity, fostering cooperation with regulators, and maintaining a transparent relationship with society. The consistent emphasis on empirical rigor and policy relevance offers a solid foundation for this next stage. By gradually transforming market studies into a fully integrated component of its competition policy toolkit, CADE can continue to advance an evidence-based, forward-looking approach that reflects both national priorities and the shared principles of the OECD competition community.

Part 2. Brazil's Secretariat for Economic Reforms (SRE)

1. This contribution presents an overview of the competition advocacy tools and analytical instruments developed by the Secretariat for Economic Reforms (SRE) of Brazil's Ministry of Finance. It highlights the SRE's experience with market studies as a means to identify regulatory barriers and promote pro-competitive reforms, with recent examples in the digital platforms and civil aviation sectors (Section 2). The note also introduces the Regulatory and Competition Assessment Procedure (PARC), a new institutional mechanism for the systematic review of regulations from a competition perspective (Section 3). Brazil's engagement in international cooperation and knowledge sharing initiatives is discussed in Section 4, while Section 5 outlines other advocacy tools that complement SRE's market analysis activities.

1. Introduction³¹

2. The Secretariat for Economic Reforms (SRE) of Brazil's Ministry of Finance is legally mandated to promote competition advocacy, pursuant to Article 19 of Law No. 12,529/2011, which establishes the Brazilian Competition Policy System (SBDC). Historically, SRE (formerly known as SEAE) has carried out a wide range of market studies aimed at improving regulatory frameworks and reducing barriers to competition. These studies have covered sectors such as aviation, fuel distribution, telecommunications, healthcare, pharmaceuticals, ports, and digital markets,³² among others.

3. More recently, SRE has shifted towards more focused and demand-driven studies, undertaken in response to specific market or regulatory concerns and designed to ensure broad stakeholder engagement. As part of its studies, the Secretariat launches public consultations and has recently implemented the Regulatory and Competition Assessment Procedure (PARC, for its acronym in Portuguese: *Procedimento de Avaliação Regulatória e Concorrencial*) — an innovative framework that applies a competition lens to the assessment of regulatory acts and public policies, promoting evidence-based and pro-competitive reforms.

4. Against this backdrop, this report outlines the experience of the Secretariat for Economic Reforms (SRE) of the Ministry of Finance in conducting market studies and applying competition assessment instruments. Together, these mechanisms — along with other policy instruments within the Secretariat's mandate — have enabled the Ministry of Finance to identify barriers to entry, evaluate the proportionality of regulations, and propose pro-competitive reforms. Section 2 presents recent market studies and Section 3 presents the PARC initiative. Section 4 discusses cross-border cooperation and knowledge sharing. Finally, Section 5 reviews other competition advocacy instruments in Brazil.

³¹ Written Tainá Leandro (Deputy-Head of Competition Advocacy), Cristiane Landerdahl de Albuquerque (Advisor), Fernanda Garcia Machado (Director) and Ana Maria de Melo Netto (Deputy Secretary) of the Secretariat for Economic Reforms of Brazilian Ministry of Finance (SRE/MF).

³² The documents produced by SEAE can be found at <https://www.gov.br/fazenda/pt-br/central-de-conteudo/notas-tecnicas-e-pareceres> and <https://www.gov.br/fazenda/pt-br/central-de-conteudo/documentos-de-trabalho-2000-a-2008>

2. Public Consultation as a Tool for Market Studies and Advocacy Initiatives

5. The SRE has found that initiating market studies through public calls for contributions provides an effective mechanism to identify competition concerns and regulatory bottlenecks in specific markets, while ensuring that policy analysis is informed by diverse stakeholder perspectives. Public calls for contributions are a structured consultation mechanism through which the SRE publishes key background information on the selected topic and invites written submissions from the public. The call typically includes guiding questions organized around specific thematic pillars, encouraging evidence-based and well-targeted contributions.

6. In selecting topics, the SRE prioritizes those that are strategically relevant to Brazil's economic reform and competition agendas. This participatory approach allows stakeholders — including firms, regulators, consumer associations, and academics — to contribute with evidence, perspectives, and data early in the analytical process, helping to frame the scope and priorities of each study. This process increases transparency, enhances the legitimacy of policy analysis, and helps ensure that proposed reforms are better aligned with market realities and stakeholder needs.

7. In recent years, the SRE has conducted Public Consultation on strategic sectors such as digital platforms and civil aviation. In the case of digital platforms, the initiative invited contributions from the public on the economic and competition aspects of digital platforms in Brazil, with the objective of gathering evidence to inform policy debate.³³ The consultation was structured around three main pillars³⁴: diagnosis³⁵; rationality and regulatory design³⁶; and institutional design³⁷. The initiative generated strong social engagement, receiving over 300 submissions from 72 distinct participants, including academics, business associations, companies (tech and non-tech) civil society organisations, public interest groups, think tanks, telecommunications operators, professional users, and other government bodies.

8. In addition to the public consultation, the SRE carried out a comprehensive review of academic literature and economic studies on Brazil's digital markets³⁸, as well as an

³³ Detailed in the Public Consultation Systematization Report no 01/2024, accessed at: [Relatório de Sistematização das Contribuições à Tomada de Subsídios nº1/2024, da Secretaria de Reformas Econômicas do Ministério da Fazenda](#) (portuguese)

³⁴ Detailed in SRE Public Consultation No. 1/2024 (Tomada de Subsídios SRE/MF nº 1/2024). accessed at: <https://www.gov.br/fazenda/pt-br/assuntos/noticias/2024/janeiro/arquivo/tomada-de-subsidios-sre-plataformas-digitais-8012024-1.pdf/view>

³⁵ For this, the comments focus mainly on: (1) the competitive scenario in markets with digital platforms in Brazil, (2) the main competition concerns mentioned, and (3) the sufficiency or the insufficiency of the Brazilian Competition Defense System (SBDC) to deal with the potential competition concerns identified.

³⁶ In this axis, there are the proposals that discussed the objectives and the design of eventual regulatory and institutional changes in the Brazilian legal system aiming to modify the existing competences of the SBDC and/or establish new competences through ex ante regulations.

³⁷ In this axis the discussions are aimed at institutional arrangements and the structure needed for the application of a new ex ante regulatory framework, as well as its relationship with the pre-existing competition defence framework.

³⁸ Detailed in the Report: Digital Platforms in Brazil: Economic Fundamentals, Market Dynamics and Promotion of Competition, accessed at:

international benchmarking of regulatory practices³⁹. This work culminated in the publication of the report “Digital Platforms: Economic and Competition Aspects and Recommendations for Regulatory Improvements in Brazil.”⁴⁰⁻⁴¹

9. After in-depth analysis and dialogue with other ministries, the study evolved into a Draft Bill on Competition and Transparency in Digital Platforms, currently under review in the Brazilian Congress (PL 4,675/2025). The bill considers other jurisdictions’ experiences with emerging digital market regulatory and legislative reforms, such as the United Kingdom’s Digital Markets, Competition and Consumers Act (DMCC) and Germany’s Competition Law Section 19(a), while focusing on introducing solutions aligned with the specificity of the Brazilian context and legal framework. The reform aims to establish a framework of bespoke ex-ante obligations for large digital platforms and to create a dedicated unit within Brazil’s competition authority CADE tasked with monitoring digital markets, overseeing designation and obligation processes, reporting to the Tribunal, and ensuring compliance⁴².

10. In 2025, SRE also launched a Public Consultation on the Air Transport Sector. The SRE conducted a public call for contributions to deepen its understanding of the challenges and barriers hindering the entry of new firms in Brazil’s civil aviation sector. Despite a series of liberalization and regulatory modernization measures, such as the removal of fare controls, route liberalization, elimination of restrictions on foreign investment, and the creation of the National Civil Aviation Agency (ANAC), the market has undergone significant consolidation, with three major carriers dominating the market and the last notable market entry occurring in 2009.

11. The initiative aims to gather stakeholder input to help the SRE evaluate the market structure, entry barriers, and regulatory distortions affecting competition and consumer welfare in Brazilian aviation. The thematic areas and strategic questions are designed to guide stakeholder contributions and deepen the analysis of entry barriers and competition dynamics in Brazil’s civil aviation sector. They cover nine key domains, focusing on issues such as slot allocation, fuel taxation, infrastructure costs, and regional connectivity, seeking

³⁹ Detailed in the Report: Digital Platforms in Brazil: Economic Fundamentals, Market Dynamics and Competition Promotion, accessed at: [Benchmark](#) (portuguese).

⁴⁰ Accessed at: <https://www.gov.br/fazenda/pt-br/central-de-conteudo/publicacoes/relatorios/relatorio-plataformas-consolidado.pdf>

⁴¹ More information on Regulation and Competition in Digital Markets: Latest Developments in Brazil, the contribution from Brazil submitted for Item 11 of the 144th OECD Competition Committee meeting on 5-6 December 2024.

⁴² The proposed bill establishes two administrative procedures within Brazil’s Administrative Council for Economic Defense (CADE): the designation of platforms with systemic relevance in digital markets, and the imposition of special obligations on designated platforms. Designation would be made on a case-by-case basis through an administrative process, subject to approval by CADE’s Tribunal, based on qualitative characteristics and minimum revenue thresholds—over BRL 5 billion domestically and BRL 50 billion globally. The proposal targets only major market players, in line with international best practices, with an estimated five to ten platforms expected to be designated. Factors considered may include user base, strategic importance for third-party business development, presence in multi-sided markets, vertical integration, access to large volumes of data, and market power amplified by network effects. Designated platforms could be subject to transparency requirements, specific obligations, prohibitions, and procedural rules, with non-compliance potentially triggering fines.

to identify opportunities to enhance market dynamism and encourage new entrants.⁴³ The deadline for contributions is 22 November 2025. Through this consultation, SRE aims to gather information and data to serve as input for a comprehensive market study on civil aviation in Brazil. The study will support enhancements to the regulatory framework, with a view to fostering market entry and strengthening competition.

12. Overall, the public consultations have proven to be an effective pro-competitive advocacy tool, enabling the SRE to engage a wide range of stakeholders and incorporate diverse perspectives into its market analysis. By structuring the debate around targeted questions and thematic pillars, the initiative enhances transparency, fosters evidence-based discussion, and helps identify regulatory distortions and barriers to entry. This participatory approach not only strengthens the analytical foundation of the SRE's work but also supports the Ministry of Finance in designing better-informed legislative proposals and regulatory reforms, contributing to more competitive, efficient, and inclusive markets.

3. PARC: Targeted Competition Assessments

3.1. The PARC Framework

13. Beyond broad market studies, SRE has institutionalised the Regulatory and Competition Assessment Procedure (PARC, for its acronym in Portuguese: *Procedimento de Avaliação Regulatória e Concorrencial*), a tool designed to evaluate specific regulatory provisions that may distort competition, by enabling market players and other stakeholders to point out regulations for review. PARC builds on the experience of the earlier Intensive Task Force for Regulatory and Competition Assessment (FIARC for its acronym in Portuguese *Frente Intensiva de Avaliação Regulatória e Concorrencial*⁴⁴) implemented between 2022 and 2023.

14. The PARC process is launched through public consultations, inviting stakeholders to submit contributions and suggestions regarding regulations that may have anticompetitive effects. Stakeholders directly affected by such distortions, whether through limited market access, higher prices, or lower-quality services, are uniquely positioned to provide early and practical insights on regulatory barriers, thereby contributing to enhancing the overall pro-competitive quality and coherence of the regulatory framework. Therefore, this participatory approach not only reduces the administrative burden of identifying potentially restrictive rules but also enhances transparency, legitimacy, and engagement in the policy process. In addition, the SRE may initiate ex officio reviews when warranted by market circumstances or public interest considerations.

15. To support stakeholders in identifying regulatory provisions that may adversely affect competition, PARC draws on the principles set out in the OECD Competition Assessment Toolkit. It highlights four main channels through which regulations may harm competition: (i) limiting the number or range of suppliers; (ii) constraining firms' ability to compete; (iii) reducing their incentives to compete; and (iv) restricting consumer choice or access to information.

⁴³ The public consultation can be accessed at: <https://www.gov.br/participamaisbrasil/ts01-2025-concorrencia-setor-aereo>

⁴⁴ The FIARC was a continuous initiative in which any person could file an application to the Ministry of Finance, indicating regulations that could harm competition. From 2021 to 2022, this mechanism resulted in the publication of five opinions, which analysed regulations in specific sectors and identified significant competitive harms.

16. Following each consultation, the SRE issues a decision specifying which regulations will undergo assessment, based on a technical review that considers factors such as public interest, the potential competitive impact of the rule, and whether a prior competition assessment was conducted. The relevant regulatory authority is then notified and invited to provide the underlying rationale and supporting evidence for the measure in question. To further inform the analysis, the SRE may request data from companies, trade associations, and other market participants. Failure to comply with information requests or submission of false data may result in fines, similar to procedures applied in merger reviews and investigations of anticompetitive conduct. This information-gathering power strengthens the robustness and effectiveness of the analysis.

17. Upon completion of the review, the SRE publishes a final report presenting its findings. This report examines the regulatory framework and the competitive structure of the relevant segment, its recent evolution, and the extent to which the analysed regulation affects market dynamics—either by mitigating competition among players or by influencing entry and rivalry conditions.

18. Where a regulation is deemed to have anticompetitive effects, the Secretariat seeks to engage constructively with the relevant authority to develop concrete recommendations for improvement, aligning regulatory outcomes with the principles of Brazil's Competition Law and promoting a more pro-competitive regulatory environment.

19. Therefore, while a traditional market study assesses the overall performance of an industry, PARC focuses on the market segments directly affected by the regulation under review—such as licensing rules, price control mechanisms, or entry requirements—examining their effects on competition and innovation. When the regulatory measure is broad, the assessment extends to the wider market it influences; conversely, when the regulation is narrowly targeted, the analysis focuses on that specific segment. Beyond identifying potential distortions, PARC also seeks to formulate concrete recommendations to improve the regulatory framework, thereby enhancing its coherence, proportionality, and pro-competitive orientation.

3.2. First PARC cycle

20. The first PARC cycle commenced in February 2025 with the opening of a 40-day submission window, during which approximately 80 contributions were received. The overall level of engagement was remarkable, and the diversity of contributors particularly noteworthy.

21. Of all submissions, 41% were sent by trade associations, 21% by civil society organizations, 19% by economic agents, 16% by individual citizens, and 3% by academic representatives.

22. The contributions spanned several sectors of the economy, but four areas stood out for their volume and policy relevance: Energy accounted for 38% of submissions, Health for 19%, and both Transport and Financial Services for 12.5% each.

23. Based on predefined selection criteria, the SRE identified six regulatory instruments from these sectors for in-depth analysis under the PARC framework. In the energy sector, the study focuses on restrictions on the commercialization of liquefied petroleum gas (LPG). In the financial sector, it examines rules that centralize the registration and custody of financial assets, as well as provisions governing the selection of benefit payment providers, which may include potentially anticompetitive clauses.

24. Within the health sector, two issues were prioritized: the regulation of medicines' entry prices, which may distort competition, particularly in hospital markets; and

restrictions on the simplified registration pathway for so-called “clone” drugs, which could increase entry costs and deter potential competitors.

25. Finally, in the transport sector, the SRE is evaluating regulations allowing port terminals to charge certain fees that could potentially be used to restrict competition among operators.

26. The PARC process integrates quantitative economic analysis, stakeholder engagement, and policy recommendations, with results published on the Ministry’s website. It also draws on methodologies aligned with the OECD Competition Assessment Toolkit, emphasizing transparency, replicability, and institutional coordination.

4. Cross-Border Cooperation and Shared Learning

27. SRE’s experience confirms the growing importance of international cooperation in market studies, especially for sectors with global value chains or digital infrastructures. During the Digital Platforms study, SRE engaged not only with the European Commission (DG COMP) but also with multiple international authorities, including the Japan Fair Trade Commission (JFTC), the Bundeskartellamt (BKA) of Germany, the Competition Commission of India (CCI), and other jurisdictions such as the United Kingdom, Australia, and South Africa.

28. These exchanges provided a comparative view of regulatory frameworks being developed in major jurisdictions, drawing on instruments such as the EU Digital Markets Act, Germany’s Section 19a GWB, Japan’s Act on the Promotion of Competition for Specified Smartphone Software, and India’s Digital Competition Bill (2024). The resulting Benchmark Report on Digital Platforms, Competition and Regulation published by SRE/MF in October 2024⁴⁵ consolidated this comparative experience and served as an input to Brazil’s legislative proposal on digital platforms.

29. SRE also recognises that cross-jurisdictional learning can further enhance analytical quality. For instance, the Canadian Competition Bureau’s 2023 market study on air transport offers valuable benchmarks for Brazil’s ongoing aviation assessment. Similarly, cooperation with OECD and ICN networks provides opportunities for methodological harmonisation and exchange of best practices.

30. Building on these experiences, the SRE believes there is considerable scope to strengthen international cooperation in market studies. Enhanced collaboration would allow competition authorities to share methodologies, coordinate data collection, and align analytical frameworks, particularly in digital and cross-border sectors. Such cooperation could also promote greater consistency in competition advocacy, enabling authorities to learn from each other’s institutional arrangements, stakeholder engagement models, and evaluation metrics.

5. Other advocacy tools in Brazil

31. Unlike jurisdictions such as the UK or Australia, Brazilian competition authorities do not possess market investigation powers allowing them to impose structural or behavioural remedies outside enforcement cases.

⁴⁵ The report can be accessed at <https://www.gov.br/fazenda/pt-br/central-de-conteudo/publicacoes/relatorios/sre/benchmark.pdf>

32. Nonetheless, SRE has access to a comprehensive set of tools that effectively perform a similar role in promoting market efficiency, including:

- Market Studies and Public Consultations, which identify barriers to competition and guide reform proposals;
- PARC analyses, which evaluate the competition effects of specific regulatory instruments; and
- Formal advocacy opinions on draft legislation or regulations (including sanction and veto recommendations to the Presidency).

33. A recent example of such advocacy occurred during the drafting of the Transport of Valuables Act (Law No. 14,940/2024), when the Ministry of Finance recommended the veto of a provision restricting foreign capital participation in the sector, successfully avoiding a measure that would have unduly reduced market contestability.

34. These mechanisms collectively ensure that competition considerations are integrated into public policy, compensating for the absence of statutory market investigation powers. They also demonstrate Brazil's commitment to promoting pro-competitive reforms through institutional coordination between SRE and sectoral regulators.

6. Conclusions

35. Brazil's experience demonstrates that competition advocacy can be strengthened through institutionalized mechanisms that combine transparency, evidence-based analysis, and public engagement. Instruments such as PARC and public consultations have allowed the Ministry of Finance to systematically identify and address regulatory barriers to competition, while fostering dialogue among regulators, market participants, and civil society. These tools have also enhanced the analytical capacity of the Secretariat for Economic Reforms, aligning Brazil's approach with international best practices in competition assessment.

36. International cooperation has played an increasingly important role in improving Brazil's analytical and institutional capacity for competition advocacy. Exchanges with authorities from the European Union, Japan, Germany, India, and other jurisdictions have provided valuable insights into methodologies, stakeholder engagement strategies, and policy design. The SRE believes that such cooperation could be further strengthened to deepen the exchange of experiences, promote joint learning, and support the development of more effective and coordinated approaches to competition advocacy.

37. Taken together, the initiatives presented in this contribution—market studies, public consultations, and the PARC framework—illustrate Brazil's comprehensive approach to integrating competition considerations into regulatory policy. Through these mechanisms, the SRE contributes to a more transparent, coherent, and pro-competitive regulatory environment, supporting efficient markets and improved welfare outcomes.