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Working Party No. 2 on Competition and Regulation

**Market Studies and other Market Analysis Tools for Competition Authorities –
Summaries of contributions**

3 December 2025

This document reproduces summaries of contributions submitted for Item 4 of the 80th meeting of Working Party 2 on 3 December 2025.

More documentation related to this discussion can be found at: oe.cd/msmat.

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Argentina

In Argentina, Act No. 27.442 on the Defence of Competition grants the National Commission for the Defence of Competition the power to carry out market studies and investigations it deems relevant, as well as the power to issue pro-competitive recommendations of a general or sectoral nature regarding the modalities of competition in the markets.

Based on these functions, the CNDC regulated two types of processes with similar objectives: market investigations and market studies.

The main objective of both procedures is to understand the functioning of certain economic sectors, production chains or markets and to obtain a comprehensive diagnosis of the conditions of competition that are developed in them, in order to formulate recommendations aimed at promoting competition in the market and improving its functioning. The core difference lies in the way the analysis is conducted: while market investigations are carried out internally by CNDC professionals, market studies are done by external consultants who are experts in the field of competition.

This contribution focuses particularly on the role of market investigation, in light of the experience accumulated by the CNDC. It seeks to offer a comprehensive view of how this instrument works, its procedure, the scope of its results and its value as a diagnostic and competition promotion tool.

Australia

The ACCC utilises several market analysis tools to understand how effectively competition is working in a specific sector: these include price inquiries, self-initiated market studies, and research initiatives. This submission provides an overview of these three forms of market analysis, and highlights notable outcomes and benefits through recent case studies.

Austria

The Austrian Federal Competition Authority (AFCA) employs two complementary instruments to understand and improve market outcomes: **Sector Inquiries** (deep dives where there are indications of restricted or distorted competition) and **Competition Monitoring** (a cross-sector, indicator-based early-warning system). Sector Inquiries have been used across twelve+ sectors (e.g., health, food, energy, telecoms), while Competition Monitoring—enabled since 2012 and reinforced in 2023—will provide recurring, economy-wide diagnostics.

1. Legal Basis & Instruments

AFCA may:

- **Conduct Sector Inquiries** (Competition Act §2(3)) when signs suggest restricted/distorted competition.
- **Carry out Competition Monitoring** (Competition Act §2(5)) to track competition intensity over time without needing prior suspicion. To date, AFCA has regularly published Sector Inquiries; Competition Monitoring is being set up for periodic publication.

2. Sector Inquiries

Purpose & Triggers

- Launched when there are indications of concern (e.g., price spikes, supply chain issues, inflation, concentrated local networks, patterns seen in cases/mergers/complaints, or government priorities).
- Applicable even in regulated sectors where rules may unintentionally dampen competition.

Methods & Tools

- **Requests for Information (RFIs)** to firms (mandatory cooperation; fines for non-compliance).
- Online/consumer surveys, expert interviews, use of external statistics/market data, and learnings from other NCAs; digital tools for large-scale RFI handling.

Process & Transparency

- Define scope and topics; publicly announce (website, often press events); run one or more RFI waves; analyze data; publish aggregated, non-confidential findings under §2(4).
- Typical cadence ≈ **one inquiry per year**; some run in stages (interim → final).

Impact & Limits

- Outputs: factual market maps, structural/behavioral insights, and **concrete recommendations** (regulation/deregulation).
- Findings inform policy and may guide enforcement, but **cannot serve as direct court evidence**—they trigger separate investigations if infringements are suspected.

- AFCA advocates for stronger legal pathways to act on Inquiry findings.

3. Competition Monitoring

Purpose

- **Early-warning system** tracking indicators such as concentration, pricing (incl. international comparison), regulation intensity, entries/exits, and supply–demand dynamics across many sectors over several years.
- Complements Inquiries by flagging where deep dives are most needed.

Tools & Implementation

- Initially limited to public data; **since 2023**, AFCA may use RFIs and its full investigative toolkit for monitoring.
- Designed for **recurring updates**, enabling cross-sector and time-series comparisons to support proactive policy and prioritization.

4. Governance, Resourcing & Engagement

- **Confidentiality**: data handled per law; reports use aggregated, non-confidential information.
- **Resource constraints** limit the number/timing of Inquiries; AFCA prioritizes sectors with the greatest consumer/economic relevance.
- **Stakeholder engagement**: press conferences, consultations, and meetings with ministries; recommendations may inform legislation but final decisions rest with lawmakers.
- **EU dimension**: AFCA contributes insights to EU-level debates and coordination.

5. Conclusion

AFCA’s dual toolkit—**targeted Sector Inquiries** plus **broad Competition Monitoring**—strengthens Austria’s proactive competition policy. Inquiries generate actionable, sector-specific recommendations and public transparency; Monitoring offers economy-wide surveillance to detect risks before harms entrench. Together, they complement traditional enforcement, support evidence-based regulation, and enhance the legitimacy and effectiveness of AFCA’s interventions.

BIAC

Business at OECD (BIAC) appreciates the opportunity to make this written contribution to the roundtable on Experiences with Market Studies and Other Market Analysis Tools. Market studies, often referred to as sector inquiries or fact-finding surveys in various jurisdictions, are tools utilized to analyze market dynamics and identify potential competition concerns. While generally understood as one of several tools available to competition authorities, there is no singular common model with substantial differences across jurisdictions in both substance and form.

This submission builds on BIAC’s prior input to the OECD on market studies and provides a broad assessment of current practices and emerging concerns.¹ BIAC has consistently and continues to emphasize that while market studies can be beneficial as advocacy tools, particularly to address market restrictions or distortions created by government regulations, they should not be perceived as indispensable or as a universal solution for all market concerns.² There are two primary approaches: the “study-then-enforce” pathway, where market analysis informs subsequent targeted enforcement action, which is complementary to traditional enforcement; and the “investigate-then-regulate” pathway, where authorities can impose remedies without proving specific legal infringements, which raises significant concerns about regulatory overreach. Key areas of focus include the substantial compliance burdens imposed on businesses through extensive information requests, the lack of transparency and defined timelines in many jurisdictions, concerns about confidentiality protections, and the growing trend toward cross-jurisdictional cooperation that may amplify existing procedural irregularities. BIAC advocates for market studies that incorporate recognized best practices, apply appropriate safeguards including clear initiation criteria and proportionate information gathering. In particular, market studies should maintain firm boundaries between competition enforcement and broader regulatory intervention, with the objective to optimize effectiveness and minimize unnecessary administrative burdens.

¹ BIAC’s prior input to the OECD on market studies includes: OECD, Market Studies, DAF/COMP(2008)34, at 197-205 (Nov. 21, 2008), https://www.oecd.org/content/dam/oecd/en/publications/reports/2008/11/market-studies_3fd0bf50/c73ca194-en.pdf [hereinafter BIAC 2008]; OECD, The Role of Market Studies as a Tool to Promote Competition – Contribution from BIAC, DAF/COMP/GF/WD(2016)79 (Nov. 17, 2016), [https://one.oecd.org/document/DAF/COMP/GF/WD\(2016\)79/en/pdf](https://one.oecd.org/document/DAF/COMP/GF/WD(2016)79/en/pdf) [hereinafter BIAC 2016]; OECD, Methodologies for Conducting Market Studies – Note by BIAC, DAF/COMP/WP3/WD(2017)28 (June 8, 2017), [https://one.oecd.org/document/DAF/COMP/WP3/WD\(2017\)28/en/pdf](https://one.oecd.org/document/DAF/COMP/WP3/WD(2017)28/en/pdf) [hereinafter BIAC 2017]; OECD, Using Market Studies to Tackle Emerging Competition Issues – Contribution from BIAC, DAF/COMP/GF/WD(2020)53, (Nov. 26, 2020), [https://one.oecd.org/document/DAF/COMP/GF/WD\(2020\)53/en/pdf](https://one.oecd.org/document/DAF/COMP/GF/WD(2020)53/en/pdf) [hereinafter BIAC 2020].

² BIAC 2016, *supra* note 1, ¶ 7; BIAC 2020, *supra* note 1, ¶ 14.

Brazil

Administrative Council for Economic Defense (CADE)

This intervention situates market studies as a practical bridge between enforcement, advocacy, and regulatory dialogue. It documents current practice, including sector syntheses, technical opinions, and empirical assessments used to inform decisions, and the conditions that typically trigger a study, such as absence of relevant case law, structural or regulatory change, and clusters of complaints. It notes that initiation remains ad hoc and would benefit from clearer institutional criteria. The text sets out a programmatic path to make studies more anticipatory: transparent initiation rules linked to priorities, shared indicators and data templates to reduce information frictions across agencies, and routine impact evaluation that feeds back into priority setting and case selection. The contribution explains how targeted, problem driven studies can be resource efficient and quickly translated into action, and also why overly narrow scopes risk missing systemic context, which supports the value of periodic syntheses and agenda setting to capture broader dynamics. It contrasts market studies with formal market investigation regimes, which can address structural failures with comprehensive remedies and also entail higher costs, data needs, and timelines, and it notes that many jurisdictions are revisiting this trade off, as encouraged by the OECD. Finally, the text frames ongoing legislative debates on ex ante instruments as an opportunity to align agenda setting, evidence generation, and cooperation with sectoral regulators while preserving proportionality and accountability. The intended end state is a continuous knowledge cycle of planning, analysis, engagement, and evaluation that strengthens early detection, improves remedy design and advocacy, and supports coherent policy across sectors.

Secretariat for Economic Reforms (SRE)

This note presents the experience of Brazil's Secretariat for Economic Reforms (SRE) within the Ministry of Finance in using market studies as competition advocacy tools. Mandated under Law No. 12,529/2011 to promote competition, SRE conducts analytical assessments to identify regulatory barriers and propose pro-competitive reforms. Its approach emphasizes public consultations to enhance transparency, evidence-based policymaking, and active stakeholder participation. Through this framework, SRE seeks to strengthen the alignment between regulation, competition, and market efficiency in Brazil. Recent studies have focused on civil aviation, addressing market consolidation and entry barriers, and on digital platforms, culminating in the Draft Bill on Competition and Transparency in Digital Markets (PL 4,675/2025). This bill introduces ex-ante obligations for large platforms and creates a digital markets unit within CADE to oversee monitoring, enforcement, and compliance—strengthening competition and accountability in Brazil's digital economy. SRE has benefited from cooperation with international counterparts on market studies and competition advocacy, and sees opportunities to deepen and enhance these exchanges. In 2024, SRE also launched the Regulatory and Competition Assessment Procedure (PARC), a systematic framework to review regulations that may distort competition. PARC integrates stakeholder input, quantitative analysis, and regulatory dialogue to propose concrete improvements. Its first cycle in 2025 received 80 submissions across sectors such as energy, finance, health, and transport. Together, market studies, PARC, and formal advocacy instruments form a comprehensive framework that reinforces Brazil's regulatory quality, efficiency, and institutional coherence, advancing a more competitive and transparent economic environment.

Chile

Market studies have become a central element of Chile's competition policy framework, strengthening advocacy functions of the Chilean Competition Authority (Fiscalía Nacional Económica, FNE). Equipped with statutory powers to gather information from both public and private entities, the FNE uses these studies to examine competitive dynamics in specific sectors, identify structural inefficiencies, and develop evidence-based recommendations aimed at fostering more effective competition.

Market studies differ from investigative proceedings under the Chilean Competition Act in that they do not seek to detect or sanction unlawful conduct. Instead, they adopt a systemic, comprehensive, and forward-looking approach, focusing on markets where the potential welfare impact is greatest. Each study begins with a hypothesis of lack of competition and proceeds through extensive data collection—regularly involving complex econometric analysis—culminating in preliminary and final reports subject to public consultation.

On the basis of the conclusions reached in a market study, the FNE is empowered to propose—and typically does propose—regulatory recommendations aimed at removing barriers to competition or promoting more effective competition. These recommendations are addressed to the President of the Republic through the competent minister of State. Although non-binding, they have often shaped policy debates and triggered substantive reforms.

Since the introduction of this tool in 2016, the FNE has completed nine market studies in sectors such as annuities, notaries, school textbooks, pharmaceuticals, public procurement, gas, funeral services, accommodation services. Two additional market studies, focused on higher education and e-commerce respectively, are currently underway. The estimated annual benefits of fully implementing the FNE's recommendations amount to approximately USD 1.8 billion. In some cases, these proposals have already been adopted. The most prominent example is the 2023–2024 public procurement reform (Law No. 21,364), which closely followed the recommendations of the FNE's study on public procurement.

Overall, Chile's experience shows that market studies are a powerful tool for identifying and addressing structural competition problems, promoting better-informed policymaking, and anticipating challenges in rapidly evolving markets. Continued follow-up, and advocacy efforts remain essential to maximise their long-term impact.

Canada

The Canadian Competition Bureau conducts market studies to promote competition, distinct from its law enforcement work. These studies examine economic sectors, identify competition issues, and propose solutions through published reports with recommendations to policymakers and stakeholders. The Bureau continues to monitor sectors and may publish follow-up assessments. Legal reforms in December 2023 introduced a new market study framework with additional oversight mechanisms. The amendments also provided court-ordered information-gathering powers, first used in the 2024 Airline Market Study, to obtain more complete and reliable information. Market studies can lead to concrete outcomes: the 2023 Grocery Market Study identified property controls as barriers to entry, prompting legislative amendments and Bureau investigations that resulted in Canada's largest grocer eliminating property controls nationwide.

Costa Rica

COPROCOM's Experience

Since 2020, COPROCOM has conducted several market studies across strategic sectors such as pharmaceuticals, sugarcane, public transport, maritime transport, professional services, postal services, and institutional procurement. These studies identify structural, behavioral, and regulatory barriers that restrict competition and propose evidence-based policy recommendations to remove them. Many recommendations have already led to reforms, including the elimination of mandatory minimum fees in professional associations, improvements in public procurement design, and the withdrawal of Costa Rica from the international Liner Conferences Code. COPROCOM's Market Studies Guide (2023) formalized a five-phase methodology emphasizing transparency, stakeholder engagement, and ex post evaluation.

SUTEL's Experience

As the sectoral competition authority, SUTEL has developed market studies focused on access to telecommunications infrastructure—such as ducts, towers, and fiber optics—and the regulatory barriers affecting 5G deployment. These studies identified obstacles arising from construction practices, exclusivity clauses, municipal regulations, and infrastructure sharing. SUTEL's recommendations, many already implemented, include promoting best practices, standardizing municipal procedures, and establishing clear rules for infrastructure access and sharing.

Coordination and Impact:

COPROCOM and SUTEL maintain ongoing coordination to align methodologies and exchange technical knowledge. Both institutions actively participate in OECD, IDB, RECAC, and CCC to share experiences and harmonize approaches. Market studies have become a cornerstone of Costa Rica's competition advocacy, strengthening regulatory governance, inter-institutional cooperation, and economic efficiency.

Outlook:

Future efforts will focus on expanding market studies to digital platforms and public utilities, deepening inter-agency collaboration, and aligning with OECD best practices. For Costa Rica, market studies represent a preventive, strategic tool to promote competition, anticipate distortions, and guide evidence-based policy decisions that enhance innovation, efficiency, and consumer welfare.

Croatia

This paper is a written contribution to the Working party No 2 on Competition and Regulation's call for country contributions to be discussed at the roundtable on "Market studies and other market analysis tools" in December 2025.

Market studies have been part of the toolkit of the Croatian Competition Agency for two decades. Studies examine business practices, market circumstances, regulatory framework and other factors that influence market performance. They make it possible for competition authorities to identify whether appropriate actions are required to address competition issues.

In its contribution, Croatian Competition Agency wishes to present its practice related to market studies, both in terms of market study as an efficient advocacy tool and of a prerequisite in merger control, the cartel prohibition and the prohibition to abuse dominance.

The Croatian Competition Agency has no tool such as market investigation tool, which could allow relevant competition authority to intervene in situations where competition does not work in proper manner without the proof of competition infringement.

Denmark

In July 2024, the Danish Competition Act was amended introducing a new market investigation tool to strengthen the powers of the Danish Competition and Consumer Authority (DCCA). This new tool allows the DCCA and its board, the Competition Council, to intervene in markets where competitive conditions are clearly impaired – even if there’s no violation of competition law.

The tool allows the Competition Council to initiate a market investigation if there are signs that competition is being impaired within a sector. Furthermore, the Competition Council can impose a behavioral order if the legal requirements are fulfilled. The central legal test is whether behaviours or market structures “clearly impair effective competition,” and therefore orders can only be imposed if the impairment is clear, significant, and well documented. The tool allows only for behavioural – not structural – orders, which must be necessary, reasonable, and proportionate. The tool cannot be applied if a sector-specific authority states that the behaviour in question is a direct and necessary consequence of law.

The market investigation tool is designed to ensure transparency and protect legal certainty as far as possible. A hearing must be held before deciding to initiate a market investigation, and again before a possible decision to issue a behavioral order. These hearings require that not only the parties, but also other market participants and sector-specific authorities, are heard. Furthermore, the process is constrained by a two-year time limit. Finally, decisions to issue behavioral orders may be appealed to the Competition Appeals Tribunal or the Danish courts.

The first case was initiated in June 2025 and concerns non-life insurance for private consumers. The market investigation focuses on insurance companies’ setting of premiums, especially their practices of index-linking insurance premiums, as well as the fact that these price increases are not notified to consumers.

The DCCA expects that the main advantages of this new tool are that it provides the opportunity to intervene in certain cases where classic enforcement tools are insufficient but where competition nevertheless is not functioning, and where it at the same time cannot be expected that the problem will be solved through future competition. The DCCA expects that the main challenges of using this tool is that it is new and requires a new assessment including a potential difficult proportionality assessment.

European Union

European Union competition enforcement has two instruments that allow the European Commission (Commission) to study particular sectors of the economy outside the context of individual antitrust or merger investigations, namely market studies and sector inquiries.

Sector inquiries allow the Commission to study a particular sector of the economy or a particular type of agreements where it considers that competition is malfunctioning. To do so, it is equipped with powers similar to those it possesses in probes into the conduct of individual companies. A decision to launch a sector inquiry must be based on objective indications that competition may be restricted or distorted within the internal market. At the end of an inquiry, the Commission issues a final report setting out its comprehensive findings and conclusions, and the Commission may pursue a range of follow-up measures depending on the nature and severity of the issues identified. The Commission does not possess remedial powers in the context of sector inquiries. Nonetheless, the Commission may separately open proceedings if it becomes aware of potential infringements in this context.

Market studies may be conducted by the Commission or commissioned from external consultants. In the context of market studies, investigative powers under Regulation 1/2003 may not be relied on. Market studies are typically narrower in scope and may focus on a particular competition issue. While they may equally facilitate the understanding of specific markets or competition issues, they are typically not informing future enforcement to the same extent as sector inquiries.

The Digital Markets Act, which complements competition rules and seeks to make markets in the digital sector fairer and more contestable, provides the Commission with the possibility to conduct market investigations for three specific purposes: designating gatekeepers, examining systemic non-compliance, and investigating new services and practices.

In 2020, the Commission consulted on the possibility of adopting a New Competition Tool that would address structural competition issues that Articles 101 and 102 TFEU were arguably not able to address, or not able to address effectively. As most of the examples and likely use cases for such a tool related to the digital sector, the initiative was eventually folded into the Digital Markets Act.

While the Commission is monitoring the introduction of new competition instruments in other jurisdictions with interest, its immediate focus is on enforcing its existing instruments to promote fair competition and ensuring that markets operate effectively and contestably, benefiting consumers and businesses alike.

Greece

The evolution of modern competition policy has placed increasing emphasis on analytical tools capable of identifying structural impediments to effective competition and understanding market dynamics beyond the scope of individual infringement cases. Market studies and market investigations have become core analytical instruments within the modern competition policy framework, enabling authorities to assess whether markets function effectively and to identify the structural or regulatory factors that may hinder competitive outcomes. Increasingly, competition authorities rely on these tools to complement traditional enforcement by providing a systematic basis for understanding market conditions, diagnosing persistent distortions, and supporting evidence-based policy interventions. Their use reflects a broader international trend towards proactive, problem-focused competition governance capable of responding to evolving market structures, technological developments and complex supply-chain dynamics.

In Greece, the Hellenic Competition Commission (HCC) conducts market studies and regulatory interventions pursuant to Articles 40, 14(2)(s) and 11 of Law 3959/2011 (the Greek Competition Act). These provisions establish an integrated statutory framework through which HCC can examine the functioning of markets, identify sources of systemic inefficiency, and propose or, where appropriate, adopt measures aimed at improving competitive conditions. Sector inquiries allow for in-depth examinations of particular industries, market mapping exercises provide a continuous flow of market intelligence to facilitate early detection of emerging risks or structural anomalies, and regulatory interventions allow targeted interventions to deal with systemic market failures. Together, these instruments enable the HCC to undertake comprehensive assessments of market dynamics, drawing on quantitative analysis, stakeholder consultation, regulatory review and comparative benchmarks.

This Note overviews the HCC's experience with these instruments. Firstly, it describes the Authority's practice with market studies, including sector inquiries and market mapping, highlighting their methodological features, analytical value and contribution to the development of evidence-based competition policy in Greece.

It then shifts focus to examining the regulatory intervention instrument under Article 11, its legislative background and its application in sectors where structural market failures warranted targeted interventions. The Note further outlines the HCC's approach to cooperation with other competition authorities, and the mechanisms in place to ensure coordination and avoid duplication.

Finally, it concludes by assessing how the combined use of market studies, market mapping and regulatory interventions forms an integrated, forward-looking framework that strengthens the HCC's ability to safeguard the competitive process in increasingly complex and dynamic markets.

Hungary

In the past five years, the GVH executed several sector inquiries, accelerated sector inquiries and market analyses. The majority of them resulted in some proposals to strengthen product market competition. In this OECD contribution these proposals were categorised into three major groups: advocacy for the change of existing laws and regulations; advocacy calling for new legislation; and proposals made for private market actors. Additionally, we briefly discuss those sector inquiries and market analyses which prompted the GVH to initiate a competition procedure.

A notable example of successful advocacy for changing existing laws is the accelerated sector inquiry into rapid self-tests for COVID-19 in 2021. This inquiry found that lengthy supply chains caused prices in Hungary to be substantially higher than in neighbouring countries. This prompted the GVH to recommend liberalising the market by allowing drug stores, petrol stations and retail chains to sell these products. This led to a price decrease of almost 50% and considerable consumer savings.

The GVH has also successfully advocated for new legislation in various sectors. Following the dairy sector inquiry in 2023, the authority recommended the establishment of a price monitoring system to reduce consumer search costs. Later analysis found that this contributed to lower retail margins and, consequently, lower consumer prices. An accelerated sector inquiry into online accommodation booking services in 2023 found that online travel agents used price parity clauses to restrict the pricing flexibility of accommodation providers, with commission rates reaching up to 30%. The GVH recommended prohibiting these clauses to encourage more effective competition among major market players and lower commission rates.

Furthermore, the GVH has effectively influenced the behaviour of market participants by issuing targeted recommendations. During the accelerated sector inquiry into the dairy sector in 2023, the authority found that the Milk Interprofessional Organisation and Product Board's raw milk price forecast was based on inherently inflationary methodology and forecasted increasing prices in almost all cases. This could have served as an anchor in the price negotiations between farmers and milk processors. Consequently, the GVH recommended suspending the forecast. In another accelerated sector inquiry, the GVH recommended that public bodies procuring medical imaging equipment should divide bundled tenders into separate lots, enabling smaller companies to bid competitively. The GVH also recommended that small broadcasting transmission companies and ceramic masonry product retailers establish joint procurement associations to strengthen their bargaining power. Furthermore, the market analysis of environmental claims provided companies with detailed guidance on how to formulate verifiable green claims based on life-cycle assessments.

Finally, in some cases, sector inquiries have directly resulted in competition enforcement actions. For example, the HORECA beverage procurement sector inquiry, which was closed in 2023, uncovered evidence of potentially unlawful resale price maintenance by a soft drink manufacturer. This led to two ongoing competition procedures being initiated against the company and several retail partners in 2022 and 2023.

Indonesia

Almost all competition authorities use market studies to obtain a comprehensive picture of market structure, behavior, and performance. This tool helps in detecting potential competition problems and formulating appropriate corrective actions. Market studies also serve as a basis for decision-making and market investigation. Market studies face challenges such as data limitations, market complexity, and significant requirements for cost and time. To manage this, KPPU prioritizes sectors with indications of market control, high economic impact, or new strategic sectors. Moreover, promoting fair competition requires continuous effort and collaboration among competition authorities. By investing in capacity building and engaging in advocacy efforts, competition authorities can strengthen their ability to protect consumers and promote economic growth. Likewise, sharing best practices can improve the ability of the competition authorities involved.

Italy

Since its establishment in 1990, the AGCM has been empowered to conduct general market studies in economic sectors where trade developments, price trends or other circumstances indicate that competition may be impeded, restricted or distorted. The Authority has used market studies as a useful tool to better understand how certain markets or sectors function and assess the state of competition in order to identify market failures or other competition issues that do not directly result from unlawful conduct in violation of competition law. Market studies have led to various outcomes, including advocacy initiatives for policymakers and/or sector regulators and enforcement interventions. The AGCM considers this tool to be a valuable complement to both enforcement and advocacy, rather than a substitute.

In October 2023, the Italian Parliament granted the AGCM with the power to impose structural or behavioural measures following a market investigation. Specifically, if the Authority identifies competition issues during a market study that hinder or distort the proper functioning of the market to the detriment of consumers, it may not only recommend appropriate legislative or regulatory changes to improve market performance but also impose structural or behavioural measures on the relevant undertakings, even in the absence of any unlawful conduct by market players. These measures can be imposed after giving market players affected by such measures the opportunity to express their views, in compliance with a specific procedural Regulation adopted in May 2024 following a public consultation. To avoid the imposition of measures, undertakings may submit commitments to address the competition concerns identified in the AGCM's market study findings.

Korea

Pursuant to Article 4 of the Monopoly Regulation and Fair Trade Act (MRFTA), the Korea Fair Trade Commission (KFTC) conducts one to five market studies annually to examine in depth the structure and conditions of specific markets and analyze factors that hinder competition, with the aim of improving monopolistic or oligopolistic market structures.

The market study process consists of the following stages: First, the target industries are selected with a focus on markets where monopolistic or oligopolistic structures have become entrenched, industries where law violations occur frequently, and emerging or high-technology sectors that require proactive regulatory responses. Second, the KFTC collects data by requesting information from business entities and relevant government agencies or by conducting interviews with stakeholders. Third, the collected data are analyzed and evaluated, and a final report is prepared, the findings of which are used to develop regulatory improvement measures and related policy recommendations.

One example of a market study conducted by the KFTC is the analysis of the alcoholic beverage industry, where competition has long been restricted due to prolonged government regulations aimed at securing tax revenue and protecting public health. The study identified competition-restrictive regulations, including limits on direct transactions between spirits manufacturers and soju producers and regional restrictions (T/O) on general liquor wholesalers, and the KFTC is currently working to relax these regulations. Meanwhile, the KFTC conducted a follow-up analysis on the regulatory reforms pursued since 2017, such as relaxing facility requirements and expanding distribution channels for small-scale beer producers. The analysis empirically demonstrated the positive effects of these reforms, showing that the number of domestic beer manufacturers more than doubled, the market share of craft beer increased more than tenfold, and the number of beer brands quadrupled, thereby enhancing market competition and expanding consumer choice.

In addition, the KFTC conducted a market study on the e-commerce retail sector to proactively identify competition issues in emerging and high-technology industries and to establish a foundation for regulatory responses. The study found that market concentration in the e-commerce sector has been increasing. It also identified several potential anti-competitive concerns, including reduced competition between platforms due to MFN(Most-Favored-Nation) clauses, increased dependence of sellers(suppliers) on a few dominant platforms, and the possibility of competitive distortion caused by the adjustment and design of algorithms and user interfaces exploiting consumer behavioral biases. The findings of this study will serve as reference material for policy development, merger reviews, and future monitoring activities.

Lithuania

The Competition Council conducts market studies to enhance understanding of sectoral dynamics, identify barriers to competition, and support evidence-based policymaking. The topics selected for market studies usually reflect the Competition Council's strategic priorities, the sectors' relevance to the national economy and public policy objectives.

2. While these studies provide a broader analytical perspective than traditional enforcement tools, they also present challenges. Careful planning, gathering high-quality data, ensuring meaningful participation from respondents, and coordinating with partner institutions require significant resources.

3. Nevertheless, these studies provide a broader analytical perspective than traditional enforcement tools. The findings and recommendations of recent studies – such as those on the electric vehicle charging sector, online marketplaces, and Small and Medium-Sized Enterprises financing – have contributed to more informed policymaking and helped strengthen competition, transparency, and efficiency across key sectors of the Lithuanian economy.

Mexico

The National Antitrust Commission (CNA, by its acronym in Spanish, or Commission)³ may conduct market studies and market investigations to carry out in-depth analysis and assess the level of competition within specific markets.

This contribution outlines the methodological approach, key findings, and the actions derived from the market studies conducted by the CNA. It also examines the role of market investigations as enforcement mechanisms capable of addressing structural and regulatory issues that hinder competitive processes.

Finally, it discusses the challenges faced by the CNA in implementing these tools and highlights the importance of institutional collaboration to maximize their impact.

³ The CNA was formally established on October 16, 2025, replacing the former Federal Economic Competition Commission (Cofece). The CNA officially began operations on October 17, 2025. However, given its recent creation, information from Cofece has been used as a basis for this contribution.

Paraguay

The contribution details how the National Competition Commission of Paraguay (CONACOM) uses market and economic studies as advocacy tools and the challenges faced in its first experiences.

In 2021, CONACOM prioritized key sectors, including the financial, energy, and supermarket sectors, for *ex officio* action based on criteria like social impact and market interrelation. This prioritization guided the completion of two public studies: a comprehensive market study on the public procurement of pharmaceuticals and a focused economic study on the supermarket sector.

Challenges in conducting these studies included periods of short-staffing in the Economic Advisory and Studies Department, necessitating international cooperation for the pharmaceuticals study. The experience underscores that while studies are effective in providing market information and informing policy, successful execution requires internal resources and careful time planning. Meanwhile, the economic study on the supermarket sector directly led to the Directorate for Investigation starting a case for alleged infringement of prior merger conditions.

Poland

In line with the session topic, we would like to express our views regarding both market studies and more “enhanced” tool referred as ‘*market investigations*’, which provides remedial powers to improve competition following identification of competition issues.

While we remain open to discussing the effectiveness of new solutions such as market investigation tools, **for the time being we appreciate the value of existing tools and find them appropriate and fit for purpose.**

This is because there are **challenges** related to market investigation tools, and its use remains somewhat uncertain for the following reasons:

- Firstly, such a power should be approached with caution given that it would arguably constitute a **transition from competition law enforcement to market regulation.**
- Secondly, using this tool may cause **legal uncertainty** for both business with regard to anticipating agency intervention and for agencies with regard to the court proceedings.
- Thirdly, regulating markets individually by each competition authority, based on different provision could potentially lead to even greater **market fragmentation.**

Given, these doubts we believe that we should focus on using the tools that are already available to us. Competition agencies are already equipped with a range of tools and mechanisms that can be leveraged to promote innovation, support sustainable growth, and contribute to the development of industrial policy.

Market studies are a prime example of such instruments, providing valuable insights into how markets function and enabling a broader understanding of their dynamics.

Market studies can be particularly impactful, as they can result in both indications of anticompetitive behaviour but also in formulating **legislative recommendations** to address the market problems that were identified during the study. Recently we issued few market studies, which led to such legislative recommendations, for instance in **waste management sector or rail passenger transport.**

Competition authorities have the ability to develop an in-depth understanding of how markets operate, where inefficiencies may arise, and where barriers to entry exist. Equipped with this knowledge and tools competition authorities play an important **advisory role to legislators** on how to design policies in a competition-friendly manner, thus increasing their effectiveness in contributing to competitiveness and overall welfare.

Thus, competition authorities **should support leveraging the existing tools at their disposal**, particularly the conducting of comprehensive market studies, as a foundation for stronger and more effective competition advocacy. Rather than seeking new instruments, competition authorities should maximise the potential of the solutions already available.

Portugal

The interaction between advocacy and enforcement creates a virtuous circle, ensuring that both structural and conduct-based barriers across sectors are addressed.

Market studies and sector inquiries have become a central instrument for diagnosing obstacles to competition and for issuing recommendations that promote competition and efficiency. Other tools may also be used to respond swiftly to new challenges, emerging trends or other pressing issues.

The Portuguese Competition Authority (Autoridade da Concorrência – AdC) has developed a mix of advocacy tools aimed at examining competition issues. These tools range from short assessments to more lengthy processes involving wider stakeholder input and in-depth economic and legal analysis.

Altogether the AdC prepares market studies, issues papers, recommendations and opinions covering a broad range of sectors, asserting the cross-cutting, economy wide approach the Authority cultivates.

These tools then form the basis of several outreach advocacy initiatives carried out by the AdC.

Furthermore, the AdC has developed a practice of following up on its recommendations, highlighting the economic benefits of reforms to strengthen its persuasive power in influencing market dynamics.

Romania

Market studies and market analysis tools are central to the Romanian Competition Council's (RCC) strategy to ensure competitive markets and protect consumer welfare. These instruments allow the authority to examine structural market conditions in depth, identify regulatory or behavioral barriers to competition, and propose well-informed corrective measures even where no infringement has yet been established. Market studies are multi-annual exercises and form part of a staggered analytical pipeline that includes the systematic monitoring of key sectors, thereby complementing case-based enforcement with a broader policy perspective. In recent years, RCC has strengthened this role by conducting detailed studies in sectors of strategic importance such as fuel retail, automotive repair services, cement production, financial services and payment systems, digital distribution, the circular economy in construction, and the impact of business support schemes. Through these initiatives, the RCC has contributed to increased market transparency, better switching conditions for consumers, the alignment of regulatory frameworks with competition principles, and the identification of emerging risks in the functioning of essential markets.

Singapore

The Competition and Consumer Commission of Singapore (CCS) uses market studies to provide comprehensive market insights and improve Singapore's market functioning. Unlike enforcement actions targeting specific violations, market studies enable holistic examination of market dynamics and structural issues that may impede competition or harm consumer welfare. These studies contribute to broader economic objectives, such as cost-of-living concerns.

Initiation of Market Studies

CCS proactively initiates market studies through two approaches: the Market Study Identification (MSI) Framework and Market-Study-as-a-Service (MSaS).

The MSI Framework uses a systematic three-stage process: shortlisting industries with competition concerns through various data sources, filtering based on economic significance and intervention likelihood, then prioritising based on price anomalies, market concentration, and consumer vulnerabilities.

MSaS enables government agencies to understand markets under their purview or identify potential pain points that may hamper industry development or transformation goals. CCS has launched four MSaS studies in 2025.

Other Forms of Market Analysis

CCS conducts market analysis supporting enforcement cases across diverse industries, accumulating deep expertise in complex sectors like airlines and semiconductors. CCS also maintains in-house econometric capabilities to conduct economic analysis.

Collaboration with Other Agencies

CCS frequently collaborates with other government agencies on joint studies addressing multi-disciplinary issues and to obtain crucial market data. Internationally, Singapore will lead an ASEAN-wide AI industry study in 2026.

CCS's Views on Market Study Powers

While CCS can require information provision for market studies with safeguards protecting commercially sensitive information, CCS cannot impose remedies for market studies. However, CCS works collaboratively with stakeholders to implement recommendations. This approach includes initiatives like the AI Markets Toolkit and enhanced e-commerce guidelines promoting fair marketplace practices.

Conclusion

Singapore uses market studies strategically to provide insights, enhance market functioning, and foster collaboration. By leveraging market studies as analytical tools and collaboration platforms, CCS contributes to a more competitive and efficient market environment in Singapore.

Slovenia

Slovenian Competition Protection Agency (CPA) conducts sector inquiries or inquiries into specific types of agreements, which are a type of market studies or market investigations. Sector inquiries (inquiries) are usually more formal, thorough, and targeted at detecting competition law infringements or structural market problems and are of critical importance for ensuring effective competition, because it is not always possible to determine which practices are problematic and, as such, restrict competition. Conducting inquiries is a demanding and extensive task. The CPA therefore conducts two to three sector inquiries annually of which at least one inquiry per year is targeted at detecting possible existence of unfair trading practices in food supply chain (UTPs) in specific sector. The duration of these inquiries ranges from six to twelve months, depending on the sector's complexity and the volume of information to be analysed. The decision regarding specific sector of the inquiry is determined by a number of factors, including policy priorities, the extent to which the market is closed or characterised by restrictive practices, media reports on distortions regarding competition or the possible existence of UTPs, and specific complaints received.

The legal basis for conducting inquiries provides Prevention of the Restriction of Competition Act (PRCA). The inquiry begins with a decision issued by the CPA, which contains its reasons, goals and the scope of the inquiry. The CPA then starts collecting information by addressing specific undertakings with requests for information (requests). Requests are the CPA's main investigative tools for carrying out inquiries in accordance with the PRCA. Requests can take form of either *simple request* or of *decision*. Decision is usually used to request information when undertakings are unwilling to cooperate with the CPA. In requests, the CPA must state *legal basis* for collecting information, *purpose of the request* or purpose for collecting information, *definition of the requested information*, *time-limit within which the information is to be provided* and *warning of the administrative sanction* that may be imposed on the undertaking for submitting incorrect or misleading information in case of issuing a simple request, or for submitting incorrect, incomplete or misleading information or for failing to submit information within the specified time-limit in case of issuing a decision.

Information is analysed using standard competition assessment tools, including concentration ratios, barriers to entry, buyer-supplier relationships, and the degree of vertical integration. The final report on the results of the inquiry outlines market characteristics, identifies structural issues, and may include recommendations to improve market efficiency or competition.

The CPA has the power to use the information obtained in the course of conducting inquiry in procedures under the provisions of the PRCA. The purpose of the sector inquiries is not merely to obtain information about the functioning of a sector, but to find reasons for its "non-functioning". Should the information obtained indicate a likelihood of violation of the provisions prohibiting restrictive agreements or abuse of a dominant position, the CPA will initiate proceedings against individual undertakings by a decision. However, should the causes of the market's non-functioning also lie in inadequate legislation, the CPA may, in accordance with Article 144 of the PRCA, send the relevant authorities an opinion on the necessary measures to eliminate or prevent the restriction of competition. So far, sector inquiries have not resulted in the initiation of enforcement proceedings concerning suspected anti-competitive behaviour. However, the CPA has had several cases where the publication of the inquiry report has encouraged certain parties or consumers to report

potential restrictive practices. On the other hand, information from sector inquiries, aimed at detecting possible existence of UTPs, are the CPA's main source for further investigation.

The CPA considers sector inquiries as an essential tool to address competition issues in the Slovenian market and detect imbalances in the food supply chain. These inquiries enable to identify structural barriers, enforce competition law, and recommend policy improvements. By publishing reports and engaging with stakeholders, the CPA promotes transparency and advocacy.

Sweden

This contribution describes the Swedish Competition Authority's (SCA) work with market studies as a non-enforcement tool for assessing competitive conditions within particular markets or sectors. It begins by outlining the different types of market analysis carried out, and the format of their publication.

It then explores how market studies are initiated, explaining that initiatives may derive from broader market monitoring, horizon scanning, indications from market actors, or past work within the authority. The SCA also carries out market analyses on assignment by the government.

The contribution discusses how market studies compare to other investigatory tools, noting that market studies are typically carried out when there are competitive concerns in a certain market or sector, but where there is no specific suspicion of a competition law infringement. The SCA has legal information-gathering powers deriving from specific legislation to be used in situations outside the scope of traditional competition enforcement.

Examples are also given of how to manage certain challenges in conducting market studies. It is, for example, explained that ensuring that sufficient resources are available for market studies requires careful cross-functional planning.

The contribution gives examples of the impact of market studies in government proposals, as well as in bringing about changes in market practices.

The SCA's cooperation with other Nordic competition authorities in market studies is described, pointing out the advantages that cooperation can bring and specific issues that need to be taken into account to ensure effective cooperation.

Finally, proposals for new competition tools in Sweden are outlined, including their relationship to existing enforcement and analysis tools.

Chinese Taipei

Market studies refer to the overarching concept whereby competition authorities conduct systematic and comprehensive analyses of overall markets or specific industries, with the objective being to gain an in-depth understanding of market structure, competitive conditions, and potential competition concerns. The Fair Trade Commission of Chinese Taipei (CTFTC) conducts such studies pursuant to Subparagraph 3, Article 2 of the Organic Act of the Fair Trade Commission, which stipulates that investigations into business activities and economic conditions fall within the CTFTC's mandate.

Market studies conducted by the CTFTC can be primarily categorized into three types: periodic industry surveys for maintaining internal industry databases, research on industries or markets, and investigative studies on specific markets. The objectives include understanding competitive conditions in markets, identifying potential competition concerns, supporting enforcement cases, and providing policy recommendations.

The effectiveness of market studies depends on data availability and quality. The CTFTC lays the foundation for industry analysis by integrating information from various channels, including enterprises, government agencies, and third-party institutions. Currently, market studies in Chinese Taipei rely primarily on voluntary cooperation from enterprises in providing information.

Through market studies, the CTFTC has accumulated practical experience and developed diverse analytical methods and tools. Market studies yield substantial benefits by identifying potential competition concerns, supporting enforcement case review, and providing policy recommendations. However, the current data collection model that relies on voluntary cooperation still has room for improvement in terms of its completeness and timeliness.

Ukraine

The Antimonopoly Committee of Ukraine (AMCU) plays a key role in shaping and ensuring a competitive environment in Ukraine. In its activities to promote competition, the AMCU uses market study and other market analysis tools.

Market studies conducted by the AMCU are a classic tool of the competition authorities aimed at providing a comprehensive assessment of the state of competition in the market.

At the same time, the AMCU is empowered to conduct a targeted compliance control measures, aimed at a prompt response to changes in the market situation and the behaviour of market participants without the need to launch a comprehensive market study. During this inquiry, the AMCU focuses only on the specific market actors, without researching the whole market.

Ukraine's written contribution describes the legal basis for these two instruments, provides examples of their application, and outlines the current challenges faced by the AMCU.

In 2025, the AMCU completed a market study of the seed certification market in Ukraine, which, as a part of the agricultural markets, is under constant control of the AMCU during the martial law.

During the study the AMCU establishes that the only body authorized to issue certificates of seed variety quality in Ukraine has been the SoE SCAPCE, which obliged independent auditors to conclude agreements with it that were not provided for by law, which created artificial barriers to entering the market for services determining the belonging of seeds to a particular variety.

As a result of the study, as the mentioned actions did not lead to a significant restriction or distortion of competition and did not cause substantial harm to individual persons, the AMCU issued recommendations to the SoE SCAPCE to discontinue the practice of mandatory contracts with independent auditors and to eliminate the causes and conditions contributing to the violation. In addition, the AMCU provided the Government of Ukraine with a proposal to amend the legislation governing the relevant market. The SoE implemented the recommendations, and the Cabinet of Ministers of Ukraine took the proposals into account and amended the legislation.

In 2024, the AMCU, on its own initiative, carried out targeted compliance control regarding the methods of establishing service fees by undertaking in the carpooling services market. Within this inquiry, the AMCU drew attention to the lack of economic justification for establishing a service fee and the inconsistent application of rules for refunding it to passengers under similar conditions by the main participant of the Ukraine's carpooling market. Given the risk of discriminatory approaches and potential violations of competition legislation, the AMCU provided the company with recommendations on how to address the identified shortcomings and in October 2025 the company implemented the mentioned recommendations.

At the same time, in this case the AMCU faced a number of challenges, related to the information gathering. Despite the effective information exchange platform (Regional Cooperation Memorandum) the AMCU highlights the importance of a broader international cooperation. In the opinion of the AMCU, even coordinated collection of information and regulatory issues by competition authorities would have a positive effect in terms of better understanding the situation on the markets of each country and

determining the advisability of using advocacy tools or enforcement by each competition authority separately in the future.

United Kingdom

This paper sets out the CMA's approach to the UK markets regime, drawing specifically on its experience of market reviews, market studies and market investigations.

This includes an overview of the CMA's market tools, including market reviews, market studies and market investigations and how cases are chosen in line with the CMA's Prioritisation Principles.

The CMA's Prioritisation Principles provide a framework for deciding where to act when discretion is available, taking into account strategic significance, potential impact, available resources, and risk. Guided by the UK Government's 2025 Strategic Steer, the CMA prioritises pro-growth and pro-investment interventions in markets that most affect UK consumers and businesses.

The paper also explains how the CMA has implemented the '4Ps framework' across its markets work to increase engagement between CMA decision-makers and businesses.

The paper provides illustrative case studies across its market tools, including:

- Civil engineering market study
- Road fuel market study
- Retail banking market investigation
- Housebuilding market study
- Children's social care market study
- Cloud services market investigation

The CMA's ambition for the markets regime is to carry out this work in a way that maximises overall benefits for the UK economy, businesses and consumers, while minimising any potential costs and uncertainty that this work may create for businesses, investors and other stakeholders.