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

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

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1. Introduction

1. 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, and how they compare to other investigatory tools. The contribution gives examples of the impact of market studies and how this is measured. The SCA's cooperation with other Nordic competition authorities is described. Finally, proposals for new competition tools in Sweden are outlined, including their relationship to existing enforcement and analysis tools.

2. Definitions of market study and other market analyses

2. The power of the SCA to conduct market analysis in a non-enforcement context derives from its general task to draw attention to obstacles to effective competition, submit proposals to promote competition and regulatory reform, and monitor developments within its remit.¹ There is no single legal definition of "market study" or "sector inquiry" in Sweden, and there is therefore no formal distinction between different forms of non-enforcement market analysis. Nevertheless, preparatory legal works discuss the concept of "sector inquiries" by the SCA, suggesting that they can include "inquiries aimed at a broader examination of competitive conditions within a particular industry or sector of business".² Such inquiries are differentiated from enforcement investigations in individual cases, particularly since the legal basis for information gathering in broader sector inquiries is different from that for investigations of suspicions of anticompetitive conduct under the Swedish Competition Act.

3. Thus, while no formal definition exists, conceptually the situation in Sweden aligns with the definition of market studies used by the OECD, namely "a versatile tool for competition authorities to analyse whether there are competition problems in a sector, outside the context of a merger review or antitrust investigation".³

4. The SCA publishes its market analyses in different formats depending on the scope and context of the study. For example, SCA has published extensive and in-depth studies of specific sectors, such as a sector inquiry of digital platform markets,⁴ but also publishes a series of "analyses in brief", which are shorter, more narrowly focused analyses of

¹ Förordning (2007:1117) med instruktion för Konkurrensverket [Ordinance with Instructions to the Swedish Competition Authority]

² Prop. 2009/10:218, *Ny lag om uppgiftsskyldighet i fråga om marknads- och konkurrensförhållanden* [new act on the obligation to provide information concerning market and competitive conditions]

³ OECD (2018) Market Studies Guide for Competition Authorities

www.oecd.org/daf/competition/market-studies-guide-for-competition-authorities.htm

⁴ Konkurrensverket, *Konkurrensen på digitala plattformsmarknader i Sverige* [Competition on digital platform markets in Sweden], Rapportserie 2021:1

markets or market practices. Some reports are stand-alone market studies, whereas others are thematically linked and form part of a broader sector analysis, as was the case in the SCA's broad study of the food sector.⁵ In the past, the SCA has also published wide-ranging compilations of shorter analyses of multiple markets, aimed at providing an overview of the state of competition in Sweden.⁶

5. In this context it is also useful to highlight the SCA's additional role in allocating funding from government to finance research in the area of competition and procurement. Some of the funding is allocated based on applications by researchers, however a share of the funding is allocated to research assignments originating from the SCA based on areas where the authority itself identifies a need for further inquiry. Such research should, however, be distinguished from market studies by the authority, since researchers are responsible for their own findings, which do not necessarily reflect the views of the SCA.

3. Initiation of market studies

6. In many cases, market analyses in Sweden are initiated by the SCA itself in order to gain a better understanding of competitive conditions or market practices. Initiatives may derive from broader market monitoring, horizon scanning, indications from market actors, or past work within the authority. The SCA's operational plan identifies specific sectors and topics of interest for the authority for the upcoming year, which can be instructive at the prioritisation stage. A sector inquiry is not, however, appropriate for investigating specific suspicions of anticompetitive conduct by individual firms.

7. Topics are discussed at prioritisation meetings involving different areas of the authority. An integrated approach is adopted, meaning that the authority should deliberate on the most appropriate means at its disposal to address potential competition problems. It is stated in the authority's prioritisation policy for competition enforcement that when an individual enforcement action is not deemed as an effective way to achieve results, the SCA may choose alternative ways to bring attention to a problem, such as through addressing government or publishing a report.⁷

8. Preliminary studies are sometimes carried out to gauge whether there are competition issues and whether a market analysis is feasible. The outcome of a preliminary study may lead to the authority not continuing with a market analysis, for example when specific competition problems are not identified or where it is deemed that advocacy is not the most appropriate way of addressing a problem, or that the SCA is not the most appropriate body to address an issue.

⁵ See <https://www.konkurrensverket.se/informationmaterial/rapportlista/konkurrensen-mellan-dagligvaruakterna/> (in Swedish, with English summaries)

⁶ See, for example, Konkurrensverket, *Konkurrensen i Sverige* [Competition in Sweden], Rapport 2018:1

⁷ Swedish Competition Authority, prioritisation policy for competition enforcement and procurement supervision, see <https://www.konkurrensverket.se/globalassets/dokument/overgripande-dokument/prioriteringspolicy-for-konkurrens-och-upphandlingstillsynen.pdf> (in Swedish)

9. The SCA also carries out market analyses on assignment by government. Among other things, the SCA is currently undertaking analyses of the veterinary market and the market for construction supplies on assignment by government.⁸

4. The role of market studies compared to other investigatory tools

10. As noted above, 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.⁹

11. Should suspicions of a competition law infringement arise during the course of a market study, any subsequent investigation of the suspected conduct is carried out within the framework of the Competition Act. There is no restriction on the SCA using information gathered in a prior market study in a subsequent enforcement action.

12. The SCA has recent examples of enforcement investigations initiated as a result of suspicions that have arisen during the course of a market study. In the course of an analysis of competition in the fuel sector in 2023 – 2024, the SCA identified a suspected infringement of the competition rules and therefore initiated a separate investigation. The SCA investigated whether the publication of pricing information by four major fuel companies could amount to prohibited price signaling. Three companies proposed commitments, which were revised and approved in December 2024. The commitments mean that recommended prices for private customers will no longer be published on the companies' websites, and that the publishing of list prices for corporate customers will be delayed until later in the day. The SCA closed the investigation, concluding that these measures reduce the risk of price coordination. The commitments apply for three years, with the risk of penalties of SEK 100 million per company for non-compliance.¹⁰ In parallel, the study delivered to government contained recommendations about improving competition in the market as a whole, which took account of the commitments that had been secured in the enforcement case.¹¹

13. In another example, in the course of its broad sector inquiry into the food industry in 2023 – 2024,¹² the SCA gathered pricing data for certain categories of goods, including poultry products. The price data indicated that the timing and level of price changes for three chicken producers had largely coincided over the two-year period analysed. An enforcement investigation was therefore launched under the Competition Act to determine whether prices had been coordinated. The authority requested correspondence and pricing details, and conducted interviews with wholesalers. No evidence was found of

⁸ For a full list, see <https://www.konkurrensverket.se/om-oss/uppdrag/regeringsuppdrag/> (in Swedish)

⁹ Lag (2010:1350) om uppgiftsskyldighet i fråga om marknads- och konkurrensförhållanden [Act on the Obligation to Provide Information Concerning Market and Competitive Conditions]

¹⁰ Case ref 382/2023.

¹¹ Competition in the road fuel sector – a report commissioned by the Ministry of Climate and Enterprise, report 2024:7.

¹² *Supra*, note 5.

communication with the purpose of coordinating prices, leading to the case being closed without action in September 2024.¹³

5. Challenges in conducting market studies

14. As for any competition authority, the SCA must balance multiple pressing tasks with finite resources. Ensuring that sufficient resources are available for market studies requires careful cross-functional planning, as described above in relation to the initiation of market studies. Market study resources also need to be managed alongside any assignments by government to conduct non-enforcement market analysis. A constructive dialogue with government is useful in this respect.

15. During the course of a market study, a project team may to differing degrees need to take into account work conducted in other parts of the authority, including other advocacy work and past or ongoing enforcement work. On an organisational level it is therefore important to facilitate an appropriate level of knowledge-sharing and coordination to ensure alignment across different areas of operations.

16. The SCA has robust information-gathering powers for the purposes of conducting market studies, subject to important procedural safeguards. Upholding the principle of proportionality is, for example, of central importance when conducting a market study. However, this also places demands on the authority to determine where the threshold for proportionality lies for each individual request for information in relation to the goals of a market study in a non-enforcement context. The SCA consults market actors on the scope of information requests prior to the formal request being issued, typically trade organisations for the industry concerned.¹⁴

6. The impact of market study work

17. The outcomes of recommendations made in market studies are monitored on an ongoing basis, however no formal studies of estimated benefits of previous studies have been carried out. As with other advocacy work, it is not always possible to draw a direct correlation between recommendations and specific outcomes owing to the multifaceted nature of policy development. Nevertheless, there are many instances where market study recommendations have specifically been cited by central and local government in policy proposals.

18. One recent example from the SCA's broad sector inquiry into the food sector can be mentioned.¹⁵ Among its findings published in 2024, the SCA noted that there is untapped potential for the establishment of new grocery stores with competing concepts such as discount stores, which could challenge existing large actors. The SCA found that this would in turn increase competition and could lead to lower food prices for consumers. The SCA

¹³ Case ref 380/2024.

¹⁴ Förordning (1982:668) om statliga myndigheters inhämtande av uppgifter från näringsidkare och kommuner [Ordinance on Government Agencies' Collection of Information from Business Operators and Municipalities]

¹⁵ Supra, note 5.

concluded that the conditions for establishing grocery stores should be improved.¹⁶ Consequently, in September 2025, the government assigned the SCA and the National Board of Housing, Building and Planning the task of developing guidance for municipalities on how to promote effective competition, with a particular focus on facilitating the establishment of grocery stores in existing and new areas. As part of the assignment, SCA should also submit proposals for statutory amendments if necessary.¹⁷

19. In some cases, the SCA's analysis may be a factor in bringing about changes in market practices. In its food sector inquiry, the SCA also analysed coordination in the grocery retail sector of timings of new product launches, packaging changes and other issues. The stated purpose of the coordination was to achieve an efficient launch process considering supply chain management and service levels. However, the SCA noted among other things that this coordination somewhat hindered or limited suppliers' and grocery retailers' ability to make independent decisions regarding the timing of new product launches or product variants, and stated that increased flexibility would be beneficial for competition. The SCA did not examine whether the various agreements and collaborations were compatible with the competition rules. After the report was published, the industry decided to phase out the system of time windows for product changes, citing the SCA's analysis in the decision.

20. The SCA has in some cases chosen to conduct further inquiries into a market at a later stage to follow up on how competitive conditions have developed subsequent to a market study. In one recent example, the SCA published a paper as part of its "analysis in brief" series focusing on the market for delivery of restaurant food, which served to follow up on certain issues raised in its previous broader sector inquiry on digital platform markets conducted in 2021.¹⁸ The follow-up study indicated, for example, that the use of exclusivity agreements by delivery companies has decreased since 2020, although a significant number of restaurants consider themselves to be bound by horizontal price-parity clauses. In light of survey results during the study, the SCA initiated an enforcement investigation into one company's use of price-parity clauses. During the course of that investigation, the company in question changed the wording of its terms and conditions to clarify that horizontal price parity is not applied and communicated this to connected restaurants, leading the SCA to close its investigation in September 2025.¹⁹

7. Cross-border cooperation

21. The Nordic competition authorities have long experience of cooperating on market analyses and other rapports. A total of 17 joint Nordic reports have been published since 1998 focusing on specific sectors, questions of competition policy or legal issues. Markets such as retail banking, waste management, pharmacies and pharmaceuticals, digital platforms and labour markets have been analysed. Reports typically include a description

¹⁶ Konkurrensverket, *Dagligvaruhandelns etablering i kommunerna* [Grocery Stores' establishment in the municipalities], rapport 2024:4

¹⁷ Uppdrag till Konkurrensverket och Boverket att förbättra förutsättningarna för etablering av dagligvarubutiker [Assignment to the Swedish Competition Authority and National Board of Housing, Building and Planning to Improve the Conditions for Establishment of Grocery Stores], LI2025/01492.

¹⁸ Konkurrensverket, *Matplattformars avtalsvillkor gentemot restauranger* [Food platforms' contractual terms in relation to restaurants], Analys i korthet 2025:4

¹⁹ Case ref. 303/2025

of the market in the respective countries, an assessment of the market conditions and reasons for competition concerns, as well as policy recommendations. Reports are written and edited by cross-Nordic project teams for joint adoption and publication. By combining efforts and exploiting synergies, the Nordic authorities can improve the quality of the output and enhance its impact.²⁰ Comparisons between different countries can also be beneficial in highlighting different approaches and solutions to competition problems.

22. Joint reports need to be balanced against other competing demands on resources in each competition authority, and it is therefore important to assess carefully the topics for study and align schedules. Potential topics for reports are thus discussed and decided at meetings of the Nordic director generals. Given the cross-border dimension and need for coordination, it is especially important to ensure that the scope of a study is well delineated and commonly agreed across all participating authorities from the outset, and that there is a clear division of responsibilities, including the task of project management.

8. New competition tools

23. The SCA has for some time advocated for additional tools to be able to address structural or systematic competition problems that cannot be addressed by the existing competition rules. A government-appointed inquiry proposed in March 2025 that the competition rules should be supplemented with new powers for the SCA to order companies to take forward-looking measures to promote competition.²¹ In its recent budget proposal, the government indicated that it intends to introduce a broader competition tool, but the exact details of this have not yet been published.

24. The state inquiry proposed that the SCA should, based on information about a potential competition problem affecting one or more markets, be able to decide that pro-competitive measures would be appropriate. It would then have the power to publicly initiate an investigation into pro-competitive measures. After this point, the SCA would have 18 – 24 months to investigate which behavioural or structural measures would be necessary and proportionate to remove the obstacles to effective competition and consult parties and other stakeholders, before adopting a decision to order companies to take pro-competitive measures, or accept commitments offered by companies.

25. Unlike some other jurisdictions, the state inquiry did not suggest that such an investigation must always be preceded by a market study. Nevertheless, the findings of market study may be one factor taken into account in deeming that there is a need for pro-competitive measures.

26. The SCA shares the inquiry's view that a new competition tool may be appropriate in various scenarios. One example raised by the SCA is the issue of tacit collusion in oligopolistic markets, which can be hard to address using traditional competition law provisions. In the view of the SCA, sectoral regulation would also likely be less flexible and involve a greater risk of over-regulation than using a new competition tool. Nevertheless, the SCA also shares the view of the inquiry that there are scenarios where sectoral regulation or legislation would be better suited to addressing a competition

²⁰ OECD Global Forum on Competition, *Regional Competition Agreements: Benefits and Challenges*, joint contribution by Denmark, Finland, Norway, Iceland and Sweden, DAF/COMP/GF/WD(2018)14

²¹ SOU 2025:22, *Förbättrad konkurrens i offentlig och privat verksamhet* [Improved competition in public and private operations]

problem. In these scenarios, traditional advocacy tools such as market study recommendations to policy makers may be more appropriate.²²

27. At time of writing, the government has not yet presented any specific legislative proposals, meaning that it is not yet clear to what extent the inquiry's specific proposals will ultimately be implemented.

²² See consultation response with reference 290/2025.