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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS  
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**Working Party No. 3 on Co-operation and Enforcement**

**Executive Summary of the Roundtable on the Optimal Design, Organisation and Powers  
of Competition Authorities**

**Annex to the Summary Record of the 138th Meeting of Working Party 3**

4 December 2023

This Executive Summary by the OECD Secretariat contains the key findings from the roundtable on Optimal Design, Organisation and Powers of Competition Authorities held during the 138th meeting of the Working Party 3 on 4 December 2023.

The opinions expressed and arguments employed herein do not necessarily reflect the official views of the Organisation or of the governments of its member countries.

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## *Executive Summary of the Roundtable on the Optimal Design, Organisation and Powers of Competition Authorities*

By the Secretariat<sup>1</sup>

On 4 December 2023, the Working Party 3 held a roundtable to discuss and explore the optimal design, organization and powers of competition authorities.

Taking into account the background note prepared by the OECD Secretariat, the written contributions, as well as the discussion by the expert panelists, the following key points emerged:

### **1. Competition authorities are increasingly confronted with a wide range of interconnected and evolving challenges that may require both reactive and proactive institutional responses.**

Competition authorities are increasingly confronted with a broad set of challenges, including the digital transformation of markets, growing environmental concerns as well as the globalisation of business conduct. Alongside these, rising market concentration across several sectors has prompted renewed scrutiny of how effectively competition authorities can fulfil their mandate. While competition authorities are not the sole actors responsible for addressing these developments, they nonetheless have a critical role to play in ensuring that markets remain open, fair, and conducive to innovation and growth.

To respond effectively, authorities are reflecting on the adequacy of their institutional set-up. This includes reassessing whether existing legal frameworks, enforcement tools and powers remain fit for purpose, and whether current internal structures and resources are aligned with the evolving enforcement needs. A modern competition authority must ensure it is equipped with the right combination of legal, technical and economic expertise, particularly in digital markets and complex global value chains. This includes the ability to engage in cross-cutting policy areas such as environmental sustainability or industrial policy.

Authorities thus highlighted the importance of periodically reassessing their internal structures, skill sets, powers, and procedural tools to remain agile and effective. Many have reinforced their digital and sectoral expertise, adapting investigative strategies, and enhancing international and inter-institutional co-operation. Only through such proactive institutional developments authorities can continue to uphold competitive markets and contribute to broader economic policy goals.

### **2. Competition authorities are concretely responding to the growing need for specialized expertise in regulating evolving digital markets, especially through the set-up of specialised IT and data units in response to the increasing challenges from enforcing effectively competition laws in dynamic and innovation markets.**

As digital markets evolve, competition authorities are increasingly prioritizing the acquisition of specialized skills in areas such as data science, technology, and sector-specific knowledge. Authorities are indeed investing in diverse and multidisciplinary teams, bringing in data scientists, technologists, behavioural experts, sector specialists, and communication professionals to support enforcement and adapt to the complexities of

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<sup>1</sup> This Executive Summary does not necessarily represent the consensus view of the Working Party. It does, however, encapsulate key points from the discussion.

digital markets. These efforts aim at improving proactive case detection, better understanding algorithmic-based competition, and strengthening analytical capacity, while fostering functional collaboration across teams.

In parallel, authorities are rethinking internal structures, setting up digital or intelligence units, embedding technical expertise in case teams, and integrating IT support into core enforcement activities. Many have adopted hybrid models that balance centralised expertise with case-level collaboration. Others have expanded cooperation with domestic and international partners, universities, and regulatory bodies to share knowledge, pool resources, and streamline digital investigations. Despite diverse institutional set-ups, a common thread is the recognition that building internal technical competence and fostering interdisciplinary collaboration are key to ensuring effective and future-proof enforcement.

### **3. Competition authorities are equipping themselves with new tools and powers to enhance their enforcement capabilities.**

Other ways in which competition authorities are strengthening their ability to address modern challenges include the introduction or renewed use of a broader set of tools and powers. In some jurisdictions, pro-competitive intervention powers have been introduced to enable earlier or more flexible action, even in the absence of a formal infringement. Regulatory sandboxes have also gained traction, particularly in digital and financial markets, allowing authorities to monitor emerging products, services, and business models more closely without stifling innovation.

Traditional *ex post* enforcement is increasingly being complemented by *ex ante* regulatory instruments and new rulemaking powers. To address concerns around rising market concentration, some authorities are expanding their merger review frameworks, including scrutiny of transactions that fall below standard notification thresholds. *Interim* measures and updated guidelines, while not new, are receiving renewed attention as tools to address pressing market developments in a timely and targeted manner.

Authorities are also upgrading their investigative toolkit to respond to the complexity of enforcing competition laws in complex and fast-evolving markets. Digital forensics, machine learning-based screening tools, virtual inspections, and algorithmic auditing are now increasingly used to collect and process large volumes of data, detect collusion, and assess firm conduct more efficiently. These developments reflect a wider shift towards equipping competition authorities with the powers, procedures, and technical capabilities needed to remain effective in fast-moving and data-driven environments.