OECD Competition Trends 2023

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Foreword

This fourth edition of OECD Competition Trends presents unique insights into global competition trends based on data from 79 OECD and non-OECD jurisdictions. It analyses multi-year data on a large number of economic and legal indicators in the OECD CompStats database with a focus on the main developments in 2021. In doing so, OECD Competition Trends 2023 supports informed policy making and contributes to improving competition law and policy around the world.

The OECD Competition Committee, which includes representatives of the world's major competition authorities, is the premier source of policy analysis and advice to governments on how best to harness market forces in the interests of greater global economic efficiency and prosperity. For over 60 years, the OECD and its Competition Committee have taken a leading role in shaping the framework for international co-operation among competition agencies. The resulting recommendations, best practices and policy roundtables serve both as models and inspiration for national initiatives and as tools for sharing global best practices on competition law and policy. Competition officials from developed and emerging economies are offered a unique platform from which to monitor developments in competition policy and enforcement, and to discuss new solutions for increasing effectiveness.

The OECD CompStats database is the result of an initiative launched in 2018. The database compiles general statistics relating to competition agencies, including data on enforcement and resources and information on advocacy initiatives. The data are collected annually and currently covers the period 2015-21. The data are mainly presented at an aggregate level, combining the data of individual jurisdictions. The aggregate-level data includes an analysis (i) for all participating jurisdictions ("All jurisdictions"), (ii) comparing OECD and non-OECD jurisdictions, and (iii) per geographical region (Americas, Asia-Pacific, Europe and Middle East and Africa.

As the role and scope of competition law and policy continue to evolve, the tools of competition authorities must constantly develop and incorporate lessons learned from others. This publication contributes to helping policy makers and competition enforcers to stay up to date with the different ways in which competition law and policy is applied throughout the world.

The publication was prepared by the OECD Competition Division, in particular a team composed of Wouter Meester, project leader; Daniel Westrik; and Aura García Pabón, all of the OECD Competition Division. The report benefited from comments and suggestions by Ori Schwartz and Antonio Capobianco, respectively Head and Deputy Head of the OECD Competition Division. The report was prepared for publication by Erica Agostinho. The authors thank the individual competition authorities in the participating jurisdictions who provided the information on which much of this publication is based.

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Executive summary

This report focuses on the main developments in global competition enforcement in 2021. A complete set of graphs covering all competition enforcement indicators, i.e. all indicators on all years (2015-21), can be found on the OECD CompStats website.

The report consists of three chapters. Chapter 1 provides a brief overview of competition enforcement in the 79 participating jurisdictions. Chapter 2 describes the main developments in 2021 compared to 2020. Chapter 3 presents an analysis of three newly introduced variables: the number of bid-rigging (cartel) cases and decisions by industry (separately for cartel and abuse of dominance cases).

CompStats at a glance

Compared to last year's publication, this new edition of the OECD Competition Trends report includes one additional year of data (for 2021) and a net increase of seven jurisdictions. The OECD CompStats database now includes seven years of data for 79 jurisdictions. The newly added jurisdictions allowed for the creation of a new geographic region: "Middle East and Africa" (MEA). The region "Other", which was included in previous editions, is excluded from this report. Several of the countries previously in "Other" are now in "MEA", but some have also been allocated to the other existing regions.

Key developments in 2021

The most significant changes in 2021 are found in the number of competition staff, dawn raids, leniency applications, settlements and commitments, cartel and abuse of dominance decisions, fines imposed, market studies, and merger activity.

Competition staff - The average number of competition staff in the CompStats jurisdictions grew by 4.9% in 2021, with 57% of the jurisdictions increasing their headcount. However, this growth in the number of staff was uneven across geographic regions, with the Americas and Asia-Pacific driving the increase, while Europe and MEA staying relatively stable. When considering the number of competition staff per million inhabitants, the trend remains the same, with one exception: the growth in Europe exceeded the other regions.

Dawn raids - The number of dawn raids conducted by competition authorities recovered in all regions in 2021 after a significant decrease in 2020 due to the outbreak of the COVID-19 pandemic. However, the pace of recovery varied among jurisdictions and geographic regions. Non-OECD jurisdictions seemed to bounce back faster, with the number of dawn raids in 2021 already exceeding 2019, while in OECD jurisdictions the increase was slower, with the number of dawn raids remaining below the number pre-pandemic.

Leniency applications - Between 2015-20, leniency applications declined significantly across regions and jurisdictions. This overall decline continued in all regions in 2021, except in Europe where applications

increased by 32% in 2021 (although they remained below the number of applications in 2019 and previous years).

Settlements and commitments - In 2021, the percentage of cartel and abuse cases that were closed with a settlement or commitment generally increased. The increase in cartel settlements, which are more common than cartel commitments, predominantly came from OECD jurisdictions, where on average 44% of the cases ended with a settlement (compared to 29% in 2020). The percentage of abuse of dominance cases with a settlement or commitment also increased significantly outside Europe. The percentage of cases increased in all regions except in Europe, where it decreased from 38.5% in 2020 to 20% in 2021.

Cartel and abuse of dominance decisions - On average, CompStats jurisdictions took around eight cartel decisions in 2021, which was 9% more than in 2020. This growth was in all regions except the Americas, where the average number of decisions decreased from seven to five. As for the average abuse of dominance decisions, they remained stable, at around three per jurisdiction. Regional differences exist as the average decreased in Americas and MEA, while it increased in Europe and Asia-Pacific.

Fines - Total (and average) fines imposed in cartel and abuse of dominance cases increased by 52.5% in 2021. Total fines grew in all regions. The highest growth was in Asia-Pacific, with an increase of 183%. While cartel fines still account for the majority (68%) of total fines, there was a significant increase in the share of abuse of dominance fines from 17% in 2020 to 32% in 2021.

Market studies - In 2021, market studies decreased by 4.6%, with a total of 166 market studies across 64 CompStats jurisdictions. However, this varied by region, with an increase in Europe, and a decline in the other regions, with the most significant decline in MEA.

Merger activity and intervention - Merger notifications and decisions significantly increased in 2021, while the intervention rate – the percentage of merger cases in which competition authorities intervened by either prohibiting a merger or approving it under certain conditions – decreased, on average, from 2.5% in 2020 to 1.6% in 2021. This decrease in intervention rate was mostly driven by the significant increase in merger decisions (the denominator), as this was not matched by equivalent growth in intervention (the numerator). Although there was in fact also a decline in the absolute number of interventions, driven by a decline in the number of mergers approved with remedies, while the number of prohibited mergers increased. Thus, this net decrease in interventions, together with the significant increase in the number of merger decisions, lead to a substantial decrease in the intervention rate.

New variables: bid-rigging and industry-analysis

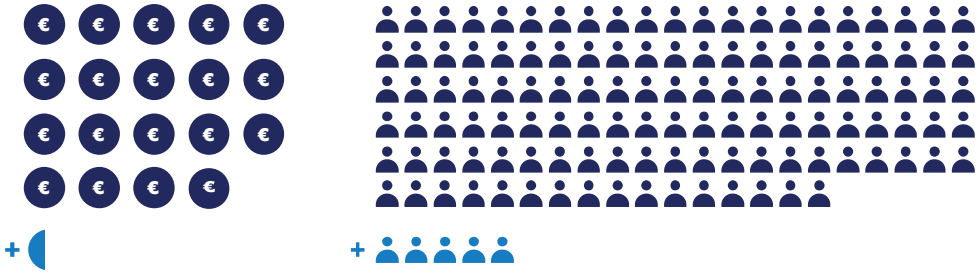
The OECD CompStats questionnaire included three new questions in 2021. One question referred to the number of cartel decisions that related to bid-rigging, while the other two new questions identified the number of cartel and abuse of dominance decisions by industry.

In 2021, competition authorities in the CompStats jurisdictions took a total of 182 cartel decisions that related to bid-rigging, representing 34% of all cartel decisions. However, regional differences were significant, with bid-rigging representing the highest percentage of all cartel decisions in Asia-Pacific (63%) and the lowest in MEA (16%).

An analysis of the industries affected by cartel or abuse of dominance decisions in 2021 confirmed previous findings based on economic theory and empirical literature. The manufacturing industry seems most prone to cartels (representing close to 18% of all cartel decisions), while the ICT industry had most abuse of dominance decisions (accounting for 15% of all abuse of dominance decisions). Again, regional differences exist. For example, in Europe, the industry with the most cartel decisions was wholesale trade (21% of all cartel decisions in the region), while in Asia-Pacific this was construction (29% of all cartel decisions in the region). In abuse of dominance decisions, ICT was the most common in Europe (23%), while it was manufacturing in Asia-Pacific (24%) and MEA (33%).

Infographic 1. Key facts and figures

Resources (average, all jurisdictions)



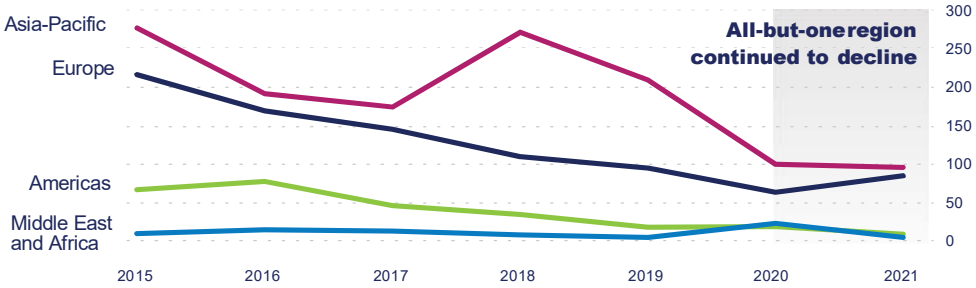
€19.9 million
Competition budgets increased **1%** in 2021.

126 staff
Competition agencies' headcounts grew **5%** 2021.

Cartel dawn raids (average, all jurisdictions)

Competition authorities conducted more cartel dawn raids.

Leniency applications (total number, by region)



Mergers (average, all jurisdictions)

Merger notifications significantly increased.

Total fines increased in all regions.

The number of cartel settlements went up.

Abuse of dominance settlements and commitments generally increased.

1 OECD CompStats at a glance

This chapter describes the changes in coverage of the report, as well as the creation of a new geographic region, compared to previous editions. It presents a snapshot of the competition resources and enforcement activity of the CompStats jurisdictions.

Regional coverage of the OECD CompStats database

The coverage of the OECD CompStats database increased relative to the previous edition due to the inclusion of new jurisdictions and one additional year of data. In this report, the OECD CompStats database includes eight new jurisdictions, covering a total number of 79 jurisdictions.[1] All new jurisdictions are non-OECD jurisdictions and are located in three different regions: Asia-Pacific (one);[2] the Americas (three);[3] and the Middle East and Africa (MEA) (four).[4] In fact, the addition in 2021 of four jurisdictions in MEA allowed the creation of this separate geographic region for the analysis, replacing the category "Other" in previous editions. Some jurisdictions that were previously included in "Other" are now assigned to the other existing regions.

Figure 1.1. Regional coverage of the OECD CompStats Database 2021

Source: OECD CompStats database.

The complete list of jurisdictions in each region is included in the Annex, together with the lists of the competition authorities that provided data in each jurisdiction.

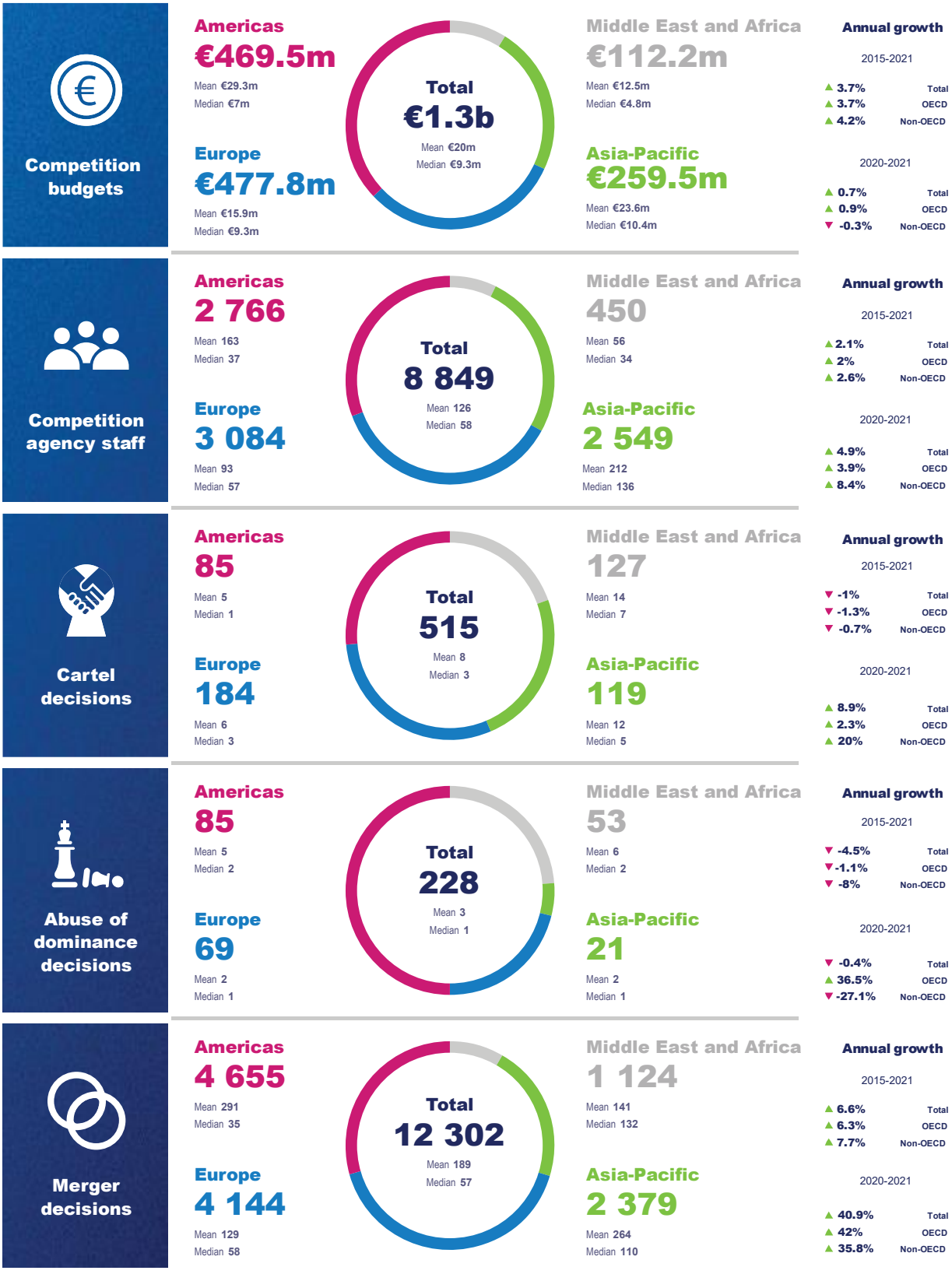
Available data in the CompStats database

The OECD CompStats database temporal coverage increased from six to seven years due to the additional year of data for 2021. The OECD CompStats website contains the underlying data for the figures in this report, aggregate and anonymously, as well as all of the figures from the previous version of the report (OECD Competition Trends 2022) updated for the new jurisdictions and additional year of data.

Snapshot of competition resources and enforcement activity

The general overview below provides a snapshot of competition resources and enforcement activity.

Figure 1.2. Competition resources and enforcement activity, 2021



Note: All measures based on the number of jurisdictions that provided all seven years of data (66 jurisdictions for nominal competition budget, 70 jurisdictions for competition staff, 68 jurisdictions for cartel decisions, 67 jurisdictions for abuse of dominance decisions, and 65 jurisdictions for merger decisions). Nominal competition budget figures are in 2015 euros (non-euro currencies are converted using 2015 official exchange rates on 31 December 2015) to eliminate distortions due to currency fluctuations. Competition staff are staff working only on competition (excluding administrative staff or staff involved in other functions of the authority, such as consumer protection, public procurement, sector regulation).
Source: OECD CompStats database.

2 Key developments in 2021

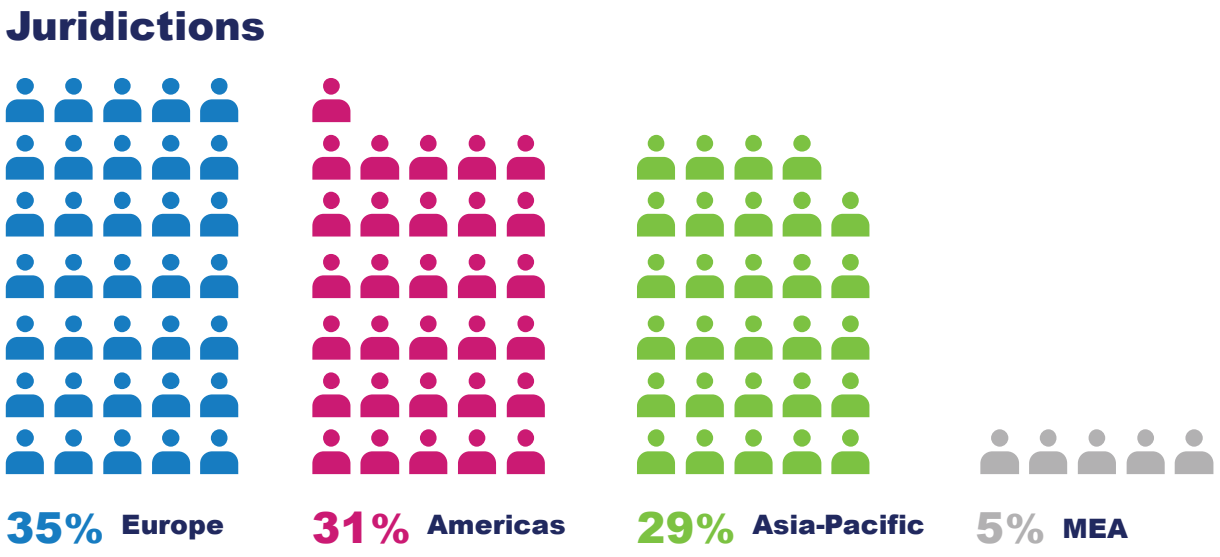
This chapter highlights the main global competition enforcement developments in 2021. It includes the most significant changes in variables such as competition staff, dawn raids, leniency applications, use of settlements and commitments, enforcement decisions, market studies and merger activity.

While previous editions of OECD Competition Trends reports included a complete overview of all aspects of competition enforcement around the globe, this year's edition focuses specifically on the main developments in 2021. Consequently, the variables that demonstrated the most remarkable changes are discussed, which include: a higher-than-average increase in competition staff, a recovery in dawn raids, a continued decline in leniency applications in all-but-one region, an increase in the use of settlements or commitments, more cartel decisions, higher imposed fines, a lower number of market studies and increased merger activity.

Competition staff grew much faster in 2021 than in the preceding years

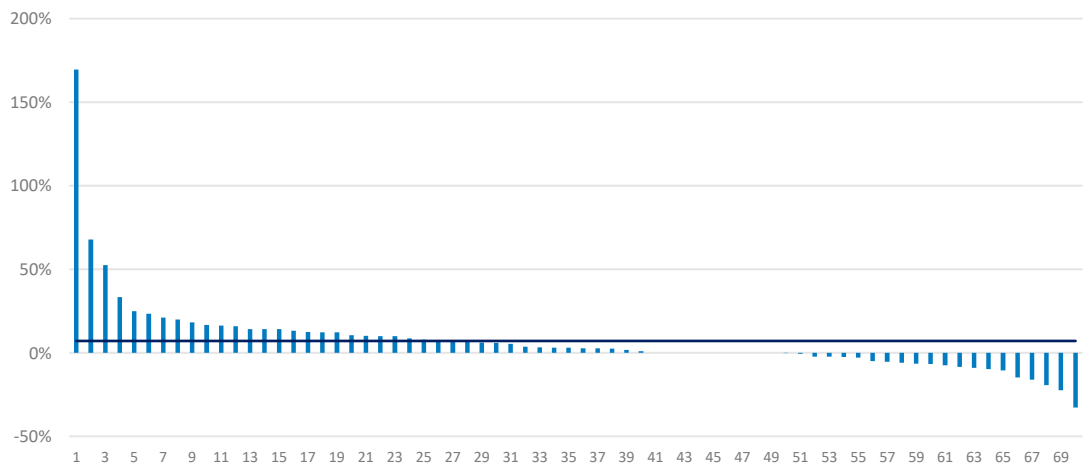
In 2021, the jurisdictions in the OECD CompStats database employed 8 848 competition staff, with a mean of 126 and median of 57 per jurisdiction. This represents an increase in total staff of 4.9% with respect to 2020, compared to a compound annual growth rate of only 1.6% over the period 2015 to 2020. However, while the distribution of competition staff across regions is unbalanced (see Figure 2.1), so is its growth. Out of 70 jurisdictions that reported data on competition staff for both 2020 and 2021, 40 (57%) saw an increase in the number of competition staff in the past year, while 20 (28%) witnessed a decrease, and there was no change in the ten remaining jurisdictions (see Figure 2.2).

Figure 2.1. Distribution of worldwide staff working on competition by region, 2021



Note: Data based on the 70 jurisdictions in the OECD CompStats database that provided data for competition staff for seven years. Competition staff are staff working only on competition (excluding administrative staff or staff involved in other functions of the authority, such as consumer protection, public procurement, sector regulation).
Source: OECD CompStats database.

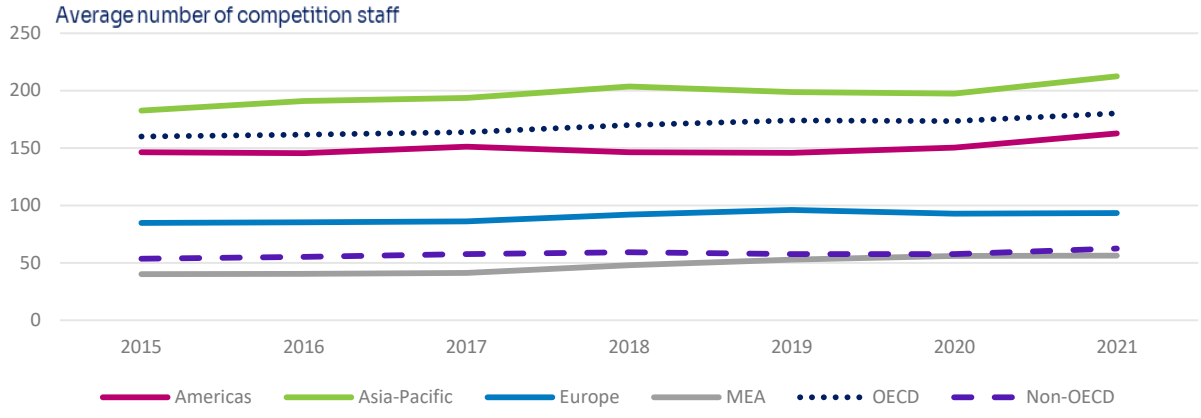
Figure 2.2. Percentage change in 2020-21 of the number of competition staff per jurisdiction



Note: Data based on the 70 jurisdictions in the OECD CompStats database that provided data for competition staff for seven years. Competition staff are staff working only on competition (excluding administrative staff or staff involved in other functions of the authority, such as consumer protection, public procurement, sector regulation).
Source: OECD CompStats database.

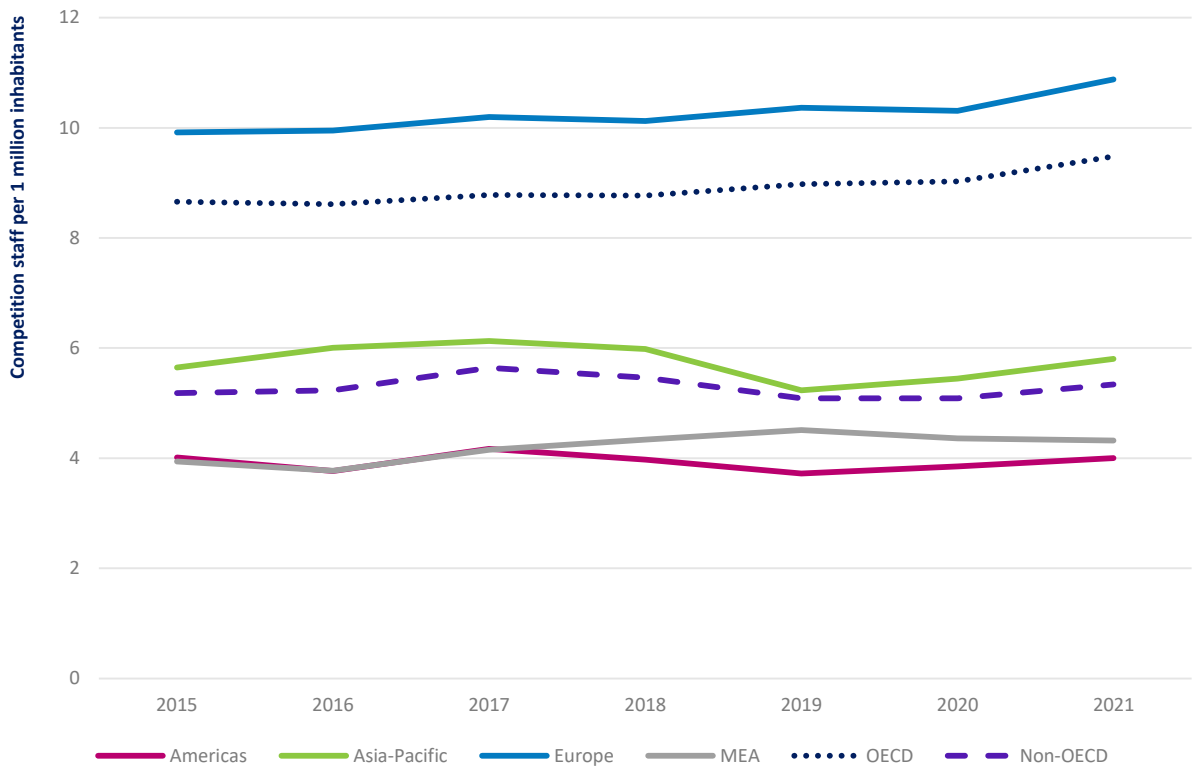
Although the average number of competition staff grew in all regions in 2021, the Americas and Asia-Pacific were the main regions driving this growth. In the Americas, the average number of staff grew from 150 to 163, while Asia-Pacific saw its average headcount increase from 197 to 212. Europe and MEA saw very marginal increases in 2021 to 93 and 56 respectively. When considering the number of competition staff per million inhabitants, this trend remains mostly the same, growing in all regions except MEA, where it decreased slightly.

Figure 2.3. Average number of competition staff per agency, 2015-21



Note: Data based on the 70 jurisdictions in the OECD CompStats database that provided data for competition staff for seven years. Competition staff are staff working only on competition (excluding administrative staff or staff involved in other functions of the authority, such as consumer protection, public procurement, sector regulation).
Source: OECD CompStats database.

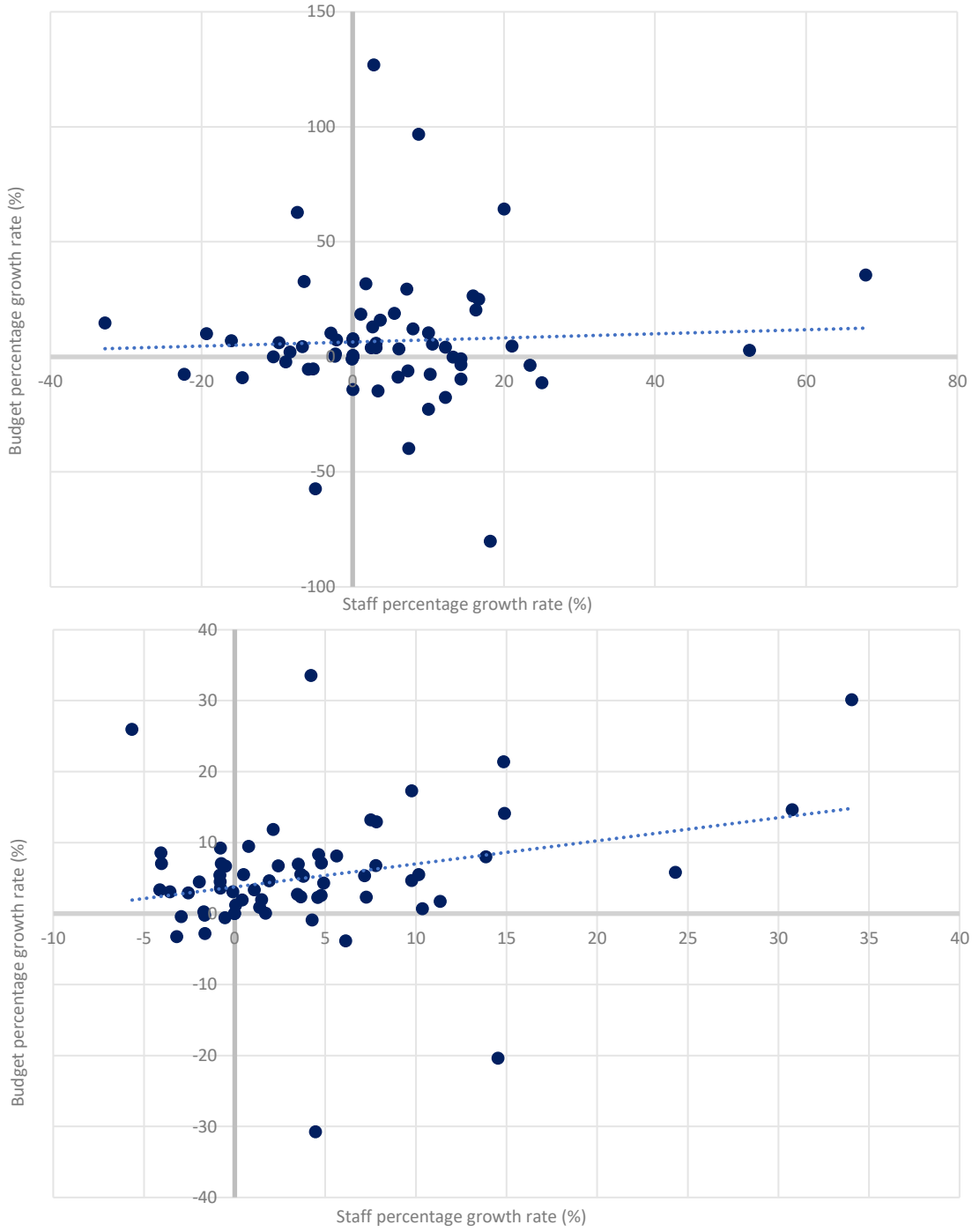
Figure 2.4. Competition staff per 1 million inhabitants, 2015-21



Note: Data based on the 70 jurisdictions in the OECD CompStats database that provided data for competition staff for seven years. Competition staff are staff working only on competition (excluding administrative staff or staff involved in other functions of the authority, such as consumer protection, public procurement, sector regulation).
Source: OECD CompStats database and United Nations World Population Prospects database.

It is also interesting to compare the change in staff per jurisdiction with the change in competition budget. Firstly, as expected, an increase in budget is generally associated with an increase in competition staff (see the positive correlations in Figure 2.5). However, while the large majority of competition authorities increased both their budget and staff between 2015-21, a disproportionate number of authorities faced budget cuts in 2021 (22 jurisdictions). Furthermore, out of those jurisdictions that had a reduction in budget in 2021, 14 still had an increase in the number of competition staff. This may partly explain why the aggregate growth in competition budget was not of the same magnitude as the increase in the number of competition staff.

Figure 2.5. Annual percentage change per jurisdiction of staff and budget in 2020-21 (top) and between 2015-21 (bottom)

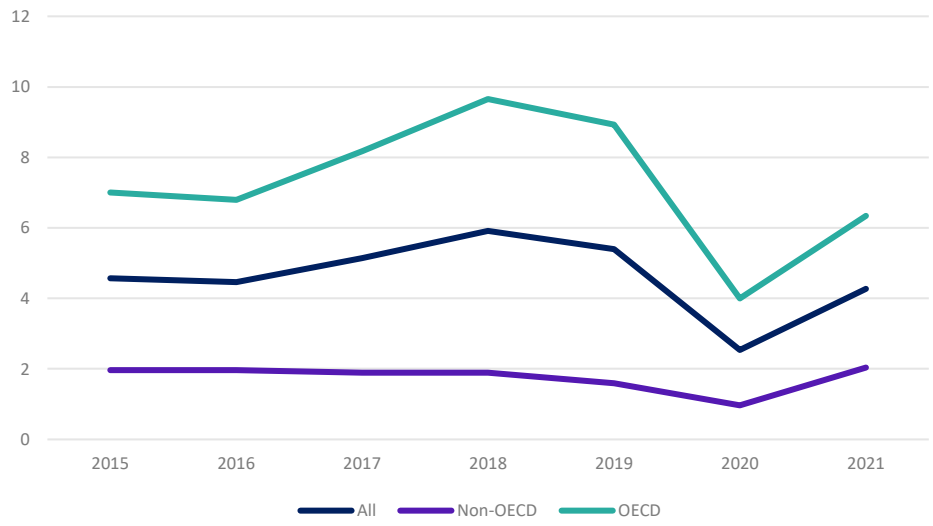


Note: Data based on the 64 jurisdictions in the OECD CompStats database that provided data for competition budget and staff for seven years. Nominal competition budget figures are in 2015 euros (non-euro currencies are converted using 2015 official exchange rates on 31 December 2015) to eliminate distortions due to currency fluctuations. Competition staff are staff working only on competition (excluding administrative staff or staff involved in other functions of the authority, such as consumer protection, public procurement, sector regulation).
Source: OECD CompStats database.

Dawn raids recovered from the dip in 2020, but are generally still fewer than pre-pandemic

In 2020, government restrictions in response to COVID-19 meant that many competition authorities stopped performing dawn raids for most of the year. However, in 2021, the number of dawn raids seemed to recover in all regions. The pace of recovery varied among jurisdictions, with an average number of dawn raids in cartel cases in non-OECD jurisdictions higher than in previous years, while the OECD average in 2021 was still lower than in 2019.

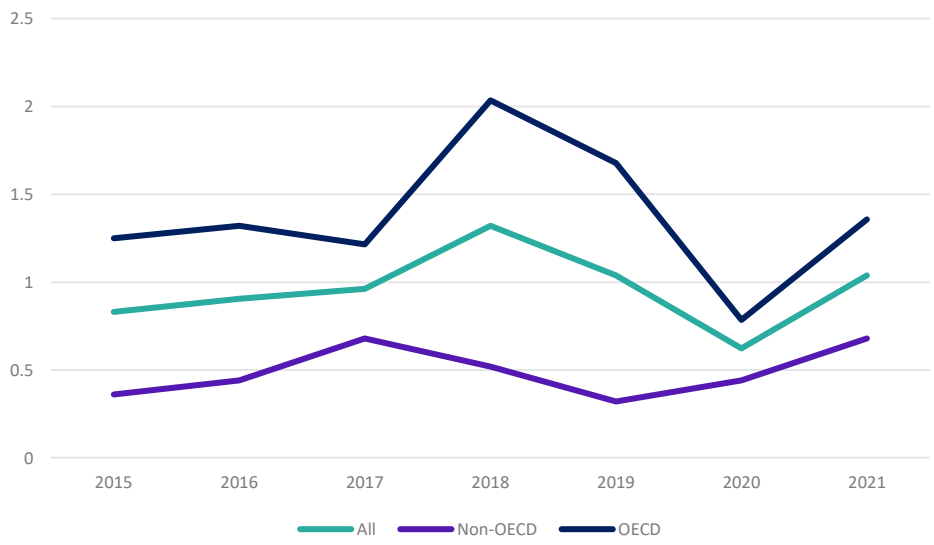
Figure 2.6. Average number of cartel dawn raids for OECD, non-OECD jurisdictions and all jurisdictions, 2015-21



Note: Data based on the 56 jurisdictions in the OECD CompStats database that provided data for cartel dawn raids for seven years.
Source: OECD CompStats database.

Dawn raids for abuse of dominance investigations, of which the majority take place in Europe and MEA, followed a similar trend, showing a recovery in 2021. The recovery was particularly swift in non-OECD jurisdictions, as their average number of abuse of dominance dawn raids in 2021 exceeded levels between 2015-20. OECD jurisdictions performed more dawn raids in 2021 than in 2020 but still less than in 2019.

Figure 2.7. Average number of abuse of dominance dawn raids for OECD, non-OECD and all jurisdictions, 2015-21

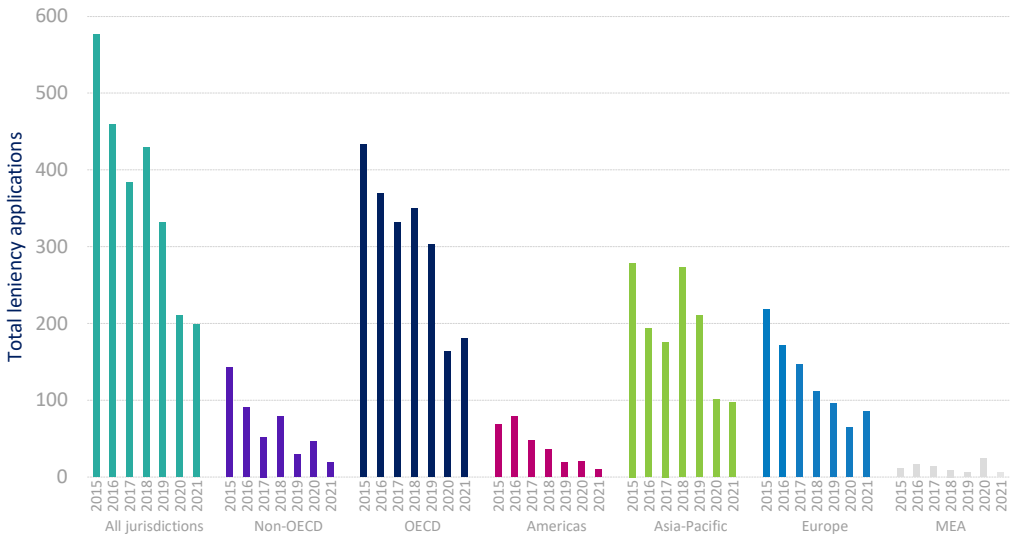


Note: Data based on the 53 jurisdictions in the OECD CompStats database that provided data for abuse of dominance dawn raids for seven years.
Source: OECD CompStats database.

Leniency applications increased in Europe in 2021, but continued declining in the other regions

According to the OECD Competition Trends 2022 report, leniency applications declined in recent years across the globe. In 2021, this trend generally continued, with Europe being the only exception. In Europe, leniency applications increased by 32% in 2021, from a total of 65 applications in 2020 to 86 in 2021. This increase was noticeable in a significant number of jurisdictions, with a few that showed sharp increases. Despite this partial recovery, the number of leniency applications in Europe in 2021 (86) was still lower than in 2019 (96). MEA showed the largest decrease in leniency applications (-75%), followed by the Americas (-50%).

Figure 2.8. Total leniency applications, 2015-21



Note: Data based on the 51 jurisdictions in the OECD CompStats database that provided data for leniency applications for seven years.
Source: OECD CompStats database.

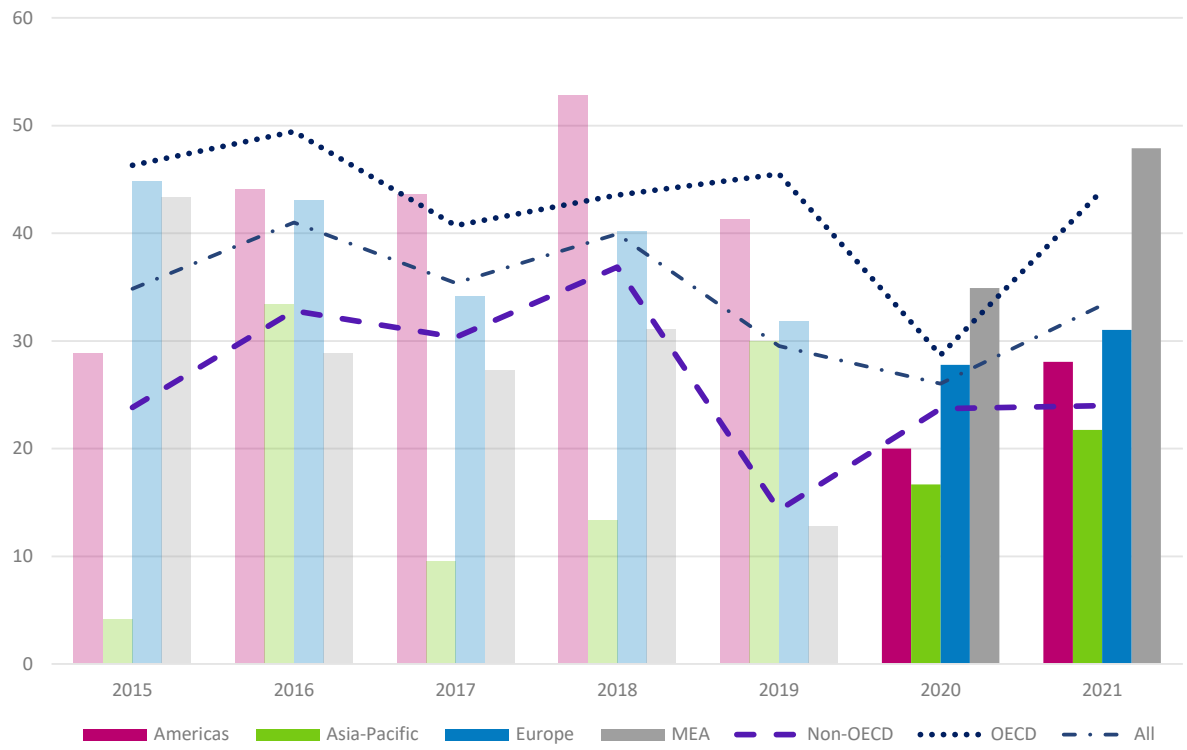
Authorities used more settlements and commitments in 2021

Competition authorities use settlement and commitment procedures to terminate cartel and abuse of dominance investigations. Their use may help improve the allocation of an agency's resources by allowing staff to focus on other activities or cases. Thus, they may allow authorities to adopt more decisions for a given amount of resources. Although settlements are most common for cartel cases and commitments for abuse of dominance investigations, some jurisdictions use both tools for either conduct.[5]

In 2021, on average, one in every three cartel cases was resolved by means of a settlement, an increase from 26% in 2020. This increase comes after a drop in 2020, so there was a return to levels previously observed in 2019. The increase came particularly from OECD jurisdictions, where on average 44% of the cases ended with a settlement (from 29% in 2020). On the contrary, the aggregate percentage of cartel cases that ended with settlements in non-OECD jurisdictions remained stable at 24%.

Regionally, MEA and the Americas were the regions with the most prominent increases. In MEA, 48% of cartel cases in 2021 included settlements (from 35% in 2020), while in the Americas the aggregate percentage was 28% in 2021 (compared to 20% in 2020). However, the percentage in the Americas is still below that in the years 2015-19. Asia-Pacific also saw an increase in the percentage of cartel cases with settlements, namely from 17% in 2020 to 22% in 2021. The increase in Europe was slight, from 28% to 31%.

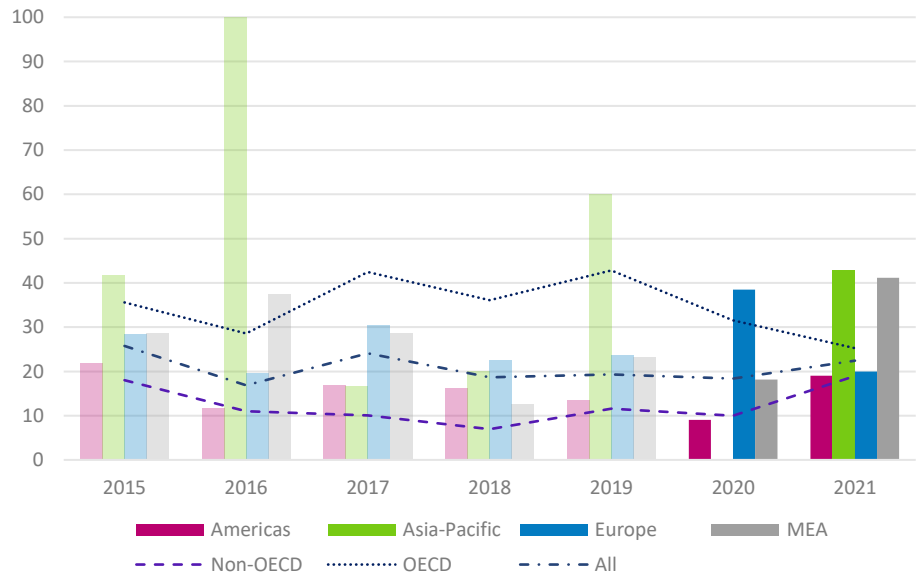
Figure 2.9. Percentage of cartel cases with a settlement, 2015-21



Note: Data based on the 54 jurisdictions in the OECD CompStats database that provided data for cartel decisions and cartel settlements for seven years.
Source: OECD CompStats database.

The use of settlements and commitments in abuse of dominance investigations overall also increased significantly in 2021. This increase occurred in all regions except Europe, where the percentage of cases decreased from 38% in 2020 to 20% in 2021. In Asia-Pacific, after a year without any settlements or commitments, almost 43% of the abuse of dominance decisions in 2021 ended with a settlement or commitment. In the Americas, the percentage increased from 9% in 2020 to 19% in 2021 and MEA saw an increase from 18% in 2020 to 41% in 2021.

Figure 2.10. Percentage of abuse of dominance cases with a settlement or commitment, 2015-21

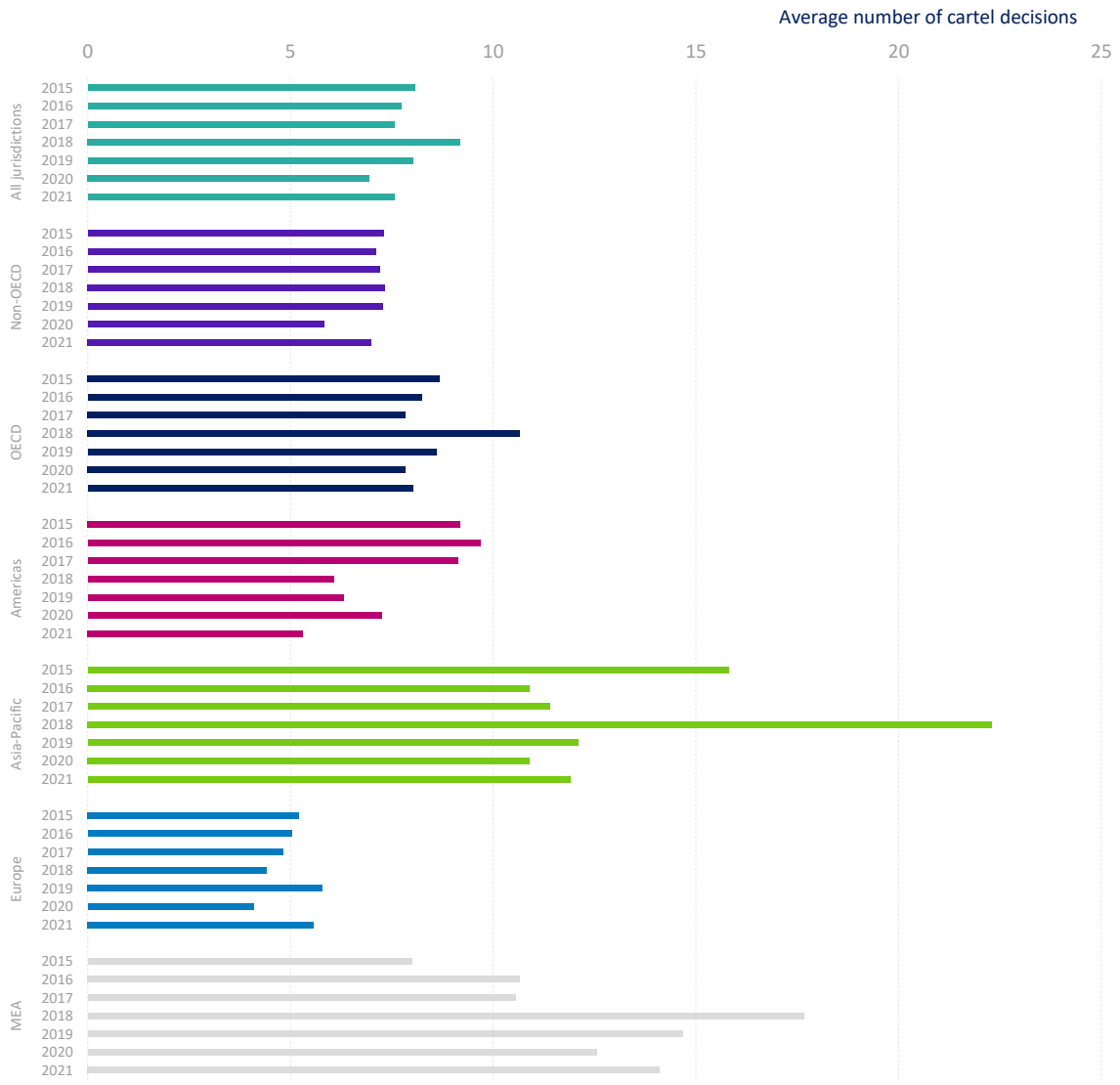


Note: Data based on the 60 jurisdictions in the OECD CompStats database that provided data for abuse of dominance decisions and decisions with settlements or commitments for seven years.
Source: OECD CompStats database.

Cartel decisions increased in 2021 while abuse of dominance decisions remained stable

The recovery in the number of dawn raids, the increase in leniency applications in Europe and the rise in the use of settlements and commitments to close investigations seems to have led to an increase in cartel decisions by competition authorities. On average, CompStats jurisdictions took around eight cartel decisions in 2021, an increase from 7 in 2020. This increase occurred in all regions except the Americas, where the average number of cartel decisions decreased from 7 in 2020 to 5 in 2021. MEA was the region with the highest average number, namely 14 decisions per jurisdictions taken in 2021.

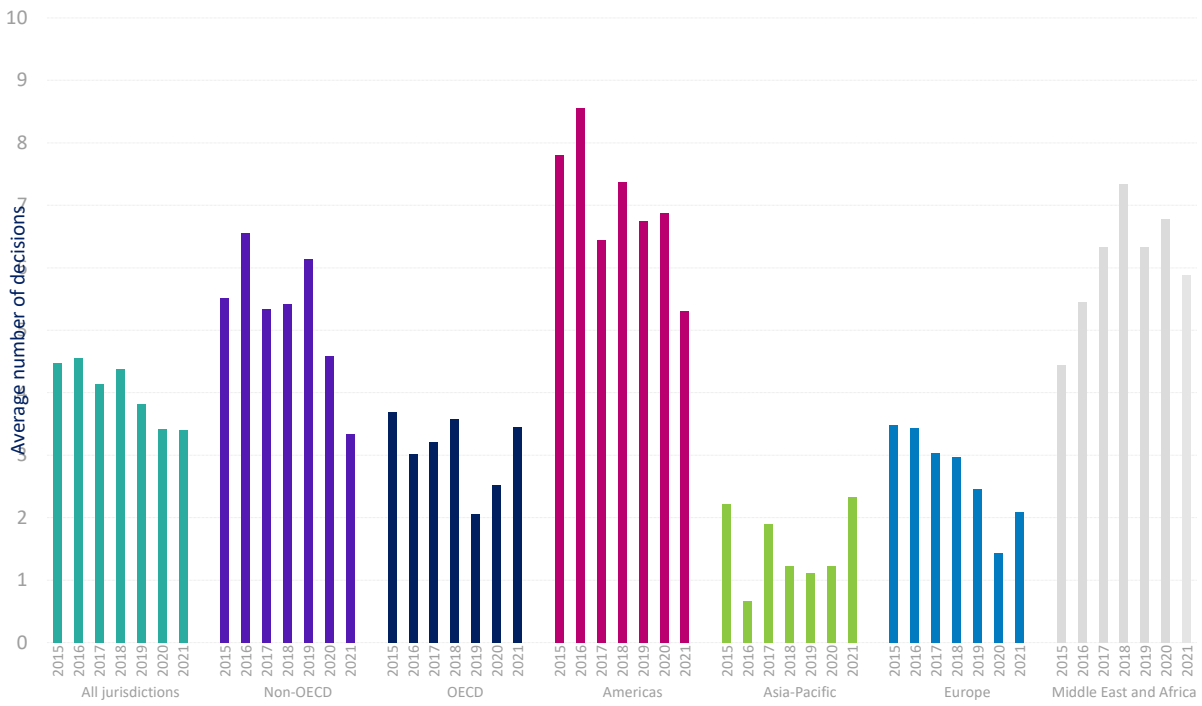
Figure 2.11. Average number of cartel decisions, 2015-21



Note: Data based on the 68 jurisdictions in the OECD CompStats database that provided data for cartel decisions for seven years.
Source: OECD CompStats database.

In contrast, the average number of abuse of dominance decisions stayed stable (around three per jurisdiction). While it decreased in Americas and MEA, it increased in Europe and Asia-Pacific. MEA was the region with the highest value, with around six decisions per jurisdiction on average in 2021.

Figure 2.12. Average number of abuse of dominance decisions, 2015-21

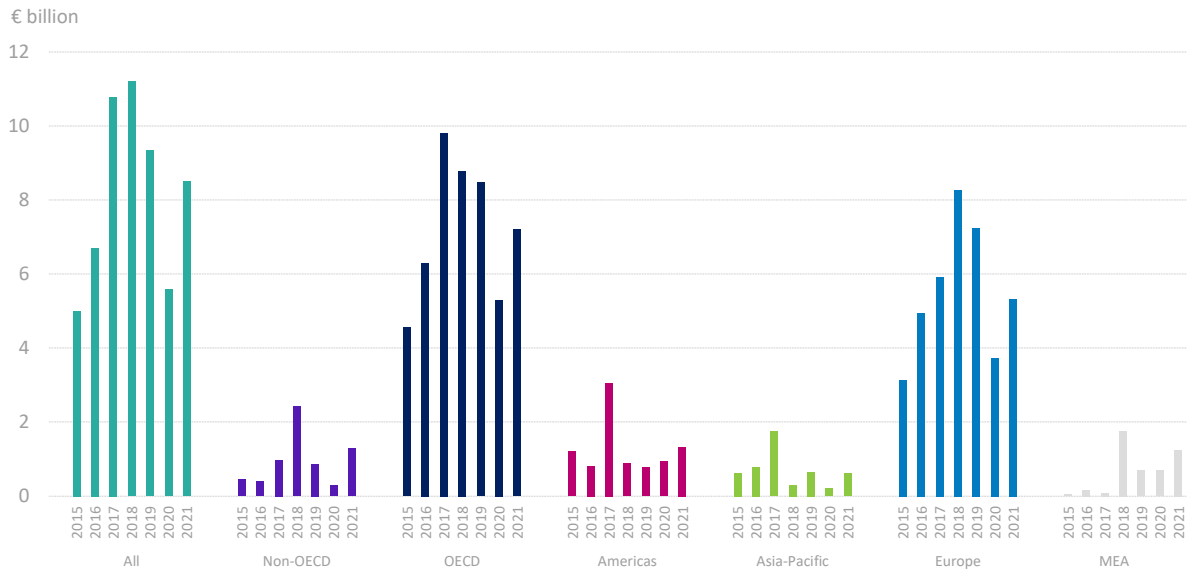


Note: Data based on the 67 jurisdictions in the OECD CompStats database that provided data for abuse of dominance decisions for seven years.
Source: OECD CompStats database.

Fines increased significantly in all regions

The total fines imposed in cartel and abuse of dominance cases increased in all regions in 2021. The total amount of fines imposed by all participating jurisdictions increased by 53%, from EUR 5.6 billion in 2020 to EUR 8.5 billion in 2021. The average amount of fines per jurisdiction increased from EUR 84.4 million in 2020 to EUR 128.8 million in 2021. Asia-Pacific showed the largest growth of 183% from EUR 0.21 billion in total in 2020 to EUR 0.6 billion in 2021. In MEA, total fines increased from EUR 0.68 billion in 2020 to EUR 1.24 billion in 2021, growing more than 80%. The increase in Europe was 43% (from EUR 3.73 billion in 2020 to EUR 5.33 billion in 2021) and 41% in the Americas (from EUR 0.93 billion in 2020 to EUR 1.32 billion in 2021).

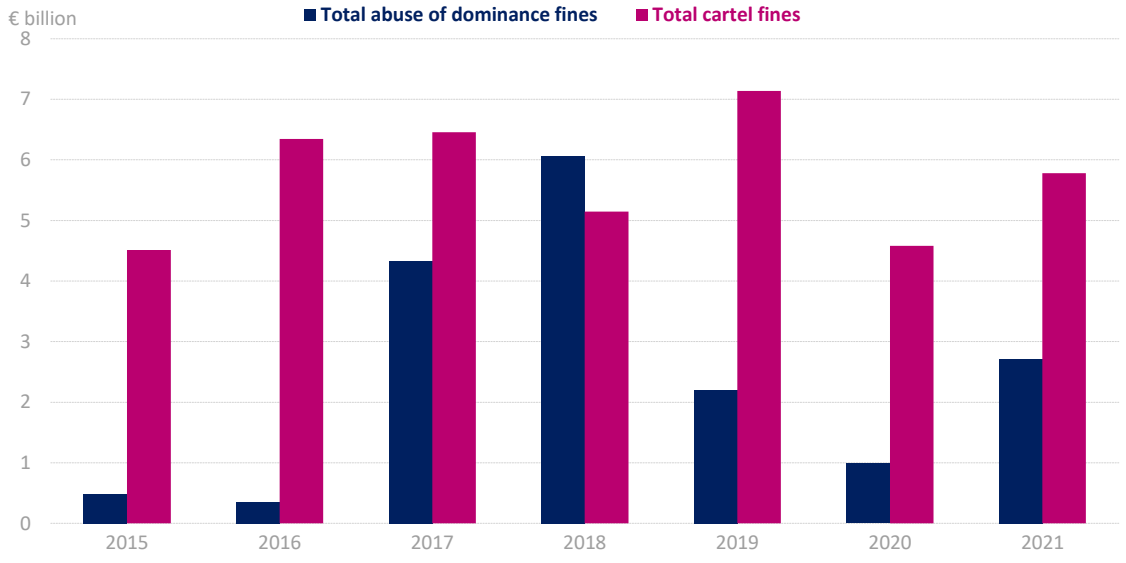
Figure 2.13. Total fines imposed (abuse of dominance and cartel cases), 2015-21



Note: Data based on the 62 jurisdictions in the OECD CompStats database that provided comparable data for all seven years. Fines are in 2015 euros (non-euro currencies are converted using 2015 official exchange rates on 31 December 2015) to eliminate distortions due to currency fluctuations.
Source: OECD CompStats database.

While cartels still make up the majority of the fines (68%), there was a significant increase in the share of abuse of dominance fines in 2021 from 17% in 2020 to 32%.

Figure 2.14. Total fines imposed by type of infringement, 2015-21

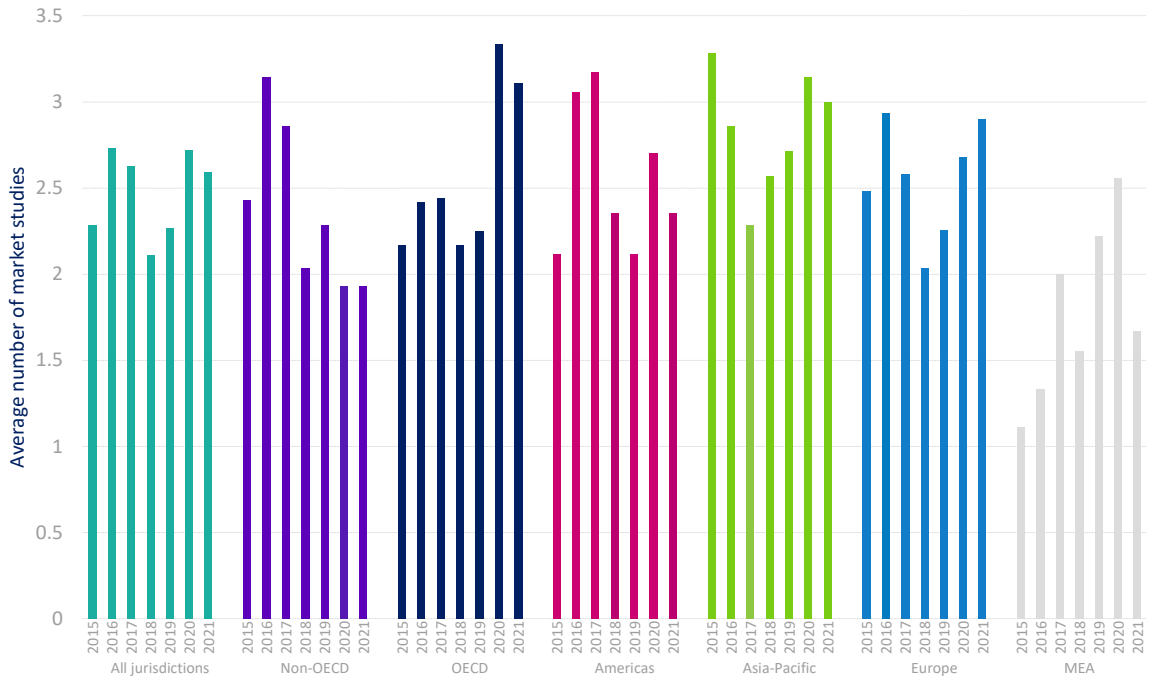


Note: Data based on the 62 jurisdictions in the OECD CompStats database that provided comparable data for all seven years. Fines are in 2015 euros (non-euro currencies are converted using 2015 official exchange rates on 31 December 2015) to eliminate distortions due to currency fluctuations.
Source: OECD CompStats database.

Market studies continue to be an advocacy tool for competition authorities

In 2021, market studies decreased by 4.6%, with CompStats jurisdictions finalising a total of 166 market studies in 2021, compared 174 in 2020. Some regional differences exist: Europe saw an increase (from an average of 2.7 market studies per jurisdiction in 2020 to 2.9 in 2021), while the other three regions saw a decrease, of which MEA's decrease was the most pronounced (from 2.6 in 2020 to 1.7 in 2021).

Figure 2.15. Average number of market studies 2015-21

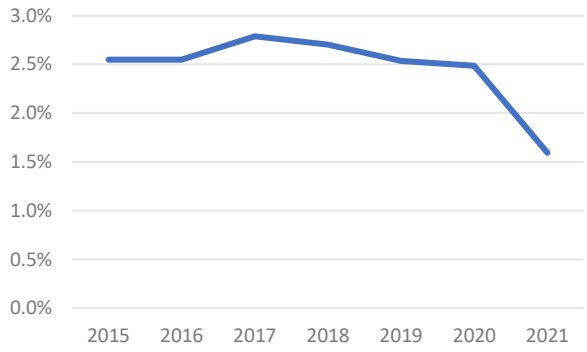


Note: Data based on the 64 jurisdictions in the OECD CompStats database that provided data for market studies for seven years.
Source: OECD CompStats database.

The overall intervention rate in merger cases decreased in 2021

The average merger intervention rate (i.e., the percentage of merger cases in which competition authorities have intervened, either by prohibiting a merger or by approving a merger under certain conditions) decreased from 2.5% in 2020 to 1.6% in 2021.

Figure 2.16. Average merger intervention rate, 2015-21



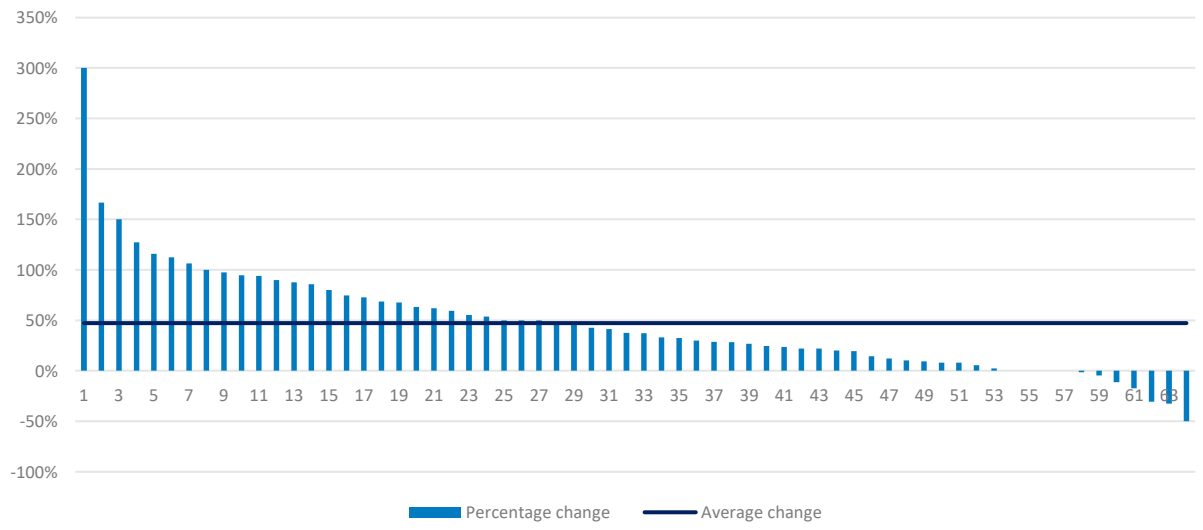
Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

The decline in the merger intervention rate was due to both a slight decrease in the number of mergers in which competition authorities intervened (the numerator) and, even more so, due to a significant increase in the number of merger decisions (the denominator).

In 57 of 65 jurisdictions in the CompStats database that reported merger data for seven years, there was an increase in merger notifications in 2021. The increase, on average, was 47% with respect to notifications in 2020. This increase was somewhat expected, as notified mergers had already started to pick up in the second half of 2020 after an initial decline that year as a result of the COVID-19 pandemic that made some firms pause their merger activity given the economic uncertainty.

While increased merger activity in 2021 has certainly played a major role in most jurisdictions, the change in merger notification thresholds in some jurisdictions may also have been a relevant factor. Such modifications can lead, and have led, to a significant change in the number of mergers that are required to be notified. For instance, in some jurisdictions, like the Philippines, the relevant legislation was altered to modify, even if temporarily, the merger notification thresholds. In others, thresholds levels changed as a result of being indexed to macroeconomic variables, such as gross national product in the United States. Finally, jurisdictions like Austria and Germany, recently introduced new criteria to notify transactions, particularly, transaction value thresholds, which could have had an impact on the number of decisions that have been notified since their introduction.

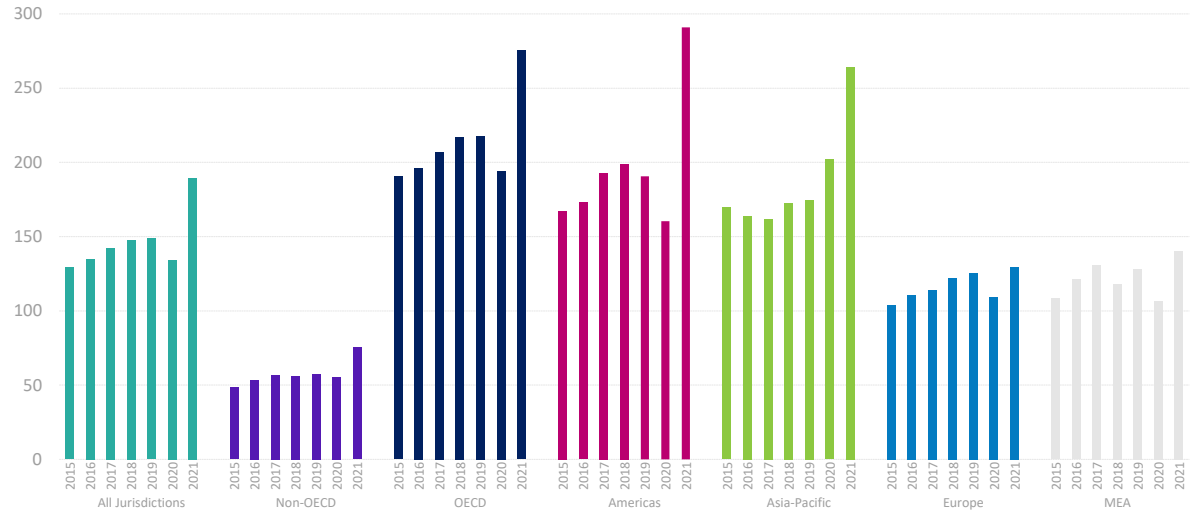
Figure 2.17. Percentage change in the number of merger notifications per jurisdiction in 2020-21



Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

In 2021, the average number of merger decisions increased by 41% (relative to 2020) to 189 per jurisdiction. However, regional differences exist. The Americas was the region with the largest increase, from an average of 160 decisions per jurisdiction in 2020 to 291 in 2021. Moreover, merger decisions increased in all-but-one of the jurisdictions in the region, more than doubling in some. The average number of merger decisions per jurisdiction increased 31% in Asia-Pacific, from 202 to 264, 32% in MEA, from 107 to 141, and 19% in Europe, from 109 to 130.

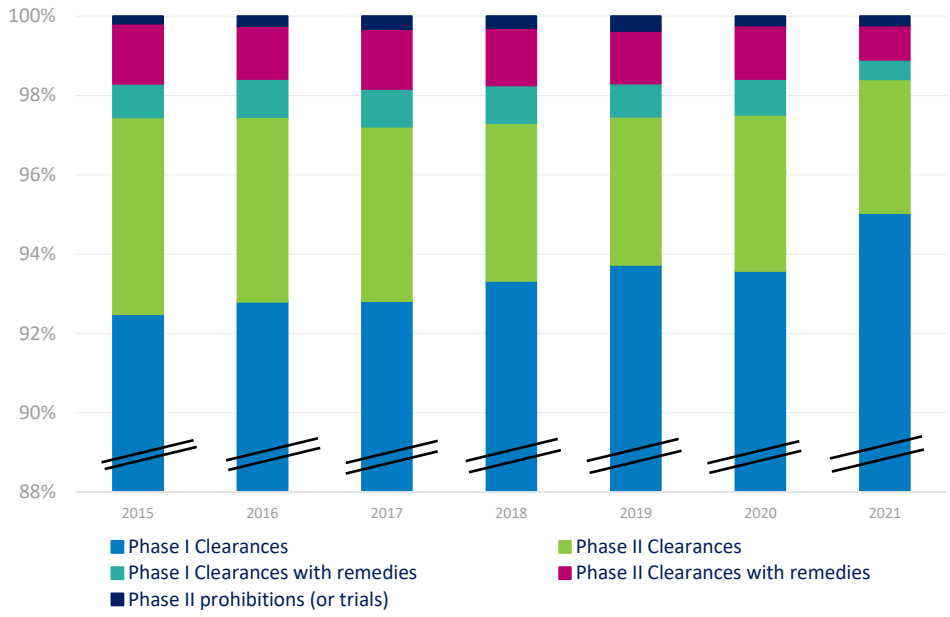
Figure 2.18. Average number of merger decisions, 2015-21



Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

As in previous years, most mergers in 2021 did not raise competition issues, with 95% of the mergers cleared in Phase I without remedies, the highest this percentage has been over the period 2015-21. The remaining 5% required further investigation or intervention. Around 3.4% of mergers went into Phase II but did not require any intervention.

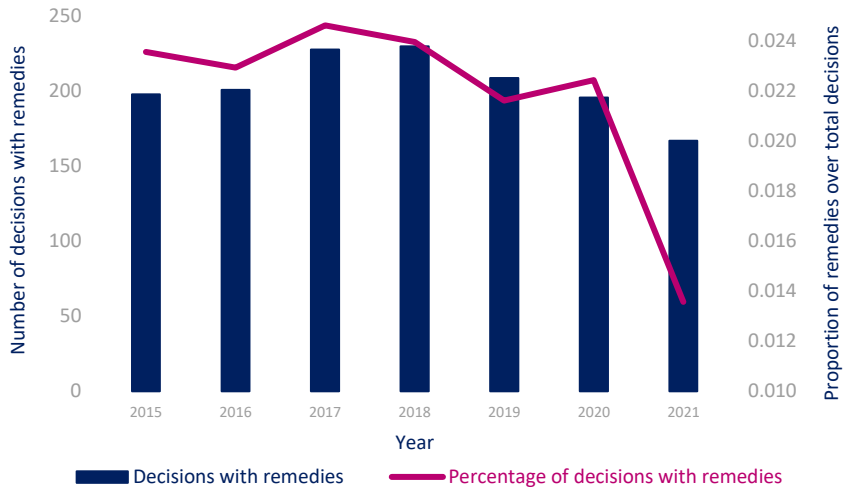
Figure 2.19. Type of merger decisions, 2015-21



Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

In 1.4% of merger decisions, competition authorities were able to resolve the identified competition concerns through a remedy in either Phase I or Phase II. In absolute values, this accounted for 167 transactions approved conditionally in 2021, which represents a decrease from 2020, when 196 transactions were subject to remedies. This is the second factor that contributed to the decrease in the intervention rate.

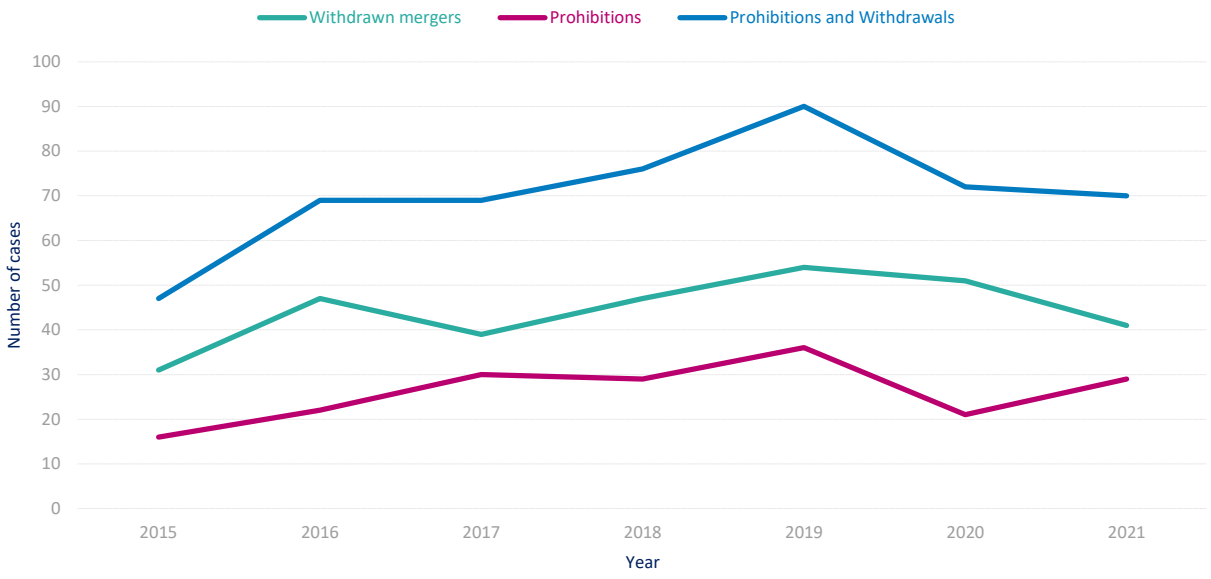
Figure 2.20. Number of decisions with remedies and their percentage with respect to total merger decisions



Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

Although the intervention rate decreased on aggregate, 29 mergers were prohibited in 2021 (0.2% of merger decisions). This represents an increase of 38% from the 21 prohibited in 2020. Finally, 41 merger notifications were withdrawn in 2021, compared to 51 in 2020, which represents a decrease of close to 20%.

Figure 2.21. Number of prohibitions and withdrawn mergers, 2015-21



Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

3 New variables: bid-rigging and industry-analysis

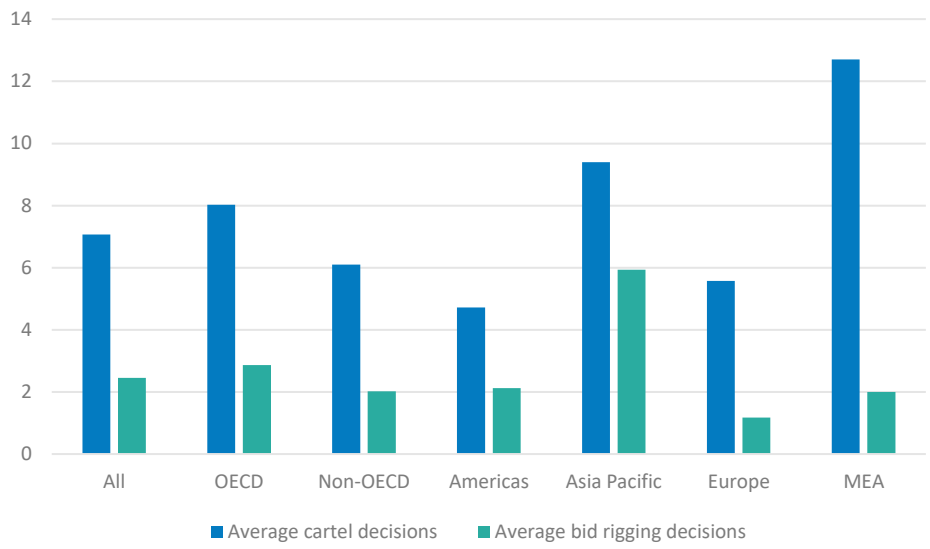
This chapter provides an analysis of new competition enforcement variables that have been included in the OECD CompStats: the number of cartel decisions that related to bid-rigging and the number of cartel and abuse of dominance decisions by industry.

The OECD CompStats questionnaire included three new questions in 2021. One question determined the number of cartel decisions that related to bid-rigging, while the other two new questions identified the number of cartel and abuse of dominance decisions by industry. This chapter presents an analysis of these new variables.

Bid-rigging cases are most common in Asia-Pacific

The competition authorities in the CompStats jurisdictions took a total of 182 cartel decisions in 2021 that concerned bid-rigging. This represents 34% of all cartel decisions from the CompStats database in that year (537). On average, there were 2.5 bid-rigging cases per jurisdiction.

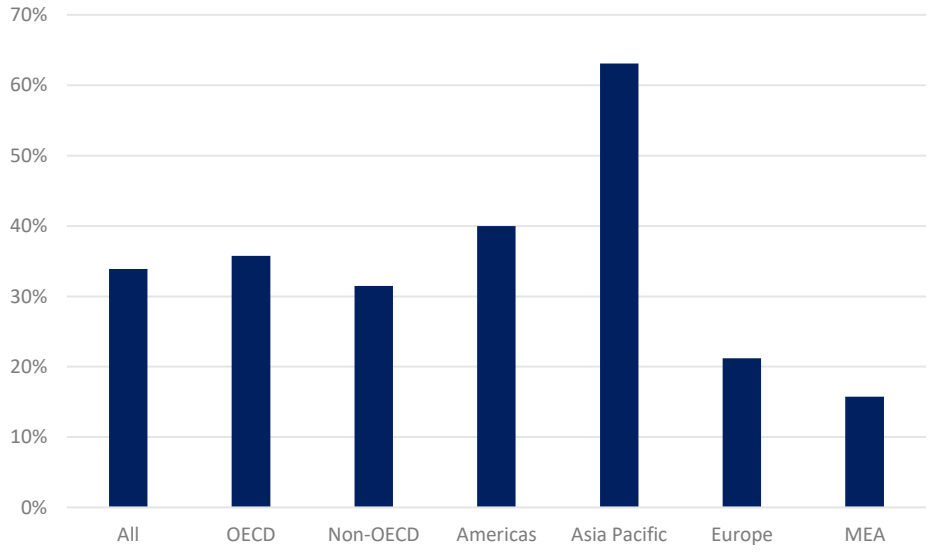
Figure 3.1. Average number of cartel and bid-rigging decisions in 2021



Note: Data based on the 74 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

The focus on bid-rigging decisions was most prevalent in Asia-Pacific in 2021 (63% of cartel decisions in the region), while MEA was the region with the lowest percentage (16%). Europe and the Americas were in between both extremes, the percentage in the America (40%) was almost twice as high as in Europe (21%). There were 89 in Asia-Pacific (an average of 5.9 per jurisdiction), 39 in Europe (an average of 1.2 per jurisdiction), 34 in the Americas (an average of 2.1 per jurisdiction), and 20 in MEA (an average of 2.0 per jurisdiction).

Figure 3.2. Proportion of total cartel decisions that involved bid-rigging, 2021



Note: Data based on the 74 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source:

Manufacturing seems most prone to cartels, while ICT had the most abuse of dominance decisions

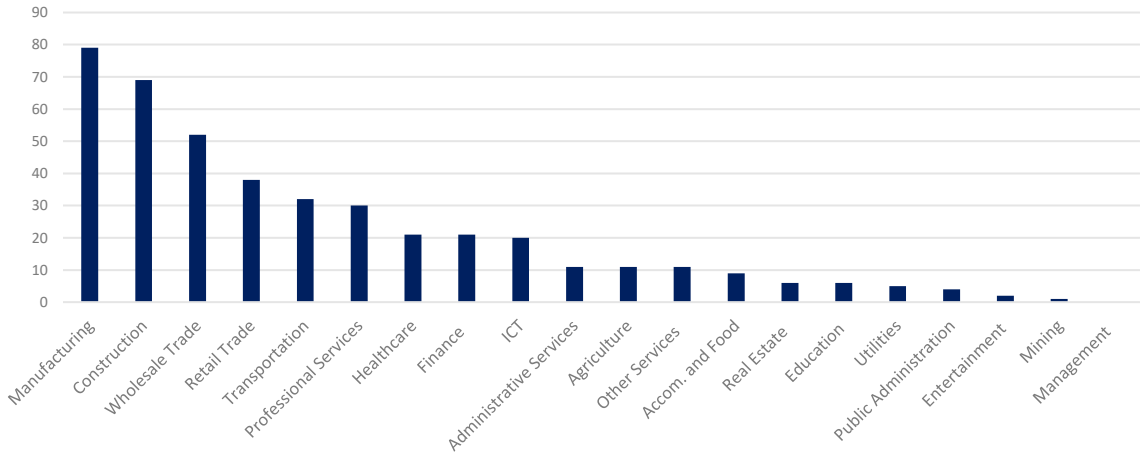
In 2021, competition authorities in CompStats jurisdictions took 428 cartel decisions and 222 abuse of dominance decisions. Competition authorities classified these decisions by industry, using two-digit NAICS codes, depending on the industry (or industries) that were affected by each decision. An analysis of the industries affected by the cartels or abuse of dominance in CompStats jurisdictions in 2021 has led to some interesting observations and confirmed earlier findings.[6]

While manufacturing was the industry with most cartel decisions (79 cartel decisions in 2021, which represents almost 18% of total cartel decisions), followed by construction (69 cartel decisions, representing almost 16% of total cartel decisions), competition authorities participating in CompStats took most abuse of dominance decisions in the ICT industry (34 decisions, representing 15% of all abuse of dominance decisions).

When looking closer at the different jurisdictions, regional differences exist. With respect to cartel decisions, manufacturing was the most common industry in Americas and MEA (representing 28% of cartel decisions in each region). In Europe, the industry with the most cartel decisions was wholesale trade (21% of all cartel decisions in the region), and in Asia-Pacific it was construction (29% of the cartel decisions in the region).

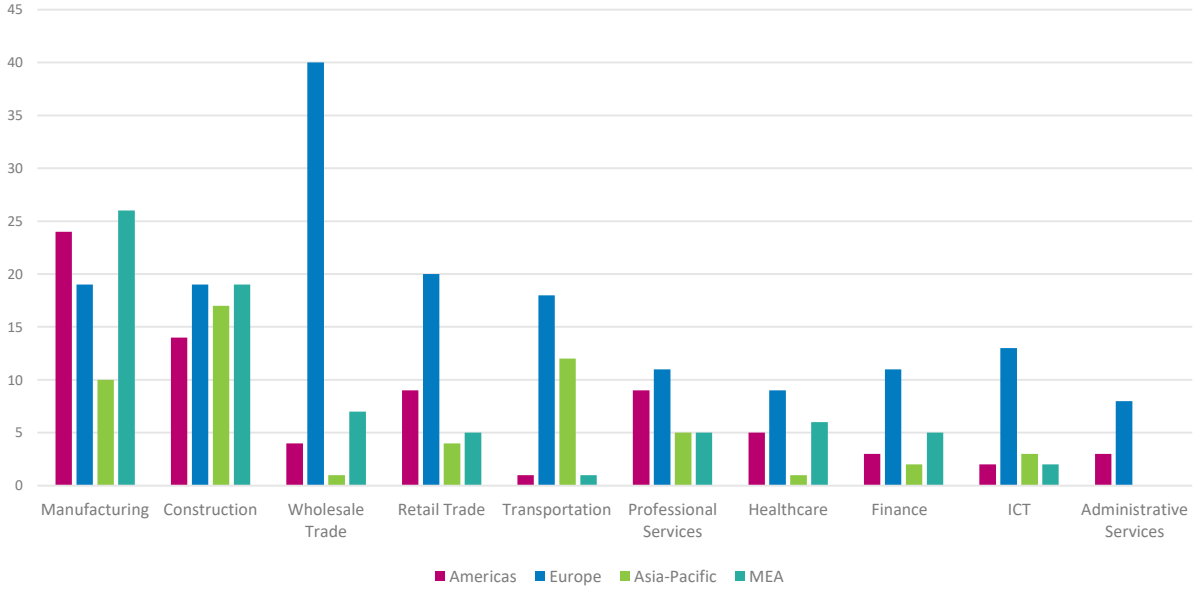
As for abuse of dominance decisions, transportation and warehousing was the industry with the most decisions in the Americas (26% of the abuse of dominance decisions in the region), ICT in Europe (23%), and manufacturing in Asia-Pacific and MEA (24% and 33%, respectively).

Figure 3.3. Number of cartel decisions per industry, 2021



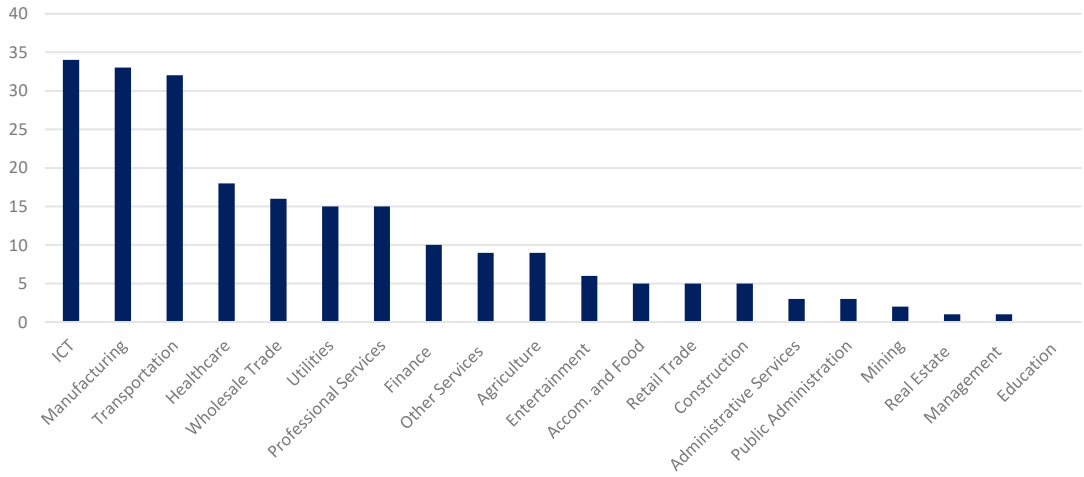
Note: Decisions by industry were classified according to two-digit NAICS codes. Their correspondence with the legends in this graph is as follows: 11 – agriculture, 21 – mining, 22 – utilities, 23 – construction, 31-33 – manufacturing, 42 – wholesale trade, 44-45 – retail trade, 48-49 – transportation, 51 – ICT, 52 – finance, 53 – real estate, 54 – professional services, 55 – management, 56 – administrative services, 51 – education, 62 – health care, 71 – entertainment, 72 – Accom. And food, 81 – other services, and 92 – public administration. Data based on the 75 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

Figure 3.4. Number of cartel decisions per industry (top 10 industries) by region, 2021



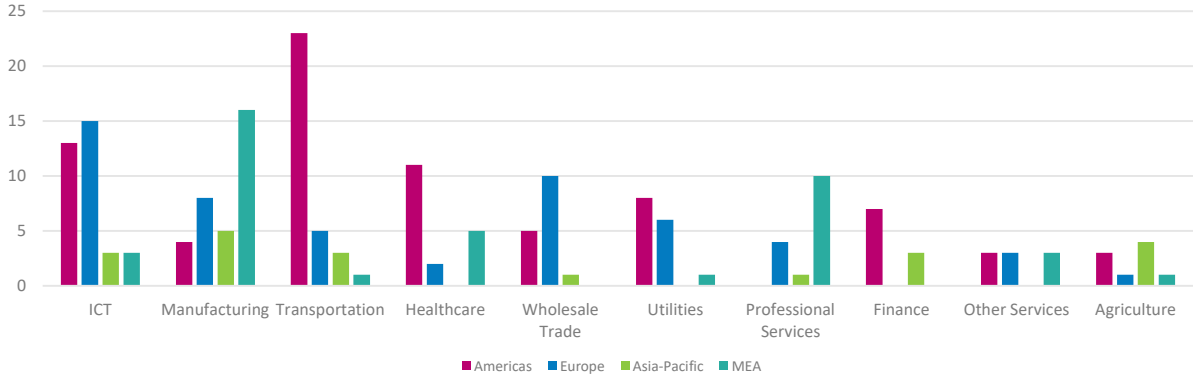
Note: Decisions by industry were classified according to two-digit NAICS codes. Their correspondence with the legends in this graph is as follows: 11 – agriculture, 21 – mining, 22 – utilities, 23 – construction, 31-33 – manufacturing, 42 – wholesale trade, 44-45 – retail trade, 48-49 – transportation, 51 – ICT, 52 – finance, 53 – real estate, 54 – professional services, 55 – management, 56 – administrative services, 51 – education, 62 – health care, 71 – entertainment, 72 – Accom. And food, 81 – other services, and 92 – public administration. Data based on the 75 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

Figure 3.5. Number of abuse of dominance decisions by industry, 2021



Note: Decisions by industry were classified according to two-digit NAICS codes. Their correspondence with the legends in this graph is as follows: 11 – agriculture, 21 – mining, 22 – utilities, 23 – construction, 31-33 – manufacturing, 42 – wholesale trade, 44-45 – retail trade, 48-49 – transportation, 51 – ICT, 52 – finance, 53 – real estate, 54 – professional services, 55 – management, 56 – administrative services, 51 – education, 62 – health care, 71 – entertainment, 72 – Accom. And food, 81 – other services, and 92 – public administration. Data based on the 73 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

Figure 3.6. Number of abuse of dominance decisions per industry (top 10 industries) by region, 2021



Note: Decisions by industry were classified according to two-digit NAICS codes. Their correspondence with the legends in this graph is as follows: 11 – agriculture, 21 – mining, 22 – utilities, 23 – construction, 31-33 – manufacturing, 42 – wholesale trade, 44-45 – retail trade, 48-49 – transportation, 51 – ICT, 52 – finance, 53 – real estate, 54 – professional services, 55 – management, 56 – administrative services, 51 – education, 62 – health care, 71 – entertainment, 72 – Accom. And food, 81 – other services, and 92 – public administration. Data based on the 73 jurisdictions in the OECD CompStats database that provided comparable data for all seven years.
Source: OECD CompStats database.

Annex A. Sources of CompStats

In 2018, under the guidance of the Bureau of the Competition Committee, the OECD Secretariat launched an initiative to develop a database of general statistics relating to competition agencies, including data on enforcement and information on advocacy initiatives.

Some statistics related to competition authorities' activities are already publicly available. However, this information is often dispersed, lacks consistency across time and jurisdictions, and is currently not used systematically to identify overall trends from which to draw policy lessons. This initiative fills this gap.

The OECD Secretariat collects data annually from: (i) competition authorities in OECD countries; (ii) authorities in non-OECD jurisdictions that are Participants or Associates in the OECD Competition Committee; and (iii) agencies in jurisdictions that are neither OECD member nor a participant or associate in the OECD Competition Committee but have expressed an interest to join the database.

Jurisdictions

The OECD CompStats database currently covers data from competition agencies in 79 jurisdictions, of which 38 jurisdictions are OECD countries (including the European Commission).[7]

There are four geographic regions used in the analysis: Americas, Asia-Pacific, Europe, and Middle East and Africa (MEA). The 79 jurisdictions in the OECD CompStats database are allocated to these geographic regions as follows (jurisdictions with an asterisk (*) are considered as OECD members for the data analysis):

- Americas (18): Argentina, Barbados, Brazil, Canada*, Chile*, Colombia*, Costa Rica*, Dominican Republic, Ecuador, El Salvador, Mexico*, Nicaragua, Panama, Paraguay, Peru, Trinidad and Tobago, United States*, and Uruguay.
- Asia-Pacific (17): Australia*, Bangladesh, Brunei Darussalam, Chinese Taipei, Hong Kong (China), India, Indonesia, Japan*, Kazakhstan, Korea*, Malaysia, New Zealand*, Philippines, Singapore, Thailand, Uzbekistan, and Viet Nam.
- Europe (34): Albania*, Austria, Belgium*, Bulgaria, Croatia, the Czech Republic*, Denmark*, European Commission*, Estonia, Finland*, France*, Germany*, Greece*, Hungary*, Iceland*, Ireland*, Italy*, Latvia*, Lithuania*, Luxembourg*, Malta, Montenegro, the Netherlands*, Norway*, Poland*, Portugal*, Romania, the Slovak Republic*, Slovenia*, Spain*, Sweden*, Switzerland*, Ukraine, and the United Kingdom*.
- MEA (10): Botswana, COMESA, Egypt, Israel*, Kenya, Mauritius, Saudi Arabia, South Africa, Tunisia, and the Republic of Türkiye*.

Period

The OECD CompStats database contains seven years of annual data for the period 2015 to 2021.

Data

The following areas are currently covered in OECD CompStats database. There are 34 variables in total.

1. General information

- Budget
- Number of staff
- Number of competition staff

2. Cartels and other anticompetitive agreements

- Number of decisions
- Number of decisions per industry
- Number of decisions related to bid-rigging
- Number of decisions on vertical agreements
- Number of cases with settlements or plea bargain
- Number of cases with negotiated/consensual procedure for settling cases
- Number of leniency applications
- Number of ex-officio investigations launched
- Number of cases that used a dawn raid
- Total amount of fines imposed
- Number of companies fined
- Number of cases with fines on individual
- Number of cases with imprisonment of individual

3. Abuse of dominance/unilateral conduct

- Number of decisions
- Number of decisions per industry
- Number of cases with settlements or plea bargain
- Number of cases with negotiated/consensual procedure for settling cases
- Number of investigations launched
- Number of cases that used a dawn raid
- Total amount of fines imposed
- Number of companies fined

4. Mergers and acquisitions

- Number of notifications
- Number of Phase One (or single phase) clearances
- Number of Phase One (or single phase) clearances with remedies
- Number of Phase Two clearances (after an in-depth investigation)
- Number of Phase Two clearances with remedies
- Number of Phase Two prohibitions (or trials)

- Number of withdrawn notifications by merging parties in Phase Two

5. Advocacy

- Number of market studies
- Number of formal advocacy opinions issued to governments, regulators, legislators
- Number of advocacy events organised

6. Additional public data

In order to enrich the database and allow for better and in-depth analysis, the Secretariat has added the following variables to the database:

- Gross domestic product (GDP, current prices, purchasing power parity) data from the World Bank development indicators database. For some countries (Japan and Chinese Taipei), GDP data is from the International Monetary Fund (GDP, current prices, purchasing power parity).
- Population data from the United Nations World Population Prospects 2019
- Year of implementation of competition law
- Year of establishment of competition agency
- Year of adoption of merger control
- Characteristics of merger control regimes in CompStats (mandatory vs. voluntary merger notification, filing-fee requirements, selected criteria for establishing merger-notification threshold, use of simplified merger regime, and one-phase vs. two-phase approaches)

Competition Authorities in the OECD CompStats Database

The following competition authorities contributed with the information for the OECD CompStats Database.

Table A A.1. Competition Authorities in the OECD CompStats Database

Jurisdiction	Competition authority (name in English)
Albania	Competition Authority of Albania
Argentina	National Antitrust Commission
Australia	Australian Competition and Consumer Commission
Austria	The Federal Competition Authority
Bangladesh	Bangladesh Competition Commission
Barbados	The Barbados Fair Trading Commission
Belgium	Belgian Competition Authority
Botswana	Competition and Consumer Authority
Brazil	Administrative Council for Economic Defence
Brunei Darussalam	Competition Commission Brunei Darussalam Department of Competition and Consumer Affairs (DCCA) – Department of Economic Planning and Statistics – Ministry of Finance and Economy
Bulgaria	Commission on Protection of Competition
Canada	The Competition Bureau Canada
Chile	National Economic Prosecutor Tribunal for the Defense of Free Competition
Chinese Taipei	The Fair Trade Commission of Chinese Taipei
Colombia	Superintendence of Industry and Commerce
COMESA	COMESA Competition Commission

Jurisdiction	Competition authority (name in English)
Costa Rica	Commission for the Promotion of Competition Costa Rica Telecommunications Superintendency
Croatia	Croatian Competition Agency
Czech Republic	Office for the Protection of Competition
Denmark	Danish Competition and Consumer Authority
Dominican Republic	National Commission for the Defence of Competition of the Dominican Republic
Ecuador	Superintendency for Control of Market Power
Egypt	Egyptian Competition Authority
El Salvador	Superintendency of Competition
Estonia	The Estonian Competition Authority
European Commission	European Commission Directorate-General for Competition
Finland	Finnish Competition and Consumer Authority
France	French Competition Authority
Germany	Federal Cartel Office
Greece	Hellenic Competition Commission
Hong Kong, China	Competition Commission (Hong Kong)
Hungary	Hungarian Competition Authority
Iceland	Icelandic Competition Authority
India	the Competition Commission of India
Indonesia	Indonesia Competition Commission
Ireland	Competition and Consumer Protection Commission
Israel	Israel Competition Authority
Italy	Italian Competition Authority
Japan	Japan Fair Trade Commission
Kazakhstan	Agency for the Protection and Development of Competition
Kenya	Competition Authority of Kenya
Korea	Korea Fair Trade Commission
Latvia	Competition Council of the Republic of Latvia
Lithuania	Competition Council of the Republic of Lithuania
Luxembourg	Competition Council
Malaysia	Malaysia Competition Commission
Malta	Malta Competition and Consumer Affairs Authority – The Office for Competition
Mauritius	Competition Commission of Mauritius
Mexico	Federal Economic Competition Commission Federal Institute of Telecommunications
Montenegro	Agency for Protection of Competition
Netherlands	Authority for Consumers and Markets
New Zealand	New Zealand Commerce Commission
Nicaragua	National Institute for the Promotion of Competition
Norway	Norwegian Competition Authority
Panama	Authority for Consumer Protection and Competition Defense
Paraguay	National Competition Commission
Peru	National Institute for the Defence of Free Competition and the Protection of Intellectual Property
Philippines	Philippine Competition Commission
Poland	Office of Competition and Consumer Protection
Portugal	Portuguese Competition Authority
Romania	Romanian Competition Council
Saudi Arabia	General Authority for Competition
Singapore	Competition and Consumer Commission of Singapore
Slovak Republic	Antimonopoly Office of the Slovak Republic
Slovenia	Slovenian Competition Protection Agency
South Africa	Competition Commission of South Africa
Spain	The Spanish National Commission of Markets and Competition

Jurisdiction	Competition authority (name in English)
Sweden	Swedish Competition Authority
Switzerland	The Competition Commission
Thailand	Office of Trade Competition Commission
Trinidad and Tobago	Trinidad and Tobago Fair Trading Commission
Tunisia	Competition Council of Tunisia
Türkiye	Turkish Competition Authority
Ukraine	Antimonopoly Committee of Ukraine
United Kingdom	Competition and Markets Authority
United States	Department of Justice Antitrust Division Federal Trade Commission Bureau of Competition
Uruguay	Commission for the Promotion and Defense of Competition
Uzbekistan	Anti-monopoly committee of the Republic of Uzbekistan
Viet Nam	Vietnam Competition and Consumer Authority

Notes

[1] The Russian Federation was excluded from the OECD CompStats database and the People's Republic of China did not provide information for 2021.

[2] Uzbekistan.

[3] Nicaragua, Trinidad and Tobago, and Uruguay.

[4] Botswana, the Common Market for Eastern and Southern Africa (COMESA), Kenya, and Mauritius.

[5] In 2016, the OECD held a roundtable on Commitment Decisions in Antitrust Cases. While the majority of contributions stressed that commitments mostly apply to unilateral conduct or anticompetitive merger investigations, others highlighted the possibility of using them, while limited, to finalise anticompetitive agreements cases. For instance, in cases that involve associations (Indonesia), or vertical agreements (Israel). Other jurisdictions stressed that they also use them in specific circumstances for cartel cases (Singapore or South Africa). As for the use of settlements in unilateral conduct investigations, a relevant example is the European Commission, which in 2016, issued its first settlement decision under Article 102 TFEU, reducing by 30% the fine of Alstoff Recycling Austria in exchange for co-operation. This settlement included the implementation of a structural remedy in addition to the fine (Case No. 39 759).

[6] See, for instance, the OECD Roundtable (2015) on Serial Offenders: Why Some Industries Seem Prone to Endemic Collusion.

[7]The Commission of the European Union (EU) takes part in the work of the OECD, in accordance with the Supplementary Protocol to the Convention on the Organisation for Economic Co-operation and Development.

OECD Competition Trends 2023

This report highlights worldwide competition enforcement trends using the unique OECD CompStats database that includes 34 variables covering competition authority resources, cartels, abuse of dominance, mergers, and advocacy. This report presents comparisons between geographic regions and trends over time, allowing jurisdictions to understand how their data compares to peers and the broader competition community. This edition focuses on the main developments in global competition enforcement in 2021, and contributes to continuously improving competition law and policy around the world.

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