**OECD Competition Statistics (OECD CompStats) Survey 2021**

Data should be provided for the calendar year 2021. All amounts need to be provided in local currency. Written comments are also welcome in the dedicated section.

1. **GENERAL INFORMATION**

1.1 Budget for competition law and policy in your local currency (NB: Please exclude budget for other functions of the agency, such as consumer protection, public procurement, sector regulation).

1.2 Total number of staff in the agency on 31 December (please include board members).

1.3 Total number of staff working on competition as of 31 December (please do **not** count board members, administrative staff or staff involved in other functions of the agency, such as consumer protection, public procurement, sector regulation).

Comments

1. **CARTELS AND OTHER ANTI-COMPETITIVE AGREEMENTS**

The following are assumptions that apply to all questions in this section:

* For the purposes of this questionnaire, a case/decision concerning the same cartel is considered to be one, even if there are different decisions for each cartel participant. A decision is the official determination concluding a competition case establishing an infringement.
* If your jurisdiction uses a court-based enforcement system, please do not report appeal decisions to avoid double counting (as the original decision should already have been included).
* If there are multiple competition authorities in your jurisdiction, please only report decisions taken by your authority (to avoid double counting).
* Please clarify in the comments section if any question does not apply to your jurisdiction (e.g., indicate in the comments box for question 2.2 if your competition regime does not have a leniency programme, or indicate in the comments box for question 2.4 if your competition authority does not have the power to conduct dawn raids for cartels.).
* If a value is zero, please add zero instead of leaving the field empty. Similarly, if a question does not apply, please leave it empty rather than including a value of zero.

2.1 Total number of final decisions taken by the competition authority (or judgement by a relevant court, if “competition authority” is not applicable because the competition authority does not take decisions in your jurisdiction).

2.1.1. Number of final decisions reported in Question 2.1, per industry. (Preferably, use the two-digit classification from NAICS (as defined in: <https://www.naics.com/search/>), although please feel free to choose an alternative classification if it facilitates submission of the data. Please indicate the industry classification ultimately used). Please note that the total number of industries might be higher than the total number of decisions, as one decision might relate to multiple industries.

2.1.2. Number of final decisions that relate to "bid-rigging" (also referred to as collusive tendering) (out of the total number of final decisions reported in question 2.1).

2.1.3. Number of final decisions on vertical agreements (out of the total number of final decisions in Question 2.1) (NB: The term vertical refers to the fact that firms are active in different levels of the supply chain. Examples can be selective distribution arrangement or resale price restrictions).

2.1.4. Number of cases in which settlements or plea bargain were used (out of the total number of final decisions in Question 2.1) (NB: For the purposes of this questionnaire, if settlements or plea bargains were reached with multiple parties in the same case/decision concerning the same cartel, they should be considered to be one, even if there are different decisions for other cartel participants). Settlement decisions and plea agreements refer to situations where the parties to the agreement, i.e. the competition authorities and the undertakings suspected of anti-competitive conduct, agree on a number of substantive findings in a case and on matters related to procedure, in exchange for a speedy resolution of the case and reductions in fines. For further reading, please see the Review of the Recommendation of the Council concerning Effective Action against Hard Core Cartels:

(<https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DAF/COMP(2019)13&docLanguage=En>).

2.1.5. Number of cases in which commitment procedures or other types of negotiated/consensual procedures were used (out of the total number of final decisions in Question 2.1) (NB: For the purposes of this questionnaire, if commitment procedures or other types of negotiated/consensual procedures were used with multiple parties in the same case/decision concerning the same cartel, they should be considered to be one, even if there are different decisions for other cartel participants). Commitment decisions or consent decrees/orders refer to early termination procedures where authorities accept remedies or commitments proposed by the investigated parties to address the initial concerns identified by the authority in an antitrust proceeding. If accepted, the commitments are binding on the party who submitted them and no competition infringement is established.

2.2. Number of leniency applications received by the competition authority (please include here only requests for leniency, so excluding settlement requests).

2.3. Number of ex-officio investigations launched by the competition authority (number of separate cases, not the number of companies involved), not including investigations following a leniency application received by the competition authority.

2.4. Number of cases in which a dawn raid was carried out (number of separate cases, not the number of companies involved or dawn raids carried out) (A dawn raid refers to an unannounced inspection of one or more businesses, or individuals involved in an investigation, carried out to obtain evidence for the investigation).

2.5. Total amount of monetary fines (criminal and civil) imposed by the competition authority or by a court (excluding appeals) in your local currency.

2.6. Number of companies fined by the competition authority or by a court.

2.7. Number of cases in which fines on individuals were imposed by the competition authority or by a court, excluding appeals

2.8. Number of cases in which imprisonment was imposed by the competition authority or by a court, excluding appeals.

Comments

1. **ABUSE OF DOMINANCE / UNILATERAL CONDUCT**

The following are assumptions that apply to all questions in this section:

* For the purposes of this questionnaire, “abuse of dominance” should be distinguished from “abuse of superior bargaining power” or “abuse of dependency”, as such practices normally fall under unfair practices regulations or rules. Cases that relate to “abuse of superior bargaining power” or “abuse of dependency” should therefore be excluded. (For the purposes of this questionnaire, the “abuse of superior bargaining position” or “abuse of dependency” requires that a party has a superior bargaining position relative to the other party in business relationship. However, the party does not necessarily have to be in a dominant position in the relevant market. “Abuse of superior bargaining position” also requires that a party engages in conduct unjustly disadvantageous to the party in terms of transaction terms or conditions).
* A decision is the official determination concluding a competition case establishing an infringement.
* If your jurisdiction uses a court-based enforcement system, please do not report appeal decisions to avoid double counting (as the original decision should already have been included).
* If there are multiple competition authorities in your jurisdiction, please only report decisions taken by your authority (to avoid double counting).
* Please clarify in the comments section if any question does not apply to your jurisdiction (e.g. indicate in the comments box for question 3.1.3. if your competition regime does not consider settlements or plea bargains for unilateral conduct, or indicate in the comments box for question 3.4. if the authority does not have the power to conduct dawn raids for unilateral conduct)
* If a value is zero, please add zero instead of leaving the field empty. Similarly, if a question does not apply, please leave it empty rather than including a value of zero.
  1. Number of decisions taken by the competition authority (or judgement by a relevant court, if “competition authority” is not applicable because the competition authority does not take decisions in your jurisdiction)

3.1.1. Number of final decisions reported in Question 3.1 per industry (preferably, use the two-digit classification from NAICS (as defined in: <https://www.naics.com/search/>), although please feel free to choose an alternative classification if it facilitates submission of the data. Please indicate the industry classification ultimately used). Please note that the total number of industries might be higher than the total number of decisions, as one decision might relate to multiple industries.

* + 1. Number of cases in which settlements or plea bargain were used (out of the total number of final decisions in Question 3.1). Settlement decisions and plea agreements refer to situations where the parties to the agreement, i.e. the competition authorities and the undertakings suspected of anti-competitive conduct, agree on a number of substantive findings in a case and on matters related to procedure, in exchange for a speedy resolution of the case and reductions in fines. For further reading, please see the Review of the Recommendation of the Council concerning Effective Action against Hard Core Cartels

(<https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DAF/COMP(2019)13&docLanguage=En)>.

* + 1. Number of cases in which commitment procedures or other types of negotiated/consensual procedures were used (out of the total number of final decisions in Question 3.1). Commitment decisions or consent decrees/orders refer to early termination procedures where authorities accept remedies or commitments proposed by the investigated parties to address the initial concerns identified by the authority in an antitrust proceeding. If accepted, the commitments are binding on the party who submitted them and no competition infringement is established.

3.2. Number of ex-officio investigations launched by the competition authority (number of separate cases, not the number of companies involved or dawn raids carried out).

3.3. Number of cases in which a dawn raid was carried out, if applicable (number of separate cases, not the number of companies involved). (A dawn raid refers to a unannounced inspection of one or more businesses or individuals involved in an investigation, carried out to obtain incriminating evidence for the investigation).

3.4. Total amount of monetary fines (criminal and civil) imposed by the competition authority or by a court (excluding appeals) in local currency.

3.5. Number of companies fined by the competition authority or by a court.

Comments

1. **MERGERS AND ACQUISITIONS**

4.1 Total number of merger notifications.

4.2 Number of Phase One (or single phase, subject to the system in place) clearances or expiration of waiting period (i.e., no remedies).

4.3 Number of Phase One (or single phase, subject to the system in place) clearances with remedies.

4.4 Number of Phase Two clearances or expiration of waiting period after an in-depth investigation (i.e., no remedies).

4.5 Number of Phase Two clearances with remedies.

4.6 Number of Phase One or Phase Twoprohibitions (or trials).

4.7 Number of withdrawn notifications by the merging parties in Phase Two.

Comments

1. **ADVOCACY**

***NB: Competition advocacy refers to those activities conducted by the competition authority related to the promotion of a competitive environment for economic activities by means of non-enforcement mechanisms, mainly through its relationships with other governmental entities and by increasing public awareness of the benefits of competition (ICN)***

5.1 Number of market studies concluded. Market studies refer to reports/inquiries that involve an in-depth assessment of market structures or competitive conditions in a given sector. Usually, the analysis is used to identify restraints to competition, which are not limited to behaviours prohibited by competition laws. Market studies can be initiated as part of an investigation, but should not focus on the analysis of the conduct being investigated.

5.2 Number of formal (to government or courts) advocacy opinions issued (including testimonials and amicus curiae). Formal advocacy opinions refer to opinions that provide input to policymakers by evaluating the competition impact of a given policy measure and making recommendations to help mitigate negative effects.

5.3 Advocacy events organised by the competition authority (e.g. workshops, trainings, campaigns, and events for consumers, companies, ministries). Please include events held virtually and do **not** include events where a member of staff from the authority was solely invited as a guest/speaker.

Comments