

8

Competition policy (Dimension 5)

By contributing to well-functioning markets and competitive neutrality between private firms and state-owned enterprises, as well as between domestic and foreign companies, competition policy drives productivity, encourages innovation and supports economic growth. This chapter assesses the competition policy settings, processes and institutions in the six Western Balkan (WB6) economies through an analysis of five key policy areas, four of which are qualitative, while the fifth is quantitative. The first policy area, scope of action, assesses to what degree competition authorities are invested by law with the powers to investigate and sanction anti-competitive practices. The second area, anti-competitive behaviour, reviews policies to prevent and prosecute exclusionary vertical and horizontal agreements and anti-competitive mergers. The third, probity of investigation, examines the independence and accountability of institutions that enforce competition law and the fairness of their procedures. The fourth, advocacy, looks at further actions to promote a competitive environment. A new fifth policy area, implementation, quantifies the actual enforcement and advocacy activity by competition authorities in the following major spheres of action: cartels and abuse of dominance cases, merger reviews, and advocacy initiatives. The chapter includes suggestions for enhancing policies to foster the competitiveness of the WB6 economies.

Key findings

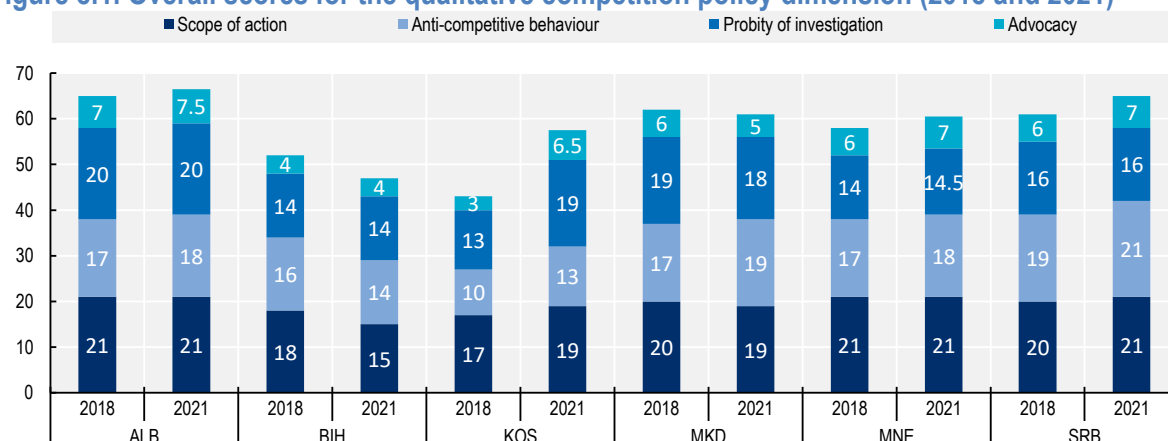
- **The legal and institutional competition frameworks of the WB6 economies are largely aligned with best international practices**, in particular with European Union (EU) competition rules. National competition authorities are independent bodies and invested by law with appropriate powers to confirm and sanction competition infringements.
- **The six competition authorities are committed to enforcing competition rules and advocate against competitive restrictions in laws and regulations**. However, they lack the necessary financial and professional resources to perform their wide range of duties in the most effective way.
- **In general, implementation of competition decisions is still insufficient, particularly for cartels**. Albania and Serbia lead the way in strengthening their enforcement records, and there are promising signs in the other jurisdictions, but the current number of decisions, and most importantly the amount of sanctions, is still limited.
- **Sanctions for infringers are not high enough to deter firms from engaging in anti-competitive conduct**. Moreover, the fight against cartels requires competition authorities to make full use of their investigative powers, including unannounced inspections of premises. Some competition authorities have not yet carried out inspections, while others have started very recently.
- **All WB6 competition authorities have engaged in competition advocacy**, which is a necessary complement to competition enforcement to avoid legal constraints and promote a competition culture. Most competition authorities in the region have sent formal opinions to policy makers to urge them to remove competition restrictions in laws and regulation. All regularly offer training activities and events to increase competition awareness among citizens, firms and institutions, and to explain the benefits of competition.

Comparison with the 2018 assessment

There have been few changes to the scores for the competition policy dimension since the 2018 Competitiveness Outlook (CO) assessment (Figure 8.1).

The remit of competition authorities covers two pillars: enforcement and advocacy. Competition enforcement in the WB6 economies is still limited, despite an increase in the score for infringement decisions in Albania and Serbia, and some promising recent signs in other competition authorities. WB6 competition authorities are endeavouring to progress on the second pillar of competition advocacy to urge policy makers and regulators to remove competition restrictions and ensure a level playing field for firms.

Competition authorities are still limited by professional and financial resources. Officials are usually skilled and motivated, but their number is insufficient to perform all the activities of a well-functioning competition authority.

Figure 8.1. Overall scores for the qualitative competition policy dimension (2018 and 2021)

Note: In the present edition of the Competitiveness Outlook, a new quantitative policy area, implementation, has been introduced (see below). Given that implementation was not addressed in 2018, no comparison is possible as part of this assessment.

Implementation of the Competitiveness Outlook 2018 recommendations

Progress on implementing the policy recommendations made in the Competitiveness Outlook 2018 has been modest overall (Table 8.1), although there are differences in implementation across economies. Moderate advances have been made in providing stakeholders with guidance on competition authorities' practices and in removing or preventing restrictions to competition in laws and regulations. There have been limited improvements in the competition law enforcement record and in the amount of financial and human resources available to competition authorities.

Table 8.1. Implementation of the CO 2018 policy recommendations: Competition policy

Competitiveness Outlook 2021		
2018 policy recommendations	Main developments during the assessment period	Regional progress status
Improve the competition law enforcement record further	<ul style="list-style-type: none"> Competition authorities still need to strengthen their enforcement record, focusing especially on cartels, which are the most serious and harmful competition infringement. 	Limited
Put in place guidance for stakeholders on competition authorities' enforcement practices	<ul style="list-style-type: none"> Most competition authorities have adopted and published some regulations and guidelines, for example regarding the investigative procedure, the procedure for concentrations of undertakings, the assessment of horizontal and vertical agreements, and the calculation of fines. 	Moderate
Ensure that competition authorities have sufficient resources	<ul style="list-style-type: none"> Competition authorities still lack adequate financial and human resources to express their full potential and duly implement their enforcement powers. 	Limited
Give more weight to competition authorities' recommendations	<ul style="list-style-type: none"> Although most competition authorities are still struggling to establish themselves as influential institutions, they are largely committed to removing or preventing restrictions to competition in laws and regulations, as well as to increasing public awareness and understanding of the benefits of competition. 	Moderate

Introduction

Competition policy is at the top of the agenda in most jurisdictions in the world as it provides firms with the right conditions and incentives to perform efficiently and to innovate, which ultimately benefits consumers

and the economy. A competitive economic environment helps boost economic growth and increase living standards, thereby also helping to reduce inequality. Competition policy stimulates competitiveness by giving businesses incentives to lower their costs and reduce their prices, to better respond to customers' needs and to be more innovative. Furthermore, it motivates firms to supply internationally competitive products and services and to upgrade in global value chains.

Competition authorities tackle unlawful agreements between competitors to raise prices, as well as abusive practices by dominant firms to exclude smaller, innovative or more efficient companies from the market. At the same time, competition authorities promote a level playing field in open markets by advocating for the removal of restrictions in laws and regulations, and by prohibiting restrictive mergers.

For economies of limited size such as the WB6 economies, competition policy also plays a key role in fostering access to domestic markets by foreign and international firms, leading to increased allocative efficiency. By contributing to well-functioning markets and competitive neutrality between private firms and state-owned enterprises, as well as between domestic and foreign companies, competition policy drives productivity, encourages innovation and supports economic growth (Ospina, 2010^[1]; Gutmann, 2014^[2]).

Competition policy has significant interplay with other policy areas. Level playing fields and transparency attract international investors and help reduce unnecessary barriers to trade in laws and regulations. The fight against bid rigging in public procurement also contributes to corruption prevention.

In light of the above, this chapter has links to the following chapters:

- **Chapter 4. Investment policy and promotion** will benefit from the competent and predictable implementation of competition rules that apply to foreign and domestic investors alike. Competition laws that are aligned with international standards and applied according to best practices will create legal security that benefits investment decisions.
- **Chapter 5. Trade policy** and facilitation and competition policy can and should be mutually supportive. In general, trade and competition policies share the ultimate objective of achieving the efficient allocation of resources and promoting economic growth. In particular, trade liberalisation can generate competitive pressure by encouraging more domestic and foreign direct investment (Bartók and Miroudot, 2008^[3]). Competitive markets also create opportunities for trade and investment and enhance the gains from trade and investment liberalisation. However, potential tensions or inconsistencies may arise when markets are not contestable, when there are barriers to entry or exit, and when important sunk costs or other market imperfections prevent foreign products or companies from reaching domestic markets.
- **Chapter 9. State-owned enterprises.** Competition policy can help ensure that state-owned enterprises (SOEs) compete on a level playing field with private companies, thus establishing a robust competition environment. Competition authorities can promote competitive neutrality by discouraging the public authority from granting selective aid to SOEs and resisting political pressure to adopt a more lenient approach when investigating SOE conduct.
- **Chapter 12. Science, technology and innovation** are facilitated by competitive environments. However, the relationship is not simple as the empirical evidence shows that moderately competitive markets innovate the most, while both monopoly and highly competitive markets show lower levels of innovation. Competition policy focuses not on making moderately competitive markets hyper-competitive, but on introducing or strengthening competition in markets where it does not work well. The inference is therefore that competition policy serves to promote innovation (Aghion, 2005^[4]).
- **Chapter 19. Anti-corruption policy** and competition both focus to a large extent on public procurement markets. Competitive bidding in public procurement markets will be encouraged if the risk of corruption is low. Research generally finds an inverse relationship between competition and corruption: low levels of competition correlate with high levels of corruption (OECD, 2010^[5]). Cartels

favour corruption and benefit from co-conspirators among public procurement officials. A successful anti-corruption policy will also lead to more competitive and cost-effective tender results.

Assessment framework

Structure

This edition of the Competitiveness Outlook is based on the same four qualitative policy areas used in the past editions and a new quantitative policy area on implementation.

The four qualitative policy areas explored in the past editions of the Competitiveness Outlook focus on the foundations of a competition policy regime: scope of action, anti-competitive behaviour, probity of investigation and advocacy. They are meant to verify whether the *de jure* characteristics of the WB6 economies are appropriate to support well-functioning and effective competition policy.

The questionnaire used for the past edition (see below) has been maintained to enable the monitoring over time of evolutions in the key policy areas:

1. **Policy area 5.1: Scope of action** explores whether the competition authority is invested by law with the power to investigate and sanction anti-competitive practices, as well as to investigate, remedy or block anti-competitive mergers. It also assesses whether the authority's budget and number of staff are adequate.
2. **Policy area 5.2: Anti-competitive behaviour** focuses on how competition policy prevents and prosecutes exclusionary vertical and horizontal agreements and anti-competitive mergers. It assesses which factors are considered when ascertaining if anti-competitive practices have taken place.
3. **Policy area 5.3: Probity of investigation** focuses on the independence and accountability of the institutions that enforce competition law. It also addresses the transparency and fairness of their procedures.
4. **Policy area 5.4: Advocacy** focuses on activities other than enforcement of competition law used to further promote a competitive environment. It explores whether market studies and reviews of new laws and regulations are conducted to highlight and prevent a distortionary impact on competition.

Unlike the other chapters, where indicators are allocated a score from one to five, the assessment of the four qualitative policy areas in the competition policy chapter is based on yes/no (coded as 1/0) answers to the 71 questions in the questionnaire listed in Annex 8.A. Competition Questionnaire. Where a response to a question is yes (coded as 1), this is referred to as an adopted criterion. Each of the five policy areas has a different number of possible criteria that can be stated as having been adopted (Table 8.2). Each policy area is assessed through data collected from the questionnaire indicators and by measuring the number of criteria adopted.

Table 8.2. Competition policy qualitative dimension assessment framework

Competition policy dimension			
Outcome indicators 1. Number of adopted criteria			
Qualitative policy areas			
Policy area 5.1 Scope of action	Policy area 5.2 Anti-competitive behavior	Policy area 5.3 Probity of investigation	Policy area 5.4 Advocacy
1. Competences 2. Powers to investigate 3. Powers to sanctions/remedy 4. Private enforcement	5. Mergers 6. Horizontal agreements 7. Vertical agreements 8. Exclusionary conduct	9. Independence 10. Accountability 11. Procedural fairness	12. Advocacy
Quantitative policy areas			
n.a.	Policy area 5.5 13. Cartels and abuse of dominance cases 14. Merger reviews 15. Advocacy initiative	n.a.	n.a.

Key methodological changes to the assessment framework

As discussed, the analytical framework for Competition Policy for this edition of the Competitiveness Outlook is broader than the framework applied in 2018, with a new policy area added. The new policy area investigates the actual implementation of competition rules by competition authorities in terms of infringement decisions and advocacy initiatives. The complementary set of questions enables a quantitative assessment of the extent to which competition authorities have been able to translate legal and institutional competition frameworks into actual enforcement and advocacy activity.

The new set of quantitative data has enabled meaningful comparisons and benchmarking with other jurisdictions. The questionnaire mirrors the data collected by the OECD through the General Competition Statistics (CompStats) database, which scrutinises competition agencies in 56 OECD and non-OECD jurisdictions (Box 8.1). The resulting database enables a comparison of the activity of competition authorities with similar characteristics and at an equivalent stage of development to assess the effectiveness of their programmes of work and their tools, and to monitor improvements. Over the years it will also be possible to use the evidence from past scrutiny to assess the development of enforcement and advocacy records, and it will be easier to assess the effectiveness of strategies and prioritisation choices. Competition agencies could use this tool to enhance their transparency and accountability policies.

Box 8.1. CompStats: The OECD's General Competition Statistics database

In 2018 the OECD launched an initiative to develop a database of general statistics on competition agencies, including data on enforcement and information on advocacy initiatives. The database currently covers the period 2015-19 and data will be collected annually in the future.

The OECD publication OECD Competition Trends presents unique insights into global competition trends based on data analysis from the CompStats database. The 2021 edition provides an update on the competition enforcement trends for the competition authorities of 56 jurisdictions (OECD, 2021^[6]).

The 56 jurisdictions in question include 37 OECD countries (36 OECD countries and the European Union) and 19 non-OECD economies with remarkable geographic diversity: Argentina, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, Mexico, Peru, United States (Americas); Australia, Chinese Taipei, India, Indonesia, Japan, Korea, New Zealand (Asia-Pacific); Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Romania, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, United Kingdom (Europe); Egypt, Israel, Kazakhstan, Russian Federation, South Africa, Turkey, Ukraine (Other).

The publication supports informed policy making and contributes to improving competition law and policy around the world by providing multi-year data on a large number of economic and legal indicators, including the number of anti-trust decisions, the sanctions imposed, the unannounced inspections performed, and activity on merger review and competition advocacy.

Source: (OECD, 2021^[6]), *OECD Competition Trends 2021, Volume I: Global Competition Enforcement Update 2015-19*, <http://www.oecd.org/daf/competition/oecd-competition-trends-2021-vol1.pdf>.

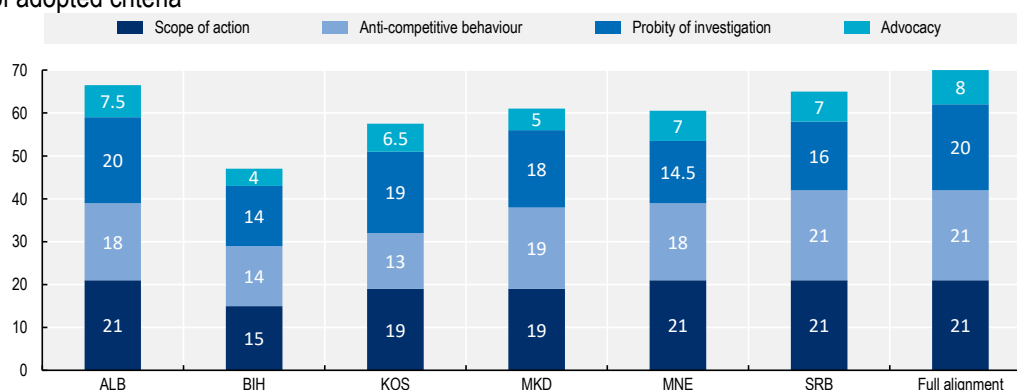
Competition policy performance and context in the WB6

The legislative frameworks for competition in the WB6 economies are in line with international good practice. Competition rules reflect EU provisions on restrictive agreements and the abuse of dominant position (Articles 101 and 102 of the Treaty on the Functioning of the European Union) and include the *ex ante* control of mergers, following the principles of the EU Merger Regulation.

The competition authorities of the six jurisdictions have appropriate powers to investigate and to sanction possible anti-trust infringements, such as restrictive horizontal and vertical agreements and exclusionary or exploitative practices by dominant firms. Moreover, their institutional setting appears good in terms of independence, accountability and procedural fairness. However, they lack adequate financial and human resources to express their full potential and implement their enforcement powers. Among the WB6, Albania is the closest to full alignment, followed by Serbia and North Macedonia. Albania, Montenegro and Serbia are fully aligned regarding the scope of action. The only economies that are fully aligned with anti-competitive behaviour and probity of investigation are Albania and Serbia (Figure 8.2).

Figure 8.2. Competition policy scores (2021)

Number of adopted criteria



The actual implementation of the rules through competition enforcement is generally poor. The competition authorities particularly need to strengthen their enforcement record, focusing especially on cartels as they are the most serious and harmful competition infringement. Cartel investigations require valid detection tools and the wide use of unannounced inspections. Albania and Serbia are leading the way in this area, with recent promising signs in the other jurisdictions, but the number of infringement decisions and related sanctions are still low in the region. Severe sanctions are crucial to ensure deterrence and to enhance the effectiveness of other key competition tools, such as leniency programmes and settlements. Targeting bid rigging in public procurement could be a promising area for expanding competition authorities' activity regarding cartels, particularly given the increased role played by public authorities in response to the COVID-19 crisis.

The competition authorities of the WB6 economies have performed well in the fourth policy area, competition advocacy. In particular, most are committed to removing or preventing restrictions to competition in laws and regulations, as well as to increasing public awareness and understanding of the benefits of competition.

Scope of action (Policy area 5.1)

Proving competition infringements and drafting solid decisions requires in-depth and thorough investigations, particularly for cartels. Competition authorities should be able to collect evidence of unlawful contact between the parties and have a clear understanding of the characteristics and dynamics of the markets at stake, as well as of the effects of the alleged practices. Competition authorities are therefore usually equipped with strong powers to conduct unannounced inspections, request information and hold hearings. At the end of the investigation they need to be able to impose severe sanctions to discourage anti-competitive conduct by others. Deterrence is more effective if private enforcement enables individuals, firms and public entities harmed by an anti-trust infringement to seek compensation before the civil courts.

Competition provisions should apply to any undertakings that engage in economic activities, be they public or private, domestic or foreign, in order to guarantee competitive neutrality and equal opportunities to all market players. Competition authorities should also be able to rely on adequate and stable professional and financial resources to perform their duties.

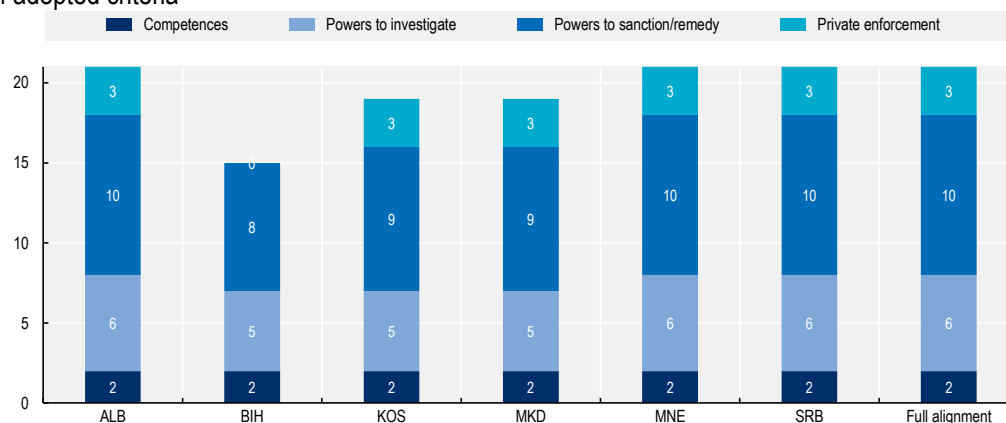
The scope of action policy area addresses these issues by exploring the competencies of the competition authorities in terms of the scope of application of competition rules (public/private, domestic/foreign firms); their financial and human resources; their statutory powers to investigate and to sanction/remedy competition law infringements and anti-competitive mergers; and the provisions allowing private

enforcement, i.e. civil action by individuals, firms or groups of consumers seeking compensation for financial damage incurred as a result of competition law violations.

Albania, Montenegro and Serbia achieved full alignment for the scope of action policy area. Moreover, all WB6 economies except Bosnia and Herzegovina are fully aligned with the competences and private enforcement policy areas (Figure 8.3).

Figure 8.3. Degree of alignment for scope of action (Policy area 5.1)

Number of adopted criteria



Powers to investigate and sanction are adequate, but professional and financial resources are limited

The domestic competition laws of the WB6 economies ensure competitive neutrality, in that the **competences** of the competition authorities encompass any domestic or foreign undertakings (and associations of undertakings) that have or may influence domestic markets, including public undertakings and undertakings entrusted with services of general economic interest.

Competition authorities have appropriate powers to investigate and powers to sanction anti-trust infringements, as well as to review mergers and acquisitions. During an investigation, all competition authorities in the WB6 economies can compel investigated firms and third parties to provide relevant information and can perform unannounced inspections of their premises. The final decision is based on a thorough scrutiny of the collected evidence, which may include an economic analysis of the competitive effects. If anti-trust infringements are found the authorities can impose cease and desist orders and remedies and sanctions on the firms concerned. In particular, the authorities have the power to directly impose significant fines, which can be up to 10% of the aggregate turnover of the undertaking, in line with EU provisions. The only exception is Montenegro, where investigations fall under the remit of the Agency for Protection of Competition and the imposition of fines under the Misdemeanour Courts, which can conduct the relevant procedure and determine the amount of the fines.

The competition authorities can also adopt interim measures *ex officio* and based on preliminary evidence (*prima facie*) if the alleged competition breach poses a risk of serious and irreparable damage. They may also order behavioural and structural measures to eliminate harmful effects on competition, or accept and make binding commitments offered by the parties to address the competition concerns.

All domestic legal regimes also provide for leniency programmes, which grant total or partial immunity from sanctions to firms that report the existence of the agreement and submit appropriate evidence to the competition authority.

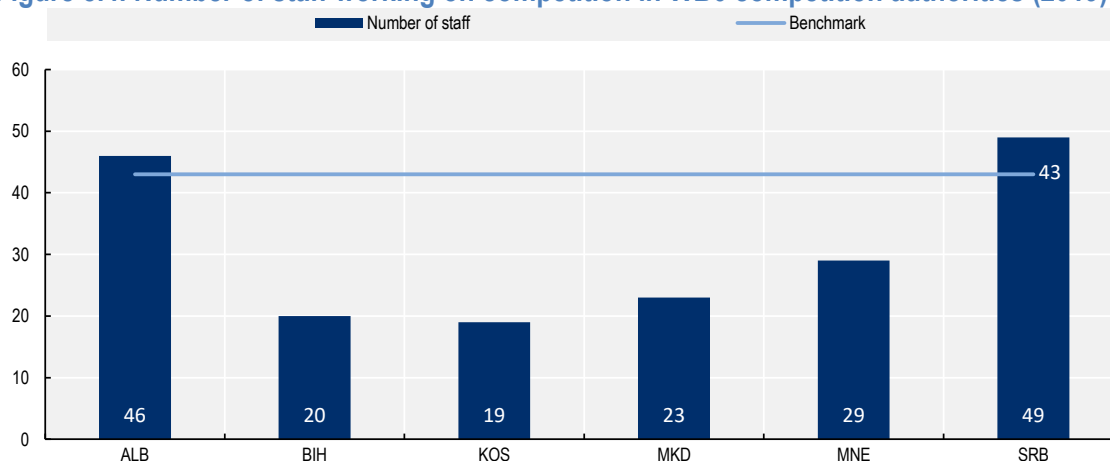
With the exception of Bosnia and Herzegovina, all WB6 competition authorities can enter into settlements with the parties under investigation for alleged anti-trust infringements, and thus close the investigations.

Regarding merger reviews, domestic competition laws provide for *ex ante* control, following the principles of the EU Merger Regulation. The competition authorities must prohibit concentrations that significantly restrict effective competition, in particular as a result of the creation or strengthening of a dominant position. They can authorise the transaction subject to structural and/or behavioural remedies – i.e. divestiture of assets and/or obligations to act or refrain from acting in a certain way – suitable to address the competition concerns.

The assessment of notified mergers must follow thorough scrutiny of the evidence, which includes an economic analysis of the restrictive effects and of possible efficiencies stemming from the concentration. For merger reviews, the competition authorities of the WB6 economies can compel merging firms and third parties to provide relevant information and may perform unannounced inspections on the premises of the parties.

To enforce competition law effectively, competition authorities need adequate financial and human resources, which is not the case for most WB6 competition authorities. According to the CompStats database, except for Albania and Serbia, the number of staff in WB6 competition authorities is lower than in other OECD and non-OECD economies (Figure 8.4). In 2019 the average total staff of the 15 competition authorities in small economies (with a population below 7.5 million) was 114, of whom 43 were working on competition (benchmark economies in Figure 8.4) (OECD, 2020^[7]).

Figure 8.4. Number of staff working on competition in WB6 competition authorities (2019)



Note: The benchmark refers to the average of the 15 competition authorities in small economies that participated in the OECD CompStat database. See the Methodology and assessment process chapter for information on the Competitiveness Outlook assessment process.

Source: Information collected from WB6 authorities.

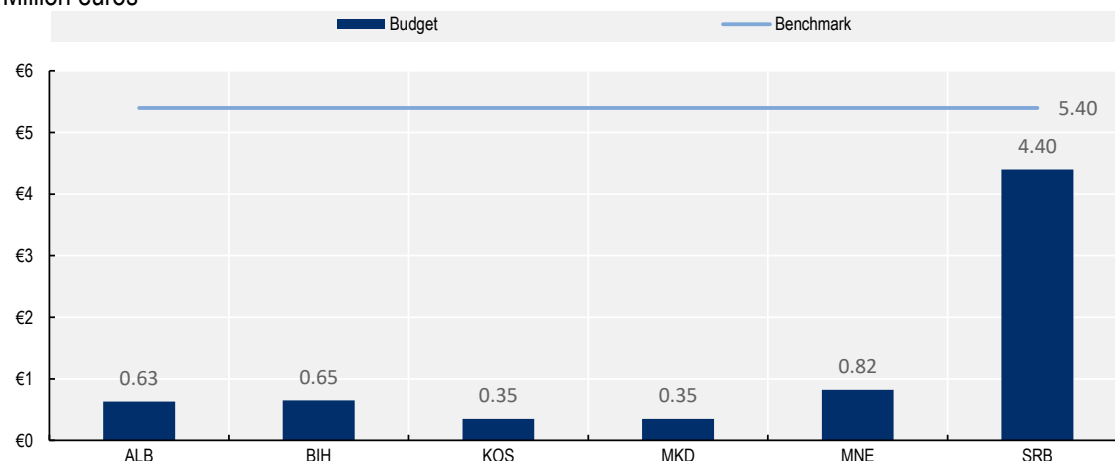
The budgets of competition authorities in the WB6 economies are extremely low compared to international averages. The competition authorities of Albania, Bosnia and Herzegovina, Kosovo, North Macedonia and Montenegro rely on annual budgets of between EUR 347 000 (North Macedonia) and EUR 820 000 (Montenegro), which is significantly below the average financial resources of the 15 competition authorities in small economies that participated in the OECD CompStats database (EUR 5.4 million in 2019). Only the Serbian competition authority approaches this figure (Figure 8.5).

The reasons behind the limited financial and human resources could include the low gross domestic product, the small size of the populations, the low cost of living and the young age of the institution. Nevertheless, a competition authority needs a minimum level of qualified officials to be able to fulfil its tasks, which include monitoring all sectors of the economy, conducting complex investigations, and analysing existing and draft legislation to advocate the removal of competition restrictions. Similarly, adequate economic resources are necessary to attract skilled officials and retain them over time. Many authorities are confronted with a high staff turnover, with many qualified officials trained by the authority

eventually recruited by the private sector. At the same time, effective enforcement increasingly requires the use of costly digital devices, which are often indispensable for collecting and analysing evidence. Italy has developed a way of achieving financial independence for its competition authority, which is worth considering (Box 8.2).

Figure 8.5. Budget of WB6 competition authorities (2019)

Million euros



Note: For Montenegro, the budget also covers the additional competence of the authority for state aid control. The benchmark refers to the average of the 15 competition authorities in small economies that participated in the OECD CompStats database. See the Methodology and assessment process chapter for information on the Competitiveness Outlook assessment process.

Source: Information collected from WB6 authorities

All WB6 economies except Bosnia and Herzegovina allow private enforcement, meaning that individuals, firms and consumers – either collectively or through consumer associations – can bring legal action to seek damages from firms that have committed anti-trust infringements.

Box 8.2. Financial independence for the Italian competition authority

Until 2012, the financing of the Italian Competition Authority (AGCM) was based on two main sources: annual funding from the state and fees paid by companies subject to merger notification requirements.

Legislative Decree no. 1/2012 modified the AGCM's funding system, which is now based on mandatory contributions imposed on companies incorporated in Italy whose turnover exceeds a threshold of EUR 50 million. The revenues from these contributions replace all previous forms of funding. The level of contribution, originally fixed at 0.06 per thousand, has been gradually lowered by the AGCM to 0.055 per thousand. The authority's financial statements have to be approved by 30 April of the following year, and are subject to auditing by the Court of Auditors (OECD, 2014^[9]).

This funding system can be regarded as an indirect recognition of the positive role played by AGCM in supporting a healthy and level competition field, which justifies the imposition of a small contribution on the largest businesses incorporated in Italy.

Importantly, the previous funding system entailed the risk of possible fluctuations in the amount of the annual budget, due to unpredictability in the number of notified mergers and levels of state funding. The new system shelters the AGCM from that risk, thus allowing for more stable and forward-looking recruitment planning.

Source: (OECD, 2016^[9]), *Independence of competition authorities: from designs to practices*, [https://one.oecd.org/document/DAF/COMP/GF\(2016\)5/en/pdf](https://one.oecd.org/document/DAF/COMP/GF(2016)5/en/pdf).

The way forward for scope of action

- **Provide competition authorities with adequate and predictable financial and professional resources.** The current competition budget and the number of specialised staff appear insufficient for them to perform their duties effectively. A substantial increase in the budget of WB6 competition authorities seems necessary to align them with other comparable competition authorities. Additional financial resources would enable the authorities to recruit additional officials with appropriate competition skills, while motivating and retaining existing staff, and thus develop their potential in terms of competition enforcement and advocacy (see example in Box 8.2).
- **Co-operate internationally and carry out targeted training initiatives to successfully address the fast-moving economic environment.** Given the increasing complexity of anti-trust issues, and the frequent cross-border nature of competition infringements, the management and staff of WB6 competition authorities should have frequent opportunities to meet and share good practices with international competition experts and colleagues from other jurisdictions. International organisations such as the OECD, the International Competition Network and the United Nations Conference on Trade and Development (UNCTAD) offer valuable opportunities for this, including the OECD-GVH Regional Centre for Competition in Budapest (Box 8.3). The WB6 competition authorities are already regular participants in the centre's events and would benefit from actively continuing.

Box 8.3. International co-operation on competition: OECD-GVH Regional Centre for Competition

The OECD Competition Committee promotes the regular exchange of views and analysis on competition policy issues. The outcomes of these discussions, including submissions from economies and invited experts, are published in the Best Practice Roundtables on Competition Policy series (<https://www.oecd.org/competition/roundtables.htm>). Furthermore, every year over 100 competition authorities, international organisations and invited experts worldwide participate in the OECD Global Forum on Competition. In addition, the OECD Competition Open Day offers a unique opportunity to discuss cutting-edge topics recently addressed by the OECD Competition Committee. It is a free event open to the broad competition community and those interested in the work of the OECD on competition, including legal practitioners, economists, consultants, in-house counsel, regulators, academics and the media.

The OECD Regional Centres for Competition (RCCs) are initiatives aimed at fostering competition policy in specific regions, mainly through seminars and training programmes on competition law and policy. The OECD-GVH RCC was established in 2005 by the OECD and the Hungarian Competition Authority (GVH) and covers 18 competition authorities in Eastern and Central European. There are two other RCCs: the first is managed in co-operation with the Korean Competition Authority and is dedicated to competition authorities in the Asia-Pacific region; and the second was created in 2019 with the Peruvian Competition Authority and targets competition authorities in Latin America.

The International Competition Network provides competition authorities with a specialised yet informal venue for maintaining regular contacts and addressing practical competition concerns. Members produce work products through their involvement in flexible project-oriented and results-based working groups. They participate in working groups over the Internet and by telephone through webinars and teleseminars. Annual conferences and workshops provide opportunities to discuss working group projects and their implications for enforcement.

The UNCTAD Intergovernmental Group of Experts on Competition Law and Policy meets each year to discuss ways to improve worldwide co-operation on competition policy implementation and enhance convergence through dialogue. The United Nations Set of Principles on Competition provides the basis for intergovernmental consultations (UNCTAD, 2000^[10]).

Note: For more <https://www.oecd.org/daf/competition/>

Anti-competitive behaviour and implementation (Policy areas 5.2 and 5.5)

An appropriate legal and institutional competition framework is not enough to promote competition policy; competition authorities must make full use of their powers and engage in competition enforcement by detecting, investigating and punishing infringements. The implementation of the legal framework is necessary to address breaches and to deter possible future anti-competitive behaviour by conveying a credible message that such behaviour will be identified and severely sanctioned by the competition authority.

The Anti-competitive behaviour and Implementation policy areas together gauge the use of powers and resources in terms of decisions adopted and fines imposed for horizontal agreements, vertical agreements and exclusionary conduct. They also explore the actual activity of the competition authority on reviewing mergers.

Policy area 5.2, Anti-competitive behaviour, is a qualitative analysis that verifies to what extent competition authorities are aligned with best practices when conducting enforcement actions and using their anti-trust toolkit and powers. Figure 8.6 shows that the WB6 economies perform relatively well in terms of the number of adopted criteria. The new policy area 5.5, Implementation, is a quantitative analysis that explores how many competition decisions have been adopted by the competition authorities. The WB6 economies perform less well in this area (Figure 8.7), although there have been some recent positive signs.

Figure 8.6. Scores for anti-competitive behaviour (Policy area 5.2)

Number of adopted criteria

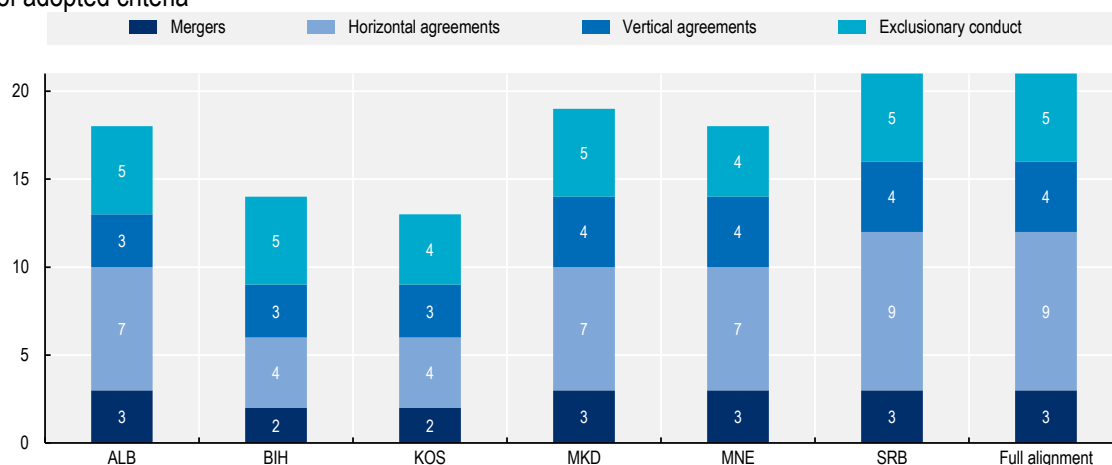
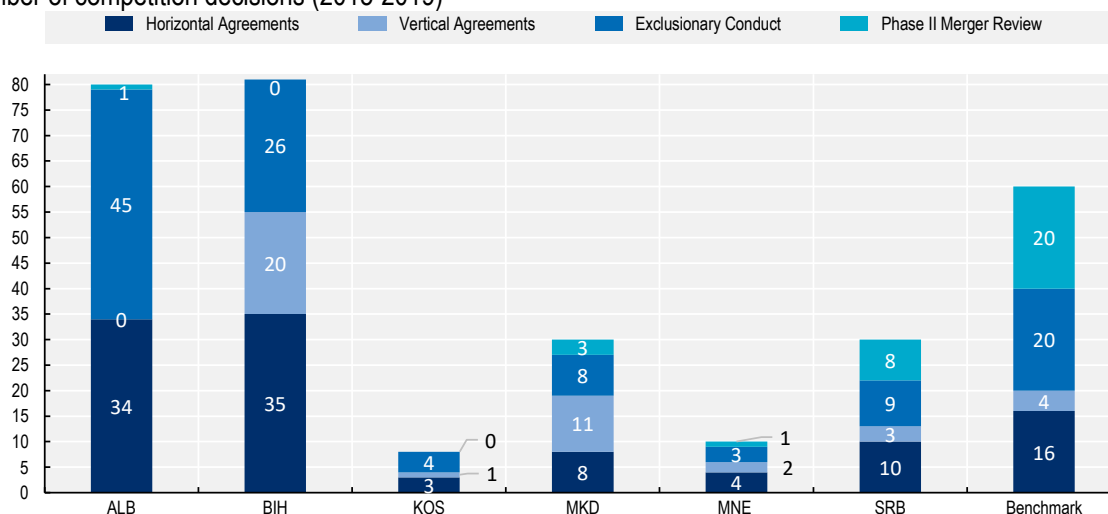


Figure 8.7. Scores for implementation (Policy area 5.5)

Number of competition decisions (2015-2019)



Note: The data for BIH are not immediately comparable with the others because most decisions adopted by the economy's Competition Council have related to the non-opening of formal proceedings, while for other economies decisions have been taken following formal proceedings. The benchmark in the last histogram refers to the average of the 15 competition authorities in small economies that participated in the OECD CompStats database. See the Methodology and assessment process chapter for information on the Competitiveness Outlook assessment process.

Enforcement and sanctions for horizontal and vertical agreements and exclusionary conduct are limited

Despite a comprehensive legal and institutional competition framework in the six economies, the actual implementation of competition rules through enforcement is still limited (Figure 8.7). The number of enforcement decisions adopted by the competition authorities of the WB6 economies between 2015 and 2019 was generally lower than the 15 benchmark competition authorities in the small economies that participate in the OECD CompStat database (Box 8.1). Over the same period, they adopted on average 16 decisions on horizontal agreements, 4 on vertical agreements and 20 on exclusionary conduct. Only Albania stands out, with a higher number of infringement decisions than the benchmark. Bosnia and Herzegovina's figures appear high too, but most of them do not refer to actual competition enforcement, being simple decisions to reject requests by complainants.

The Albanian Competition Authority has an appreciable record of formal proceedings tackling horizontal and vertical agreements, including bid rigging in public procurement. However, the total amount of fines imposed on participants in anti-competitive agreements over the last five years was EUR 2.2 million, vs. EUR 13.5 million levied by the 15 competition authorities in smaller jurisdictions that participated in CompStats in the same period (OECD, 2020^[7]).

Regarding Bosnia and Herzegovina, as noted above most decisions adopted by the economy's Competition Council have related to the non-opening of formal proceedings, with the result that the impact of competition enforcement is limited and fines are negligible. No significant fines have been imposed over the last five years for prohibited agreements. One relevant fine was imposed in 2018 for an abuse of dominance in the delivery of heating energy.

Despite a limited number of decisions, the Serbian Commission for the Protection of Competition has performed well over the last few years. It took only one decision concerning horizontal anti-competitive agreements in 2019, but in the previous four years there were nine cartel decisions, which included some cases of bid rigging in public procurement. In 2020 the commission issued five infringement decisions and imposed fines on the parties: one case related to horizontal price fixing, one to bid rigging, two cases

concerned resale price maintenance and one an abuse of dominant position. The total amount of fines imposed on parties involved in anti-competitive agreements reached a peak of EUR 3.8 million in 2018, but decreased to EUR 857 000 in 2019.

In North Macedonia, the number of decisions tackling horizontal agreements has been low, particularly in recent years. The Commission for the Protection of Competition has primarily invested its investigative resources in vertical agreements. Sanctions on cartels were negligible until 2019, when the commission imposed a fine of EUR 1.7 million on two pharmaceutical companies.

In Montenegro, the Agency for Protection of Competition adopted only four cartel decisions between 2015 and 2019, as well as two decisions on vertical agreements and three decisions on abuse of dominance. In 2019, the agency opened two vertical investigations concerning resale price maintenance violations, which is a hardcore restriction in Montenegrin competition law. As said, in Montenegro investigations fall under the remit of the Agency for Protection of Competition and the imposition of fines under the Misdemeanour Courts. The fines imposed by Misdemeanour Courts were particularly low, less than EUR 100 000 per year. The highest fines imposed were not for cartel cases, but for abuse of dominance.

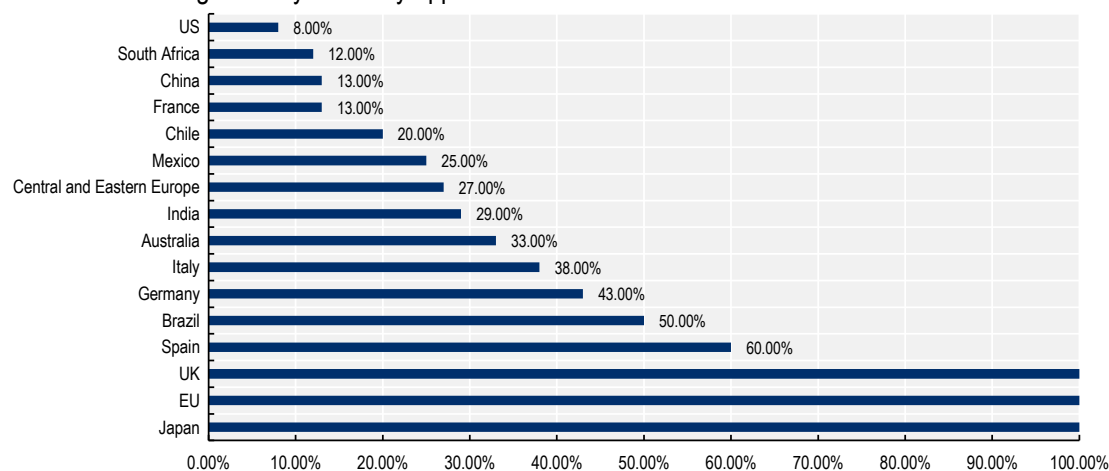
In the same period, the Kosovo Competition Authority investigated a very limited number of cartels, vertical agreements and abuses of dominant position, and imposed no fines. It either found no infringements or accepted commitments and closed the cases, often noting the limited awareness of competition rules in domestic firms. However, in 2020 the authority concluded a major investigation into a horizontal agreement on prices by 13 oil companies and imposed overall sanctions of more than EUR 1 million.

The effectiveness of leniency programmes and the use of unannounced inspections should be enhanced

Several advanced competition authorities around the world use leniency applications as a key way of detecting cartels (Figure 8.8). Leniency programmes have been introduced in all WB6 economies, but have proven ineffective. Only the Serbian Commission for the Protection of Competition has received a leniency application so far, in 2018. This problem is common in most young and even some experienced competition agencies around the world. Nevertheless, the poor performance in the region is not surprising given that a pre-requisite for the effectiveness of a leniency programme is the threat of sanctions that leads cartelists to come forward and report the existence of an agreement to the competition authority. Considering the low sanctions imposed in the WB6 economies, cartelists have no real incentives to submit an application.

Figure 8.8. Cartel decisions involving an immunity application (2019)

% of cases involving leniency/immunity applicant



Source: OECD reproduction based on (Allen & Overy, 2020^[11]), *Global Cartel Enforcement Report*, <https://www.allenover.com/en-gb/global/news-and-insights/global-cartel-enforcement-control>.

The use of unannounced inspections varies across the region. Unannounced inspections (also called dawn raids) of premises are a crucial investigative tool to substantiate allegations so that robust decisions can be adopted, particularly in the case of cartels. Both the Albanian Competition Authority and the Serbian Commission for the Protection of Competition make frequent use of this power. However, the other competition authorities in the region seem to be reluctant to do so, although some have recently begun. For example, the Commission for the Protection of Competition of North Macedonia carried out three dawn raids in 2019, compared to one in the previous years. The Montenegrin Agency for Protection of Competition began performing unannounced inspections for agreement cases in 2019 in the context of anti-trust proceedings on resale price maintenance. The Bosnian Competition Council and the Kosovo Competition Authority have not yet performed any dawn raids.

There has been little activity regarding merger reviews across the region

Regarding mergers, the number of Phase II investigations – i.e. the in depth analysis of a transaction that might raise competition concerns – has been insignificant or non-existent. The exception is Serbia, where the Commission for the Protection of Competition carried out eight Phase II investigations and one “gun jumping” case (failure to notify the competition authority of a merger or the implementation of all/part of the merger during mandatory waiting periods) in 2018 and 2019. The commission did not prohibit any transaction but cleared three cases by imposing remedies. Three additional Phase II merger reviews and two gun-jumping cases were also conducted in 2020. In North Macedonia, one concentration was blocked in 2017 and two were approved with remedies over the last five years. In Albania, only one concentration was investigated in-depth and eventually approved with remedies, in 2019. Another transaction was cleared with conditions and obligations in 2020. In the other jurisdictions, all mergers were unconditionally cleared in Phase I, i.e. without the need for a Phase II in-depth review.

The reason for the low activity on merger reviews in the WB6 economies, which again is not specific to the region, could be the unproblematic nature of most transactions, as many of the notified mergers concerned extra-territorial transactions that had little or no impact on the economy.

The way forward for anti-competitive behaviour and implementation

- **Prioritise boosting cartel enforcement and imposing high fines.** Cartels are the most clear-cut and undisputedly harmful competition infringements and affect every economy. The efforts of the competition authorities of the WB6 economies should be focused on detecting cartels and imposing heavy fines on infringers to deliver a strong message that firms engaging in collusion risk being severely punished. If the amount of fines sufficiently exceeds illicit gains, offences can be deterred even when the probability of paying a fine is low. The concern about fines is also a key driver of leniency applications. Increased cartel sanctions would foster the effectiveness of the leniency programme – which has been unproductive in the region so far – and further boost detection. Consistent with the changes introduced in other jurisdictions in Eastern Europe, the Agency for Protection of Competition of Montenegro could be empowered to impose fines directly. The competition authorities of the WB6 economies should also make full use of their powers to perform unannounced inspections to collect evidence, which are key for the adoption of solid decisions, particularly in the case of cartels.
- **Pay specific attention to public procurement, particularly during the COVID-19 crisis.** The competition authorities of the WB6 economies should expand their detection skills, for example by further strengthening the fight against bid rigging. Public procurement is a key sphere of action both for cartel enforcement and for competition advocacy. Bid rigging results in significant harm to the public budget and taxpayers, dampening innovation and creating inefficiencies. The WB6

competition authorities should extend their co-operation with the domestic agencies for public procurement and other procurement bodies to carefully design the procurement process so that it reduces the risks of bid rigging and detects bid-rigging conspiracies. The extensive activities carried out by the OECD in this respect will be helpful (see Box 8.4 and Figure 8.9 below).

- **Continue to participate in the OECD CompStats database.** The new additional questionnaire filled out by the WB6 economies for Policy area 5.5, Implementation, mirrors the data collected by the OECD through the CompStats database (see Box 8.1 above). This has enabled a thorough quantitative analysis of the actual enforcement activity of the WB6 competition authorities, as well as providing a benchmark for the findings against other competition authorities that share similar characteristics. The competition authorities of the WB6 economies would benefit greatly from continuing to participate in the OECD CompStats database and completing future related questionnaires.

Box 8.4. Initiatives undertaken by the OECD to fight bid rigging

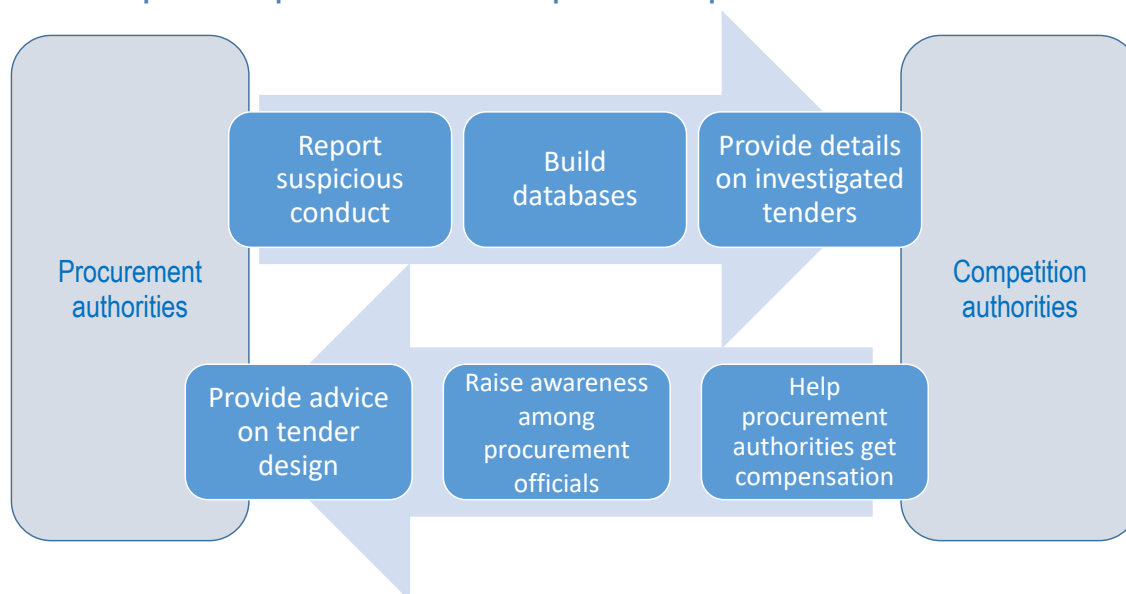
The Recommendation of the OECD Council on Fighting Bid Rigging in Public Procurement, adopted in 2012, calls for governments to assess their public procurement laws and practices at all levels of government to promote more effective procurement and reduce the risk of bid rigging in public tenders.

The OECD Guidelines on Fighting Bid Rigging in Public Procurement, which have been incorporated into the Recommendation, are designed to reduce the risks of bid rigging and detect bid-rigging conspiracies through the careful design of the procurement process.

The OECD also provides assistance through a project that assesses the main rules governing the procurement of public works and the procurement practices of major public buyers, and provides recommendations to design competitive procurement and fight bid rigging in accordance with international good practice. Training is offered to both competition and public procurement officials based on the Guidelines on Fighting Bid Rigging in Public Procurement.

Note: For more <https://www.oecd.org/daf/competition/cartels/42851044.pdf>.

Figure 8.9. Example of co-operation between competition and procurement authorities



Probity of investigation (Policy area 5.3)

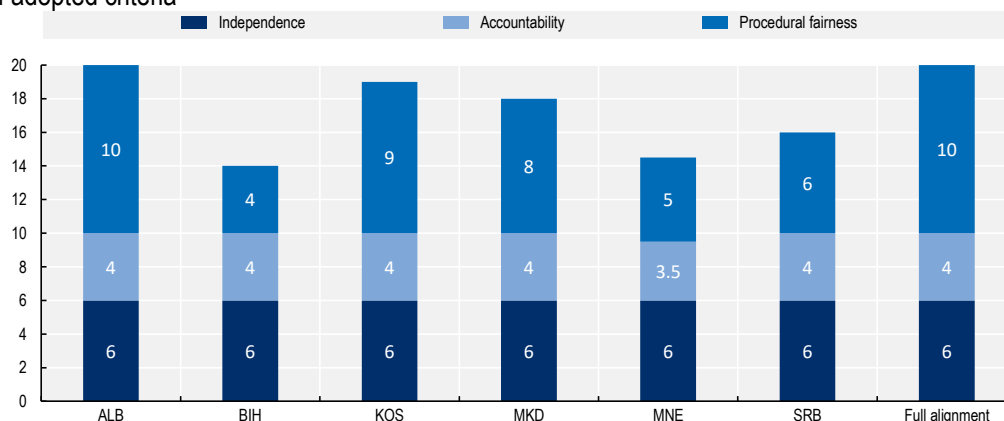
Probity of investigation plays an essential role in fair and effective law enforcement.

Companies must be safe in the knowledge that their practices conform to the applicable laws in the economies where they operate. They must also be able to interpret legal procedures correctly and to know and understand the workings of the statutory authority (or other body) that oversees them. Should they have to mount a defence in court, they need to be fully informed of the allegations against them and in good time (OECD, 2012^[12]). Freedom from political influence is a prerequisite for fair and equal competition law enforcement as it helps ensure that cases are brought or dropped only on their merit (OECD, 2016^[13]).

The probity of investigation policy area gauges the fairness of competition law enforcement and the degree to which competition authorities are independent and accountable. It involves three qualitative indicators: 1) independence; 2) procedural fairness; and 3) accountability (Figure 8.10). Together, these indicators assess the absence of government interference in investigations or decisions in anti-trust infringements and mergers, the rights of companies under investigation, and the transparency of the authority's actions and activities, as well as its accountability in court.

Figure 8.10. Scores for probity of investigation (Policy area 5.3)

Number of adopted criteria



WB6 competition authorities are independent, but can be subject to political influence

The competition authorities of the WB6 economies are independent state bodies, which means they are autonomous in their work and decision-making processes within the competencies provided by the competition law. This is consistent with good practices at international level. However, their independence does not exclude possible political influence on their effectiveness.

For example, in Kosovo the competition authority did not function between 2013 and 2016 because the members of the commission, whom are proposed by the government and approved by the parliament, had not been appointed. Kosovo's case shows that political action or lack of action can have a strong impact on competition policy.

In Bosnia and Herzegovina, the appointment and decision-making process of the members of the Competition Council are influenced by ethnic-based procedures, which risks introducing other considerations into decisions that should solely rely on a technical assessment.

WB6 competition authorities are accountable before parliament

The competition authorities must submit an activity report to parliament each year, except the Competition Council of Bosnia and Herzegovina, which submits its annual report to the Council of Ministers. The Agency

for Protection of Competition of Montenegro submits its annual report for approval both to the government and to parliament.

Procedural fairness performance is generally good across the region

The competition authorities of the WB6 economies must give notice of their decision to open formal proceedings and state the purpose of the investigation and the parties concerned, while encouraging interested third parties to come forward if they wish to take part. All final decisions regarding alleged competition infringements and mergers are published.

Prior to the adoption of a final anti-trust decision, the competition authorities must inform the parties of the relevant facts, evidence and other elements on which the decision is based, and enable them to submit a defence. The parties have the right to be heard before the board takes a final decision. At every stage of the proceedings, the parties may consult with the case team.

Likewise, if the competition authorities intend to prohibit a merger transaction, they must inform the merging parties about the evidence and conclusions on which the decision will be based and enable them to submit their remarks and possible remedies. The parties can participate in the process that leads to the determination of conditions and obligations, and can consult with the competition authority during the entire procedure.

The authorities' decisions can be appealed before administrative courts in the first instance and eventually before the high courts. In Bosnia and Herzegovina there is only one level of judicial review.

Most WB6 competition authorities have adopted and published several regulations and guidelines, including on the investigative procedure, the procedure for concentrations of undertakings, the assessment of horizontal and vertical agreements, and the calculation of fines. Bosnia and Herzegovina and Montenegro still have room for improvement.

The way forward for probity of investigation

- **Shelter competition authorities from political influence and preserve their independence.** The OECD Competition Committee has found that ensuring the requisite levels of independence, transparency and appropriate resourcing for competition agencies is an ongoing challenge. Even well-established regimes can deviate from these standards, with detrimental consequences for the quality of competition enforcement, law and policy. It is of the utmost importance that such standards are maintained.

Advocacy (Policy area 5.4)

Competition may be inhibited by public policies, laws and regulations that create barriers to entry or distort incentives for firms. Some distortions are unnecessary and can be eliminated without affecting public authority policy objectives. The mandate of a competition authority should therefore extend beyond merely enforcing competition law to addressing the additional obstacles to competition. It should also participate in formulating public policies to ensure they do not adversely affect competitive market structures, business conduct or economic performance. Accordingly, the competition authority should be able to advocate for competition and contribute to public policy discussions by assessing policies against barriers to competition and flagging potential threats for competition.

The advocacy policy area considers the capacity of competition authorities to advocate for a more competitive environment at the different government levels. Such advocacy can involve reviewing new and existing regulations to identify any unnecessary distortions to competition and performing market studies

that may lead to policy recommendations on how to foster competition and make the regulatory environment more pro-competition.

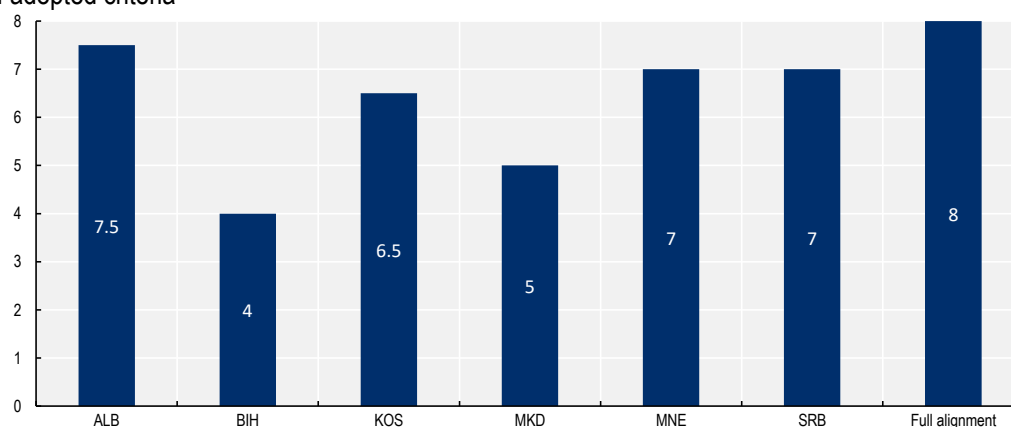
All the competition authorities of the WB6 can formulate opinions and recommendations regarding economy-level or local laws or regulations that affect or may affect competition. They can also assess possible barriers to competition in economic and administrative regulations that are aimed at pursuing general economic interests. In performing this duty, they usually co-operate with the government and regulatory institutions, including public procurement agencies.

The competition authorities can conduct market studies, i.e. general inquiries in any sector of the economy, on their own initiative or following a request by parliament or other regulators, if price patterns or other circumstances suggest that competition might be restricted or distorted. The only exception is the Competition Council of Bosnia and Herzegovina, which does not have the legal power to conduct market studies.

All WB6 economies except Bosnia and Herzegovina and North Macedonia are close to be fully align in the advocacy policy area. With a score of 7.5, Albania is the closest economy followed by Montenegro and Serbia (Figure 8.11).

Figure 8.11. Scores for advocacy (Policy area 5.4)

Number of adopted criteria



Note: The maximum number of criteria that could be adopted is eight. See the Methodology and assessment process chapter for information on the Competitiveness Outlook assessment process.

WB6 competition authorities are engaged in promoting competition

Competition authorities can help governments eliminate barriers to competition by identifying unnecessary restraints on market activities and developing alternative, less restrictive measures that still achieve government policy objectives. Competition advocacy can establish a competition mindset and culture within an economy and strengthen the competition authority's standing and reputation.

Market studies can assess how competition in a sector or industry is functioning, detect the source of any competition problems and identify potential solutions. Competition problems include regulatory barriers to competition and demand-side factors that impair market functioning. Market studies can improve the quality and credibility of advocacy initiatives, while boosting and better orienting competition enforcement. Given that they are a versatile tool that allow the examination of a broader set of issues than simply competition enforcement, their use is growing in most jurisdictions.

The Albanian competition authority issued 25 formal opinions in 2019, which represents a substantial increase from 17 in 2018 and even lower figures in previous years. The sectors addressed by recommendations on draft regulations include water, energy, media and telecommunications. In the period

2015-2019, the Albanian competition authority concluded on average four general inquiries per year, addressing key sectors such as higher education, banking, health care and liberal professions. In 2020, the authority adopted the Competition Advocacy and Communication Strategy, which aims to increase its advocacy role.

The Competition Council of Bosnia and Herzegovina did not issue formal opinions to the government nor parliament on draft or existing laws or regulations in the period 2015-2019. However, it co-operated with public institutions on competition matters and expressed its view on industry practices that may restrict competition. Upon request by the Agency for Public Procurement, it also analysed the rules on public tenders.

The Kosovo Competition Authority has actively engaged in competition advocacy in several sectors, particularly in the last few years. It has issued opinions and recommendations to the Central Bank of Kosovo on insurance companies, to the Ministry of Health on price regulation for medicinal products and equipment, and to the Tax Administration of Kosovo on the provision of cash register equipment. In 2019, it published two market studies, one on the telecommunications sector and one on the energy sector. In 2019, it signed memoranda of understanding with several sector regulators.

The Agency for Protection of Competition of Montenegro has issued a limited number of opinions over the last five years. The main interventions have concerned the Law on Free Access to Information in 2016 and the Draft Law on Audio-visual Services in 2019. The agency signed a co-operation agreement with the Public Procurement Administration in 2015. It did not conduct any market studies.

The Commission for the Protection of Competition of North Macedonia issued seven formal opinions in 2019, including on the Law on Public Procurement and the Law on Misdemeanour. The suggestions made were implemented. In December 2014 the commission issued guidelines for detecting bid rigging in public procurement, in co-operation with the Bureau for Public Procurement. It has not conducted market studies over the last few years.

The Serbian Commission for Protection of Competition has engaged in a wide range of initiatives aimed at promoting compliance with competition principles in laws and regulations, with the number of formal opinions addressed to the government or courts more than doubling over the last few years. The initiatives include an opinion on the regulation of road hailing services and an opinion on regulatory impact assessment, both in 2018. In 2019, the commission signed a memorandum of understanding with the Public Policy Secretariat to improve the competition assessment of legislation, on the basis of the OECD's Competition Assessment Toolkit (OECD, 2019^[14]). It has also conducted outreach activities to promote co-operation with other public authorities, including public procurement officials. It has performed at least three market studies per year over the last four years.

It should be highlighted that the state has a dual role as policy maker/sector regulator and supplier or purchaser of goods and services. Consequently, in markets open to competition the state also acts as a market participant and interacts with private businesses, most often indirectly, through SOEs. Governments may be tempted to grant undue advantages to SOEs or to certain domestic companies, such as a privileged market position, soft loans, outright subsidies, regulatory exemptions or tax benefits. Given the importance of SOEs in the WB6 economies, and the increased role of the state in the economy that will likely result from the COVID-19 crisis, competition authorities can make a decisive contribution to promoting competitive neutrality, which occurs when no entity operating in an economic market is subject to undue competitive advantages or disadvantages, irrespective of their ownership (state-owned or privately owned) or nationality (domestic or foreign). WB6 competition authorities have also organised a number of events aimed at developing a competition culture. For example, they have conducted workshops, training initiatives, and events for consumers, companies and public officials. They have also published educational materials through their websites or social media accounts. This activity is important to increase the standing and credibility of competition authorities and to increase awareness about the role and benefit of competition policy.

The way forward for advocacy

- **Continue to advocate against competition restrictions in laws and regulations, using the OECD Competition Assessment Toolkit as a basis.** The OECD's Competition Assessment Toolkit is a practical methodology that supports competition authorities in this task. Where a detrimental impact is discovered, the toolkit helps to develop alternative ways to achieve the same objectives, with minimal harm to competition. The WB6 economies should use this toolkit to support their efforts on competition advocacy.
- **Advocate strongly for competitive neutrality to ensure that all enterprises face the same set of rules, irrespective of their ownership or nationality.** Competition authorities should discourage the government from granting selective aid to SOEs or domestic companies and resist political pressure to adopt a more lenient approach when investigating SOE conduct.
- **Use market studies to gain a better understanding of competition in key sectors and make recommendations more informed and credible. Bosnia and Herzegovina should empower its Competition Council to conduct market studies.** The Competition Council of Bosnia and Herzegovina should have the power to conduct market studies, as is the case in the other WB6 competition authorities and in most competition authorities around the world. OECD country projects can help competition authorities perform key market studies (Box 8.5).
- **Continue to conduct dedicated events to promote a competition culture.** Competition authorities need to strengthen their standing and reputation and inform policy makers and the business community about the key role played by competition in supporting economic growth and consumer welfare. Effective tools to increase competition awareness include tailor-made conferences in co-operation with other public authorities, training events and seminars addressed to the legal and business community or the judiciary, and educational materials for the general public.

Box 8.5. Examples of OECD competition assessment support projects

In 2014 the OECD launched a project in **Romania** to review construction, freight transport and food processing, in co-operation with the Romanian Competition Council. The project also provided assistance in building the competition assessment capabilities of the Romania administration, i.e. officials from the line ministries and the relevant authorities.

The OECD worked closely with **Greece** from 2012 to 2016 to assess competition laws and regulations hindering competition in several sectors, including construction, media, wholesale trade, e-commerce, chemicals and pharmaceuticals. Between July 2016 and January 2018, the OECD carried out a policy assessment in **Mexico** in the sectors of medicines and meat. In October 2016, the OECD teamed up with the Portuguese competition authority to carry out a policy assessment in **Portugal** to identify the rules and regulations hindering the efficient functioning of markets in the transportation sector and in 13 professions.

In co-operation with the UK Government, from 2018 to 2021 the OECD has been undertaking ten Competition Assessments of Laws and Regulations in the logistics sector in **Association of Southeast Asian Nations (ASEAN) countries**, based on the OECD Competition Assessment Toolkit.

In **Iceland**, following the arrival of the COVID-19 pandemic, in November 2020 the OECD and the Icelandic Competition Authority made 438 recommendations for a more flexible environment in two key sectors of the economy: construction and tourism.

The OECD has also been asked to contribute to an EU project in **Tunisia** and will conduct a peer review of competition law and policy, as well as a review of laws and regulations, in the tourism and the banking

sectors. The project started in February 2021 and builds on the success of the first OECD Competition Assessment conducted in the country in 2019, which covered wholesale and retail trade, as well as road and maritime freight transport.

Conclusion

The competition authorities of the WB6 economies can support economic growth and a quick recovery after the COVID-19 crisis. To this end, they must establish themselves as strong, influential entities by tackling anti-trust infringements and advocating for the removal of competition restrictions in laws and regulations.

Competition enforcement is still limited, despite a positive number of infringement decisions in Albania and Serbia, and promising activities in other jurisdictions. Notably, the number of uncovered cartels is still small, and sanctions are not sufficient to ensure deterrence.

WB6 competition authorities are progressing on competition advocacy through urging policy makers and regulators to remove competition restrictions, promoting co-operation with domestic institutions, and engaging in spreading a competition culture in the business community and among the public.

Despite an appropriate competition framework, competition authorities still lack the necessary professional and financial resources to perform all their activities.

Two areas of action seem particularly promising for the near future: 1) co-operation with procurement bodies to enhance the prevention and detection of bid rigging; and 2) market studies to improve the quality and credibility of advocacy initiatives, while boosting and better orienting competition enforcement.

In the face of increasingly complex and supranational competition infringements, regional and international co-operation, as well as constant training, appear necessary to respond effectively to future challenges.

References

- Agency for Protection of Competition (n.d.), *Official website*, [58]
<http://www.azzk.me/jml/index.php/en/legal-framework>.
- Aghion, P. (2005), “Competition and innovation: An inverted-U relationship”, *The Quarterly Journal of Economics*, [4]
<http://dx.doi.org/10.1093/qje/120.2.701>.
- Allen & Overy (2020), *Global Cartel Enforcement Report*, [11]
<https://www.allenoverly.com/en-gb/global/news-and-insights/global-cartel-enforcement-control>.
- Bartók, C. and S. Miroudot (2008), “The Interaction amongst Trade, Investment and Competition Policies”, *OECD Trade Policy Papers*, No. 60, OECD Publishing, Paris, [3]
<https://dx.doi.org/10.1787/241467172568>.
- Begovic, T. and D. Popovic (2016), *Competition Authorities in South Eastern Europe, Building Institutions in Emerging Markets*. [57]
- Commission for the Protection of Competition of the Republic of Serbia (2018), *Activity Report 2018*, [56]
<http://www.kzk.gov.rs/kzk/wp-content/uploads/2019/06/GI-2018-eng13.pdf>.
- Competition Authority of Albania (n.d.), *Annual Report 2019*, [55]
<http://www.caa.gov.al/uploads/publications/CAA - Annual Report 2019.pdf>.
- Dokleštic Repić & Gajin (2020), *Gajin Competition Newsletter*, [53]
<https://www.gajin.rs/2020/05/merger-control-in-serbia-2019/>.
- European Commission (2020), *Albania 2020 Report, accompanying the 2020 Communication on EU Enlargement Policy*, [51]
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/albania_report_2020.pdf.
- European Commission (2020), *Bosnia and Herzegovina 2020 Report, accompanying the 2020 Communication on EU Enlargement Policy*, [49]
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/bosnia_and_herzegovina_report_2020.pdf.
- European Commission (2020), *Kosovo 2020 Report, accompanying the 2020 Communication on EU Enlargement Policy*, [47]
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/kosovo_report_2020.pdf.
- European Commission (2020), *Montenegro 2020 Report, Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, [45]
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/montenegro_report_2020.pdf.
- European Commission (2020), *North Macedonia 2020 Report, Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, [43]
https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/north_macedonia_report_2020.pdf.

- European Commission (2019), *Albania 2019 Report, accompanying the 2019 Communication on EU Enlargement Policy*, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-albania-report.pdf>. [52]
- European Commission (2019), *Bosnia and Herzegovina 2019 Report, accompanying the 2019 Communication on EU Enlargement Policy*, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-bosnia-and-herzegovina-analytical-report.pdf>. [50]
- European Commission (2019), *Kosovo 2019 Report, accompanying the 2019 Communication on EU Enlargement Policy*, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-kosovo-report.pdf>. [48]
- European Commission (2019), *Montenegro 2019 Report, Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-montenegro-report.pdf>. [46]
- European Commission (2019), *North Macedonia 2019 Report, Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions*, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-north-macedonia-report.pdf>. [44]
- European Commission (2019), *Serbia 2019 Report, accompanying the 2019 Communication on EU Enlargement Policy*, <https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/20190529-serbia-report.pdf>. [42]
- Eurostat (2019), *Early leavers from education and training*, https://ec.europa.eu/eurostat/statistics-explained/index.php/Early_leavers_from_education_and_training#Overview. [17]
- Ferrandi, R. and M. Giangaspero (2020), *Competitive neutrality in Eastern Europe and Central Asia: A key tool to foster economic recovery*, OECD-GVH RCC. [59]
- Ferrandi, R. and G. Szilágyi (2020), *Competition Policy Responses to the Crisis in Eastern Europe and Central Asia - Key findings from the Virtual Seminar of the OECD-GVH Regional Centre for Competition*, OECD-GVH RCC, <http://www.oecd.org/daf/competition/supplement-oecd-gvh-newsletter15-july2020-en.pdf>. [61]
- Group for Legal and Political Studies (2017), *Policy Report 03/2017, The Performance of the Kosovo Competition Authority*, <https://www.legalpoliticalstudies.org/wp-content/uploads/2017/10/GLPS-Policy-Report-KCA-Performance.pdf>. [41]
- Gutmann, J. (2014), *Lending a Hand to the Invisible Hand? Assessing the Effects of Newly Enacted Competition Laws*, <http://dx.doi.org/10.2139/ssrn.2392780>. [2]
- ICN (2017), *Setting of fines for cartels in ICN jurisdiction*, <https://www.internationalcompetitionnetwork.org/portfolio/setting-fines/>. [39]
- ICN (2015), *Anti-Cartel Enforcement Manual Chapter 10: Relationship between Competition Agencies and Public Procurement Bodies*, <https://www.internationalcompetitionnetwork.org/portfolio/public-procurement-relationships/>. [40]

- IMF (2019), *Reassessing the Role of State-Owned Enterprises in Central, Eastern, and Southeastern Europe*. [38]
- Kosovo Competition Authority (n.d.), Website, <https://ak.rks-gov.net/en/>. [54]
- OECD (2021), *OECD Competition Trends 2021, Volume I: Global Competition Enforcement Update 2015-19*, OECD, Paris, <http://www.oecd.org/daf/competition/oecd-competition-trends-2021-vol1.pdf>. [6]
- OECD (2020), *COVID-19: Competition and emergency procurement*, <http://www.oecd.org/daf/competition/COVID-19-competition-and-emergency-procurement.pdf>. [37]
- OECD (2020), *Government at a Glance - Western Balkans 2020, Country Fact Sheet: Montenegro*, <https://www.oecd.org/gov/government-at-a-glance-montenegro.pdf>. [36]
- OECD (2020), *Government at a Glance - Western Balkans 2020, Country Fact Sheet: North Macedonia*, <http://www.oecd.org/gov/government-at-a-glance-north-macedonia.pdf>. [35]
- OECD (2020), *OECD Competition Trends*, <https://www.oecd.org/daf/competition/OECD-Competition-Trends-2020.pdf>. [7]
- OECD (2020), *OECD Competition Trends 2020*, <http://www.oecd.org/competition/oecd-competition-trends.htm>. [31]
- OECD (2020), *PISA 2018 Database*, <https://www.oecd.org/pisa/data/>. [16]
- OECD (2019), *Competition Assessment Toolkit*, <https://www.oecd.org/competition/assessment-toolkit.htm>. [14]
- OECD (2019), *Latin American and Caribbean Competition Forum – Fining Methodologies for Competition Law Infringements, Background Note*, [https://one.oecd.org/document/DAF/COMP/LACF\(2019\)5/en/pdf](https://one.oecd.org/document/DAF/COMP/LACF(2019)5/en/pdf). [33]
- OECD (2019), *The standard of review by courts in competition cases - Background Note*, [https://one.oecd.org/document/DAF/COMP/WP3\(2019\)1/en/pdf](https://one.oecd.org/document/DAF/COMP/WP3(2019)1/en/pdf). [25]
- OECD (2018), *Market Studies Guide for Competition Authorities*, <http://www.oecd.org/daf/competition/OECD-Market-Studies-Guide-for-Competition-Authorities-2018.pdf>. [32]
- OECD (2016), *Independence of Competition Authorities: From designs to practice*, Background Paper by the Secretariat, OECD, Paris, [https://one.oecd.org/document/DAF/COMP/GF\(2016\)5/en/pdf](https://one.oecd.org/document/DAF/COMP/GF(2016)5/en/pdf). [13]
- OECD (2016), *Independence of competition authorities: from designs to practices*, [https://one.oecd.org/document/DAF/COMP/GF\(2016\)5/en/pdf](https://one.oecd.org/document/DAF/COMP/GF(2016)5/en/pdf). [9]
- OECD (2014), *Roundtable on Changes in Institutional Design of Competition Authorities, Note by Italy*, OECD Publishing, Paris, [https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DAF/COMP/WD\(2014\)96&doclanguage=en](https://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=DAF/COMP/WD(2014)96&doclanguage=en). [8]

- OECD (2012), *Procedural fairness and transparency*, OECD, Paris, [12]
<https://www.oecd.org/competition/mergers/50235955.pdf>.
- OECD (2010), *OECD policy roundtables: Collusion and corruption in public procurement*, OECD, Paris, [5]
<http://www.oecd.org/daf/competition/cartels/46235884.pdf>.
- OECD (2009), *Guidelines for Fighting bid rigging in public procurement*, [34]
<https://www.oecd.org/daf/competition/cartels/42851044.pdf>.
- OECD (n.d.), *Recommendation concerning effective Action against Hard Core Cartels*, [30]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0452>.
- OECD (n.d.), *Recommendation Concerning International Co-operation on Competition Investigations and Proceedings*, [29]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0408>.
- OECD (n.d.), *Recommendation on Competition Assessment*, [28]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0455>.
- OECD (n.d.), *Recommendation on Fighting Bid Rigging in Public Procurement*, [27]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0396>.
- OECD (n.d.), *Recommendation on Merger Review*, [26]
<https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0333>.
- Ospina, S. (2010), *Competition and firm productivity: Evidence from firm-level data*, International Monetary Fund, [1]
<http://www.imf.org/external/pubs/ft/wp/2010/wp1067.pdf>.
- Rakić, I. (2020), *Competitive Neutrality and the Role of the Commission for Protection of Competition of the Republic of Serbia*, OECD-GVH RCC. [60]
- Rakić, I. (n.d.), (forthcoming) *Abuse of Dominance in Digital Markets – The Serbian Experience*, OECD-GVH RCC. [62]
- UIS (2020), *Education statistics*, [18]
<http://data.uis.unesco.org/index.aspx?queryid=163>.
- UNCTAD (2000), *The United Nations Set of Principles and Rules on Competition*, United Nations Conference on Trade and Development, [10]
<https://unctad.org/system/files/official-document/tdrbpconf10r2.en.pdf>.
- UNDP Montenegro (2016), *National Human Development Report - Informal work: from challenges to solutions*, [24]
https://www.me.undp.org/content/montenegro/en/home/library/human_development/NHDR2016.html.
- US Department of State (n.d.), *2020 Investment Climate Statements: Albania*, [23]
<https://www.state.gov/reports/2020-investment-climate-statements/albania/>.
- US Department of State (n.d.), *2020 Investment Climate Statements: Bosnia and Herzegovina*, [22]
<https://www.state.gov/reports/2020-investment-climate-statements/bosnia-and-herzegovina/>.

- US Department of State (n.d.), *2020 Investment Climate Statements: Kosovo*, [21]
<https://www.state.gov/reports/2020-investment-climate-statements/kosovo/>.
- US Department of State (n.d.), *2020 Investment Climate Statements: Montenegro*, [20]
<https://www.state.gov/reports/2020-investment-climate-statements/montenegro/>.
- US Department of State (n.d.), *2020 Investment Climate Statements: North Macedonia*, [19]
<https://www.state.gov/reports/2020-investment-climate-statements/north-macedonia/>.
- World Bank (2019), *Business Reforms in Macedonia, FYR*, Doing Business website, [15]
<http://www.doingbusiness.org/Reforms/Overview/Economy/macedonia-fyr> (accessed on 13 September 2018).

Annex 8.A. Competition Questionnaire

Sub-Dimensions	Policy Indicators
1) Competences framework	1.1) Does the competition law apply also to firms located outside your jurisdiction whose behaviour directly affects competition and/or consumers in domestic markets?
	1.2) In your jurisdiction, are state-controlled firms exempt from the application of competition law when conducting commercial activities in competition with private firms?
	1.3) Annual budget of the Competition Authority (as a percentage of total annual state budget) over the last five calendar years (2015-2019)?
2) Independence framework	2.1) Have the government/ministers given binding directions to the competition agency on whether it should open an investigation on an alleged antitrust infringement at least once in the last five calendar years (2015-2019)?
	2.2) Have the government/ministers given binding directions to the decision-maker in your jurisdiction on whether it should close an investigation on an alleged antitrust infringement at least once in the last five calendar years (2015-2019)?
	2.3) Have the government/ministers given binding directions to the competition agency on whether it should impose/not impose (or ask a court to impose/not impose) specific remedies when closing an investigation on an alleged antitrust infringement at least once in the last five calendar years (2015-2019)?
	2.4) Have the government/ministers given binding directions to the competition agency (or other public bodies) on whether it should not undertake a market/sectoral study at least once in the last five calendar years (2015-2019)?
	2.5) Have the government/ministers overturned a decision concerning the clearance of a merger at least once in the last five calendar years (2015-2019)?
	2.6) Have the government/ministers overturned a decision concerning the prohibition of a merger at least once in the last five calendar years (2015-2019)?
3) Powers to investigate framework	3.1) Can your competition agency compel (or ask a court to compel) firms investigated for a possible antitrust infringement to provide information?
	3.2) Can your competition agency compel (or ask a court to compel) third parties to provide information to help an investigation on an antitrust infringement?
	3.3) Can your competition agency perform unannounced inspections/searches in the premises of firms investigated for a possible antitrust infringement aimed at gathering evidence (with or without a warrant/court authorization)?
	3.4) If yes, has your competition agency performed unannounced inspections in the premises of firms investigated for a possible antitrust infringement at least once in the last five calendar years (2015-2019)?
	3.4.1) If your competition agency has not conducted any unannounced inspections in the last two calendar years (2018-2019), please briefly list the three most important reasons for not having used this instrument and provide a short explanation for each.
	3.5) Can your competition agency compel (or ask a court to compel) merging firms to provide information to help it assess the merger?
	3.6) Can your competition agency compel (or ask a court to compel) third parties to provide information to help it assess the merger?
	3.7) Number of complaints to the Competition Authority over the last five calendar years?
4) Powers to sanction / remedy framework	4.1) Can your competition agency impose, or ask a court to impose, remedies or a cease and desist order on firms that have committed an antitrust infringement?
	4.2) If yes, can your competition agency impose, or ask a court to impose sanctions on firms that do not comply with remedies imposed on them with respect to an antitrust infringement they have committed?
	4.3) Can your competition agency impose, or ask a court to impose, sanctions on firms that have committed an antitrust infringement?
	4.4) Can your competition agency, or a court, accept or impose remedies on firms in order to clear a merger?
	4.5) Can your competition agency impose, or ask a court to impose, sanctions on a firm that hinders an investigation on an alleged antitrust infringement?
	4.6) If yes, have sanctions been imposed on a firm and/or individuals for hindering an investigation on an antitrust infringement at least once in the last ten calendar years (2009-2019)?
	4.7) Can your competition agency impose, or ask a court to impose, sanctions on firms and/or individuals that do not comply with a decision concerning a merger?
	4.8) Can your competition agency impose, or ask a court to impose, interim measures while performing an investigation

	of an alleged antitrust infringement because there is a concern that this may lead to irreversible damages?
	4.9) Can your competition agency, or a court, settle voluntarily with the parties investigated for an alleged antitrust infringement and thus close the investigation?
	4.10) Can your competition agency, or a court, clear a merger that raises anticompetitive concerns by negotiating/accepting remedies that address these concerns at an early stage and thus avoid to perform a more in-depth investigation?
	4.11) Number of court cases related to competition
5) Mergers framework	5.1) Does the decision-maker conduct an economic analysis of the competitive effects of mergers when investigating them?
	5.2) When assessing a merger can the decision-maker consider whether the merger is likely to generate efficiencies?
	5.3) Has the decision-maker blocked or cleared with remedies at least one merger in the last five calendar years (2015-2019)?
6) Horizontal agreements framework	6.1) Are anticompetitive horizontal agreements (including cartels) prohibited in your jurisdiction?
	6.2) Does the decision-maker conduct an economic analysis of the competitive effects of horizontal agreements when investigating them?
	6.3) When investigating an allegedly anticompetitive horizontal agreement can the decision-maker consider any efficiency this may generate?
	6.4) Have sanctions and/or remedies been imposed on at least one cartel in your jurisdiction in the <u>last five calendar years (2015-2019)</u> ?
	6.4.1) How many hard core cartel cases (i.e. cases with obvious by object infringements like price fixing or market sharing) have been closed with the finding of an infringement and with fines in the last two calendar years (2018-2019)?
	6.4.2) What was the total amount of the fines (sum of all fines in EUR) imposed in these cases?
	6.5) Have sanctions and/or remedies been imposed on at least one anticompetitive agreement that is not a cartel in your jurisdiction in the last five calendar years (2015-2019)?
	6.6) Does your jurisdiction have a leniency/immunity program for cartel participants (firms and/or individuals)?
	6.7) If yes, has the leniency program generated at least one application in the last five calendar years (2015-2019)?
7) Vertical agreements framework	7.1) Are anticompetitive vertical agreements prohibited in your jurisdiction?
	7.2) Does the decision-maker conduct an economic analysis of the competitive effects of vertical agreements when investigating them?
	7.3) When investigating an allegedly anticompetitive vertical agreement can the decision-maker consider any efficiency this may generate?
	7.4) Have sanctions and/or remedies been imposed on at least one anticompetitive vertical agreement in your jurisdiction in the last five calendar years (2015-2019)?
8) Exclusionary conducts framework	8.1) Are exclusionary conducts by dominant firms and/or by firms with substantial market power prohibited in your jurisdiction?
	8.2) Does the decision-maker take non-market-share factors (such as conditions of entry, ability of smaller firms to expand, and ability of customers to switch to smaller rivals) into account when determining dominance?
	8.3) Does the decision-maker conduct an economic analysis of the competitive effects of exclusionary conducts when investigating them?
	8.4) When investigating an allegedly exclusionary conduct can the decision-maker consider any efficiency this may generate?
	8.5) Has the decision-maker in your jurisdiction imposed sanctions and/or remedies on at least one firm for exclusionary conduct over the past five calendar years (2015-2019)?
9) Advocacy framework	9.1) Does your competition agency (or another public body) advocate competition at central government level?
	9.2) Does your competition agency (or another public body) advocate competition at local or regional government levels?
	9.3) Are all new public policies that may have implications for competition subject to a competition assessment in your jurisdiction?
	9.3.1) In case 9.3 has been answered with "yes", is the competition agency involved in the competition assessment?
	9.3.2) Please briefly describe the competition agency's involvement in the competition assessment: <ul style="list-style-type: none"> • Does it receive all draft laws and regulations well in advance and is given sufficient time to examine and comment? • Is there a specialised unit/staff member in charge of the competition assessment? • Is there a manual/guidance for conducting the assessment and if so, please briefly describe the major steps or provide a link to the guidance, in case it is public.
	9.3.3) In how many cases has the competition agency issued recommendations for change in the last two calendar years (2018-2019)? Please briefly describe two or three recommendations given.

	9.3.4) How many of the recommendations led to the recommended changes of the draft laws and regulations?
	9.3.5) If the recommendations were not followed, did the government give reasons for leaving the draft laws and recommendations unchanged?
	9.4) Can market/sectoral studies be performed in your jurisdiction?
	9.5) If yes, has at least one market/sectoral study been performed in your jurisdiction in the last five calendar years (2015-2019)?
	9.6) If a market/sectoral study identifies an obstacle or a restriction to competition caused by an existing public policy, can the study include an opinion/recommendation to the government to remove or reduce such obstacle or restriction?
	9.7) If a market/sectoral study includes an opinion/recommendation to the government concerning an obstacle or restriction to competition caused by an existing public policy, is the government required to publicly respond to this opinion/recommendation?
	9.8?) Please describe if the competition authority is providing information and/or trainings to public procurement officials on the prevention and detection of bid rigging in public procurement procedures. Briefly describe the efforts and materials, i.e. number of trainings or contacts to public procurement bodies within the last two calendar years (2018-2019) and their nature.
10) Accountability framework	10.1) Does your competition agency publish regularly a report on its activities?
	10.2) Are decisions that ascertain the existence of an antitrust infringement published by the relevant decision-maker?
	10.3) Are decisions that block a merger or clear a merger with remedies published by the relevant decision-maker?
	10.4) Can decisions on antitrust infringements and mergers (whether taken by a competition agency or a court) be subject to judicial review with respect to their substance?
11) Procedural Fairness framework	11.1) Does your competition agency provide the party/parties under investigation for an antitrust infringement with opportunities to consult with your competition agency with regard to significant legal, factual or procedural issues during the course of the investigation?
	11.2) Do parties have the right to be heard and present evidence before the imposition of any sanctions or remedies for having committed an antitrust infringement?
	11.3) Does your competition agency provide the parties under investigation for a merger with opportunities to consult with your competition agency with regard to significant legal, factual or procedural issues during the course of the investigation?
	11.4) Do parties have the right to be heard and present evidence before a decision on a merger is reached?
	11.5) Does your competition agency publish procedural guidelines or public documents explaining its investigative procedures?
	11.6) Does your competition agency publish guidelines that explain how abuses of dominance are assessed?
	11.7) Does your competition agency publish guidelines that explain how horizontal agreements are assessed?
	11.8) Does your competition agency publish guidelines that explain how vertical agreements are assessed?
	11.9) Does your competition agency publish guidelines that explain how mergers are assessed?
	11.10) Are there published administrative guidelines that explain how monetary sanctions for antitrust infringements are set by your competition agency, or recommended by it to the court?
12) Private Enforcement framework	12.1) Can individuals bring a legal action to seek damages from firms that have committed an antitrust infringement?
	12.2) Can firms bring a legal action to seek damages from firms that have committed an antitrust infringement?
	12.3) Can a group of consumers (either collectively or through a consumer association) bring a legal action to seek damages from firms that have committed an antitrust infringement?



From:

Competitiveness in South East Europe 2021 A Policy Outlook

Access the complete publication at:

<https://doi.org/10.1787/dcbc2ea9-en>

Please cite this chapter as:

OECD (2021), "Competition policy (Dimension 5)", in *Competitiveness in South East Europe 2021: A Policy Outlook*, OECD Publishing, Paris.

DOI: <https://doi.org/10.1787/b71b6823-en>

This work is published under the responsibility of the Secretary-General of the OECD. The opinions expressed and arguments employed herein do not necessarily reflect the official views of OECD member countries.

This document, as well as any data and map included herein, are without prejudice to the status of or sovereignty over any territory, to the delimitation of international frontiers and boundaries and to the name of any territory, city or area. Extracts from publications may be subject to additional disclaimers, which are set out in the complete version of the publication, available at the link provided.

The use of this work, whether digital or print, is governed by the Terms and Conditions to be found at <http://www.oecd.org/termsandconditions>.