



Cooperation between Competition Authorities and Sector Regulators

~ Frameworks and Experiences in

Emerging Areas ~

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- **【Zambia】** Competition and Consumer Protection Commission
- **【Taiwan】** Taiwan Fair Trade Commission
- **【Canada】** Competition Bureau Canada
- **【Ireland】** The Competition and Consumer Protection Commission
- **【Brazil】** Administrative Council for Economic Defense
- **【Philippines】** Philippine Competition Commission
- **【Ecuador】** Superintendency of Economic Competition
- **【Australia】** Australian Competition and Consumer Commission
- **【Sweden】** Swedish Competition Authority
- **【Chile】** Fiscalía Nacional Económica
- **【Mexico】** Federal Economic Competition Commission
- **【Saudi Arabia】** General Authority for Competition
- **【Poland】** Office of Competition and Consumer Protection
- **【Spain】** Spanish National Markets and Competition Commission
- **【Greece】** Hellenic Competition Commission
- **【Egypt】** Egyptian Competition Authority
- **【Italy】** Italian Competition Authority
- **【European Commission】** Directorate-General for Competition
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Preface

In regulated sectors, there is a recognized risk of competition authorities and sector regulators making inconsistent decisions and inadvertently bringing uncertainty to market participants as competition authorities and sector regulators pursue their respective mandates; accordingly, cooperation between competition authorities and sector regulators is arguably important to minimize these risks and achieve government objectives without causing such confusion (ICN, 2004¹, ICN, 2005², OECD, 2022³).⁴

The same risks and opportunities may hold true for emerging areas subject to other regulations such as privacy and sustainability; the former envisages cooperation with personal information authorities, and the latter with authorities such as those in charge of environmental policy and industrial policy.

In this context, this report explores effective cooperation in the area of competition advocacy⁵ through examples presented by the responding agencies. By sharing successful practices, competition authorities can consider whether to apply them to similar challenges in such emerging areas.

Specifically, in the following, Chapter 1 explains the categories organized for this report with reference to the OECD Competition Policy Roundtable Background Note (2022), which introduces best practices in cooperation between competition authorities and sector regulators at large. Chapters 2 (Privacy) and 3 (Sustainability) as an extension to Chapter 1 share good practices across the responding agencies gathered through a call for contributions conducted between August and October 2024. Lastly, Chapter 4 explores emerging areas other than privacy and sustainability where future cooperation between competition authorities and sector regulators may occur.

¹ <https://www.internationalcompetitionnetwork.org/portfolio/advocacy-in-regulated-sectors-2004/>

² <https://www.internationalcompetitionnetwork.org/portfolio/advocacy-regulated-sectors-2005-case-studies/>

³ [Interactions between competition authorities and sector regulators, OECD Competition Policy Roundtable Background Note,](#)

⁴ In this report, ‘sector regulators’ include authorities typically categorized as horizontal regulators, such as privacy protection authorities.

⁵ It is noted that as a project carried out within the framework of AWG, this report intends to focus on the initiatives of advocacy rather than enforcement. Competition advocacy refers to “those activities conducted by the competition agency, that are related to the promotion of a competitive environment by means of non-enforcement mechanisms, mainly through its relationships with other governmental entities and by increasing public awareness in regard to the benefits of competition.”; <https://www.internationalcompetitionnetwork.org/working-groups/advocacy/>.

1. Cooperation Frameworks

This report explores and lists the good practices from the responding agencies in reference to frameworks for cooperation and interactions between competition authorities and sector regulators. The OECD (2022) meticulously organizes categories of frameworks as follows for enforcement cases: (i) Notification and consultation, (ii) Information sharing, (iii) Working groups and staff exchanges, and (iv) Informal co-operation. Based on these classifications, this report organizes the categories of cooperation frameworks in the area of advocacy⁶ as follows for the subsequent chapters.

(i) Consultation

Competition authorities and sector regulators may consult each other when their policy objectives are interrelated, such that their own expertise will enhance the other's objectives. For instance, in response to consultation from sector regulators, the Competition and Consumer Commission of Singapore (CCCS) has advised on competition issues, including the impact of specific government initiatives on competition in affected markets, the structure of public procurement, and government divestments.⁷

(ii) Information Sharing/Gathering

It goes without saying that any regulator needs sufficient information about the market it regulates; accordingly, it is necessary for both competition authorities and sector regulators to gather information from market participants. Sharing information and jointly gathering intelligence (where allowed by a legal framework) between these regulators may reduce the burden of information requests for market participants when they overlap. One clear example is the UK Competition and Market Authority (CMA) conducting a study of the banking market together with the Financial Services Authority.⁸

(iii) Working Groups and Staff Exchanges

The establishment of fora or working groups is expected to enhance the quality of communication and promote discussions between competition authorities and sector regulators in order to reach a shared understanding and approach; for instance, in the Czech Republic, the

⁶ Despite the distinct context of enforcement in the OECD (2022) note, the cooperation between competition authorities and sector regulators can clearly benefit from their complementary knowledge and expertise in the field of advocacy as well.

⁷ <https://www.cccs.gov.sg/approach-cccs/for-government-agencies/seeking-advice-by-government-agencies>

⁸ <https://www.fca.org.uk/publications/market-studies/joint-fca-cma-sme-banking-market-study>

competition authority and the telecommunications regulator established a permanent working group that exchanges information and prepares joint positions and opinions.⁹

Staff exchanges are also expected to improve common understanding and found relationships between competition authorities and sector regulators; for instance, in the UK, secondments continue to be an important tool for sharing expertise between the CMA and sector regulators such as the Office of Gas and Electricity Markets.¹⁰

(iv) Others; MoUs, joint guidelines, etc.

There may remain several initiatives falling outside the scope of the above, such as Memoranda of Understanding (MoUs) between competition authorities and sector regulators and jointly established guidelines or guidance; for instance, the Japan Fair Trade Commission (JFTC) has jointly established guidelines for proper electric power trade with the Ministry of Economy, Trade and Industry which oversees electric power trade.¹¹

⁹ Czech Republic (2019), Roundtable on Independent Sector Regulators - Note, [https://one.oecd.org/document/DAF/COMP/WP2/WD\(2019\)14/en/pdf](https://one.oecd.org/document/DAF/COMP/WP2/WD(2019)14/en/pdf).

¹⁰ CMA (2020), Annual Report on Concurrency, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879327/Annual_Concurrency_Report_2020_-_FINAL.pdf.

¹¹ https://www.jftc.go.jp/en/legislation_gls/imonopoly_guidelines.html

2. Cooperation for Privacy

In today's digital economy, safeguarding individual privacy – such as names, addresses, telephone numbers, and credit card details – is crucial. Unauthorized access, hacking, and data leaks can harm both individuals and companies. Privacy protection is essential not only for individual rights and safety but also for the reliability and stability of the economy and society as a whole. The ICN recently studied the intersection of competition and privacy to increase the understanding of how agencies consider the issues which lie at the intersection of competition and privacy law enforcement and share knowledge and expertise developed by participating agencies. The project resulted in an [issues paper, summary of sample agency actions](#), and an [agency considerations paper](#). For more details, please see the intersection project page.¹² The OECD, meanwhile, suggests balancing the ever growing intersection of privacy protection and competition policy through improving: (i) the relationship between privacy protection and competition policy; (ii) data collection and use; (iii) data portability; and (iv) the competitive advantages of data.¹³

One example of an intersection between privacy and competition is the general notion that if privacy protection is strengthened, companies' data collection, usage, and flows may be restricted at large. From the competition policy perspective, it may be desirable to increase data flows which can promote competition and improve market efficiency, ultimately preventing data monopolization and unfair competitive acts. Accordingly, it can be important to balance privacy protection and competition policy by considering appropriate regulations and frameworks; to that end, cooperation between privacy regulators and competition authorities is vital.

This chapter focuses on such cooperation between competition authorities and personal information regulators, and presents relevant case studies for the sake of knowledge sharing.

The competition authorities that contributed to this survey employ a myriad of ways to collaborate with their privacy authority counterparts. On the advocacy front, highlights include open and regular communication for consultation through establishing contact before issues arise, such as official forums and avenues for information exchanges. Certain authorities showcased clear legal provisions for sharing necessary information between the competition and privacy authorities as appropriate -- these have already been deployed in practice for specific cases. Others have proven deeper thought and attention to complementarity between competition law and data protection, for example, for ex-ante regulations in digital markets. Regardless of concrete action thus far, the intersection between competition and data privacy are on the minds of many authorities around the

¹² <https://www.internationalcompetitionnetwork.org/working-groups/icn-operations/intersection-project/>

¹³ OECD (2020) "Consumer Data Rights and Competition - Background note" [https://one.oecd.org/document/DAF/COMP\(2020\)1/en/pdf](https://one.oecd.org/document/DAF/COMP(2020)1/en/pdf)

world. The fruits of these efforts can be seen in many of these economies' digital markets, where swift coordination and alignment of competition and data protection policies are already in motion.

The practices shown in the submissions from the responding agencies are below¹⁴.

(i) Consultation

- **【Canada】** Competition Bureau Canada (The Bureau) :

In the area of privacy protection, the Bureau collaborates with the Office of the Privacy Commissioner of Canada (OPC).

On enforcement matters, confidentiality provisions in privacy and competition laws restrict the information that the Bureau and the OPC can share with one another. However, a portion of [Bill C-27, the Digital Charter Implementation Act, 2022 \(DCIA\)](#), addresses some information-sharing limitations. The DCIA is comprised of three proposed acts, including the Consumer Privacy Protection Act (CPPA). The CPPA, together with consequential and related amendments, seeks to extend the organizations' abilities to collaborate formally. Specifically, section 118 of the CPPA would expand the OPC's ability to disclose information to the Bureau where "the information is relevant to their powers, duties or functions" (see subsection 118(2)). It would also require the OPC to "develop procedures for disclosing [such] information" (see subsection 118(1)). For the Bureau, the consequential and related amendments to the CPPA would add a new section to the Competition Act, allowing the Bureau to share confidential information with the OPC (see proposed section 29.3).

Second, Bill C-19, the Budget Implementation Act, 2022, No. 1 (BIA) received Royal Assent in June, 2022. The BIA expanded the list of factors that the Competition Tribunal may consider when assessing the competitive impacts of mergers and civil competitor collaborations to add effect on "price or non-price competition, including [...] consumer privacy." Prior, there was no mention of "privacy" in the Competition Act. While this adds specific language to the legislation, the Bureau has also historically considered privacy as a non-price dimension of competition.

The Bureau and the OPC are founding members of the Canadian Digital Regulators Forum. The Forum enables members to exchange best practices, conduct research and collaborate on matters of common interest that relate to digital markets. For the Bureau and the OPC, the Forum may help further their understanding of the complements and tensions between competition and privacy.

- **【Zambia】** Competition and Consumer Protection Commission :

¹⁴ They reflect the original content provided by each authority as much as possible.

The Commission actively participated in the legislative process for Zambia's Data Protection Act of 2021 by providing comments and feedback during its development. This collaboration primarily took the form of consultations with ZICTA, where the Commission offered its expertise on matters related to competition and consumer protection in the context of privacy and data protection. Additionally, the Commission engaged in information sharing to help ensure that the Act aligned with consumer protection principles, particularly in how personal data is handled by businesses and organizations as well as consumers.

- **【Philippines】** Philippine Competition Commission (PCC):

The PCC Economics Office has consulted the National Privacy Commission (NPC) for upcoming papers regarding the (1) interplay between competition policy and data privacy on search platforms, and (2) reconciling the Philippine Competition Act (PCA), the Data Privacy Act of 2012, and their impact on data portability.

The PCC and NPC were both involved in the crafting of the IRR of the Mobile Number Portability Act.

The PCC and NPC signed a Memorandum of Agreement (MOA) with provisions covering consultation, investigation and enforcement support, information-sharing, and the forming of a joint task force to deal with issues involving both privacy and competition. As a result of the MOA, PCC posted a message of support in its social media accounts during the Privacy Awareness Week in May 2024.

- **【Sweden】** Swedish Competition Authority (SCA):

The Swedish Competition Authority (SCA) has established a dialogue with the Swedish Authority for Privacy Protection, alongside the Swedish Consumer Agency, to discuss issues relating to challenges and opportunities resulting from digitalization. The authorities have had an exchange of views and experiences regarding the digitalization of markets and the implications of the use of data for the respective agencies' fields of responsibility.

Furthermore, following an enquiry from the Swedish Authority for Privacy Protection last year, the Swedish Competition Authority (SCA) contributed information to the authority on the development of new technology and privacy. The SCA was asked how questions of integrity and introduction of new technologies can be relevant fields to consider in its work as a competition authority.

The SCA informed the Swedish Authority for Privacy Protection about the work on the ICN project on the intersection between privacy protection and competition law, and provided examples of how privacy protection can be a part of an assessment of a competition law investigation with regard to unilateral conduct, mergers as well as anti-competitive agreements.

- **【Poland】** Office of Competition and Consumer Protection :

The different underlying conceptual foundations of competition law and data protection law have led to opening a regulatory dialogue between these two areas of law. In many cases, competition law and data protection law have the potential to support each other's objectives through coordinated enforcement. One of the areas of complementarity between competition law and data protection law are the data-related provisions in ex ante regulations for digital markets. They may serve as a blueprint for novel theories of harm in antitrust enforcement.

One of the examples of the overlaps between data protection law and competition law is the preliminary investigation into the Apple App Tracking Transparency Framework, currently conducted by Polish Competition Authority (UOKiK). The investigation concerns competition law implications of Apple's policy to request consent from users for analysing their behaviour in third-party applications.

The cooperation between UOKiK and the Polish data protection authority is currently being developed. This is seen as a necessary and beneficial development in light of the jurisprudence of the CJEU and the national legal system. While the experience is limited so far, it already contributes to building a mutual understanding and trust. The cooperation will further contribute to ensuring a consistent interpretation of competition law and data protection law in the Polish jurisdiction.

The Polish Competition Authority appreciates the developments in the digital economy and supports the idea of cooperation with data protection authorities in this regard. The capability to understand and expose the potential misleading nature of the alleged proprivacy justifications has become fundamental in responding to anticompetitive practices in the digital economy.

- **【Spain】** Spanish National Markets and Competition Commission (CNMC) :

In 2018 the CNMC and the Spanish Data Protection Agency signed a General Protocol to inform future collaboration efforts between the two agencies in their respective fields. The Protocol allowed the agencies to define common areas of interest, exchange information, implement early detection methods of irregular conducts and establish working groups to address specific topics. The text of the Protocol in Spanish can be accessed here: <https://www.cnmc.es/expedientes/180213>.

An example of collaboration between the two agencies can be found in the CNMC's study on the online advertising sector (2021). The CNMC held meetings with the Spanish Data Protection Agency during the course of the investigation, to discuss several matters where privacy regulation intersected with competition policy, especially regarding website cookies. The study

recommended that competition and data protection authorities adopt a multidisciplinary and cooperative approach regarding digital markets. The study is available in English in the following link: <https://www.cnmc.es/expedientes/ecnmc00219>.

- **【Japan】** Japan Fair Trade Commission (JFTC)

In the course of establishing its regime for ex ante regulations on smartphone software through the Mobile Software Competition Act (MSCA) that passed in June of 2024, the Headquarters for Digital Market Competition that spearheaded the drafting of the law took precautions to ensure privacy, cybersecurity, and youth protection while creating a competitive environment for software markets. Companies designated to be regulated under the act will be given exceptions to certain compliance obligations if it is difficult for them to achieve key objectives, such as privacy, through other less competition-restricting measures.

The JFTC made sure to correspond with the Personal Information Protection Commission of Japan (PPC), the government body responsible for protecting personal information and ensuring proper handling of personal data, regarding these rules before they were crystalized in the law.

Furthermore, intragovernmental coordination is integrated directly into the law. Article 43 of the MSCA articulates cooperation between the JFTC and relevant government entities on the enforcement of the regime. This includes any necessary conversations with the PPC as the JFTC prepares for the law's full enforcement by the end of 2026 and beyond, when the regime will be operationalized.

The PPC is also an observing member of the Expert Group on the Mobile Software Competition Act, an assemblage of non-government specialists that meet periodically to offer insight and technical knowledge to the JFTC leading up to the release of ordinances and guidelines that support the law.

Digital markets are complex and rapidly evolving. Cooperation with the privacy authority and others is vital, and creating an environment where opinions can be expressed from an early stage is key to successful digital regulations. Enshrining this concept in practice directly into the law was important for Japan. The JFTC plans on continuing these important conversations and learning from its fellow government entities, implementing changes in the enforcement of the law as necessary to ensure that competition and other key objectives, such as privacy, can be reached.

- **【Ecuador】** Superintendency of Economic Competition:

The Research Unit, specifically in the area of unfair practices, continuously applies cooperation mechanisms with regulatory authorities in related sectors to comply with its control powers. The most commonly used mechanism is through requests for information from regulatory

and control entities on specific economic operators or on the actions of different economic sectors. An example is the cooperation received from the Agency for Regulation, Control and Sanitary Surveillance (ARCSA), when it comes to investigations of possible unfair conduct in the market for products for human consumption, or the Telecommunications Regulatory Agency for investigations of economic operators regulated by the said Agency. On the subject of the privacy of personal data, a matter that is closely related to the law of unfair competition, since if an economic operator acquires a competitive advantage in a relevant market by illegally using personal data, it can also be sanctioned as an unfair practice. Since the Organic Law on Personal Data Protection was recently approved in 2021 and was applicable in 2023 with the creation of the specialized entity in this matter, in the Superintendency of Investigation and Control of Unfair Practices up to this moment there are no specific cases where cooperation has been required from the specialized entity on issues of privacy and protection of personal data. However, through internal regulations of the Superintendency, in application of the Organic Law on Personal Data, technical standards have been issued for the observance of the right to privacy of both public servants, economic operators and users in general. Due to the existing relationship between the branches in reference, it is positive to have cooperation tools with the data protection regulatory entity, so that there is a balance between the protection of personal data and the control of unfair competition.

- **【Brazil】** Administrative Council for Economic Defense (CADE) :

It is worth mentioning that CADE is exclusively entitled to deal with competition law matters. In particular, it has no competence over data protection infringements/unlawful business practices outside competition law.

That said, CADE signed a Technical Cooperation Agreement (ACT) with Brazil's National Data Protection Authority (ANPD) in 2024. This partnership aimed at promoting competition in the provision of services involving personal data protection, while addressing potential anti-competitive practices.

A notable case was one between Claro and Serasa.¹⁵ While CADE fully cleared the transaction based on the recommendation of its Office of the Superintendent-General, concerns raised by the Federal Prosecutor's Office at CADE (MPF) prompted the referral of the case to ANPD and Anatel for further review. The MPF highlighted potential issues related to the scope of the partnership, particularly regarding the possible misuse of consumer data and its effects on competition and privacy. However, CADE's tribunal referred the matter "without merit judgment," leaving it to ANPD and Anatel to decide whether specific investigations should be initiated.

¹⁵ Merger Review n. 08700.006373/2020-61

Another example of joint action by Cade and ANPD was the joint recommendation issued in May 2021 by Cade, ANPD, the Brazilian Consumer Protection Secretariat (Senacon) and the Federal Public Prosecutor's Office regarding the changes in WhatsApp Business's privacy policy.¹⁶ The document sent to representatives of WhatsApp and Facebook requested that WhatsApp not restrict functionalities for users who did not agree with the new policy, considering the need for an assessment of the compliance of user data sharing with national legislation, focusing on the General Data Protection Law (LGPD), consumer rights, and competition. After a more detailed analysis, considering their respective institutional competences, the institutions acknowledged that WhatsApp implemented the recommendations made by the authorities, and that the LGPD-compliant versions of the privacy policy were in place. At that time, no further actions were deemed necessary by the Brazilian antitrust authority regarding the enforcement of anticompetitive violations.¹⁷

Furthermore, CADE sought clarification from ANPD regarding recent reports of potential abuses of dominant position related to Google, YouTube, Facebook, and Instagram. These platforms were allegedly used to run campaigns against Bill 2630 (the so-called "Fake News Bill"), raising additional concerns about data misuse and anti-competitive practices.

This collaborative framework has enhanced enforcement efforts and increased transparency, ensuring that data-sharing practices comply with both competition law and data protection regulations.

- **【European Commission】** Directorate-General for Competition :

Cooperation between the Commission and EU or national sector regulators during competition investigations has mostly operated on a case-by-case, informal basis. The Commission regularly consulted sector regulators in the context of merger and antitrust cases that concern market players operating in a regulated market. The Commission thereby respects its general duty to cooperate in good faith with national authorities, including sector regulators, as enshrined in Article 4(3) of the Treaty on the European Union.

This is also the case in the area of privacy/data protection.

In particular, in the area of **merger** control, the Commission looked at cases (i) where data protection rules may limit anti-competitive data related effects caused by the merger or (ii) where data/privacy settings could be considered as parameters of competition.

¹⁶ CADE. Cade, MPF, ANPD and Senacon recommend that WhatsApp postpone the implementation of the new privacy policy. Available only in Portuguese at <https://www.gov.br/anpd/pt-br/assuntos/noticias/cade-mpf-anpd-e-senacon-recomendam-que-whatsapp-adie-entrada-em-vigor-da-nova-politica-de-privacidade>.

¹⁷ CADE. Cade, ANPD, MPF and Senacon complete the review of WhatsApp's privacy policy compliance. Available only in Portuguese at <https://www.gov.br/cade/pt-br/assuntos/noticias/cade-anpd-mpf-e-senacon-concluem-analise-de-adequacao-da-politica-de-privacidade-do-whatsapp>.

As an example of scenario (i) above, in **Apple/Shazam**, the Commission conducted a short analysis of the relevant data protection law with regard to legal limitations on the use of customer information by Apple post transaction ([M.8788 – Apple/Shazam, 6 September 2018](#), paras 225 et seq.). In the context of this case the [European Data Protection Board](#) (EDPB) – a independent body composed of heads of data protection supervisory authorities in the European Economic Area (EEA) and the [European Data Protection Supervisor](#) (EDPS) – issued a statement asking the Commission to include more data protection and privacy concerns in its competition law assessment in light of the threat that increased market concentration in digital markets poses to data protection and consumers’ freedom to use digital services (see [Statement of the EDPB on the data protection impacts of economic concentration](#)).

As an example of scenario (ii) above, in **Google/Fitbit** ([M.9960 – Google/Fitbit, 12 December 2020](#)) the Commission comprehensively investigated data and privacy implications, to the extent that they could translate into competition concerns. While the Commission did not find evidence that privacy was a parameter of competition in wearables in the EEA, it found that by acquiring Fitbit, Google would acquire (inter alia) the database maintained by Fitbit about its users’ health and fitness. By increasing the already vast amount of data that Google could use for the personalisation of ads, the transaction would therefore raise barriers to entry and expansion for Google’s competitors for these services to the detriment of advertisers. Eventually, Google committed to maintain a technical separation of the relevant Fitbit user data. The data would be stored in a “data silo” separate from any other Google data that is used for advertising. Throughout its investigation, the Commission had contacts with both the EDPS and the EDPB, to understand the regulatory framework applicable to the processing of personal data by Google and Fitbit. The EDPB also provided feedback, on behalf of its members, to the market investigation and to the market test of the commitments.

In the area of **antitrust**, the cooperation between competition authorities and privacy regulators was recently addressed in a preliminary ruling by the European Court of Justice¹⁸, in reply to a reference from a German court, in relation to the [Bundeskartellamt Facebook investigation](#) ([Bundeskartellamt, Decision of 6 February 2019, B6-22/16 – Facebook](#)).

According to this judgement, a competition authority must coordinate its investigation and assessment with the competent data protection authorities. The ECJ noted that “*when national competition authorities are called upon, in the exercise of their powers, to examine whether an undertaking’s conduct is consistent with the provisions of the GDPR* [i.e. the EU General Data

¹⁸ Judgment in Case C-252/21 Meta Platforms and Others (General terms of use of a social network), EU:C:2023:537.

Protection Regulation¹⁹], *they are required to consult and cooperate sincerely with the national supervisory authorities concerned or with the lead supervisory authority, all of which are then bound, in that context, to observe their respective powers and competences, in such a way as to ensure that the obligations arising from the GDPR and the objectives of that regulation are complied with while their effectiveness is safeguarded*²⁰. Subsequently, the ECJ clarified that several scenarios could arise. First, if the conduct by a dominant undertaking related to data protection issues has already been assessed by a competent data protection authority, the competition authority “cannot depart” from that authority’s decision, although “*it remains free to draw its own conclusions from the point of view of the application of competition law*”. Second, if that competition authority has doubts on the decision of the data protection authority, or the conduct of the dominant undertaking is being simultaneously investigated by a data protection authority and a competition authority, or it is only the competition authority that is investigating, then that competition authority “*must consult and seek [the data protection authorities’] cooperation in order to dispel its doubts or to determine whether it must wait for the supervisory authority concerned to take a decision before starting its own assessment*”.²¹

The Commission points out that the requirement to consult and cooperate with the regulators concerns only the examination whether an undertaking’s conduct is consistent with the provisions of the GDPR.

(ii) Information Sharing/Gathering

- **【Australia】** Australian Competition and Consumer Commission(ACCC) :

The intersection of competition law and privacy law presents significant opportunities for the development of cooperative strategies between regulators. Examples of cooperation with sector regulators include:

Digital Platform Regulators Forum (DP-Reg)²²

- DP-Reg was formed in March 2022 as an information sharing and collaboration initiative on the regulation of digital platforms.
- Members include the ACCC (competition and consumer protection), the Australian Communications and Media Authority (media and broadcasting), that Office of the

¹⁹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC, OJ L 119, 4.5.2016, p. 1–88.

²⁰ Ibidem paragraph 54.

²¹ Ibidem paragraphs 56-57.

²² <https://dp-reg.gov.au/>, <https://www.accc.gov.au/about-us/news/speeches/regulatory-intersections-between-competition-consumer-and-privacy-laws-speech>

Australian Information Commissioner (data and privacy protection), and the Office of the eSafety Commissioner (online safety).

- While all four regulators have traditionally worked closely together, the forum is allowing us to engage more closely to promote proportionate, cohesive and well-designed digital platform regulation. The DP-REG members do this through collaboration on research, capacity building and joined up engagement with stakeholders in relation to issues of common concern.
- This also has clear benefits for industry in terms of minimising potential burden and unnecessary regulatory overlaps.

Consumer Data Right (CDR)²³

- The CDR is a world leading data sharing and portability initiative which allows consumers to safely share the data that businesses hold about them, to enable consumers to compare products and services to find offers that best match their needs. This encourages competition between providers, leading to more innovative products and services.
- The Consumer Data Right is a joint effort involving Treasury (policy agency, data standards), ACCC (competition and consumer protection), and the Office of the Australian Information Commissioner (data and privacy protection).

The ACCC and OAIC co-authored guidance on their general approach to compliance and enforcement for the CDR, including their priorities.²⁴

- **【Türkiye】** Turkish Competition Authority :

Cooperation and Information Sharing Protocol was signed between Personal Data Protection Authority and the Competition Authority on October 13, 2023. Within the scope of this cooperation, on October 16, 2024, Deputy Head of Department of the II. Supervision and Implementation Department Necla SÜMER ÖZDEMİR gave a seminar titled "Data Transfer in Terms of Competition Law" in the program titled "Wednesday Seminars" of the Personal Data Protection Authority.

An opinion letter was requested from Personal Data Protection Authority regarding the exemption file regarding the project designed to obtain value from data through advanced data analytics methods and the contract to be signed with the current and potential customers of this project.

- **【Saudi Arabia】** General Authority for Competition (GCA):

²³ <https://www.accc.gov.au/by-industry/banking-and-finance/the-consumer-data-right>

²⁴ <https://www.cdr.gov.au/resources/guides/compliance-and-enforcement-policy>

GAC received a merger control application from two companies working in diagnostic and healthcare software. To study the transaction, GAC requested information from National Center for Health Information and Ministry of health relating to national health data privacy policy. They provided GAC with evidences showing that entities have no ability to access to the national health data. Additionally, they did not raise any concerns related to the transaction since the two companies do not provide special technological services, and the relevant market is competitive.

(iii) Working Groups and Staff Exchanges

• **【Egypt】** Egyptian Competition Authority (ECA)

In 2022, ECA developed comprehensive guidelines on Information and Communication Technology (ICT) Services in Gated Communities in cooperation with National Telecom Regulatory Authority (NTRA). This cooperation was formalized under the cooperation protocol signed between the two agencies in 2021. The guidelines aim to deter and detect anticompetitive practices concerning ICT services within gated communities.

The prevalent competition concerns were particularly, vertical restraints and abuse of dominance. These practices often involve the tying of ICT services, which can hinder competition and limit consumer choice. Through the guidelines, ECA and NTRA worked to ensure that competitive neutrality is upheld, especially in a market structure where infrastructure developers may exert significant control over downstream service providers.

Tools Utilized for Cooperation:

- **Joint Regulatory Framework:** The guidelines integrated NTRA's Telecommunications Law and Egyptian Competition Law (ECL) to create a comprehensive framework, addressing both regulatory and competition concerns.
- **Market Analysis and Case Studies:** Practical examples within the guidelines illustrated common anticompetitive measures, outlining scenarios where vertical restraints or exclusive agreements had restricted market access for downstream providers.
- **Guidance on Administrative Measures:** The guidelines provided NTRA with steps for regulatory oversight, including administrative interventions that could be taken to counter anticompetitive practices in ICT service delivery within gated communities.

A key challenge identified in the guidelines was balancing the economies of scale in infrastructure construction with maintaining competitive neutrality. By ensuring open market access for downstream providers, ECA and NTRA aimed to foster a competitive environment that supports consumer choice and innovation, while also preserving the economic viability of infrastructure investment.

The guidelines specified targeted measures for:

- Real Estate Developers: Encouraging transparency in ICT infrastructure construction and operation, promoting nondiscriminatory access for multiple service providers.
- Service Providers: Ensuring fair practices in service delivery, including adherence to NTRA licensing processes, avoiding restrictive agreements, and supporting competitive market dynamics.

(iv) Others; MoUs, joint guidelines, etc.

- **【Greece】** Hellenic Competition Commission (HCC)

The HCC has signed MoU with the Hellenic Data Protection Authority in August 2022. The two authorities agreed on further tightening the links between them, sharing know-how and building on both authorities' experience with the aim of benefiting citizens, the economy and the public interest in general, while ensuring the freedoms and rights of individuals, in particular the protection of personal data, based on timely and effective cooperation and exchange of information and views, as well as providing mutual assistance in case examination and joint investigations, within their respective competences. Moreover, according to the MoU, any information exchanges between the two authorities will be subject to strict confidentiality rules.

In relation to the wider issue of data protection, please note that we consult the Data Protection Authority on issues relating to the handling of data prior to publishing our decisions (which information and to what extent should be redacted as confidential).

On this issue, please note that at the HCC we have a Data Protection Officer who we consult and inform on issues and obligations under data protection law.

- **【Germany】** Bundeskartellamt

In February 2019 the Bundeskartellamt prohibited Meta (formerly Facebook) from combining personal user data from different sources without user consent. Before that decision, the social network Facebook could only be used on condition that Facebook was allowed to also collect data about users outside the Facebook service and link such data to the relevant Facebook accounts. This included data from other services offered by the company (such as Instagram) as well as data collected in third-party apps and on third-party websites. The only choice users had was to either agree to an almost limitless amount of data being combined or not use the social network at all. The Bundeskartellamt prohibited these terms of use and determined that data could only be combined with the user's distinct consent, which, however, could not be made a condition for using Facebook.

The proceeding was concluded in October 2024 after intensive discussions between Meta and the Bundeskartellamt, during which Meta had gradually taken or agreed to take the measures to implement the authority's decision such as, inter alia, the introduction of an Accounts Centre to keep

data collected from Meta’s different services separate, the introduction of “cookie” settings that allow Facebook data to be separated from other data and a special exception for Facebook Login.

Given a certain degree of similarity between the issues raised by competition law and data protection law, the Bundeskartellamt regularly exchanged views with the data protection authorities during the proceeding. In its ruling on the case, the European Court of Justice clarified that the Bundeskartellamt can also interpret GDPR provisions when weighing interests in decisions under competition law and also ruled that the Bundeskartellamt appears to have fulfilled its obligations of sincere cooperation with the relevant data protection authorities.

- **【Italy】** Italian Competition Authority (AGCM)

Two tools are used: a) joint market study and b) consultation in enforcement cases.

a) Recognising the need for multi-disciplinary approach in investigating the practices of digital platforms, the AGCM undertook in 2017 a pioneering study on big data jointly with the Communication Regulator and the Data Protection Authority. For more information, see section 2 of the AGCM contribution to the OECD Roundtable in 2024 ([https://one.oecd.org/document/DAF/COMP/WD\(2024\)35/en/pdf](https://one.oecd.org/document/DAF/COMP/WD(2024)35/en/pdf)).

b) As a result of a ruling of the Italian Supreme Administrative Court in December 2023, the AGCM has to consult with the Italian Data Protection Authority in both competition and consumer protection cases involving data collection and processing practices. This decision was followed by the European Court of Justice's preliminary ruling on Meta (see para 34 of the above mentioned contribution to the OECD). Please note that the competition act requires the AGCM to request a non-binding opinion to the regulators of the communications and insurance markets before issuing a final decision on its investigations (see Annex). The opinion to other regulators (e.g., energy or transport) is not required but in practice it is sought due to the MoUs in place with these other regulators.

There are express provisions to ensure coordination between the AGCM and Regulators in the application of competition law in certain regulated sectors:

1. in the case of **merger procedures** involving insurance companies, the Authority must request the non-binding opinion of the insurance regulator (IVASS) within 30 days;
2. in the case of **antitrust and merger proceedings** involving companies active in the communications markets, the Authority requests an opinion of the sector regulator (AGCom) within 30 days.

The communications regulator AGCom is obliged to seek the AGCM's advice when carrying out the *ex ante* analysis to determine the relevant markets (and therefore the dominance and obligations of the regulated undertakings).

The AGCM has signed cooperation agreements with all the regulators in order to exchange views, cooperate and advance joint defence initiatives (for instance with the Energy and Transport Regulators).

As for banking mergers, they are subject in Italy to a concurrent review by both the AGCM and the Banking regulator (Central Bank of Italy or BdI), since the 2006 reform (Law no. 262 of 2005). In trade-offs cases, the BdI may invoke clearance on financial stability grounds, even if the transaction may create or strengthen a dominant position, when one or more of the merging banks or banking groups are deemed essential for preserving financial stability (Art. 20 of the Competition Act). To maintain a proper balance between competition and systemic effects on financial stability, competition derogations can only be approved if the restrictions are strictly necessary to achieve the specified purpose (Art. 20, 5bis).

3. Cooperation for Sustainability

Tackling climate change is seen as an urgent challenge, with particular focus on sustainability in many jurisdictions. In addition to environmental issues, the idea of sustainability can encompass many aspects, including human right and labor practices in some definitions. In recent years, ESG investments and corporate sustainability management has become important in some jurisdictions.

In this context, the role of competition authorities in some jurisdictions has been reevaluated or expanded even though sustainability is typically not directly within competition authorities' jurisdiction or mandates. It is difficult for competition authorities to adequately assess the appropriateness of sustainability measures of businesses. Sustainability can be a multifaceted concept and a proper assessment of individual initiatives may require close cooperation with or deference to sector regulators such as those in charge of environmental policy and industrial policy. Moreover, while sector regulators may have expertise in sustainability issues within their respective fields, they may lack knowledge of competition dynamics. This lack of understanding of competitive effects can lead to unintended consequences. Without properly considering how sustainability policies may affect market competition, sector regulators risk inadvertently disadvantaging certain firms, distorting incentives, or creating barriers to entry that stifle innovation. Conversely, a focus on promoting competition without understanding sector regulation aspects could undermine environmental and social policy objectives. This makes interaction between competition authorities and sector regulators an important consideration in jurisdictions that may seek to strike a balance and avoid harmful outcomes.

Concerning this, a report published by the OECD in 2021²⁵ highlighted the lack of resources for competition authorities and emphasized the importance of collaboration with other sector regulators in the area of sustainability. If a competition agency's mandate is to assess businesses' sustainability management while ensuring fair competition, cooperation between competition authorities and sector regulators may be needed to leverage each of their own strengths.

This chapter focuses on examples of cooperation between competition authorities and sector regulators in the area of sustainability practices, and presents relevant case studies from the responding agencies for the sake of knowledge sharing. The following summarizes key commonalities found among the responding agencies but is not intended as a wider reflection of ICN member mandates or experiences:

²⁵ OECD (2021) "Sustainability and Competition – Background note"
<https://web.archive.org/2021-10-31/567713-sustainability-and-competition-2020.pdf>

1. New focus on sustainability: Several responding agencies have strengthened policies and initiatives to promote sustainability and are increasingly aware of environmental issues and social responsibilities.

2. Cooperation and collaboration: Several responding agencies work with other regulators and government agencies to implement and evaluate sustainability policies. In this way, they aim to strike a balance between competition and sustainability.

3. Research and analysis: Some responding agencies research, collect, and analyze data on the impact of the Sustainable Development Goals (SDGs) and environmental regulations on competition policy. This strengthens their basis for policy decisions.

4. Fostering innovation: Some responding agencies find that sustainability-oriented policies can encourage companies to innovate and support the introduction of new business models and technologies.

5. Maintaining fair competition: Some responding agencies consider the impact of sustainability initiatives on market competition and strive to maintain a fair competitive environment.

These commonalities reflect the responding agencies' efforts to try to harmonize sustainability and competition policies. The following is a list of some of the contributions from responding agencies in accordance with the categories organized in Chapter 1:

(i) Consultation

• **【Paraguay】** National Competition Commission of Paraguay (CONACOM):

CONACOM issued an opinion on a new regulation that restricted building new gas stations in the country, arguing that it was not enough to address the sustainability concerns raised by environmental reports and only restricted access to the market. CONACOM also issued an opinion on a draft law that would have regulated transport digital platforms (like Uber, Bolt) in terms of labor rights, arguing the regulation restricted innovation in the field.

• **【Chile】** Fiscalía Nacional Económica (FNE):

Under Law N°20.920, which sets out guidelines for waste management, extended producer responsibility, and recycling promotion, the FNE has collaborated directly with the Ministry of the Environment to assess how certain waste management systems may affect competition. Specifically, FNE's role has been to assess the Ministry's decisions on whether to restrict individual management systems, which would allow only collective systems, looking for potential market distortions that could hinder competition. As part of this process, meetings have been held with the environmental authority, information has been exchanged, and, as legally

required, the Ministry of the Environment has consulted with the FNE in advance about the previously mentioned possibility of restricting individual waste management systems.

- **【Türkiye】** Turkish Competition Authority :

In the fuel sector review, meetings were held with Energy Market Regulatory Authority, which has the duty and authority in the relevant legislation and its implementation, and information was obtained from Energy Market Regulatory Authority.

- **【Taiwan】** Taiwan Fair Trade Commission :

To promote environmental sustainability, Taiwan officially published the “Taiwan's Pathway to Net-Zero Emissions in 2050” in 2022. This policy encompasses 12 key strategies, such as wind power, solar energy, electrification of vehicles, and decarbonization, with primary responsibility assigned to various agencies including the National Development Council, the National Science and Technology Council, the Ministry of the Environment, the Ministry of Transportation and Communications, the Ministry of Economic Affairs, and the Ministry of Agriculture.

In 2024, the Taiwan Fair Trade Commission (TFTC) drafted the "Reference Guidance for Enterprises' Concerted Actions in Response to Environmental Sustainability (tentative name)" to assist enterprises in understanding how their operational practices may intersect with competition law concerning concerted actions while pursuing sustainability. The guidance will help ensure free and fair market competition, thereby minimizing the risk of legal violations by enterprises.

In the process of developing the reference guidance, the TFTC has held discussions with these agencies to exchange views, ensuring timely understanding of whether the implementation of sustainable business policies by the relevant regulatory authorities impacts or overlaps with competition laws. This may also provide insights into the types of sustainable cooperation familiar to the industry regulators.

- **【Brazil】** Administrative Council for Economic Defense (CADE):

CADE is exclusively responsible for handling competition law matters. Therefore, it has no jurisdiction over sustainability practices outside the scope of antitrust enforcement. However, sustainability concerns have arisen in specific cases within the context of competition law enforcement.

In 2023, CADE reviewed a joint venture aimed at developing a platform to standardize sustainability metrics in the global food supply chain. This platform was designed to manage various sustainability data, including environmental and socioeconomic factors such as product

traceability, water usage, deforestation, and labor practices. The parties involved claimed that the platform would provide significant benefits by reducing manual labor costs and improving the efficiency of sustainability data management.

Although initially fully cleared by CADE's Office of the Superintendent-General, the case was referred to CADE's Administrative Tribunal for further scrutiny due to concerns about potential anticompetitive behavior, such as the risk of excluding competitors from accessing the platform. After an investigation, the parties agreed to an "Antitrust Protocol," ensuring open access to the platform under fair, transparent, and non-discriminatory terms, while prohibiting the misuse of sensitive competitor information. CADE's tribunal subsequently approved the platform's global launch, recognizing that the Protocol offered more effective safeguards than temporary behavioral remedies.²⁶

Another notable example is the judicial case related to Vale S.A.'s acquisition of Ferrous, a mining company operating in Minas Gerais and Bahia.²⁷ Although CADE had cleared the transaction from a competition perspective, Senator Soraya Thronicke filed a public-interest lawsuit, requesting the suspension of the deal until Vale could demonstrate compliance with environmental and social obligations tied to the 2019 Brumadinho disaster.²⁸

The court ruled that Vale must present an environmental compliance plan before proceeding with the acquisition, thereby linking sustainability considerations—specifically environmental compliance and corporate social responsibility—with competition law enforcement.

It is worth noting that Cade maintains a Technical Cooperation Agreement with the National Agency for Petroleum, Natural Gas, and Biofuels (ANP), which regulates markets where sustainability is highly relevant. Under this agreement, Cade has participated, within the scope of competition advocacy, in working groups that discuss policies for biofuels under RENOVABIO, which is the name of the National Biofuels Policy, established by Law No. 13,576/2017, as an integral part of the National Energy Policy and a contribution to fulfilling the commitments made by Brazil under the Paris Agreement.

Some of the topics discussed addressed the relationship between biofuel production and programs that encourage the participation of family farmers in the production of these renewable fuels, particularly the establishment of quotas and mandatory certifications ensuring that a minimum percentage of production originates from family farming. Another topic discussed concerns the introduction of new biofuel production technologies. On this matter, interaction with

²⁶ Brazil's CADE Demonstrates How Antitrust Authorities Can Pursue Sustainability Goals. Promarket: <https://www.promarket.org/2023/08/02/brazils-cade-demonstrates-how-antitrust-authorities-can-pursue-sustainability-goals/>

²⁷ Merger Review n. 08700.007101/2018-63 (Vale S.A. and Ferrous Resources Limited).

²⁸ Public-interest lawsuit n. 1015425-06.2019.4.01.3400 (Plaintiff: Soraya Vieira Thronicke / Defendant: Administrative Council for Economic Defense).

the ANP and participation in the working group on RENOVABIO supported Cade's position through Technical Note No. 7/2022/DEE/CADE regarding Bill No. 1,873/2021, which establishes the National Program for Advanced Renewable Fuels. Cade pointed out provisions aimed at protecting biofuel producers who currently offer their product in the market but warned that such protective measures would create barriers to the entry of biofuels produced with more advanced technologies.

- **【Mexico】** Federal Economic Competition Commission (Cofece) :

Until now, the Commission has not formally cooperated with any environmental sustainability regulators. However, Cofece is aware of the increasing importance of sustainability within the context of economic competition, thus, it is in the process of understanding the relation between both topics and how they may impact the Mexican context.

To accomplish this, the Commission issued a Green Competition Strategy which lays out the steps that Cofece will take to improve its understanding of the intersection of competition and sustainability and how to advance in this regard. As part of this strategy, the Commission will seek to enter into formal and informal cooperation actions with the corresponding regulators.

- **【Italy】** Italian Competition Authority (AGCM)

In its advocacy function, the AGCM provides opinions to the Ministry for Environment on draft or existing legislation and regulation concerning sustainability. There is no independent regulator as such.

(ii) Information Sharing/Gathering

- **【Australia】** Australian Competition and Consumer Commission(ACCC) :

“Consumer, product safety, fair trading and competition concerns in relation to environmental claims and sustainability” is a key compliance and enforcement priority for the ACCC. As a competition regulator, we have responsibility to ensure that new markets for sustainable products and services develop in competitive ways, and that transitioning markets aren't subject to anti-competitive consolidation/mergers without benefit. The ACCC has a role in advocating for effective market design and in supporting market development. This will ensure that emerging markets are set up from the outset to function with integrity and in a pro-competitive, pro-consumer manner. Examples of cooperation with sector regulators on sustainability include:

Sustainability Taskforce²⁹

²⁹ <https://www.accc.gov.au/media-release/competition-and-consumer-issues-in-essential-services-sustainability-among-2023-24-compliance-and-enforcement-priorities>

- In early 2023, the ACCC established a taskforce focused on sustainability to build expertise, and to inform and coordinate compliance, enforcement and advocacy in this area.
- In particular, the taskforce aims to analyse and influence a range of issues where environmental and sustainability issues intersect with the application of competition and consumer law.
- The taskforce regularly engages with sector regulators, including the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Sustainability collaborations and Australian competition law guide³⁰

In July 2024, the ACCC released draft guidelines on *Sustainability collaborations and Australian competition law* for public consultation, including with DCCEEW. The ACCC will consider submissions received on the draft guidelines and anticipates that a final guide will be published in late 2024.

- **【Zambia】** Competition and Consumer Protection Commission :

The Competition and Consumer Protection Commission (Commission) has cooperated with sector regulators in the area of sustainability, including environmental sustainability, human rights, and labor practices. One notable experience was the Commission's collaboration with the Energy Regulation Board (ERB) during the 2023 World Consumer Rights Day.

In 2023, the Commission partnered with the ERB together with other regulators to celebrate World Consumer Rights Day, which was themed "**Empowering Consumers through Clean Energy Transitions.**" This partnership focused on raising awareness of consumer rights and promoting the adoption of sustainable energy practices in Zambia. The cooperation involved extensive information sharing between the two entities, with the goal of educating consumers about their rights in the energy sector and the importance of sustainable energy transitions.

The collaboration aimed to address consumer concerns regarding access to clean, affordable, and reliable energy while ensuring that the energy transition aligns with broader environmental and social sustainability goals. Through this partnership, the Commission and the ERB highlighted the significance of adopting clean energy sources to reduce environmental impacts and improve labor conditions in the energy industry.

- **【Philippine】** Philippine Competition Commission (PCC) :

PCC is a member of NEDA's SDG Technical Working Group alongside the Department of the Environment and Natural Resources.

³⁰ <https://www.accc.gov.au/media-release/accc-consulting-on-guide-to-sustainability-collaborations>, <https://www.accc.gov.au/system/files/Sustainability-collaborations-and-Australian-competition-law-draft-for-consultation-July-2024.pdf>

The PCC Economics Office is currently doing a study on the impact of Sustainable Development Goals (SDGs) in merger review and substitutability of energy efficient appliances.

- **【Ecuador】** Superintendency of Economic Competition :

The Agency for Regulation, Control and Health Surveillance was asked for information on products for human consumption allegedly contaminated with excess lead, and therefore information was requested from the regulatory body related to sanctioning processes against economic operators and control actions on the detected products.

(iii) Working Groups and Staff Exchanges

- **【Egypt】** Egyptian Competition Authority (ECA) :

1) Labour Protection in Online Delivery Service Markets:

In 2019, ECA intervened to prevent anticompetitive practices that threatened labor rights within the online delivery sector, specifically in a market allocation agreement between Delivery Hero (operating in Egypt through Otlob and Carriage) and Glovo. This intervention protected 3,000 employees during a proposed market exit by enforcing compliance with the ECL. ECA's response included obtaining binding commitments from both parties, requiring that:

- *Glovo resume its operations and reinstate its food delivery and related services in Egypt.*
- *Delivery Hero refrain from using its shareholder rights in Glovo to influence strategic decisions in Egypt and from sharing confidential operational information.*

Additionally, in 2020, ECA requested participation in the Technical Committee meetings of the Land Transport Regulatory Authority (LTRA), enhancing oversight in areas intersecting labor rights and competition within the sector.

2) Environmental Sustainability and Cooperation with the National Ozone Unit:

Since 2012, ECA has joined the National Ozone Unit to regulate the trade of hazardous materials, specifically hydrochlorofluorocarbons (HCFC), used in industrial refrigerants. This partnership involved coordination with the Egyptian Environmental Affairs Agency (EEAA) and multiple regulatory bodies to minimize environmental harm.

ECA's role ensures competitive neutrality in the environmental sector, particularly in the allocation of import quotas for HCFCs. By overseeing fair market access and supporting equitable policies for both established and potential new entrants, ECA contributes to an environmentally sustainable, competitive market.

These initiatives reflect ECA's commitment to promoting sustainability by safeguarding labor rights in competitive processes and upholding environmental standards through cross-sectoral cooperation, thus aligning competition policy with broader social and environmental goals.

(iv) Others; MoUs, joint guidelines, etc.

- **【Greece】** Hellenic Competition Commission (HCC) :

It should be noted that in the HCC we have a specific legal provision that allows us to adopt a “non-action letter” for reasons of public interest such as the implementation of sustainable development objectives. Further we operate a sustainability sandbox, i.e. a protected environment that encourages businesses to adopt innovative business ideas in favor of sustainable development.

In the context of sustainability issues, we conducted a sector inquiry on Waste Management and Recycling. Our research and information gathering was addressed amongst others to the Hellenic Recycling Agency and the Directorate General for Waste Management of the Ministry.

Further, in the context of holding a public consultation on the sector inquiry we organized a conference with the above authorities, “Green economy and Waste Management”. This conference was open to the public and involved an extensive discussion on the transition to a green economy and to a healthy, competitive and sustainable economic environment.

- **【Japan】** Japan Fair Trade Commission (JFTC) :

The JFTC has contributed to its national “Green Transformation (GX)” plan by promoting competition to realize efficient resource allocation and innovation through various advocacy tools. First, the JFTC formulated official Guidelines that help prevent anti-competitive conduct that stifle innovation, and further improves transparency in the application of competition law. It also offers predictability for businesses across industries. Second, in light of these Guidelines, the commission responds individually to consultations from businesses through its newly established liaison office. The JFTC also carried out market studies to understand competition problems in the individual markets like EV charging services, then compiles proposals to improve them. Furthermore, the JFTC cooperated with the Ministry of Economy, Trade and Industry (METI) in the above process, which made the JFTC's efforts even more effective. Details are below.

(i) There was concern of businesses being hesitant to engage in sustainable or eco-friendly initiatives due to unfounded fears of competition law enforcement, known as the chilling effect. This was particularly remarkable in horizontal collaborations among businesses. Similar concerns were also noted in vertical restraints, such as when companies set criteria for selecting business partners with the aim of reducing environmental impact.

(ii) Some initiatives, trade practices, and regulations aimed at reducing environmental impact were anti-competitive and failed to enhance competitiveness. For example, there were concerns that market mechanisms might not function effectively in sectors related to reducing environmental burden, such as EV charging services and plastic bottle recycling services.

To counter these issues, the JFTC implemented several strategies:

The JFTC formulated Guidelines to mitigate the chilling effect, clarifying that in many instances, Green Transformation (GX) efforts do not conflict with competition law. These Guidelines, containing 76 hypothetical cases, address competition law issues across the spectrum, including horizontal coordinated conducts like joint research and development, as well as unilateral conducts and mergers & acquisitions.

The JFTC expanded its organization dedicated to the prior-consultation system for businesses and established a specialized contact point for GX issues. This system guides businesses on how to proceed with GX efforts and publicly discloses consultation case outlines.

The JFTC has been conducting market studies on sectors relevant to reducing environmental impact, specifically on EV charging services on highways and plastic bottle recycling services.

For the implementation of these strategies, the JFTC coordinated with the Ministry of Economy, Trade and Industry (METI). This collaboration included:

- 1) Joint development of the Guidelines, incorporating elements that promote GX from an industrial policy perspective.
- 2) Conducting joint interviews with businesses to understand their needs and reflect them in the Guidelines.
- 3) Introducing and recommending JFTC's prior-consultation system to businesses through METI.
- 4) Collaborating on a market study of EV charging services on highways, leveraging METI's expertise in the automobile manufacturing industry.
- 5) Engaging with various ministries to encourage them to integrate competition perspectives into their policy objectives.

This cooperation between the JFTC and METI effectively communicated to businesses, relevant ministries, and consumers that GX initiatives generally comply with competition law when they promote competition by fostering innovations such as new technologies. Additionally, JFTC's expansion of the prior-consultation system demonstrated its commitment to supporting business activities related to GX.

- **【European Commission】** Directorate-General for Competition:

There is no regulatory authority specifically in charge of sustainability at EU level. Below are some examples of competition cases in the energy sector (but not necessarily raising sustainability issues) in which the Commission has been in contact with national energy regulators.

The **merger** cases [M.10139 – Desfa/Copelouzou/Depa/Gaslog/Btg/Gastrade](#) and [M.10619 - SNAM/ENI/JV](#), which related to gas import infrastructure in Greece and Italy respectively, are recent examples where the Commission engaged with the relevant national regulatory authority. In **antitrust** case [AT.39849 – BEH Gas](#), the national regulatory authority provided information to the Commission on the organisation and interconnection of the gas transmission networks in Bulgaria. The case concerned an abuse of dominance by blocking competitors' access to key natural gas infrastructure in Bulgaria. In antitrust case [AT.39316 – GDF Foreclosure](#), the national regulatory authority provided information to the Commission on the organisation of the gas transmission networks in France and the interconnections with the transmission networks in the neighbouring countries. The case concerned a suspected abuse of dominance by blocking off competitors' access to gas import capacity into France. In the ongoing antitrust case [AT.40278 – Greek Wholesale Electricity Market](#), for which a statement of objections was issued on 7 February 2024, the Commission is closely cooperating with the national regulatory authority with a view to gathering relevant data on the functioning of the Greek wholesale electricity market. The Commission has preliminary concerns that, between 2013 and 2019, PPC abused its dominant position on the Greek wholesale electricity market by supplying the electricity generated by its thermal plants (i.e., lignite and gas) at prices below their variable costs (meaning those costs that increase with the volume of electricity generated by PPC). The suspected effects of the alleged conduct on the Greek wholesale market for electricity were that independent power providers were marginalized and investment into more environmentally friendly energy sources was deterred.

- **【Germany】** Bundeskartellamt

Example: promoting living wages: “On behalf of the Federal Ministry for Economic Cooperation and Development, GIZ and German retailers intend to introduce pilot measures to promote living wages in the banana sector. For this purpose and against the backdrop of the Act on Corporate Due Diligence in Supply Chains, which entered into force in 2023, a sector cooperation in the food retail industry is to agree on voluntary common standards and strategic goals along the private-label banana supply chain. The core objective is to jointly introduce responsible procurement practices and develop processes to monitor transparent wages. At the same time, the participating companies are planning to gradually increase the sales volume of bananas which are produced and procured in line with living-wages criteria. In this context, no information on procurement prices, other costs, production volumes or margins is exchanged. Nor are compulsory minimum prices or surcharges introduced at any point of the supply chain. The Bundeskartellamt will stay informed on how the project develops.”

4. Cooperation for Other Emerging Areas

Other than privacy and sustainability, the most reported activities by the responding agencies for the questionnaire were efforts related to Artificial Intelligence and digital markets. This reflects the recent rapid development of Artificial Intelligence and the digital transformation. For both areas, many responding agencies strive for a balance of fostering innovation while ensuring robust regulatory frameworks. Based on the submissions, it seems that many responding agencies keep their eyes on these perspectives.

Among the responses to the questionnaire about Other Emerging Areas, in addition to the cutting-edge areas such as cryptocurrencies, cooperation with sector regulators in the traditional fields like electricity and gas were also reported.

(1) Artificial Intelligence and digital markets

It is essential for competition authorities and sectoral regulators to build close collaboration to address competition issues with fast-changing digital technologies, as typified by the emergence of artificial intelligence. Some competition authorities collaborate with sectoral regulators when establishing legislations concerning digital markets. Others organize working groups together with relevant agencies, including data protection and media authorities, to gain better understanding of fast-changing digital markets. The practices showed in the submissions from the responding agencies are below.

(i) Information Sharing/Gathering

• **【Canada】** Competition Bureau Canada (The Bureau):

1. Regulation of online streaming services (Canadian Radio-television and Telecommunications Commission, i.e. “CRTC”); Regulation of business relationship between online platforms and news providers (CRTC); Regulation of next-generation broadband networks (CRTC); Regulation and competition regarding digital service markets more generally (Canadian Digital Regulators Forum).

2. Canada has recently enacted legislation governing the operations of online audio-visual streaming providers. Additional legislation governing the commercial relationship between online communication platforms and news businesses has also been recently enacted. Canada also has long-standing legislation governing telecommunications and broadcasting undertakings in place. All of these legislative instruments are administered by the Canadian Radio-television and Telecommunications Commission (CRTC), a federal quasi-judicial administrative tribunal.

Each piece of legislation referred to above contains similar provisions that permit sharing of confidential information that has been submitted to the CRTC with the Bureau. Such information may be shared by the CRTC where it is determined that it is relevant to competition issues being

considered in a given proceeding or matter. These measures facilitate participation by the Bureau in CRTC consultations and other proceedings.

The Bureau has a long history of participating in telecommunications proceedings conducted by the CRTC, and the Telecommunications Act's information sharing provisions are sometimes engaged in this context. The issues that arise under the category umbrella of 'telecommunications' are constantly evolving—regulation of next-generation networks, satellite communications, mobile technologies, etc.—and thus they can be characterized as 'emerging.'

To date, the Bureau has not formally intervened in a CRTC consultation with respect to matters that fall under the new legislation governing online streaming services or online news. However, it is reasonable to expect that future participation in such proceedings may engage the information sharing provisions set out in those laws.

Outside the context of public consultations, the Bureau is a member of the Canadian Digital Regulators Forum, which also includes the OPC, the CRTC, and the Copyright Board of Canada. The Forum enables members to exchange best practices, conduct research and collaborate on matters of common interest that relate to digital markets.

- **【Brazil】** Administrative Council for Economic Defense (CADE) :

CADE released its comments to the National Congress of Brazil regarding the Draft Bill 2338/2023. With the Senate currently considering Bill 2.338/2023 on the use of artificial intelligence, along with nine related bills – and Senator Eduardo Gomes having presented a substitute proposal on April 24, which includes the creation of a national framework for the regulation and governance of artificial intelligence involving CADE –, we found it timely to contribute to the ongoing discussions.

CADE's comments focus on two main areas: enhancing collaboration mechanisms among authorities within the proposed coordinated regulatory framework and balancing regulatory requirements with incentives for innovation.

Moreover, in Brazil, Draft Bill No. 2768/2022 was introduced in the Brazilian House of Representatives to establish an ex-ante regulatory framework for digital platforms with clear inspiration in DMA. The Brazilian version seeks to implement an asymmetric regulatory regime for companies possessing 'crucial access control power,' analogous to the gatekeeper concept.

The Brazilian Bill is currently under review by the Committee on Economic Development's Congress Rapporteur following a public hearing in August 2023, where international experiences in digital market development were discussed.

The proposed regulatory framework grants Brazil's National Telecommunications Agency (ANATEL) the authority to regulate, monitor, and penalize digital platforms that provide services to the Brazilian public, particularly those with essential access control power.

In Europe, the United Kingdom, Germany, the United States, and India, the authority responsible for ex-ante competition regulation, in either proposed legislation or enacted laws, is the authority responsible for antitrust enforcement. Only in Brazilian Bill No. 2768/2022 has some national legislators sought to assign this competence to the Telecommunications Agency.

CADE possesses extensive experience to lead discussions on revisions to the Brazilian legal-regulatory framework, particularly concerning digital markets. With a substantial body of analyzed cases, CADE is distinguished not only by the depth of its legal and economic analysis but also by its ability to adapt to the rapidly changing dynamics of digital ecosystems. This experience places CADE in a unique position to align with technological developments and emerging market practices.

In addition, in October 2024, the report presented by the Secretariat for Economic Reforms of the Ministry of Finance regarding Public Consultation No. 1/2024 on the regulation of digital platforms reinforced this perspective, concluding with the presentation of 12 proposals involving legislative amendments/Presidential Decree and infralegal amendments/Interministerial Decree. Among the conclusions is the need for an asymmetric ex-ante regulation to complement the current Competition Defense Law (Law No. 12,529/2011), designating Cade as the authority responsible for enforcing this regulation. Additionally, the creation of an interinstitutional cooperation forum between Cade and other federal bodies is recommended.

- **【Philippine】** Philippine Competition Commission (PCC) :

Artificial Intelligence

In 2022, the PCC joined an industry forum of the Department of Trade and Industry (DTI) called “Artificial Intelligence and Additive Manufacturing Technology.”

In 2023, the PCC hosted the 10th ASEAN Competition Conference (ACC), which included a panel discussion on the intersection of artificial intelligence and intellectual property rights and its potential in creating new competition issues.

Since the beginning of 2024, the PCC has partnered with the National Economic Development Authority (NEDA) and USAID on a series of roundtable discussions tackling the emergence of artificial intelligence and its interplay with policymaking, labor issues, women’s rights, and approaches to governance.

Digital Markets

In cooperation with NEDA, the PCC published an Issues Paper on the Philippine Digital Commerce Market in 2020.

In August 2023, the PCC published guidelines on the motu proprio review of mergers and acquisitions in digital markets, highlighting the tendency for this sector to feature bottlenecks,

gatekeepers, network effects, and other attributes that have the potential to create market competition distortions.

In early 2024, the PCC published a market study on digital platforms and online advertising, which explored creating an antitrust law for the digital sector.

(ii) Working Groups and Staff Exchanges

- **【European Commission】** Directorate-General for Competition:

The [Digital Markets Act \(DMA\)](#) is a piece of the EU digital regulatory framework. The DMA specifically applies to online platforms designated as 'gatekeepers' which are large digital platforms acting as important gateways between business users and consumers. To address these issues, the DMA defines a series of obligations they will need to respect, including prohibiting gatekeepers from engaging in certain behaviours. It entered into force on 1 November 2022 and is applied as of 2 May 2023.

The Commission established in 2023 the [High-Level Group for the Digital Markets Act](#), which concerns the implementation of the DMA and other sectoral regulations applicable to gatekeepers and includes representatives i.a. from the Consumer Protection Cooperation Network and the European Regulatory Group of Audiovisual Media Regulators. This High-Level Group may provide the Commission with advice and expertise to ensure that the DMA and other sectoral regulations applicable to gatekeepers are implemented in a coherent and complementary manner. It may also provide expertise in market investigations into emerging services and practices, to help ensure that the DMA is future-proof. The High-Level Group will have a mandate of two years and will meet at least once per year.

- **【Australia】** Australian Competition and Consumer Commission(ACCC) :

Artificial Intelligence (AI)

The uptake of AI technologies creates both risks and opportunities and is a significant emerging issue for competition regulators' advocacy work. We are currently considering various issues in relation to the impact of AI technology and services on competition, including the potential for AI to engage in anti-competitive conduct (for example, 'algorithmic co-ordination' that enables competing firms to indirectly set prices, determine bids or share markets) to ensure that we are equipped (both in our legislative framework, and in our enforcement toolkits) to deal with this type of conduct.

The ACCC's consideration of competition issues associated with AI has been largely undertaken by the Digital Platforms Branch (DPB) which has given consideration to AI competition issues through the Digital Platforms Services Inquiry (DPSI) and ongoing participation in the Digital

Platform Regulators Forum (DP-Reg). Current ACCC collaboration and advocacy in relation to AI includes:

Digital Platform Regulators Forum (DP-Reg)¹

- As noted above, Digital Platform Regulators Forum (DP-Reg) is an information sharing and collaboration initiative between ACCC, the Australian Communications and Media Authority, that Office of the Australian Information Commissioner, and the Office of the eSafety Commissioner, on the regulation of digital platforms.

- DP-Reg has made joint submissions to Department of Industry, Science and Resources consultation on the safe and responsible use of AI in Australia, and to the Australian Senate Select Committee on Adopting Artificial Intelligence.³¹

Department of Industry, Science and Resources (DISR) consultation³²

- The ACCC also made a recent submission to the Department of Industry, Science and Resources (DISR) regarding its proposals paper for *Introducing mandatory guardrails for AI in high-risk settings*.

ACCC/ASIC AI Working Group

The ACCC and the Australian Securities and Investment Commission (ASIC) have recently formed an AI working group to enable discussion of relevant enforcement experiences and to workshop generative AI enforcement challenges, actions, and ideas.

- **【Ireland】** The Competition and Consumer Protection Commission (CCPC) :

DRG Digital Regulators Group

The CCPC is a founding member of Ireland's first Digital Regulators Group (DRG). In the group the four main Digital Regulators in Ireland [the CCPC, CNaM³³ (Ireland's Media Regulator), the Data Protection Commission³⁴ and the Communication Regulator - Comreg³⁵] will identify areas of regulatory commonality and challenge, with a view to maximise the coherence of digital and regulatory structures, and to support a wider regulatory co-operation framework. The DRG aims to develop strong cross functioning communications between Regulators whose work has direct ramifications for Ireland's digital economy, so that current and future digital legislation is applied in a consistent and cohesive manner.

International Network for Digital Regulation Cooperation (INDRC)

³¹ <https://dp-reg.gov.au/publications/dp-reg-joint-submission-department-industry-science-and-resources-ai-discussion-paper>, <https://www.accc.gov.au/system/files/dp-reg-submission-senate-select-committee.pdf>

³² <https://consult.industry.gov.au/ai-mandatory-guardrails/submission/view/138>

³³ [Coimisiún na Meán | Ireland's media regulator](https://www.coimisiunna.ie/en)

³⁴ <https://www.dataprotection.ie/en>

³⁵ [Commission for Communications Regulation](https://www.comreg.ie/en)

The CCPC also participates in the newly formed International Network for Digital Regulation Cooperation (INDRC). This new network will promote greater coherence in digital regulation both domestically and internationally. Meetings will take place twice a year and we will look to expanding the network over time. For further information see [International Network for Digital Regulation Cooperation \(INDRC\) | DRCE](#).

- **【Türkiye】** Turkish Competition Authority

With the increase in digitalization, the opinions and information of many sector regulators (Ministry of Commerce, Directorate General for Copyright Ministry of Culture, Banking Regulation and Supervision Agency) were sought in the sector reviews (E-Marketplace Platforms, Financial Technologies in Payment Services) published by the Turkish Competition Authority.

- **【Mexico】** Federal Economic Competition Commission (Cofece) :

In its 2022-2025 strategic plan, Cofece has identified digital markets as one of its priority sectors. The organization recognizes that the digitalization of the economy presents new challenges to achieving its objectives. Cofece acknowledges the need for specific actions to address the competition challenges posed by the digital economy and the functioning of the markets within it.

Although Cofece has not yet entered into any agreement with any sectoral regulator related to Artificial Intelligence (AI), as part of the efforts to address these markets, particularly those related to AI, Cofece joined the National Artificial Intelligence Alliance ([NAIA](#)) initiative to discuss the future of regulation in this area from an inter-institutional and multidisciplinary perspective. As a result of this collaboration, and after numerous working groups, in March 2024 the report “Artificial Intelligence Panorama in Mexico: towards a National Strategy and the Relevance of the Sandbox”³⁶ was published, which gathers the vision of stakeholders to offer strategic recommendations to guide the formulation of a National AI Strategy, with particular interest in promoting the collaboration of stakeholders, particularly regulators, under the figure of the AI sandbox.

The participation of Cofece in the NAIA is of relevance since earlier in May, this alliance published a proposal to establish a regulatory framework aiming at promoting the incorporation of AI in the industry.

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(2) Others including traditional areas

While this report mainly focuses on the perspectives of responding agencies' on emerging areas, including privacy and sustainability, it may be useful to learn from established practices in the traditional markets to gain better insights into effective forms of cooperation between competition authorities and sector regulators.

In some jurisdictions, there are schemes to facilitate consultation and information sharing between the competition and regulatory agencies in the markets governed by regulatory frameworks, including electricity, telecommunication, and postal sectors. Typical forms of the coordination schemes include MOUs, legally backed frameworks, joint working groups, and other ad hoc collaborations. The MOUs help the competition authorities and sector regulators foster information sharing and sharing resources for enforcement. The legally backed frameworks sometimes enable the agencies to conduct consultations and exchanges of confidential information including specific cases and business secrets. With regards to ad hoc collaborations, there are some specific cases in merger control where competition authorities consulted with the sector regulators to gather information of the markets and to assess the commitments proposed by the parties. Joint guidelines by the competition and regulatory agencies are another form of cooperation. These guidelines contribute to enhance business predictability of implementations of both competition policy and sectoral regulations.

The practices showed in the submissions from the responding agencies are below.

(i) Consultation

- **【Germany】 Bundeskartellamt:**

In Germany some network-based markets are subject to sector specific regulation in the absence of functioning competition. They are regulated by the competent regulatory authorities (primarily, the Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway). These have special powers to combat abusive or discriminatory practices within the regulated areas (e.g. network access conditions). These powers are governed by specific laws, such as the Energy Industry Act or the Telecommunications Act.

The Bundeskartellamt and the Federal Network Agency have parallel competences. The cooperation is governed on the one hand by Sec. 50f of the German Competition Act and on the other hand by provisions in the respective sector-specific law for the railway, postal, telecommunication and energy sector. The Bundeskartellamt and the Federal Network Agency maintain a close and productive cooperation. The Cooperation covers consultations and exchanges of (confidential) information. Regularly, both agencies give each other opportunities to comment on upcoming decisions. The agencies inform each other about specific cases and complaints and exchange information about overarching questions and also about business secrets.

Both agencies also published joint guidelines for the control of abusive practices in the electricity generation and wholesale trade sector in terms of anti-trust and energy wholesale law in 2019.

- **【Sweden】** Swedish Competition Authority (SCA):

The SCA has an ongoing dialogue with the Swedish Post and Telecom Authority. In March 2006, a cooperation agreement was signed between the authorities. The dialogue has the purpose of discussing measures to enhance competition in the electronic communications and postal sectors.

In the media area, there is also cooperation in which the media authority must consult with both the Swedish Competition Authority and the Swedish Post and Telecom Authority on questions related to competition before deciding whether to broadcast, for example, commercial radio.

- **【Paraguay】** National Competition Commission of Paraguay (CONACOM) :

CONACOM issued an opinion on a draft law that would have prohibited cryptocurrency due to intensive energy uses, arguing that it would discourage legal cryptocurrency and would likely foster criminal use of energy.

- **【Türkiye】** Turkish Competition Authority:

The opinion of Information and Communication Technologies Authority was used in the file regarding the granting of negative clearance certificates or exemptions in the telecommunications sector.

(ii) Information Sharing/Gathering

- **【Zambia】** Competition and Consumer Protection Commission:

The Competition and Consumer Protection Commission (Commission) has undergone cooperation with sector regulators in emerging areas other than privacy protection and sustainability. One such area is the regulation of competition and consumer protection in the financial sector.

The Commission signed a Multi-sectoral Memorandum of Understanding (MoU) with the Bank of Zambia, the Pensions and Insurance Authority, and the Securities and Exchange Commission in May 2019. This collaboration aimed at enhancing the discharge of their functions related to competition and consumer protection in the financial sector.

The MoU facilitated structured information sharing between the institutions and fostered a cooperative approach toward overseeing competition and protecting consumers within Zambia's financial sector. Through this mechanism, the Commission and its partners were able to align their

regulatory objectives and share resources, ensuring comprehensive oversight and enforcement of regulations in the financial sector.

- **【Ecuador】** Superintendency of Economic Competition

The Research Unit, specifically in the area of unfair practices, continuously applies cooperation mechanisms with regulatory authorities in related sectors to comply with its control powers. The most commonly used mechanism is through requests for information to regulatory and control entities on specific economic operators or on the actions of different economic sectors. We can use as an example the Agency for Regulation, Control and Sanitary Surveillance (ARCSA), when it comes to investigations of possible unfair conduct in the market for products for human consumption, or the Telecommunications Regulatory Agency for investigations of economic operators regulated by the said Agency. For issues of information on data of economic operators, it is often obtained from constant public information on the websites of different entities such as the Superintendency of Companies, the Internal Revenue Service or through express requests for information.

- **【European Commission】** Directorate-General for Competition:

In the **telecommunication** sector, in merger case [M.9728 – Altice/Omers / Allianz/Covage](#), the Commission contacted during the pre-notification phase the French electronic communications, postal and print media distribution regulatory authority in order to obtain its informed view on the relevant markets and the possible risks for competition following the transaction. The French authority provided its observations on the market conditions and on the regulatory framework, which were taken into account by the Commission in the substantive assessment of the case. In merger case [M.8864 – Vodafone / Certain Liberty Global Assets](#), the German telecommunications regulator was consulted by the Commission on the draft commitments proposed by the merging parties, as these commitments included a series of behavioural measures regarding wholesale access to cable. The regulator was also assigned an advisory role with regard to certain aspects of the commitments: in particular, the monitoring trustee can seek the expert advisory opinion of the national regulator concerning the German regulatory framework for telecommunications. In case [M.7758 – Hutchison 3G Italy / Wind / JV](#), the Commission included the Italian telecommunications regulator (AGCOM) in its market test of the commitments proposed by the merging parties, aimed at maintaining a fourth mobile operator in the Italian telecommunications market.

In the **transport** sector, in merger case [M.9779 – Alstom / Bombardier Transportation](#), during the investigation the Commission contacted the regulator for United Kingdom's rail networks, which provided relevant information on the market conditions and the

parties' position in the United Kingdom. The regulator further sent observations on the commitments proposed by the parties to the transaction. Also in merger case [M.8677 – Siemens / Alstom](#) the Commission consulted a series of national rail regulators on the text of the commitments proposed by the parties to address the competition concerns that had emerged during the investigation.

(iii) Working Groups and Staff Exchanges

• **【Egypt】** Egyptian Competition Authority (ECA)

1) Media Sector Cooperation with the Supreme Council for Media Regulation:

The Supreme council for media regulation was established under Law No. 180 of 2018 to regulate and protect freedom of the press and media within the framework of free competition.

Since its establishment, ECA has been an active member, ensuring that press and media market players adhere to competitive principles and do not engage in practices that could hinder competition. ECA's contributions focus on promoting competitive neutrality and eliminating barriers to entry, fostering a diverse and competitive media landscape that aligns with both regulatory and public interest goals.

2) Intellectual Property Rights and Non-Voluntary Licensing with the Patent

Office:

In 2020, ECA and the Egyptian Patent Office (EGPO) initiated joint working groups on non-voluntary licensing, organized by Third World Network (TWN), an independent non-profit organization. The working group addressed key aspects of IP Law, particularly the ministerial committee's role in determining fair compensation for patent owners under non-voluntary licenses. These licenses, granted for public non-commercial interests (such as national security, health and environmental safety), directly impact sectors like Healthcare and Pharmaceuticals. ECA's involvement is critical in preventing abuse of dominance by patent holders, particularly where patent rights may be exploited to restrict market access and harm competition.

To formalize the committee, ECA liaised with the Advisory Council to the Cabinet of Ministers, leading to a Prime Minister's Decree that designated the committee members as follows:

1. Minister of Higher Education and Scientific Research
2. Minister of Supply and Internal Trade
3. Minister of Health and Population
4. Minister of Industry
5. Chair of the Egyptian Competition Authority

These initiatives reflect ECA's proactive role in integrating competition principles within emerging fields, reinforcing fair competition practices across diverse and dynamic sectors.

- **【Spain】** Spanish National Markets and Competition Commission (CNMC) :

In Spain, the competition agency is integrated within the same organism as regulatory bodies for energy, telecommunications, transport, post and audiovisual services. This enables swift cooperation and coordination between the bodies, through both formal and informal procedures. This includes both formal and informal consultations, information and data sharing, and joint Working Groups in cross-sectional areas of interest, such as digital, rail or energy markets.

An example of this coordination is the liberalization process of commercial rail services. The CNMC published a market study in 2019 outlining its recommendations for successfully opening the market. This study was drafted by the Advocacy Department in close cooperation with the Transport Directorate, compiling the knowledge gained from previous regulatory decisions, and including extensive data and information sharing. Following the liberalization, a Working Group was set up with representatives of the advocacy, enforcement and transport departments, to share recent developments in the liberalization of rail services and better coordinate the CNMC's work in their respective areas.

(iv) Others; MoUs, joint guidelines, etc.

- **【Japan】** Japan Fair Trade Commission

The JFTC has published joint guidelines on the markets of electricity, gas, and telecommunication, together with the counterpart sectoral regulators to improve business predictability. The scopes of the joint guidelines cover the markets subject to sectoral regulations, including regulations on market entry and prices as well as supply obligations, for securing public interests and benefits of the users. These markets are also characterized with high fixed costs which tend to lead to natural monopoly.

Owing to the above-mentioned characteristics of the electricity, gas, and telecommunication markets, it is necessary to put implement measures that balance the promotion of fair competition with the obligations of sectoral regulations governed by industry laws. The guidelines, therefore, serve to enhance predictability of implementations of both the Antimonopoly Act and industry laws.

In the process of compiling the joint guidelines, the JFTC has been worked closely with sectoral regulators. Such collaboration enables the competent authorities to deepen their understanding on competition policy, and enables the JFTC to have a better understanding of the business within these sectors. Thanks to close collaboration among authorities, both the JFTC and the sectoral authorities can develop practical guidelines which are in line with the circumstances of each market.

- **【Greece】** Hellenic Competition Commission (HCC)

In principle we work together with sectoral regulators and other competent bodies within the wider public sector in all fields of our activities. This cooperation takes various forms depending on the needs of each case and of course the competence of each authority.

This cooperation ranges from joint hearings to formal and informal consultations, it regularly includes requests for information and also invitations to participate as witnesses in oral hearings. This applies to antitrust, merger control and sector inquiries. We have signed MoUs with the Regulatory Authority for Energy in September 2020 (see press release [here](#)) and with the Regulatory Authority of Ports in April 2021 (see press release [here](#)).

5. Concluding remarks

This report collects and summarizes examples of competition agencies' cooperation with sector regulators from the responding agencies. Though the cases of cooperation collected from the responding agencies often includes several categories of cooperation frameworks ((i) Consultation, (ii) Information sharing/Gathering, (iii) Working groups and staff exchanges, and (iv) Others) due to the fact that the issues that competition agencies address are complex, this report has categorized reported activities that include features of more than one framework into just one specific framework for the sake of clarity.

Although effective frameworks depend on areas of cooperation and “each instrument needs to be adapted to the objectives that co-ordination seeks to achieve” as mentioned by the OECD in 2016³⁷, generally speaking, regarding efforts to increase the depth and dynamics of cooperation, it may be important that multiple frameworks such as cooperation agreements, joint market studies, and working groups would be included, appropriately combined, and properly operationalized. For example, as the combination of a working group and an information sharing framework, the Digital Platform Regulators Forum (DP-Reg), formed in 2022, involves various Australian regulatory bodies collaborating to promote cohesive digital platform regulation, minimizing industry burden. Another example as a combination of a consultation, information sharing and a working group is the European Commission's case. In 2023, the Commission established the High-Level Group for the Digital Markets Act (DMA) to ensure coherent and complementary implementation of the DMA and other sectoral regulations applicable to gatekeepers. This group includes representatives from various regulatory bodies and may provide expertise on emerging services and practices. Its aim is to help future-proof the DMA. The High-Level Group has a two-year mandate and will meet at least once per year.

Below are key considerations from the responding agencies' perspectives based on our analysis for each category of cooperation frameworks.

Consultation can be conducted without exhaustive information sharing and can often be incorporated into formal procedures in some jurisdictions. One typical case is Germany's case. The Bundeskartellamt and the Federal Network Agency maintain a close and productive cooperation. The Cooperation covers consultations and both agencies regularly give each other opportunities to comment on upcoming decisions. The agencies inform each other about specific cases and complaints and exchange information about overarching questions and business secrets. Regular consultation process like this case is conducted to benefit from the regulator's expertise and to promote consistency between competition and regulatory interventions, as mentioned by the OECD (2022).

³⁷ OECD (2016), Governance of Regulators' Practices: Accountability, Transparency and Co-ordination, The Governance of Regulators, <https://doi.org/10.1787/9789264255388-en>.

As for information sharing, there remains the issue of how much non-public information can be shared, as it is necessary to observe confidentiality obligations. Especially, in privacy areas, it seems it is difficult to share confidential information as both competition authorities and privacy authorities ensure high levels of confidentiality. However, in spite of confidentiality, legal provisions allow authorities to share information with each other in some jurisdictions. One interesting example is Canada's case. The Digital Charter Implementation Act, 2022 (DCIA), addresses certain information-sharing limitations between the Competition Bureau Canada (Bureau) and the Office of the Privacy Commissioner of Canada (OPC), allowing them to share information when “the information is relevant to their powers, duties or functions”.

Working groups provide a more in-depth exchange of information than mere consultation or information sharing, and therefore can be a useful framework for tackling important issues across government.

For example, environmental issues are viewed as pressing concerns that need to be addressed in some jurisdictions. The Egyptian Competition Authority joined the group to regulate trade in hazardous materials. The ECA plays an important role in moderating competition in the environmental sector. The digital economy is another issue that competition authorities are grappling with, and many authorities have positioned digital issues in an important policy objective. Some authorities have set up working groups to exchange ideas and views in order to reach a common understanding of the digital economy. For example, the High-Level Group for Digital Markets, which deals with digital market legislation in the EU, consists of several agencies such as the Consumer Protection Cooperation Network and the European Regulatory Group of Audiovisual Media Regulators. The group allows DG-comp to garner views from other organizations that would be helpful to implement the Digital Markets Act (DMA) in a coherent and complementary way.

As MoUs codify the rules for information exchange, it is clear how information can be exchanged amidst confidentiality obligations. This allows for a more proactive exchange of confidential information. For example, the Hellenic Competition Commission has signed an MoU with the Hellenic Data Protection Authority to share information on data protection under the rule that exchanges of information be subject to strict confidentiality rules. Without the MoU, the commission would feel hesitation to exchange confidential information that might lead to delays in resolving issues.

Joint Guidelines also can have a great impact within the frameworks because they are not only for information exchanges, but also clarify specific actions with other ministries and agencies. For example, the forming of the Green Guidelines developed by the Japan Fair Trade Commission (JFTC) required cooperation with the Ministry of Economy, Trade and Industry (METI), including

hearings and indicative studies conducted by both the JFTC and METI. The results have been incorporated into the guidelines, which have a great impact on the environmental sector.

The OECD (2022), referencing the ICN report, highlights a common trend among jurisdictions with nascent competition authorities: a lack of collaboration and policy coordination with regulatory bodies. Also, the OECD (2022) points out agencies' lack of resources as a challenge that may prevent deeper co-operation. As competition law and competition authorities evolves and gain more experience across the world, enhanced cooperation between competition and sector regulators may become more prevalent. This progression has the potential to result in more effective and cohesive regulatory harmonization. This report is intended to foster the consideration of enhanced cooperation between competition and regulatory authorities, contributing to more integrated and effective regulatory frameworks.

It is deeply grateful to the more than 20 authorities that submitted a wealth of specific examples, which made this report extremely useful.

In order to respond quickly and accurately to rapid socio-economic changes, it is important to clearly show what various competition policy issues are and what they should be in an easy-to-understand manner, and to advocate for improvements to the relevant government ministries, agencies and operators. It is hoped that competition authorities will find this report helpful when working with sector authorities.

For further development based on this report, it could be useful to gather examples of cooperation between competition authorities and sector regulators in areas not covered in this report, such as the field of generative AI. Additionally, it is important to compile instances of failures and difficulties in cooperation, as well as specific measures to address and resolve these issues, thereby organizing comprehensive solutions.