

ADVOCACY TOOLKIT

Part II: Effective Communication of a Competition Advocacy Message



International
Competition
Network

INTRODUCTION

FOR THE SECOND PART OF THE TOOLKIT, WE ARE FOLLOWING A SIMILAR METHODOLOGY AS DID WITH THE FIRST PART. WE REVIEWED THE CASE EXAMPLES INCLUDED IN THE FIRST VERSION OF THE TOOLKIT AND ASSESSED THEIR RELEVANCE VIS A VIS CURRENT MARKET DYNAMICS AND THE NEEDS OF COMPETITION AUTHORITIES FOR THE OPTIMIZATION OF THEIR ADVOCACY PROCESSES. WE HAVE ALSO REVIEWED WHETHER THE COMPONENTS ENCLOSED ARE STILL RELEVANT AND USEFUL WITHIN THE STATE OF THE ART OF COMPETITION ADVOCACY EFFORTS. WE CONCLUDED: FIRST, THE NEED FOR INPUT FROM MEMBER AGENCIES IN ORDER TO GATHER NOVEL AND EFFECTIVE APPROACHES TO COMMUNICATING ADVOCACY MESSAGES, OTHER THAN THROUGH THE TRADITIONAL REGULATORY ASSESSMENTS; AND SECOND, THE BEARING OF MODIFYING THE COMPONENTS THAT BUILD UP THE SECOND PART OF THE TOOLKIT.

NEW COMPONENTS FOR EFFECTIVE COMMUNICATION OF COMPETITION ADVOCACY MESSAGES:

COMPETITION TRENDS WORLDWIDE SHOW THAT AUTHORITIES ARE INCREASING THEIR AWARENESS OF THE IMPORTANCE OF BALANCING PREVENTIVE AND CORRECTIVE APPROACHES TO APPLYING COMPETITION LAWS AND POLICIES. THEIR EFFORTS HAVE BEEN FOCUSING ON STRENGTHENING COMPETITION CULTURE AND COMPLIANCE OF THE LAWS ACROSS THEIR JURISDICTIONS AND EVEN ENGAGING IN JOINT EFFORTS TO BROADCAST THE MESSAGE OF THE VALUE OF COMPETITION PROTECTION FOR SOCIOECONOMIC WELFARE.

CONSEQUENTLY, WERE SELECTED THE NEW COMPONENTS OF THE SECOND PART OF THE TOOLKIT. THE IDEA IS TO INCLUDE BEST PRACTICES AND CASE EXAMPLES THAT SHOW HOW TO COMMUNICATE EFFECTIVE COMPETITION ADVOCACY MESSAGES. THE NEW COMPONENTS ARE THE FOLLOWING:

COMPONENT 5: HARNESSING MEDIA RESOURCES TO ADVOCATE FOR COMPETITION PROTECTION

COMPONENT 6: DESIGN AND IMPLEMENTATION OF COMPETITION COMPLIANCE STRATEGIES

COMPONENT 7: RESEARCH AND CONSULTATION

LIST OF ICONS

TYPE OF INITIATIVE



SOCIAL MEDIA



DIGITAL TOOL



MARKET STUDY



COMMUNICATION STRATEGY



COMPLIANCE PROGRAM



COMPETITION REGIME



GUIDELINES



EDUCATION

COMPONENT 5: HARNESSING MEDIA RESOURCES TO ADVOCATE FOR COMPETITION PROTECTION

OVERVIEW

THE USE OF THE MEDIA IS AN EFFECTIVE WAY TO EDUCATE THE PUBLIC. IF PEOPLE SEE THE BENEFITS OF COMPETITION AUTHORITIES' ACTIONS IN THE MEDIA, THEY WILL BETTER UNDERSTAND THE ROLE OF COMPETITION POLICY. ALSO, APPROPRIATE USE OF THE MEDIA ENSURES THAT BUSINESSES, GOVERNMENT AGENCIES AND LEGAL COMMUNITIES, AS WELL AS THE GENERAL PUBLIC, ARE AWARE OF THE BENEFITS OF COMPETITION, COMPETITION POLICIES AND THE OUTCOME OF SPECIFIC CASES. THESE ARE THE MOST IMPORTANT ASPECTS TO KEEP IN MIND IN ORDER TO TAKE ADVANTAGE OF THE RESOURCES OFFERED BY THE MEDIA TO ADVOCATE FOR COMPETITION PROTECTION:

- IDENTIFYING APPROPRIATE MEDIA PLATFORMS TO REACH DIFFERENT CONSUMER GROUPS, FOR EXAMPLE, WHAT KIND OF MEDIA RESOURCES COULD BE USED TO REACH THE INFORMAL ECONOMY.
- HOW TO ATTRACT THE ATTENTION OF STAKEHOLDERS THROUGH ELECTRONIC MEDIA: PROVIDING RELEVANT CONTENT AND GETTING THE MESSAGE ACROSS, TAKING INTO ACCOUNT THE CONTESTATION OF DIGITAL CONTENT (SHORT ATTENTION SPAN OF CONSUMERS OF CONTENT).
- MONITORING EFFECTIVENESS OF THE USED OF MEDIA RESOURCES.
- USING SOCIAL MEDIA AS A MEANS TO IDENTIFY POTENTIAL FOR ADVOCACY INTERVENTION (SOCIAL MEDIA CARDS, INSTAGRAM CAROUSELS, TWITTER, AND FACEBOOK POSTS).
- CONSISTENCY ON THE USE OF SOCIAL MEDIA PLATFORMS OR ANY OTHER MEDIA RESOURCES (HOW OFTEN SHOULD INSTITUTIONS USE THESE PLATFORMS).
- APPROPRIATE INFORMATION TO SHARE THROUGH MEDIA RESOURCES (EXAMPLES ON WHAT KIND OF INFORMATION CAN BE SHARED).
- USING SIMPLE VISUAL EXAMPLES THAT TELL THE STORY OR TO ILLUSTRATE THE DECISIONS OF THE COMPETITION AUTHORITY (MERGER DECISIONS, ANTITRUST CASES AND ADVOCACY OPINIONS).
- MAKING USE OF VIDEO NEWS RELEASES OR AUGMENTING NEWS RELEASES OR ADVOCACY PUBLICATIONS WITH SHORT VIDEO OR INFOGRAPHICS.
- USING STORIES ON MEDIA PLATFORMS TO MAKE A CASE: MAKE A CASE TO CONVINCE PEOPLE ON WHY THEY SHOULD CARE ABOUT THE ISSUES THAT THE COMPETITION AUTHORITIES ARE ADVOCATING FOR.
- USING PLATFORMS AND LANGUAGE THAT PEOPLE ARE FAMILIAR WITH AND CONNECT WITH IN ORDER TO ENGAGE THEM EMOTIONALLY AND GET BUY-IN.

THE FOLLOWING IS A LIST OF SOME OF THE CONTRIBUTIONS DEVELOPED BY THE DIFFERENT COMPETITION AUTHORITIES IN RELATION TO THIS COMPONENT:

- **COFECE (MEXICO)**: THE COMMISSION DEVELOPS AN ANNUAL COMMUNICATION STRATEGY THAT DEFINES THE PUBLIC CAMPAIGNS TO BE CARRIED OUT DURING THE YEAR, THEIR TARGET, KEY MESSAGES AND DURATION ON SOCIAL PLATFORMS, RADIO AND TELEVISION.

SINCE 2020, THE COMMISSION HAS DEVELOPED AND LAUNCHED AN E-LEARNING PLATFORM ON ECONOMIC COMPETITION. OF FOUR COURSES: I) COMPETITION POLICY IN MEXICO FOR STUDENTS, II) COMPETITION RIGHTS AND OBLIGATIONS FOR THE PRIVATE SECTOR AND, FOR THE PUBLIC SECTOR, III) REGULATORY ANALYSIS FROM A COMPETITION PERSPECTIVE AND IV) DESIGN OF COMPETITIVE PUBLIC PROCUREMENT.

- **CADE (BRAZIL)**: IN AN ANTITRUST EFFORT, CADE'S AUTHORITIES (I.E., THE PRESIDENT, THE GENERAL SUPERINTENDENT, THE COMMISSIONERS AND THE CHIEF ECONOMIST) OFTEN SPEAK OUT ABOUT ANTITRUST POLICY, PARTICIPATING IN INTERVIEWS OR WRITING ARTICLES EXPRESSING THE AGENCY'S VIEWS.

CADE HAS A COMMUNICATION UNIT IN CHARGE OF MANAGING RELATIONS WITH THE PRESS ORGANS, WHICH IS RESPONSIBLE FOR RESPONDING TO MEDIA INQUIRIES ON CURRENT ISSUES OR FOR PUBLICIZING THE OPINIONS AND DECISIONS ISSUED BY THE AUTHORITY WHENEVER NECESSARY.

- **CADE (BRAZIL)**: IN PARTNERSHIP WITH THE NATIONAL SCHOOL OF PUBLIC ADMINISTRATION (ENAP), CADE OFFERS SIX ONLINE COURSES ON VARIOUS TOPICS RELATED TO ANTITRUST LAW:

- INTRODUCTION TO ANTITRUST LAW.
- ANTITRUST COMPLIANCE.
- MERGER REVIEW.
- UNILATERAL ANTITRUST CONDUCT.
- CARTELS IN PUBLIC PROCUREMENT.
- LENIENCY PROGRAM.

- **THE OFFICE FOR THE PROTECTION OF COMPETITION (CZECH REPUBLIC)**: THE OFFICE FOR THE PROTECTION OF COMPETITION COMMUNICATES WITH THE PUBLIC MAINLY THROUGH ITS WEBSITE WWW.UOHS.CZ AND SOCIAL NETWORKS (E.G. LINKEDIN, TWITTER, FACEBOOK), WHERE IT UPDATES CONTENT ON A REGULAR BASIS AND PUBLISHES, FOR EXAMPLE, PRESS RELEASES, SUMMARIES OF RELEVANT DECISIONS AND JUDGMENTS, OPINIONS, METHODOLOGIES AND OTHER USEFUL INFORMATION FOR BUSINESSES AND THE PUBLIC. AS REGARDS MEASURING THE IMPACT OF THE OFFICE'S MESSAGES, THE OFFICE TRACKS THE PRESS, I.E. COLLECTS INFORMATION

ON COMPETITION ISSUES, AND ALSO MONITORS THE NUMBER OF VISITS TO THE AFOREMENTIONED WEBSITE AND ACTIVITY ON SOCIAL MEDIA PLATFORMS.

- **THE EGYPTIAN COMPETITION AUTHORITY (EGYPT)**: AS PART OF THE ECA'S STRATEGY 2021-2025, THE ECA HAS SET SEVERAL OBJECTIVES UNDER THE THIRD PILLAR, ENTITLED "SPREADING THE CULTURE OF COMPETITION". THIS INCLUDES THE IDENTIFICATION OF STAKEHOLDER TO BE TARGETED, METHODS FOR DOING SO, AND THE TIMELINE FOR IMPLEMENTATION. ECA HAS BEEN ON THE RIGHT TRACK IN IMPLEMENTING THIS STRATEGY BY INCREASING EFFORTS IN A NUMBER OF AREAS. FOR EXAMPLE, ECA ISSUES PRESS RELEASES - IN BOTH ARABIC AND ENGLISH - FOR ALL IMPORTANT UPDATES, SUCH AS DECISIONS ON VIOLATIONS, COOPERATION WITH INTERNATIONAL ENTITIES, AND ORGANIZATION OF OR PARTICIPATION IN AWARENESS CAMPAIGNS. THESE PRESS RELEASES ARE SHARED ON ITS OFFICIAL WEBSITE AND SOCIAL MEDIA PAGES, AS WELL AS THROUGH VARIOUS NEWSPAPERS AND MEDIA OUTLETS WITH WHICH ECA COLLABORATES.
- **JAPAN FAIR TRADE COMMISSION (JAPAN)**: THE JFTC CHAIRMAN REGULARLY HOLDS ROUNDTABLE CONFERENCES WITH THE PRESS TO COMMUNICATE THE IMPORTANT MESSAGES OF THE DAY. FOR EXAMPLE, IN JUNE 2022, THE JFTC RELEASED A NEW STATEMENT ON ADVOCACY AND LAW ENFORCEMENT, DECLARING ITS COMMITMENT TO STRENGTHEN ADVOCACY EFFECTIVENESS, PROMOTE COORDINATION BETWEEN ADVOCACY AND LAW ENFORCEMENT, ETC. THE MESSAGE OF THE STATEMENT WAS STRATEGIC AND FOCUSED ON THE IMPORTANCE OF ADVOCACY AND LAW ENFORCEMENT.

AS PART OF THE USE OF MEDIA, JFTC HAS ALSO CREATED A DEDICATED ADVOCACY PAGE ON ITS WEBSITE, WHICH ALIGNS WITH THEIR RECENT RESEARCH SURVEYS. IN ADDITION, THE JFTC MADE EFFORTS TO WIDELY PUBLICIZE THE STATEMENT THROUGH SOCIAL MEDIA (TWITTER AND FACEBOOK).

- **JAPAN FAIR TRADE COMMISSION (JAPAN)**: THE JFTC FOCUSES ON PUBLIC RELATIONS WITH CONSUMERS IN GENERAL, AS WELL AS DIRECT STAKEHOLDERS SUCH AS BUSINESSES, ACADEMICS AND THE LEGAL COMMUNITY, THROUGH "COOL" AND THE UNIQUE USE OF SOCIAL MEDIA. JFTC'S USE OF SNS IS NOT LIMITED TO SIMPLY POSTING SUMMARIES OF PRESS RELEASES; WHEN IT COMES TO TWITTER, JFTC PRESENTS ITS INITIATIVES IN THE STYLE OF TWEETS BY "DOKKIN," THE OFFICIAL JFTC CHARACTER, SO THAT THE INITIATIVES GAIN MORE ATTENTION AND FAMILIARITY FROM THE GENERAL PUBLIC. SEE THE FINAL PAGE (PAGE 27) OF THE JFTC'S LEAFLET;

IN ADDITION, JFTC COOPERATED IN THE TV SERIES TITLED "GUARDIAN OF THE MARKET", AIRED BY ONE OF THE COUNTRY'S LEADING TV STATIONS, PROVIDING TECHNICAL ADVICE ON ITS INVESTIGATION PROCEDURES, ETC., AND FILMING AT JFTC'S OFFICES.

- **COMPETITION AUTHORITY OF KENYA (KENYA):** THE AUTHORITY HAS A TWITTER ACCOUNT, A YOUTUBE CHANNEL AND FACEBOOK THROUGH WHICH VARIOUS MESSAGES ARE COMMUNICATED TO STAKEHOLDER GROUPS. ENGAGEMENT ON ALL THREE CHANNELS HAS INCREASED SIGNIFICANTLY, BY OVER 300%, IN THE LAST FOUR YEARS. TO PROMOTE THE CONTENT, THE AUTHORITY ENGAGES SPONSORS, CAREFULLY SELECTED TO ENSURE THAT THEY REPRESENT THEIR BRAND.

TO EXPLAIN THE AUTHORITY'S MANDATE, AUDIOVISUALS HAVE BEEN DEVELOPED AND UPLOADED TO THEIR YOUTUBE CHANNEL. IN ADDITION, IN THE INTEREST OF INCLUSIVENESS, SIGN LANGUAGE INTERPRETATION HAS BEEN INCLUDED.

- **THE EURASIAN ECONOMIC COMMISSION (THE EURASIAN ECONOMIC UNION):** THE COMMISSION DEVELOPED AN "ONLINE PUBLIC RECEPTION" STRATEGY, CONSISTING OF ONLINE MEETINGS BETWEEN THE COMMISSION AND STAKEHOLDERS FROM ALL THE UNION'S MEMBER-STATES (E.G., COMPANIES AND THEIR ASSOCIATIONS, CHAMBERS OF COMMERCE, LEGAL AND PROFESSIONAL COMMUNITIES) TO DISCUSS ISSUES REGARDING COMPETITION IN THE CROSS-BORDER MARKETS OF THE EURASIAN ECONOMIC UNION. DURING THE MEETINGS, THE STAKEHOLDERS MAY ADDRESS COMPETITION ISSUES IN SPECIFIC SECTORS, RAISING THE COMMISSION'S AWARENESS ON BARRIERS AND THEREBY FACILITATING THE DEVELOPMENT OF POLICIES AND ACTIONS FOCUSED ON THEIR ELIMINATION.

THE COMMISSION BROADCASTS THE MEETINGS AND RECORDS THEM SO THAT THEY ARE PERMANENTLY AVAILABLE ON YOUTUBE AND THE COMMISSION'S WEBSITE, WHICH ALSO OFFERS ANOTHER OPPORTUNITY TO COLLECT COMPETITION ISSUES AND OPINIONS FROM THE AUDIENCE FOR FURTHER CONSIDERATION.

- **CADE (BRAZIL):** CADE USES ITS RECENTLY CREATED INSTAGRAM PROFILE (MARCH 9TH, 2022) TO SPREAD A COMPETITION DEFENCE CULTURE AND ANNOUNCE THE AGENCY'S INITIATIVES, AS AN ENHANCED COMMUNICATION TOOL TO INTERACT WITH STAKEHOLDERS GIVEN THE WIDESPREAD USE OF INSTAGRAM IN BRAZIL. THE USE OF INSTAGRAM IS PART OF CADE'S 2021-2024 STRATEGIC

PLANNING TO EXTEND THE REACH OF COMPETITION ADVOCACY MESSAGES IN THE CURRENT DIGITALISED SOCIETY.

ON THE OTHER HAND, CADE RELEASED A SEMESTRAL INFORMATIVE BULLETIN IN EASY ACCESSIBLE LANGUAGE FOR NON-EXPERT READERS ABOUT RELEVANT COURT DECISIONS RELATING TO COMPETITION LAW AND THE INITIATIVES OF CADE'S ADVOCATE GENERAL'S OFFICE ("PROCADE", FOR ITS PORTUGUESE NAME). CADE'S ADVOCATE GENERAL'S OFFICE HAS THE ROLE OF REPRESENTING THE COMPETITION AGENCY BEFORE BRAZILIAN COURTS AND PROVIDING EXPERT LEGAL OPINION TO CADE'S AUTHORITIES, AMONG OTHER ROLES. THE FIRST EDITION OF THE BULLETIN WAS LAUNCHED IN DIGITAL FORMAT, ON DECEMBER 30TH, 2022.

- **CADE (BRASIL):** THE BRAZILIAN COMPETITION AUTHORITY (CADE) IS PROMOTING A TRAINING PROGRAMME FOR STUDENTS NAMED "PINCADÉ". ACCORDING TO CADE, UNDERGRADUATE AND GRADUATE STUDENTS CAN BE FUTURE LEADING PROFESSIONALS IN THE COMPETITION LAW FIELD OR IN RELATED AREAS, REASON WHY PROMOTING COMPETITION ADVOCACY TO THIS YOUNG GROUP CAN BE A VERY SUCCESSFUL WAY OF INCREASING COMPETITION AWARENESS IN SOCIETY. PINCADE OCCURS ON AN ANNUAL BASIS AND CONSISTS OF A 4-WEEK IN-PERSON COURSE FOR UNDERGRADUATE AND GRADUATE STUDENTS MAJORING IN FIELDS RELATED TO ANTITRUST (LAW, ECONOMICS, BUSINESS, INTERNATIONAL RELATIONS, AND PUBLIC POLICY).

THE CASE STUDIES AT THE END OF THIS COMPONENT OF THE TOOLKIT SHOW HOW DIFFERENT COMPETITION AGENCIES HAVE HARNESSSED THE RESOURCES OF THE MEDIA.

ADVOCACY INITIATIVE: THE SWEDISH COMPETITION AUTHORITY

Sweden - Implementation:

The aim of the Swedish Competition Authority is always to promote effective competition in private and public activities for the benefit of consumers. The focus of their communication and media efforts is to explain the benefit and value of well-functioning competition, and to spread knowledge and awareness of the legislation, problematic actions and how our supervision works.

Media tools and channels

- Press releases and direct contact with journalists, <https://www.konkurrensverket.se/informationsmaterial/nyhetsarkiv/>
- Podcast (7-8 episodes per year, each episode is approx. 30 minutes), <https://www.konkurrensverket.se/informationsmaterial/podcasten-konkurrenten/>
- Digital newsletter by email to subscribers (2 times/month), <https://www.konkurrensverket.se/informationsmaterial/nyhetsbrev/#anchor0>
- Posts on LinkedIn and Twitter, <https://www.linkedin.com/company/konkurrensverket/>, <https://twitter.com/KKVse>
- A new website (June 2021), <https://www.konkurrensverket.se/>

Seminars and webinars

They always try to “package” their communication and use multiple tools and channels, to maximize the impact and attention. The message will be adjusted to best suit each different channel (length, tonality, language use, etc). Their target groups prefer different channels, and they try to meet their expectations.



ADVOCACY INITIATIVE: THE KOREA FAIR TRADE COMMISSION (KFTC)

Korea- Implementation:

The Korea Fair Trade Commission uses various media platforms to communicate with the public. In 2021, the KFTC opened a virtual office on 'zepeto.me,' which is a metaverse service provided by a Korean company. In fact, the KFTC is the first government agency to open a metaverse virtual office. The KFTC frequently communicates with the public in the virtual office and provides an opportunity for teenagers, who are the main users of metaverse platforms, to indirectly experience the agency.

In 2021, the KFTC started a live broadcast on YouTube. Through live streaming, KFTC staff members explained their work to the public and had live Q&As. During the COVID-19 pandemic, the KFTC continuously communicated with stakeholders online by live streaming various seminars and symposiums on YouTube. In particular, the KFTC collected email addresses of around 200,000 stakeholders after obtaining their prior consent and sends information about the KFTC's key policies on a weekly basis.

The KFTC posts the latest news using visual resources at least once a day and answers individual comments on widely popular social media platforms, such as Facebook and Instagram, to closely communicate with the public and inform its policies.



ADVOCACY INITIATIVE: CADE BRAZIL - ONLINE BROADCAST OF TRIBUNAL HEARINGS

Brazil-Implementation:

Since 2004, CADE has been broadcasting its tribunal hearings live on the Internet. The hearings, once available only as audio files, started to be transmitted on the YouTube channel of the authority in 2018.

This initiative gives transparency to the activities of the Brazilian competition authority and fosters a culture of competition. During tribunal hearings, one of the CADE commissioners presents a merger or antitrust case before the tribunal. Next, all commissioners comment on the case and issue their decisions. Representatives of the parties can also put their arguments forward.

Therefore, tribunal hearings and recordings offer the audience a practical understanding of the interpretation of competition rules, the criteria for blocking or clearing a merger, the types of conduct considered harmful to competition, and the applicable penalties.

The transmission of live tribunal hearings and their audio and video recordings are valuable information sources on antitrust policies, especially for the press, market, and academia. It is a way to promote CADE's activities and the importance of antitrust policies to the Brazilian economy.



ADVOCACY INITIATIVE: NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND THE PROTECTION OF INTELLECTUAL PROPERTY (INDECOPI)

Peru - Implementation:

Through a trust fund, the Peruvian Competition Authority (INDECOPI) decided to employ an advertising communication strategy (spots and graphic pieces) named “*Campaña No a la Concertación*”, which was launched in 2021. The strategy had a dual purpose: (i) to inform and raise awareness among companies and their executives about the illegality of engaging in anticompetitive conducts and (ii) to inform and raise awareness among the public about the relevant tools for the fight against business cartels, such as the Rewards Program and the Leniency Program.

To this end, to generate interest and involvement, INDECOPI ordered the conduction of a survey among the most important executives in Peru to gather information about the media that has the greatest outreach to them, their topics of interest and their knowledge of competition law. It is important to highlight that the survey allowed INDECOPI to know and identify the main concerns of the surveyed executives. This contributed to the development of the advertising campaign with a defined message focused on this target audience.

The advertising campaign was executed through different advertising channels: the website “*No a la Concertación*”, created as part of the advertising campaign; all national broadcast channels; the radio station RPP; and INDECOPI'S social networks.

The commercials for the advertising campaign can be found in the following links:

<https://www.youtube.com/watch?v=4eZp2GzxPc&t=12s> and

<https://www.youtube.com/watch?v=rxdko9Cjjrc>.



Colombia - Implementation:

Through the subscription of an inter-institutional cooperation agreement between the Superintendence of Industry and Commerce (SIC) and the National Hydrocarbons Agency (ANH), an interdisciplinary team was consolidated between law and sociology to provide technical support in territories where hydrocarbon exploration and exploitation activities are carried out, mainly by providing training on issues related to free economic competition to the different parties involved in the contracting of goods and services in the hydrocarbons sector, since historically this sector has been characterized by a high level of conflict in the contracting of this type of services.

Different worktables have been developed with several national and local government entities, the community, the operators and their contractors in order to identify in which area the conflict is or could be focused, and also to determine which institutional efforts are required to prevent and eventually transform it. In this way, more than 578 workspaces were attended by the community in virtual and face-to-face formats during the year 2021 and the second half of 2022.

Thus, through infographics and didactic material, the aim was not only to solve conflict situations, but also to prevent this type of scenario and, in general, to take advantage of the opportunity to teach about the creation of a culture of free competition. Finally, as a result of the work of 2022, this interdisciplinary group managed to update the diagnosis that highlights the causes of conflict in the contracting of goods and services in the framework of free economic competition in the targeted regions and materialize through (2) pedagogical videos the basic concepts and notions of free competition aimed at two target audiences: (i) children, young people and populations with zero knowledge (unaware of the subject): <https://youtu.be/pbdEhIFfj1E> and (ii) adults and communities with some initial approach to free competition. https://youtu.be/4IDZBam5Z_U.



ADVOCACY INITIATIVE: THE PHILIPPINES COMPETITION COMMISSION (PCC).

Philippines - Implementation:

Under the Philippine Development Plan 2017-2022, the Philippine Competition Commission (PCC) through its Advocacy Office - the Communications and Knowledge Management Office (CKMO), sought to raise awareness level targets on competition law and the PCC's mandate to its key stakeholders – households, businesses and government – through a hybrid approach composed of media public relations, traditional and digital marketing (organic and paid), and training and advocacy activities (i.e., targeted activities for specific stakeholders). The following traditional and digital (organic and paid) marketing campaigns are being employed:

Traditional marketing: dissemination of information, education and communication (IEC) materials to partner agencies and other stakeholders through the following modalities:

- In-person promotional events for targeted stakeholder groups;
- PCC satellite research and collaboration stations (i-Stations); and
- PCC partner national government agencies and local government units (LGUs).

Organic digital marketing: timely posting of PCC milestones and achievements as well as other events that the PCC can leverage on widely used social media platforms (i.e., Facebook, Twitter, YouTube, LinkedIn) to sustain interest in the PCC throughout the year. To this end, the CKMO Knowledge Management Division prepares a social media content calendar at the beginning of the year. This is a living document that can be updated as needed to reflect relevant events that the PCC can leverage and use as an opportunity to educate the public on competency concepts.

Paid digital marketing: reinforcement of advertising materials that have gained or are expected to gain traction with the intended audience in terms of engagement.

Website optimization: enhancing the agency's website (e.g., minimizing bounce rates) to maximize the engagement of users who have been redirected to the website from the agency's social media platforms and search engines.



ADVOCACY INITIATIVE: THE SPANISH NATIONAL MARKETS AND COMPETITION COMMISSION (CNMC)

Spain - Implementation:

The CNMC engages in multiple communication initiatives to advocate for market competition, making use of the following resources:

General media resources

The CNMC uses several media resources and channels to reach the general public, such as the CNMC website (<https://www.cnmc.es/>), press releases and briefings with journalists (<https://www.cnmc.es/notas-de-prensa>), the CNMC's blog (<https://blog.cnmc.es/>), videos (https://www.cnmc.es/listado/cnmc_videos/block_2/), podcast (<https://www.cnmc.es/consumidores/podcast-tips-cnmc>), and posts on social media (Twitter, YouTube and LinkedIn). In addition, the CNMC publishes an annual report, which reviews and summarizes its activity during the previous year.

Communication with stakeholders and professionals

The CNMC makes use of different communication initiatives to target specialized groups and stakeholders and maximize the impact of competition messages, tailoring the tone, content and format of the message to the relevant audience. These include participating in seminars and webinars on relevant topics, writing articles for journals and specialized blogs, offering training sessions for public officials, and holding conferences, meetings and events to interact and collaborate with stakeholders.

The CNMC actively combines these resources to develop effective communication strategies. An example of this is the project *"Municipalities and Competition"*, an ongoing project that seeks to improve the quality of local regulations and interventions in the market. This is done by raising awareness of existing barriers and establishing a space for collaboration between stakeholders, such as regional competition authorities, local authorities, and businesses. Thus, for each selected area of action (such as public procurement, or urban mobility), the following actions are carried out:

1. The CNMC publishes on its website a working document authored by a regional competition authority, analyzing the competition issues and proposing recommendations for action.
2. The CNMC then carries out a public consultation on the working document and publishes the contributions.
3. The regional competition authority holds a debate session, with the participation of authorities, academia and other stakeholders.
4. The previous actions are summarized in a post on the CNMC's blog.

More than 20 operators have participated in the project, which has caught the interest of national, regional, and local authorities. The project remains active and open to newly identified areas of action. All the information can be found on the CNMC website (<https://www.cnmc.es/ambitos-de-actuacion/promocion-de-la-competencia/municipios-y-competencia>).



COMPONENT 6: DESIGN AND IMPLEMENTATION OF COMPETITION COMPLIANCE STRATEGIES

OVERVIEW

COMPETITION AUTHORITIES ARE INTERESTED IN THE DEVELOPMENT AND IMPLEMENTATION OF COMPLIANCE PROGRAMS IN COMPANIES. FOR THIS REASON, COMPLIANCE PROGRAMS HAVE BECOME A FUNDAMENTAL TOOL FOR THE PREVENTION OF ANTITRUST PRACTICES. ALSO, THE AUTHORITIES, THROUGH THESE COMPLIANCE PROGRAMS, AIM TO EDUCATE COMPANIES AND PREVENT VIOLATIONS OF THE COMPETITION LAWS, HARM TO AGENTS AND CONSUMERS. TO THIS PROPOSE, THE DIFFERENT COMPETITION AUTHORITIES' MAY:

- DEVELOP GUIDELINES ON THE DEVELOPMENT OF AN EFFECTIVE COMPLIANCE PROGRAM (INCLUDING SUPERVISION).
- CREATE SPACES FOR DISCUSSION BETWEEN COMPANIES AND THE GOVERNMENT TO IDENTIFY THE RISKS GENERATED BY THE NON-ADOPTION OF COMPLIANCE POLICIES.
- EXAMPLES OF COMPLIANCE STRATEGIES IN DIFFERENT INSTITUTIONS.
- DESIGN OF A COMPLIANCE PROGRAM WITH THE AIM OF IMPROVING THE BEHAVIOR/CORRECTIVE ACTIONS OF COMPANIES (ANTICOMPETITIVE BEHAVIOR) RATHER THAN A MERE FORMALITY TO COMPLY WITH A CONSENT ORDER NEGOTIATED BY THE COMPANY.
- ALIGNMENT WITH THE COMMISSION'S STRATEGY (SME AND HDR PARTICIPATION IN THE ECONOMY).
- CHAMPION COUNTRY CASE STUDIES AND BEST PRACTICES ON THE VOLUNTARINESS OF COMPLIANCE PROGRAMS VERSUS THEIR INCLUSION IN THE SETTLEMENT AGREEMENT (I.E., WHETHER COMPETITION AUTHORITIES SHOULD MERELY ASSESS THE COMPLIANCE PROGRAM OR APPROVE THE CONTENT OF THE COMPLIANCE PROGRAM). IDENTIFY RISKS THAT COULD LEAD TO INEFFECTIVE COMPLIANCE STRATEGIES.
- MONITOR COMPLIANCE PROGRAMS.
- ADVOCATE THAT MARKET PLAYERS DESIGN AND ADAPT COMPETITION COMPLIANCE PROGRAMS ACCORDING TO THE PECULIARITIES OF EACH PLAYER AND EACH MARKET SECTOR.

THE FOLLOWING IS A LIST OF SOME OF THE CONTRIBUTIONS DEVELOPED BY THE DIFFERENT AUTHORITIES IN RELATION TO THIS COMPONENT:

- **THE SUPERINTENDENCE FOR MARKET POWER CONTROL (ECUADOR):** THE NATIONAL INTENDANCY OF COMPETITION ADVOCACY (HEREINAFTER "INAC") ORGANIZED THE VIRTUAL

WORKSHOP "LET'S TALK ABOUT COMPLIANCE IN COMPETITION", WHICH TOOK PLACE IN JUNE 2021 AND ECONOMIC OPERATORS, LAWYERS AND THE GENERAL PUBLIC PARTICIPATED IN THE EVENT. THE PURPOSE OF THIS EVENT WAS TO PRESENT THE GUIDELINES TO THE PUBLIC AND HAVE THE PRESENTATIONS OF EXPERTS REGARDING THE IMPORTANCE OF COMPLIANCE AS WELL. LIKEWISE, IN APRIL 2022, THE VIRTUAL EVENT "REFLECTIONS AND PERSPECTIVES ON THE SCPM'S TECHNICAL GUIDELINES" WAS HELD, IN WHICH THE SPEAKER OSWALDO SANTOS PRESENTED TO ECONOMIC OPERATORS, ACADEMIA, LAWYERS, CIVIL ORGANIZATIONS AND CITIZENS IN GENERAL, ABOUT WHAT COMPLIANCE PROGRAMS CONSIST OF, THEIR IMPORTANCE AND HOW TO IMPLEMENT THEM FOLLOWING THE SCPM GUIDELINES.

- **THE PHILIPPINE COMPETITION COMMISSION (PCC):** THE PCC FOCUSED ON INCREASING THE LEVEL OF AWARENESS OF COMPETITION LAW AND THE PCC'S MANDATE TO ITS KEY STAKEHOLDERS - HOUSEHOLDS, BUSINESSES AND GOVERNMENT - THROUGH A HYBRID APPROACH COMPRISED OF MEDIA PUBLIC RELATIONS, TRADITIONAL AND DIGITAL MARKETING (ORGANIC AND PAID), AND CAPACITY BUILDING AND ADVOCACY ACTIVITIES (I.E., ACTIVITIES TARGETED TO SPECIFIC INTEREST GROUPS). THE TRADITIONAL MARKETING STRATEGY INCLUDED THE DISSEMINATION OF INFORMATION, EDUCATION AND COMMUNICATION MATERIALS SUCH AS MANUALS, GUIDES, PRIMERS, FAQ'S, E-BROCHURES, AND WEB SERIES COMICS, AMONG OTHERS.
- **THE COMPETITION AUTHORITY OF KENYA (CAK):** THE CAK UNDERTOOK AN INQUIRY ALSO REFERRED TO AS THE SPECIAL COMPLIANCE PROCESS (SCP) INTO THE ACTIVITIES OF THE FINANCE AND AGRICULTURAL SECTORS IN KENYA. THE PROCESS WAS MOTIVATED BY THE REALIZATION THAT, NOTWITHSTANDING THE COMPETITION ACT No. 12 OF 2010 COMING INTO FORCE IN 2011, MANY TRADE ASSOCIATIONS CONTINUE TO HAVE PRACTICES AND PROCEDURES WHICH ARE LIKELY TO CONTRAVENE THE ACT. THE MAIN OBJECTIVE OF THE SCP PROCESS WAS TO REMEDY PAST CONDUCT AND ENSURE FUTURE COMPLIANCE. AS PER THE TERMS OF THE SCP PROCESS, ASSOCIATIONS WERE REQUIRED TO IDENTIFY CONTRAVENTIONS AND PROVIDE REMEDIAL ACTION TO ENSURE FUTURE COMPLIANCE WITH THE COMPETITION ACT.
- **THE EGYPTIAN COMPETITION AUTHORITY (EGYPT):** THE ECA DEVELOPED AN INFORMATIVE MATERIAL NAMED THE COMPLIANCE TOOLKIT, THAT SUMMARIZES THE MAIN INFRINGEMENTS STATED UNDER THE EGYPTIAN COMPETITION LAW AND ECA'S POWERS IN INVESTIGATING THESE INFRINGEMENTS, AS WELL AS METHODS FOR UNDERTAKINGS TO AVOID INFRINGEMENTS. ECA IS ENCOURAGING THE CREATION OF COMPLIANCE PROGRAMS AND/OR DEPARTMENTS, THROUGH THIS STRATEGY.

THE CASE STUDIES AT THE END OF THIS COMPONENT OF THE TOOLKIT SHOW HOW DIFFERENT COMPETITION AGENCIES HAVE DESIGNED AND IMPLEMENTED COMPLIANCE STRATEGIES.

ADVOCACY INITIATIVE: THE KOREA FAIR TRADE COMMISSION (KFTC)

Korea- Implementation:

The KFTC Compliance Program (hereinafter referred to as “CP”) is an internal compliance system established and operated by a business to comply with competition laws and regulations. The current CPs were first introduced in July 2001, led by the private sector, with a growing awareness that companies’ voluntary compliance efforts are as important as strict law enforcement to establish a fair market order.

Since their first introduction by the private sector in July 2001, CPs have been adopted by around 710 businesses as of the end of December 2021.

Since 2006, the KFTC has introduced and implemented the CP rating evaluation system to improve CPs and since then, 435 businesses have applied for the evaluation. Companies that have adopted CPs can voluntarily apply for the CP rating evaluation. According to the evaluation results, the KFTC provides various incentives to companies with high ratings, such as an exemption from ex officio investigation for a certain period and the grant of a certification.

The Korea Fair Trade Mediation Agency evaluates CP ratings on behalf of the KFTC to ensure that the ratings are evaluated objectively.

There are six grades of CP ratings (AAA, AA, A, B, C and D) and they are valid for two years.

The KFTC is also promoting compliance by creating and distributing manuals about introducing and operating CPs, holding CP forums and meetings for businesses (three times a year), and providing consultation for adopting CPs to encourage the use of CPs.



El Salvador - Implementation:

El Salvador's Competition Superintendence (SC) is encouraging the use of competition law compliance programs through a competition advocacy strategy whose main steps are briefly addressed herein, as those could be beneficial for other developing countries with similar backgrounds.

First, the drafting team reviewed inputs to identify the most suitable design and content for a thoroughly supported guide to promote the voluntary adoption of competition compliance programs in El Salvador; among those: the Competition Law (CL), the 2020 Peer Review, official publicly available information with regards to the characteristics and statistics of Salvadoran MSMEs, similar guidance drafted around the world by peers and an extensive theoretical framework on the matter, which included, among others, examples of compliance programs promoted by foreign trade associations and businesses, papers, books, academic articles and a comparative matrix of information from 15 jurisdictions that illustrated the views of foreign competition agencies on competition compliance programs, as stated on its respective guidance, policies, case law, legal framework, presentations, among other publicly available information.

Second, this year the SC drafted and published a Guide to voluntarily develop competition compliance programs (available at https://www.sc.gob.sv/index.php/sala_multimedia/guia-compliance-superintendencia-de-competencia/), which among others explains, from an interdisciplinary viewpoint, the advantages of developing one as well as the minimum components of an effective compliance program and key elements needed to implement it, including best practices in accordance with the size of the business.

Third, the SC has designed an advocacy strategy to promote the voluntary adoption of competition compliance programs in different economic sectors and consolidate a competition culture and a procompetitive business environment using its Guide. Since the choice of the message depends on the degree of knowledge of the target audience, in the coming days, the SC will launch the Guide through three public events: one directed to micro and small businesses to encourage the voluntary use of compliance programs; a second one directed to the rest of businesses aimed at encouraging a behavioral change towards the mechanism that assists in preventing CL infringements; and a third directed to law firms as possible compliance officers or advisors to businesses that can contribute to raise awareness among businessmen about the Guide.



Ecuador - Implementation:

The Superintendence for Market Power Control (hereinafter "SCPM"), with the purpose of providing economic operators with a tool for effective compliance with the competition legislation, issued the Compliance Guidelines in this matter (hereinafter "Guidelines"). With these Guidelines, it is expected that economic operators can prevent anti-competitive practices, which are established in the Organic Law for Regulation and Control of Market Power (hereinafter "LORCPM"), as well as in complementary legislation, such as regulations, guidelines and manuals issued by the SCPM.

The Guidelines were developed in a participatory manner with the valuable assistance of the ONGs "*Fundación Ciudadanía y Desarrollo*" and "*Pan American Development Foundation*"; with their collaboration, the SCPM organized several meetings, discussions and working groups with the participation of experts and academics from Ecuador and other countries, with the purpose of sharing their experience in the field, as well as contributing to the drafting and modification of the text of the Guidelines.

Once issued, the National Intendancy of Competition Advocacy (hereinafter "INAC") organized the virtual workshop "Let's talk about Compliance in competition", which took place in June 2021 and economic operators, lawyers and public participated in the event. The purpose of this event was to present the Guidelines to the public and have presentations by experts regarding the importance of Compliance as well.



ADVOCACY INITIATIVE: SUPERINTENDENCY OF INDUSTRY AND COMMERCE (SIC)

Colombia - Implementation:

The Superintendence of Industry and Commerce (SIC) has joined the competition authorities of the world that have recognized the importance of implementing compliance tools as a suitable mechanism to continue strengthening the free economic competition regime. For this reason, Decree 092 of January 24, 2022, advanced the creation of the Compliance Department, whose objective is to strengthen the promotion of good practices in compliance and the benefits associated with the effective adoption of compliance programs in free economic competition.

This new Department is made up of two working groups with which it intends to advance in the promotion and dissemination of a culture of compliance in free economic competition through the implementation of tools such as, for example, the design and effective implementation of Compliance Programs by business organizations. In addition to monitoring and surveillance of compliance with the guarantees, conditions, instructions, and orders issued by the Superintendent of Industry and Commerce.



ADVOCACY INITIATIVE: THE SPANISH NATIONAL MARKETS AND COMPETITION COMMISSION (CNMC)

Spain - Implementation:

The CNMC is fully committed to promoting compliance programs as a way to foster a culture of competition in Spain for the public interest. In 2016, the CNMC launched the “compliance dialogues” or “compliance spaces”, a series of monthly workshops that brought together businesses, law professionals, and authorities, covering topics of interest. These sessions were held regularly until early 2020.

Drawing on these experiences, the CNMC published its “Antitrust compliance programs Guidelines”, which seek to assist companies to implement and develop effective compliance programs. It introduces incentives for Spanish businesses to adopt compliance programs, by considering the possibility of obtaining sanction reductions or exemptions from the prohibition to contract with Public Administrations.

The first draft of the guide was subject to a public consultation in February 2020, which yielded numerous contributions from companies, associations and law firms, both in the fields of compliance and in the specialized field of anti-trust laws, as well as from public entities. All of these resulted in a revision to the initial draft, which was published on the CNMC website in June 2020 (available at https://www.cnmc.es/sites/default/files/editor_contenidos/Competencia/Normativas_guias/202006_Guia_Compliance_FINAL_eng.pdf).

In 2021, the Guidelines won the Concurrences Antitrust Writing Awards for the best Soft Law in the General Antitrust category.

Moreover, the CNMC has aimed some compliance initiatives at Public Administrations and public officials to ensure that market interventions respect and encourage competition. These include publications such as “Recommendations to Public Authorities: towards a pro-competitive framework and an inclusive economic recovery”, available at <https://www.cnmc.es/expedientes/g-2021-01>), and the first update of the Guide to Procurement and Competition, focused on planning (available at <https://www.cnmc.es/expedientes/g-2019-02>). In addition to these documents, the CNMC offers training sessions for public officials, and participates regularly in seminars to advocate for competition in public procurement, State aid and market regulation.

On a final note, it is worth highlighting other CNMC initiatives which contribute to raising awareness of, and compliance with competition rules. Among these are the consumers’ Guide “The benefits of competition for consumers: questions and answers” (available at <https://www.cnmc.es/guia-competencia-para-consumidores>), or the “Draft guide on damages quantification in violations of competition law” (available at <https://www.cnmc.es/consultas-publicas/promocion-de-competencia/cuantificacion-danos-v2>), which is aimed at the law community.



COMPONENT 7: RESEARCH AND CONSULTATION

OVERVIEW

WHY?

RESEARCH AND CONSULTATION SERVE AS IMPORTANT WAYS TO DEVELOP ADVOCACY AND COMMUNICATIONS APPROACHES. KNOWING ATTITUDES AND PERCEPTIONS OF VARIOUS TYPES OF THE STAKEHOLDERS IS IMPORTANT BECAUSE IT CAN INDICATE HOW RECEPTIVE THEY WILL BE TO COMPETITION ADVOCACY MESSAGES AND, THEREFORE, HELP TO DRAFT THESE MESSAGES IN A MOST UNDERSTANDABLE AND ACCEPTABLE MANNER FOR THE STAKEHOLDERS. FEEDBACK ON A COMPETITION AUTHORITY'S ADVOCACY MESSAGES, COMPETITION INITIATIVES AND PROPOSED POLICIES IS A GOOD WAY TO EVALUATE COMPETITION ADVOCACY ACTIVITIES.

ASSESSMENT OF THE STAKEHOLDERS ACTUAL AND POTENTIAL REACTIONS TO ADVOCACY MESSAGES SHOULD BE DELINEATED FROM THE ASSESSMENT OF THE MARKET REACTIONS TO GOVERNMENT POLICIES INVOLVING COMPETITION ASPECTS DESCRIBED IN MORE DETAIL IN STEP 4 (TOOLKIT I).

RESEARCH AND CONSULTATION CAN BE USED TO:

- LEARN ABOUT AWARENESS AND PERCEPTIONS
- CATEGORIZING STAKEHOLDERS TO IDENTIFY THE MOST APPROPRIATE ADVOCACY.
- DEFINE RESEARCH STRATEGIES THAT WILL ENSURE BENEFICIAL ADVOCACY OUTCOMES.
- EVALUATE THE EFFECTIVENESS OF THE ADVOCACY CAMPAIGN THROUGH RESEARCH AND CONSULTATION: ASSESS OR MEASURE IMPACT OR CHANGES IN LEVELS OF STAKEHOLDER AWARENESS, KNOWLEDGE, ACCEPTANCE, ATTITUDES OR BEHAVIORS.
- EVALUATE OR MEASURE IMPACT OR CHANGES IN LEVELS OF AWARENESS, KNOWLEDGE, ACCEPTANCE, ATTITUDES, RELATIONSHIPS OR BEHAVIOURS
- EVALUATE WEB SITES
- EVALUATE SERVICES
- DEFINE ISSUES OF FOCUS
- GET FEEDBACK ON PROPOSED GUIDELINES

HOW?

- FOCUS GROUPS
- PUBLIC MEETINGS

- WEB SITES
- POLLING
- INTERVIEWS, IN PERSON OR BY TELEPHONE
- SURVEYS, IN PERSON, BY TELEPHONE, BY MAIL OR ELECTRONICALLY
- MONITORING AND EVALUATION OF MEDIA COVERAGE TO SEE WHICH ISSUES ARE COVERED THE MOST.

THE FOLLOWING IS A LIST OF SOME OF THE CONTRIBUTIONS DEVELOPED BY THE DIFFERENT COMPETENCE AUTHORITIES IN RELATION TO THIS COMPONENT:

- **NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND THE PROTECTION OF INTELLECTUAL PROPERTY (PERU)**: DEVELOPED A STRATEGY BASED ON CONSULTATION WITH THE DIFFERENT ACTORS INVOLVED IN THE PUBLIC PROCUREMENT SYSTEM IN PERU. BASED ON ITS FINDINGS AND THE COLLABORATION OF THE OSCE AND PERU COMPRAS, INDECOPI IMPLEMENTED AN ADVOCACY WORK THROUGH TWO STRATEGIES. ON THE ONE HAND, IT PREPARED THE DOCUMENT "REGULATORY RECOMMENDATIONS TO PROMOTE COMPETITION IN PUBLIC PROCUREMENT", IN WHICH IT RECOMMENDED THE CONFIDENTIALITY OF THE REFERENTIAL VALUE OF THE GOODS AND SERVICES TENDERED, THE SIGNING OF AN AFFIDAVIT OF NOT HAVING ENTERED INTO AGREEMENTS WITH OTHER BIDDERS, AMONG OTHERS.

ON THE OTHER HAND, INDECOPI PREPARED A GUIDANCE DOCUMENT CALLED "GUIDE TO COMBAT COLLUSION IN PUBLIC PROCUREMENT". THIS PROMOTION WAS ADDRESSED TO THE OFFICIALS IN CHARGE OF SELECTION AND CONTRACTING PROCEDURES IN PUBLIC ENTITIES, TO THE OFFICIALS OF THE REGULATORY, CONTROL AND OVERSIGHT BODIES OF STATE CONTRACTING.

- **COFECE (MEXICO)**: IN 2017, COFECE REQUESTED THE CONSULTANCY FIRM MCKINSEY & COMPANY, AN INDEPENDENT EXPERT, A STUDY AND ANALYSIS OF THE PERCEPTIONS ON COMPETITION POLICY AND THE WORK OF COFECE, WHICH HAS HELPED THE COMMISSION TO IDENTIFY SOME OF ITS OPPORTUNITIES TO FOCUS ITS SHORT AND MEDIUM-TERM EFFORTS MORE EFFICIENTLY WITHIN THE FRAMEWORK OF ITS STRATEGIC PLANNING.

IN ADDITION, THIS YEAR THE COMMISSION IS WORKING ON FOLLOWING UP ON THAT EFFORT, THROUGH A STUDY THAT WILL ASSESS HOW THE COMMISSION'S WORK HAS TRANSFORMED THE LEVEL OF KNOWLEDGE ON COMPETITION ISSUES OF STAKEHOLDERS

AMONG THE SAME TARGET GROUPS AS IN THE 2017 STUDY. THE IDEA IS TO BE ABLE TO COMPARE THE EXTENT TO WHICH THE COMMISSION HAS BEEN ABLE TO HAVE AN IMPACT WITH THE ADVOCACY ACTIONS UNDERTAKEN IN THE LAST FIVE YEARS AND ON WHICH LINES OF WORK SHOULD THE ADVOCACY STRATEGY BE FOCUSED IN THE SHORT AND MEDIUM TERM, CONSIDERING THE FINDINGS OF THIS SECOND STUDY.

IN ADDITION, IN ORDER TO EVALUATE THE EFFECTIVENESS OF THE PROMOTIONAL MATERIALS DISSEMINATED THROUGH THE MASS MEDIA AND SOCIAL NETWORKS, THE COMMISSION CONTRACTS AN ANNUAL EXTERNAL SERVICE TO CONDUCT A QUANTITATIVE EVALUATION THROUGH SURVEYS TO MEASURE THE QUALITY OF THE MATERIALS, THE LEVEL OF BRAND RECALL THAT PUBLIC INDICATES TO HAVE AND, IN GENERAL, HOW EFFECTIVE THE CAMPAIGNS ARE IN TERMS OF REACH AND INTERACTION WITH PUBLIC. THESE EVALUATIONS ALLOW COFECE TO DEVELOP A SOCIAL COMMUNICATION STRATEGY YEAR AFTER YEAR, WHICH IS REFINED BASED ON THE FINDINGS OF PREVIOUS YEARS' EVALUATIONS.

- **SUPERINTENDENCY OF INDUSTRY AND COMMERCE (COLOMBIA)**: THE SIC CONSTANTLY PREPARES MARKET STUDIES AND COMPETITION ADVOCACY STUDIES IN ORDER TO PROVIDE A QUANTITATIVE AND QUALITATIVE ANALYSIS OF THE MARKETS FOR THE DIFFERENT ECONOMIC SECTORS. THOSE ANALYSIS ALLOWS THAT COMPETITION AUTHORITY TO DEFINE THE SCOPE AND THE ECONOMIC SECTOR OF THE EX-ANTE AND EX-POST ACTIONS.
- **THE COMPETITION AUTHORITY OF KENYA (CAK)**: THANKS TO THE COMPETITION ACT, THE AUTHORITY HAS HAD THE MECHANISMS THAT ALLOW IT TO CONDUCT MARKET INQUIRIES, STUDIES, AND RESEARCH. FRUIT OF THE COMPETITION ACT ARE THE 13 MARKET INQUIRIES THAT THE AUTHORITY HAS CONDUCTED AS WELL AS THE STUDIES THAT HAVE LED TO COMMITMENT DECISIONS, POLICY, AND LEGISLATION REVIEWS TO OPEN UP MARKETS. SOME OF THE MOST IMPORTANT INQUIRY CASES ARE:
 - THE USSD MARKET INQUIRY: IT HELPED TO REDUCE THE PRICE OF THE USSD SERVICE THROUGH THE COMMITMENT DECISION
 - THE DIGITAL CREDIT MARKET INQUIRY: IT HELPED TO REGULATE UNREGULATED DIGITAL CREDIT PROVIDERS
 - THE LEASING MARKET INQUIRY: IT HELPED, THROUGH MARKET POLICIES, TO SUPPORT SMES GROWTH.

THE CASE STUDIES AT THE END OF THIS COMPONENT OF THE TOOLKIT SHOW HOW DIFFERENT COMPETITION AGENCIES ARE PROMOTING COMPETITION THROUGH RESEARCH AND CONSULTATION.

ADVOCACY INITIATIVE: THE SWEDISH COMPETITION AUTHORITY

Sweden - Implementation:

The Swedish Competition Authority offers research grants for research projects, parts of research projects and research programs. We assign research assignments, so-called commissioned research, to researchers in areas where there is a need to investigate or shed light on a question. The issues that we select are those that are important to us and that may be of interest to others in the competition and procurement field.

The finished results of the commissioned research are presented in reports. In most cases, the reports are written so that they are also accessible to non-specialists and to people without a research background.

One recent publication is from Economics Doctor David Sundén, who has, within the framework of the Swedish Competition Authority's commissioned research, in an easily accessible and educational way described the importance of competition, i.e. how competition benefits the development of society (file:///C:/Users/anbe/Downloads/forsk-rapport_2021-1.pdf)

Since the Swedish Competition Authority started funding research on competition and procurement issues, around a hundred projects have been granted grants. The research funds have contributed to increasing knowledge of the competition and procurement areas and strengthening the research environment for these issues at Swedish universities. An example of an ongoing research project at Lund University is: Competition Compliance Programs: A Comparative Law & Economics Analysis. (Principal responsible: Anna Tzanak)

https://www.konkurrensverket.se/globalassets/dokument/kunskap-och-forskning/forskningsprojekt/projektansokan_2022_22-0047-11_anna-tzanaki.pdf



ADVOCACY INITIATIVE: FEDERAL ECONOMIC COMPETITION COMMISSION (COFECE)

Mexico-Implementation:

Since 2018, COFECE began its efforts to understand the implications of digital markets for competition policy (an exercise of reflection that few agencies in the region have initiated). First, with the publication of Rethinking Competition in the Digital Economy, a document that explored the theoretical aspects of digital markets and the challenges they represent for the application of competition policy in Mexico. Second, with the creation of a working group within the Commission that sought to define the path the Commission should follow to address the challenges of the Digital Economy. This resulted in the publication of COFECE's Digital Strategy in March 2020, a document that defines concrete actions to ensure compliance with COFECE's mandate in digital markets.

Rethinking competition in the digital economy, COFECE, 2018, available at: https://www.cofece.mx/wp-content/uploads/2018/03/EC-EconomiaDigital_web_ENG_letter.pdf#pdf

COFECE Digital Strategy, 2020, available at: https://www.cofece.mx/wp-content/uploads/2020/03/EstrategiaDigital_ENG_V10.pdf



ADVOCACY INITIATIVE: SUPERINTENDENCY OF INDUSTRY AND COMMERCE (SIC)

Colombia-Implementation:

In an effort to make citizens aware of the decisions issued by the Superintendence of Industry and Commerce in matters of free economic competition. This entity made available to the public an application called SICOMP, that has a user-friendly design and extensive search options, which ensure the proper access of users to administrative acts. The SICOMP tool has the same functionalities of a digital search engine, i.e., it allows searching using specific terms to maximize the results obtained.

Likewise, administrative acts can be consulted through this application that contains all the information related to administrative investigations using filters such as type of administrative act, year of the administrative act, restrictive conduct of competition, name of legal or natural person, affected market, among others, by accessing the following link: <https://www.sic.gov.co/sicomp> .

To learn how this tool works, you can consult a short tutorial at the following link: <https://bit.ly/3MOhuwa>

This confirms the commitment of the Superintendence of Industry and Commerce to influence the creation of a culture of free economic competition through the disclosure of ex-ante and ex-post administrative actions carried out by the authority and which are stored in this application.



ADVOCACY INITIATIVE: INTERNATIONAL COMPETITION NETWORK

ICN - Implementation:

The ICN Market Studies Information Store is a web-based catalogue of ICN members' market studies, categorized by jurisdiction and sector. The Information Store can help in identifying members' market studies experience in particular sectors, which may assist fellow ICN members with:

- Identifying possible future studies;
- Cross-fertilization of ideas about market issues;
- Identifying approaches to particular market problems;
- Identifying ICN members who may be able to assist or advise based on their experience conducting market studies in particular sectors.

The Store contains information such as the reason for the study, the duration, the outcomes, and a link, where available, to the market study report.

In 2022, the Advocacy Working Group (AWG), led by the Competition Authority of Kenya, is conducting the relevant consultations with ICN Members to update the Market Studies Information Store, including the creation of a new section dedicated to collaborative market studies.

AWG Co-Chairs expect to gather cross-agency studies that may serve as the first step for competition agencies to have a better understanding of emerging markets issues, potential impacts on competition and that may lay the groundwork for agencies' future enforcement work and further cooperation.



ADVOCACY INITIATIVE: THE SPANISH NATIONAL MARKETS AND COMPETITION COMMISSION (CNMC)

Spain-Implementation:

Between 2020 and 2022, the CNMC has developed the project “Impact of Competition Advocacy and Market Unity Reforms in Spain”, which seeks to evaluate the effectiveness of the CNMC’s activities between 2013 and 2019, and ascertain compliance with the CNMC’s recommendations. Among other actions, the project identified the sectors and stakeholders that are more reluctant to follow CNMC’s recommendations, thus informing future advocacy efforts. This project was funded by the European Union and implemented by KPMG and VVA) and was recently awarded the Antitrust Writing Award to the best Soft Law document in the General Antitrust category (<https://awards.concurrences.com/en/awards/2023/soft-laws/impact-of-competition-advocacy-and-market-unity-reforms-in-spain>).

The details of the project can be found at the following link: <https://www.cnmc.es/sobre-la-cnmc/actividad-institucional/impacto-economico-social-autoridades-competencia>

In addition, and regarding research, in September 2022, the CNMC has initiated an internship program for PhD students working on theses related to competition advocacy, regulatory oversight, efficient regulation and other areas of knowledge related to the CNMC’s competencies. This paid internship includes a training program at the CNMC Council. The CNMC believes this new initiative will strengthen the collaboration between universities and our institution, encouraging research in antitrust and regulatory matters and contributing to the good training of future professionals and experts in these areas. Details of the initiative can be found at the following link: <https://www.cnmc.es/practicas-remuneradas-para-doctorandos>.

Finally, the CNMC regularly holds public consultations as part of the drafting process of market studies, guidelines, and other advocacy documents, following the CNMC’s Methodology for conducting market studies (available at the following link: <https://www.cnmc.es/expedientes/metdp00116>). These are conducted at the beginning of the research process, or before publishing the final draft, to identify potential stakeholders, as well as the relevant arguments and trade-offs involved in the different regulatory alternatives. This allows us to tailor the competition advocacy messages of the final document to the relevant audiences, and address their concerns, which favors the acceptance and adoption of the recommendations. Since 2019, the CNMC has published 8 public consultations related to competition advocacy issues, which can be accessed at the following link: <https://www.cnmc.es/ambitos-de-actuacion/promocion-de-la-competencia/mejora-regulatoria/consultas-publicas>.

