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**DIRECTORATE FOR FINANCIAL AND ENTERPRISE AFFAIRS
COMPETITION COMMITTEE**

Working Party No. 2 on Competition and Regulation

**Assessing and Communicating the Benefits of Competition Interventions – Note by
Argentina**

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This document reproduces a written contribution from Argentina submitted for Item 6 of the 75th meeting of Working Party 2 on 12 June 2023.

More documents related to this discussion can be found at
<https://www.oecd.org/competition/assessing-and-communicating-the-benefits-of-competition-interventions.htm>

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1. Importance of transparency and self-assessment practices.

1. Transparency and open government principles promote trust and accountability in public institutions, particularly in emerging economies. The National Commission for the Defence of Competition (CNDC, for its acronym in Spanish) recognises the importance of these principles and strives to uphold them in its operations.
2. In this written contribution, we aim to clarify the evaluation and communication practices and techniques that the CNDC uses when assessing the impact of its activities and effectively communicating its decisions and outcomes. By doing this, we aim to contribute to the ongoing discussion on communication and evaluation strategies regarding the benefits of competition interventions.
3. CNDC places great emphasis on publishing reports on all its activities. It considers this a priority and an integral part of its open and transparent management approach. Transparency is the cornerstone of the agency's operations, and it is committed to providing the public with comprehensive information about its activities.

2. Communication strategy

4. CNDC's Advocacy Directorate oversees all efforts to share information about the agency's actions and the progress and conclusion of the cases in which it participates. Although a single unit is responsible for implementing the communication plan, review efforts now focus on educating the public about its merger control and antitrust enforcement activities due to their relevance.
5. The outcomes of the most critical cases are assessed and made public on the CNDC website in Spanish, English, and Portuguese. The CNDC is currently working on creating an organised approach to evaluating the efficacy of its various types of interventions since the agency still needs to give a quantifiable indicator of the effectiveness of its activities. This ongoing initiative reflects the agency's commitment to continuously improving its evaluation practices.
6. The CNDC pursues several objectives through its communication strategy, emphasising increasing awareness of competition law and fostering compliance. The agency believes communication is crucial to raise public awareness of its decisions and activities. The CNDC intends to communicate its messages effectively to stakeholders, including the public and specific sectors affected by enforcement actions.
7. The CNDC employs various tools such as press releases, social media engagement, conferences, and publications to communicate its messages effectively. In recent years, the CNDC has shifted its communication strategy to focus more on press releases and electronic channels than press conferences and speeches. This shift reflects the changing communication landscape and the agency's efforts to reach a broader audience more efficiently. The agency has learned that infographics detailing enforcement actions in plain language are excellent for conveying complex information to the public.
8. The CNDC publishes administrative rulings and judicial cases on its website, and ongoing initiatives are focused on publishing particular earlier court competition-related judgments. In addition, the CNDC has increased its transparency efforts by making the text

of its rulings and related court procedures swiftly available to the public. Practitioners have praised the publishing of the case law newspaper (or *Boletín de Jurisprudencia*, in Spanish), whose objective is to incorporate all case law related to competition defence. The first edition was published in August 2022, and the second was published in April 2023.

9. Concurrent with the publishing of the newsletter and several working papers prepared and released by the Legal and Economic Studies Directorate—which delved into the CNDC's stance on different substantive issues—the CNDC set up special search engines in its website focusing on the cases that appeared both in the newsletter and the working papers, allowing practitioners to look through the jurisprudence cited in them quickly.

10. The CNDC also releases an annual report that is made available on its website, known as the *Memoirs* (or *Memorias*, in Spanish). The report performs a comprehensive review of all institutional and enforcement activities carried out by the agency each year. Its purpose is to provide a complete overview of the CNDC's actions and decisions, including the impact of its interventions on the economy.

11. Although the CNDC has been issuing annual *Memoirs* for many years—at least since 1997—the Advocacy Directorate deemed it appropriate to introduce several adjustments to the information layout from the 2020 version onwards to make them more visually appealing and easier to read to people not acquainted with competition law.

3. Self-assessment practices

12. Inspired by the work of other agencies, the CNDC is working on a new project to make public multiple interactive dashboards containing information on the outcome or progress of enforcement actions in which the agency participates each year.

13. The goal is for these dashboards to allow the public to sort each merger and infringement case by multiple characteristics—economic sector, year, sanction, and case status—to facilitate the assessment of the agency's priorities and its effectiveness.

14. Another equally important and related goal is to implement the OCDE impact assessment methodology and to provide the public and policymakers with a quantitative and concise measure of the 'impact' on society of the decisions on mergers and antitrust infringement cases.

15. The CNDC considers such an approach vital to identify the relevant sectors where competition enforcement would have the most significant impact. An indicator that functions as a benchmark and quantifies "high return" or "low return" on the agency's efforts could help prioritize the various cases, based on the need of the authority's action in certain markets and the expected impact of such actions.

4. Conclusion

16. In conclusion, the CNDC recognises the significance of transparency, evaluation, and effective communication in promoting competition and fostering stakeholder trust. By embracing transparency and consistently improving its practices, the CNDC strives to create a competitive environment that benefits consumers and the Argentine economy.

17. The agency's commitment to open government procedures, the publication of reports, and ongoing efforts to develop a systematic methodology for evaluating its interventions demonstrate its dedication in delivering concrete results. In an effort to keep

promoting competition and guaranteeing competition enforcement initiatives to benefit the economy and consumers, the CNDC will continue to enhance its assessment and communication methods.