

COMMUNICATION BY COMPETITION AUTHORITIES: OBJECTIVES AND TOOLS

OECD Competition Policy Roundtable Background Note



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Foreword

Competition authorities play a critical role in ensuring fair and competitive markets and their success also relies on their ability to communicate effectively with their stakeholders. A clear and consistent communication strategy can increase compliance with competition law among businesses, enhance the understanding of the benefits of competition among government and lawmakers, and can educate consumers to recognise anticompetitive practices. This background note discusses the main benefits of an effective communication strategy and the tools available to competition authorities to communicate the benefits of competition.

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1 Introduction

Effective communication strategies are essential for competition authorities to fulfil their mandate of promoting competition and protecting social welfare (UNCTAD, 2014^[1]). Competition agencies operate in a complex environment where they interact with different stakeholders such as other government agencies, the judiciary, businesses, non-governmental organisations and the general public, and effective communication is a vital part of their strategy to achieve their objectives and maintain a positive reputation with stakeholders. A communication strategy can help authorities by ensuring that their messaging is clear, effective, and consistent across all channels, reducing confusions and misunderstanding.

A well-crafted communication strategy can help competition authorities to achieve their goals by promoting competition, increasing transparency, accountability and trust, building strong relationships with stakeholders, which is essential to the success of any public body. A communication strategy ensures that the messaging is tailored to the objectives of the authority and the needs of its audience. For example, competition authorities may want to provide clear and concise information to create a competition culture and educate consumers about anticompetitive practices while they might want to focus on the benefits generated by their activity to show an efficient use of resources when discussing with the central government.

This note covers the communication of competition authorities to promote competition, which includes the strategies to inform stakeholders about the objectives of antitrust law and it does not cover the communication with parties during a specific investigation or projects.

The OECD Competition Committee discussed *Communication by competition authorities* in 2002 (OECD, 2002^[2]) and the Latin America competition Forum discussed *Strategies for Competition Advocacy* in 2010 (OECD, 2010^[3]). At international level, the United Nations Conference on Trade and Development (UNCTAD) published the *Guidelines for implementing competition advocacy* in 2012 (UNCTAD, 2012^[4]) and a note in 2014 on *Communication strategies of competition authorities as a tool for agency effectiveness* (UNCTAD, 2014^[1]). The Advocacy Group of the International Competition Network (ICN) published three documents with tips on how to explain the benefits of competition to businesses (ICN Advocacy Working Group, 2018^[5]), to government and legislators (ICN Advocacy Working Group, 2018^[6]) and to the general public (ICN Advocacy Working Group, 2018^[7]). The note will refer to these reports where relevant.

The note is structured as follows. Section 2 presents why competition authorities communicate and to whom. Section 3 categorises the main communication initiatives undertaken by competition authorities, drawing out the common features across jurisdictions. These include a wide range of tools, such as the publication of a mission statement or high-level strategy, setting out a workplan with the priorities for the coming years, the regular reporting on the activity of the authority, assessing the benefits of competition interventions, informational education to consumers and others. Section 4 concludes.

2 Communication objectives and stakeholders of competition authorities

Competition authorities are in constant conversation with external stakeholders (Kovacic, 2015^[8]). Effective communication is essential for competition authorities because it ensures that information is conveyed accurately and in a timely manner to the public, the stakeholders, other government agencies, the Executive and the Parliament. Communication plays a significant role in enabling authorities to achieve their objectives and goals by promoting transparency, building trust and credibility, increasing public engagement, and increasing awareness of competition law, which deters anticompetitive behaviour (ICN Advocacy Working Group, 2015^[9]).

A large part of the communication of competition authorities focusses on promoting awareness about the beneficial effects of competition for society at large, promoting compliance with antitrust law and informing the public on the benefits resulting from enforcing it. As a result, communication encompasses a key part of the activity of a competition authority, from writing reports in plain language to make them accessible to the public to reaching out to businesses to increase awareness of competition law, from showing value for money when negotiating their budget to educating consumers about anticompetitive practices.

Public sector organisations face several challenges, as they may fail to understand the needs and expectations of their audiences, or they may fail to co-ordinate and collaborate with other government departments or public bodies, leading to duplicate efforts, inefficiencies and ineffectiveness, often exacerbated by certain characteristics of public bodies, such as limits in the information that can be disclosed or laws and regulations governing the public bodies' activity. (Canel and Luoma-aho, 2020^[10]) describe these challenges as gaps between public bodies and their stakeholders and they argue that effective communication can help public bodies to build intangible assets such as reputation, trust and legitimacy to fill these gaps.

A well-crafted communication strategy, i.e., a plan outlining the key messages and the methods to communicate with different stakeholders, is essential for competition authorities to effectively convey the importance of their activities. However, given the resource constraints, it is unclear whether authorities develop one. The note draws on the literature on public sector communication and on practices of authorities to describe several key elements of the communication strategies of competition authorities, which include identifying the objectives of a competition authorities, identifying stakeholders, and choosing the appropriate communication tools.

Objectives, stakeholders, and tools are linked. For example, the tools to build the reputation of the authority may not be the appropriate ones to increase awareness of competition law among businesses or to increase the predictability of law enforcement. This section discusses why competition authorities communicate and to whom and it provides examples where available.

2.1. Why competition authorities communicate

The objectives of the communication of competition authorities may vary across jurisdictions, depending on their mandate, the target audience, the institutional context, and other factors. This section covers several potential objectives of the communication of competition authorities that are likely relevant to all authorities.

2.1.1. Advocate for competition, increase awareness of and compliance with competition law

Competition advocacy, i.e., the “activities conducted by the competition agency that have to do with 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 of the benefits of competition” (ICN Advocacy Working Group, 2011^[11]) is one of the key objectives of the communication of a competition authority. Competition advocacy helps advancing the objectives of competition authorities, creating a level playing field for businesses, promoting a regulatory environment that encourages competition and preventing anti-competitive practices. This leads to greater opportunities for businesses, innovation, and economic growth.

Competition authorities advocate for competition in many ways and with different stakeholders. For example, authorities publish documents and videos describing the benefits of competition and its impact on the economy. Documents and videos typically use plain language and are aimed at an audience that may not necessarily be familiar with competition policy. See Box 2.1 for a few examples of initiatives to communicate the benefits of competition. Competition authorities may also illustrate the benefits of competition when interacting with other public bodies, for example to advise on potential impact on competition when reviewing regulations or choosing among policy options. This can be done for example through formal recommendations included in the authorities’ reports or decisions, public consultations, meetings, joint working groups or interviews and press conferences.

Increasing awareness of competition law and promoting compliance is another key objective of the communication by competition authorities, as it increases deterrence and reduces violations of competition law. Many factors influence compliance with competition law, such as the level of financial penalties, criminal sanctions, potential damage to individual reputation. However, in some circumstances firms do not comply with competition law due to uncertainty about legal requirements or simply because they are unaware that a given practice is prohibited (OECD, 2011^[12]). Importantly, effective communication about what businesses can and cannot do can help competition authorities to reduce uncertainty about legal requirements and increase knowledge about the consequences of non-compliance.

In some jurisdictions the objectives of the competition authorities include informing consumers, businesses and the legal community about firms’ rights and responsibilities under competition law (see for example (OECD, 2021^[13])). This is crucial to build a culture of compliance among businesses. It is often done with educational campaigns with businesses, explaining and providing guidance on the legal risks and obligations under competition law and media communication such as press releases on compliance and enforcement outcomes. See Section 3.6 for examples of campaigns.

Promoting competition principles is particularly important in developing countries with less well-established competition regimes, where a competition authority may need to publicise its mandate and assert its visibility and the link between lack of awareness and lack of resources for the authority may represent a vicious circle which can be particularly hard to escape (UNCTAD, 2014^[1]). The lack of a competition culture can be a significant impediment to the effective enforcement of competition law, especially in jurisdictions with relatively new regimes. It is therefore important to develop strong communication capability, especially within a young authority, so that both the nature and the effect of the authority’s interventions can be

understood and appreciated. This can also provide justification for conducting ex post evaluations, so that the beneficial effects of competition interventions can be quantified and disseminated (UNCTAD, 2012^[4]).

Box 2.1. Advocacy initiatives to increase awareness about benefits of competition and competition law

There is evidence that businesses are often not aware of their obligations under competition law. For example, the UK Competition and Market Authority (CMA) regularly assesses the level of awareness of competition law in the UK with a survey to businesses of all sizes and economic activity. The 2021 results show that familiarity with competition law is low and similar to the levels of previous surveys. Around 24% of businesses say that they know competition law well (compared to 23% in both 2018 and 2015) and 58% of businesses say that they do not know the law well or at all (compared to 61% in 2018 and 58% in 2015). Around 6% say that they have a good understanding of non-compliance penalties and sanctions. Businesses who are aware of the CMA show greater knowledge of anti-competitive behaviour and higher awareness of potential penalties compared to businesses that are not aware of the CMA.

In 2017 McKinsey assessed the level of awareness of competition law in Mexico among businesses, private practitioners, public servants, and other opinion makers. It found that 80% of business representatives had little or no knowledge of competition law. The majority of business representatives said that they experience anti-competitive conduct in the economic sector where they operate but they did not consider reporting it to COFECE, the Mexican competition authority.

Given that, competition authorities are regularly engaged in activities to increase the awareness about competition law and the benefits of competition. For example, many competition authorities publish videos on their YouTube channel with short explanations of the benefits of competition in its website (e.g., [CMA](#), [The French Competition Authority \(Autorité de la Concurrence\)](#), [The Portuguese Competition Authority \(Autoridade de la Concorrência, AdC\)](#)) and videos about unfair practices (e.g., [Dutch Competition Authority \(ACM\)](#), [US Federal Trade Commission \(FTC\)](#), [Australian Competition and Consumer Commission \(ACCC\)](#)). Some authorities (e.g., CMA and AdC) also regularly do roadshows to meet businesses and increase awareness of competition law.

Sources: IFF Research (2021), Competition Law Business Tracking Research; ICM (2018), Competition law research 2018, <http://www.icmunlimited.com> (accessed on 19 March 2023); IFF Research (2015), *UK businesses' understanding of Competition Law*; McKinsey&Copmany (2017), *Estudio y análisis de la percepción sobre temas de competencia económica y la labor de la COFECE*, <https://www.cofece.mx/wp-content/uploads/2018/01/estudio-labor-cofece-17.pdf> (accessed on 19 March 2023).

2.1.2. Build reputation and trust

Public sector reputation can be defined as a collective assessment of the organisation driven by the experiences of stakeholders – these shape stakeholders' expectations and their attitudes toward and their collaboration with the organisation. Stakeholders' attitude towards public bodies is often based on impression and experiences rather than information, especially as the volume of information in society increases (Canel and Luoma-aho, 2020^[10]). A good reputation can create both intangible and tangible assets and is one of the key drivers of the effectiveness of a competition authority (Kovacic, 2015^[8]).

Good reputation increases the effectiveness of competition authorities when dealing with other government departments, businesses and the general public. Reputation can increase organisational legitimacy and trust, which in turn can make it easier, for example, to advocate for a larger budget and enhancement of powers. An authority with a good reputation may be considered a source of guidance, helping authorities to increase the awareness of the benefits of competition among lawmakers and, as a result, leading to a

regulatory environment that encourages competition. Reputation can also make it easier to induce behaviour change, for example, to increase compliance with competition law among businesses. Finally, reputation may also help the authority when dealing with the general public, for example to recruit skilled personnel and when educating consumers about potentially anticompetitive practices.

(Canel and Luoma-aho, 2020^[10]) identify three steps for public sector bodies to build organisational reputation. The first one is about creating a strong organisational culture and increasing work satisfaction. The second is about managing expectations, as reputation is built on the different expectations that citizens and stakeholders have of the public sector. A good reputation results from setting realistic expectations. On the contrary, when stakeholders' expectations are unrealistic disappointment is likely to arise. Third, reputation should be monitored and maintained, as it may change every time funding changes, new political leadership is elected, or public bodies are reorganised.

(Kovacic, 2015^[8]) argues that reputation signals the institutional quality of a competition authority, such as sound core work (e.g., cases, regulations, reports), robust procedures (e.g., effective information disclosure, rigorous use of evidence, regular assessment of outcomes), professionalism, and a positive culture (e.g., integrity, courage, and commitment to continuous improvement). Each public intervention is an opportunity to establish and reinforce reputation and authorities can increase their reputation via the interactions with other bodies using speeches, issuance of guidance, organising events.

Trust and reputation are also key factors in increasing the independence of the authority. Stakeholders will be more likely to believe that the authority is acting in society's best interest and making decisions on objective criteria if it has a high reputation. Independence enhances the effectiveness of a competition regime (OECD, 2016^[14]) and enforcement and institutional effectiveness are both positively correlated to the intensity of competition (Dutz and Vagliasindi, 2000^[15]).

2.1.3. Increase transparency, accountability, and predictability

Transparency is considered one key ingredient of a successful competition authority, as it strengthens independence and integrity (Murist, 2005^[16]). (Ottow, 2015^[17]) argues that one of the key principles of a good competition authority is transparency (the other principles are legality, independence, effectiveness, and responsibility, summarised in the LITER acronym). Competition authorities can be transparent by making their procedures fair, accessible and open to increase accountability. This translates into making information about the authority's workplans, engagement with government stakeholders and advisory bodies and the reasoned arguments underlying the authority's decisions publicly available.

Transparency and predictability are particularly important when facing businesses and government stakeholders. They are key, for example, for competition enforcement processes to support the impartial treatment of parties that are investigated and to ensure that the decision-making processes are fair and objective. The OECD Recommendation on Transparency and Procedural Fairness in Competition Law Enforcement recognises the importance that competition law is applied transparently and fairly and sets minimum standards on due process. See Box 2.2 (OECD, 2021^[18]).

Effective communication can be used to increase accountability. Authorities are typically required to report to Parliament or to the overlooking Minister their activity to show whether antitrust law is properly enforced. These reports typically include information about the number of cases opened, closed and ongoing during the reported period, as well as details of the type of conduct targeted, the sectors affected and the outcomes achieved, such as the amount of fines. They may also include information on significant policy developments occurred during the year (see Section 3.4).

Effective communication can also be used to adjust stakeholders' expectations, by being transparent about the authority's mission and about what the authority can and cannot do, clearly explaining the constraints faced by available resources or the difficulties involved in identifying specific anticompetitive practices. In fact, stakeholders' expectations refer to beliefs, hopes and assumptions that stakeholders may hold about

how public institutions should be performing. When these expectations are not met, stakeholders can become disillusioned and frustrated, which can lead to disengagement and loss of reputation. Expectations can be shaped by external factors, such as global economic trends and geopolitical events (Canel and Luoma-aho, 2020^[10]). For instance, in relation to the recent increase in energy prices and overall inflation, competition authorities can find it useful to explain the work they do, highlighting the benefits and managing the risk that competition policy is considered a short-term tool to reduce inflation (OECD, 2022^[19]).

Box 2.2. OECD Recommendation on Transparency and Procedural Fairness in Competition Law Enforcement

In 2021 the OECD ministers adopted the Recommendation on Transparency and Procedural Fairness in Competition Law Enforcement that sets minimum standards on due process for competition law. The Recommendation aims to ensure that competition law is applied in a transparent and fair manner, and it establishes a number of principles.

Importantly, the OECD recommends that all parties should have equal access to information, and competition authorities should give appropriate and timely information on the opening of a case, its legal basis, the competition concerns, and the status. The recommendation also calls for authorities to ensure that their procedures are transparent, consistent and based on clear legal standards. This can be achieved by providing clear guidance on procedural rules, making decisions based on facts and evidence and providing reasoned justifications for their decisions. Promoting transparency and procedural fairness increases confidence in competition law enforcement and in the activity of competition authorities.

Source: OECD (2021), Recommendation of the Council on Transparency and Procedural Fairness in Competition Law, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0465>.

Finally, effective communication is also useful to engage stakeholders in the decision-making process and seek their input on policies and initiatives (e.g., competition authorities often gather information and feedback during investigations, policy-making processes or to develop their workplan via public consultation). (Murist, 2005^[16]) argues that a successful competition authority develops a proper understanding of their role, via both enforcement actions and advocacy activity, promoting pro-competitive regulation with public stakeholders.

2.2. To whom competition authorities communicate?

Competition authorities interact with a wide range of stakeholders, and it is important to tailor the message depending on the objective the authority wants to achieve and the audience. Communication is more effective when it recognises the stakeholder's needs and concerns and helps build a positive relationship. The next paragraphs discuss three groups of stakeholders: businesses, government and other public sector stakeholders, and the general public and the key messages for each group.¹

2.2.1. Businesses

Effective communication with businesses can be used to raise the profile of competition law and increase awareness of and compliance with competition law. This can both deter businesses from engaging in anti-competitive conduct and encourage businesses who are victims of anti-competitive conduct to report it to the competition authority. Communication can also be helpful for authorities to better understand how specific markets function (ICN Advocacy Working Group, 2018^[5]).

The business community includes a wide range of firms, from large multinationals to small and medium businesses active across all sectors of the economy. Thus, their level of awareness and familiarity with competition law may vary, as well as the potential anti-competitive effects of their conduct. Thus, it is useful to tailor the message and communication strategy according to the type of business. Recognising these differences may also be helpful to prioritise the advocacy effort of the authority (ICN Advocacy Working Group, 2018^[5]).

Communication to businesses includes both positive and negative messages. On the one hand, it emphasises that effective competition encourages a level playing field, promoting innovation, efficiency, lowering barriers to entry and prices, such as the cost of input material, creating opportunities for businesses to grow and compete internationally. On the other hand, competition authorities also highlight the risks arising from non-compliance with competition law (ICN Advocacy Working Group, 2018^[5]). Box 2.3 lists several tips for competition authorities to communicate the benefits of competition to businesses.

Competition authorities may also communicate with trade associations, i.e., organisations that represent the interest of businesses in a particular industry. Trade associations can be a source of information on industry practice and trends, and they can be used to promote competition policy and compliance with competition law. Authorities and trade associations may work together to develop industry pro-competitive standards. Businesses often use advisors to guide them in their commercial practices and by educating and engaging with these advisors, authorities can create a culture of compliance that permeates throughout the business community.

2.2.2. Government and legislators and other public sector stakeholders

The Government is an essential stakeholder for competition authorities' advocacy efforts to ensure the introduction of pro-competitive legislation or to obtain adequate resources. Given the different types of public stakeholders, there may be various ways for competition authorities to engage, such as providing advice on new legislation, identifying markets where competition is not working well, providing formal and informal recommendations, organising events for policy makers and others (ICN Advocacy Working Group, 2018^[6]), (Kovacic, 2015^[8]).

Advocacy efforts can benefit greatly from building relationships with other government bodies and departments (OECD, 2010^[3]). For example, building strong relationships can be critical in jurisdictions where sector regulators have concurrent competition powers. Effective communication about the benefits of competition can facilitate co-operation between competition authorities and sectoral regulators to consider the best way to make markets work well for consumers. This can be done in a number of ways, for example by organising joint workshops or sharing information (OECD, 2022^[20]).

The key messages for government stakeholders include the positive role of competition in encouraging innovation and productivity by increasing pressure to reduce costs. Evidence suggests that industries where there is greater competition also experience faster productivity growth and, the elimination of restrictions to competition has been shown to increase output and employment (OECD, 2014^[21]). Effective competition is also beneficial in promoting economic recovery (OECD, 2020^[22]). Competition also affects sectors beyond those directly affected by the competition authorities' interventions, as more competition in upstream markets cascades onto downstream markets via cheaper and newer inputs. In addition, interventions by antitrust authorities deter anticompetitive conduct throughout the economy encouraging compliance with the antitrust provisions and increasing competition in the economy.

Competition authorities also communicate among them in international fora, networks and via co-operation frameworks to share best practices and facilitate co-ordination and promoting convergence in competition laws and instruments, to ensure effective and efficient cross-border enforcement and encourage less-established competition authorities to develop frameworks coherent with international standards.²

2.2.3. General public

Communication to consumers can be particularly challenging because the benefits of competition may not be easily visible for consumers, as competition authorities may often prevent price increases, for example through merger control, instead of intervening after prices have already increased. And even when authorities stop anti-competitive conduct such as cartels, it may be hard for consumers to notice a price reduction, an increase in quality or greater innovation.

Effective communication with the general public about the activity of competition authorities and the benefits of competition may help citizens to recognise unfair practices, and increasing the likelihood that consumers report these practices to the authority. For example, many competition authorities regularly launch educational campaigns (see Section 3.6). Consumers who are aware of the benefits of competition can also encourage and support policy makers or consumer groups who advocate for a more prominent role for competition policy (ICN Advocacy Working Group, 2018^[7]).

Given that different members of the public may have different levels of familiarity with competition principles, it is important to identify the main target audience of each message, develop the communication and use the most appropriate tools accordingly.

Box 2.3. ICN's tips to communicate benefits of competition to different stakeholders

In 2018 the Advocacy Working Group of the International Competition Network published three documents highlighting tips for competition authorities when communicating the benefits of competition to government officials, businesses and the general public.

- **Communication to businesses.** Competition authorities should develop an understanding of the roles of the business community in competition enforcement and advocacy. They should identify different business stakeholders, target advocacy efforts, select appropriate communication channels and the message to build relationships
- **Communication to government officials.** Competition authorities should build trust and foster relationships with government at all levels while maintaining the independency of the authority.
- **Communication to general public.** Competition authorities should target their audience with tailored messages, identify effective tools and mechanism for their audience and consider how the audience is likely to respond or whether it is able to engage. Messages should be clear and creative, and authorities should evaluate their communication and co-ordinate with other organisation to incorporate messages about benefits of competition in education and media

Sources:

ICN Advocacy Working Group (2018), "Explaining the benefits of competition to businesses"; ICN Advocacy Working Group (2018), *Explaining the benefits of competition to the government and the legislator*; ICN Advocacy Working Group (2018), *Explaining the benefits of competition to the general public*, <https://www.internationalcompetitionnetwork.org/working-groups/advocacy/benefits-of-competition/> (accessed on 10 March 2023).

3

Communication tools used by competition authorities

Tools to communicate effectively may vary depending on the objectives, the audience and the context of the message that is communicated. All competition authorities have websites where they publish press releases, reports and decisions and general information about the authority's work. Apart from publishing the decisions on cases, competition authorities communicate with stakeholders with a wide range of publications and initiatives. This section presents some of the initiatives undertaken by competition authorities to communicate with stakeholders. These include, among others, mission statements, annual reports with a description of their activities, authorities' assessment of the benefits generated by their activity, and educational campaigns to inform consumers.

3.1. Communication of daily activity

Competition authorities often use various media channels as a tool for communicating with stakeholders to provide regular updates about their daily activity. These updates may include announcements of new investigations, enforcement actions, policy developments or other initiatives. Competition authorities use a range of media channels such as press releases, social media, websites, newsletters, enabling them to disseminate information to a broad audience and increase awareness about their activity. By effectively using the media, authorities can reach out to different stakeholders, including policymakers, businesses, and consumers. For example, competition authorities typically issue press releases on various media channels to highlight the findings on their investigations, providing a summary of their decisions and explaining how they impact consumers and the broader economy (UNCTAD, 2014^[1]).

Competition authorities may also hold press conferences or participate in interviews with journalists to provide additional information and insights into their activity. These events provide an opportunity for the authorities to clarify their decisions and communicate priorities and objectives. This increases the authority's reputation and fosters transparency, accountability, and trust. Effective communication about enforcement action is particularly important as it can increase deterrence and discourage firms from engaging in anti-competitive practices. When competition authorities publicly announce their enforcement decisions and the underlying reasoning, they send a strong message to firms that anti-competitive behaviour will not be tolerated.

Competition authorities may also publish reports and analysis that can provide valuable insights into their decision-making process and priorities. These publications may be targeted at different audiences, such as policymakers, non-governmental bodies, industry stakeholders, academics. Through these reports, competition authorities can communicate their opinion on key issues, share best practices, and contribute to ongoing discussions about competition policy and enforcement.

In addition to traditional media channels, social media have become an important communication tool for competition authorities. Social media platforms such as YouTube, Twitter, LinkedIn and Facebook provide

competition authorities with an opportunity to communicate directly with stakeholders and engage in two-way communication.

Competition authorities often use public consultations as a tool to gather information and feedback from stakeholders during investigations and policy-making processes. Public consultations involve soliciting comments from interested parties, including industry participants, consumers, and other interested groups to inform decision-making and improve transparency and credibility. Public consultations can help to identify emerging issues and to ensure that the views of all stakeholders are considered. They can be used in a variety of contexts, including in the developments of guidelines, policy development, analysis of mergers, investigations of anticompetition conduct or market studies. Stakeholders can typically provide their input with written submissions or in public hearings and workshops.

3.2. Mission statements

Some competition authorities publish a mission statement to articulate their overall goals, values and priorities. A mission statement helps communicating the vision for promoting competition in the markets and increases transparency and accountability. A clear mission is key to guide authorities' own staff and to communicate with external stakeholders what the authority is trying to achieve (Kovacic, Hollman and Grant, 2011^[23]). Long-term vision and strategy are some of characteristics of a successful competition authority (Murist, 2005^[16]). Mission statements are different from the documents that periodically set out the priorities for the year ahead. Documents including priorities and workplans are described in section 3.4.

A mission statement typically outlines the authority's core functions, its objectives and its approach in achieving its objectives. It often includes the competition authority's values and guiding principles. By setting out these broad objectives, mission statements provide a clear sense of direction and help stakeholders understand how their work contributes to the public good.

A clear description of the objectives of the authority is also important to increase transparency and accountability, encouraging a public discussion about the authority's activity. For example, communication with and to the government stakeholders develops a consensus about the future course of policy, increasing stakeholders' understanding of the priorities and decision-making process of the authority. And this increases the authority's influence beyond enforcement cases and contribute to the overall mission. The mission statement is typically a one-off publication but some authorities included them in their annual workplan or report.

Setting out a mission can be valuable in framing and motivating the employees, in shaping how internal and external stakeholders perceive the organisation, in creating a common understanding of the wide objectives of the authority, and in creating and communicating organisational values (Weiss and Piderit, 1996^[24]). Box 3.1 presents several examples of mission statements of competition authorities.

Box 3.1. Examples of mission statements of competition authorities

Several competition authorities publish a mission statement or a document setting out their vision. The mission typically is described by a short general sentence about markets working well for consumers and businesses. Together with the mission, many competition authorities also publish a high-level strategy and the core values of the organisation, that include, for example, independency, openness, fairness, impartiality, professionalism, inclusiveness. The box provides a non-comprehensive list:

- In 2014 the UK CMA published a document titled “Vision, values and strategy for the CMA” which includes the CMA vision, the strategy to achieve it and its statutory function.
- The ACCC includes a section on purpose and values in its annual corporate plan.
- The Portuguese AdC publishes the mission, values, and vision on its website.
- In 2019 the Dutch ACM published mission, high-level strategy, core values of the organisation.
- The Icelandic competition authority publishes the strategic goals on its website.

Sources: Vision, values and strategy for the CMA (publishing.service.gov.uk), https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/274059/CMA13_Vision_and_Values_Strategy_document.pdf; ACCC AER Corporate plane 2022-23, [https://www.accc.gov.au/system/files/ACCC and AER Corporate Plan 2022-23.pdf](https://www.accc.gov.au/system/files/ACCC_and_AER_Corporate_Plan_2022-23.pdf); AdC Mission and Goals | Autoridade da Concorrência (concorrenca.pt), <https://www.concorrenca.pt/en/admission-and-goals>; ACM Strategie 2019, <https://www.acm.nl/sites/default/files/documents/acm-strategy-2019.pdf>; Strategy | The Icelandic Competition Authority (samkeppni.is), https://en.samkeppni.is/competition_authority/strategy/.

3.3. Workplans

Many competition authorities publicly set their agenda, declaring that certain sectors or practices will be an enforcement priority for the coming period. Publishing documents about priorities and workplans helps building trust in the authority as well as increasing transparency, accountability, and predictability, especially vis-à-vis government officials, lawmakers, and the business community. An agenda does not imply that work in sectors or areas that are not identified as a priority will not be taken up, should a specific complain arrive to the Authority or a merger be notified.

Workplans take different names in different jurisdictions such as annual plan or agenda or action plan or enforcement priorities. Having an agenda allows competition authorities to focus their efforts on specific sectors or practices, increasing their efficiency and directing resources to the most important projects to achieve their stated objectives. An agenda is particularly useful because it indicates the most probable direction of *ex officio* investigations and also because it promotes complaints associated with the areas identified in the agenda. In this way a competition authority can increase accountability and predictability and have a pro-active enforcement strategy (Brook and Cseres, 2021^[25]). Based on a survey conducted in 2021, (Brook and Cseres, 2021^[25]) found that almost half of the competition authorities in the EU set an agenda.

While on the one hand setting an agenda can increase deterrence among firms operating in the priority sectors or practices, on the other hand it can also reduce deterrence in non-prioritised sectors or increase the incentives to hide prohibited practices. This is why the Authority has to make clear that an agenda does not at all exclude the possibility of actions being undertaken in non-priority areas. See Box 3.2 for several examples of agendas and workplans published by competition authorities.

Box 3.2. Examples of setting agenda, strategy or workplans of competition authorities

Many competition authorities publish a workplan with the priorities for the coming years. The list below provides a few examples.

- The 2022-2023 annual plan published by the Canada Competition Bureau lists the planned activity regarding enforcement action (e.g., focusing on targeting anti-competitive conduct and deceptive claims about COVID-19, enhancing the litigation function, reviewing merger filing fees and establishing a new digital and data analytics team), advocacy and improvement on how the organisation works.
- The Irish Competition and Consumer Protection Commission (CCPC) publishes a document setting out its strategy for the following three-year period. This include the CCPC mission, vision, values, and its strategic goals. For each goal the document sets out the ambition, the action and the success measures.
- The 2023 priorities of the Portuguese AdC include a focus on digital markets, inclusive and sustainable growth and economic recovery, and labour markets.
- The CMA regularly publishes and consults on its annual plan. In March 2023 the CMA proposed medium-term priorities linked to three strategy outcomes, covering a three-year horizon and informing the specific areas of focus for the year ahead.

Sources: Canada's Annual Plan 2022-2023, <https://ised-isde.canada.ca/site/competition-bureau-canada/sites/default/files/attachments/2022/04663-CB-AnnualPlan2022-23-Eng.pdf>; Ireland's CCPC Strategy Statement 2021-2023, <https://www.ccpc.ie/business/wp-content/uploads/sites/3/2020/12/CCPC-Strategy-Statement-2021-2023.pdf>; AdC Competition Policy Priorities for 2023, [https://www.concorrenca.pt/sites/default/files/Competition Policy Priorities for 2023.pdf](https://www.concorrenca.pt/sites/default/files/Competition%20Policy%20Priorities%20for%202023.pdf); UK's CMA Annual Plan 2023-2024, <https://www.gov.uk/government/publications/cma-annual-plan-2023-to-2024>.

3.4. Periodic reporting on the authority's activity

Reporting the activity of the authority is a common tool to communicate the work of authorities. This is often done to increase transparency about the interventions of the authority and to show accountability vis-a-vis the government or the Parliament. By providing stakeholders with information about their activity, authorities can show that they are fulfilling their mandate and they are making effective use of their resources. Authorities are often required by law to produce annual reports that meet certain standards. In some jurisdictions, Parliament holds hearings where authorities present their work and answer questions. Some authorities are also required to report the benefits they generate to show value for money (e.g., the UK CMA is required to report annually on the expected direct financial benefits for consumers generated by its activity, of at least 10-to-1). This is a way to measure the performance of a competition authority, sometimes accompanied by a comparison with their costs (Murist, 2005^[16]).

Annual reports typically include a description of the authority's structure, the composition of the board, the number of staff divided by job families and a narrative description of the authority's activities and outcomes. The latter may include the number of interventions by type (e.g., merger and antitrust enforcement decisions and market investigations), the fines, the number of down raids, their interactions with consumer bodies, their input on legislations and advocacy initiatives. In some instances, annual reports may also include conferences organised by the authorities, and activity related to international co-operation.

While this simple way to measure the performance of competition authorities is appealing for its ease, this approach has limitations and measured outcomes should be interpreted with care. For example, the

number of cases does not show the impact of the interventions on the economy or the effect of the decisions on the jurisprudence or market practices (Kovacic, Hollman and Grant, 2011^[23]).

3.5. Evaluation of the activity of competition authorities

The evaluation of the activity of a competition authority is crucial to show accountability and transparency. Competition authorities are public institutions entrusted with promoting and safeguarding competition in the marketplace. Thus, they need to be accountable to the general public and other stakeholders for their decisions. Evaluating their activity and communicating the results of the evaluation helps ensuring the authorities are fulfilling their mandate effectively, increases transparency in their decision-making process, and enhances trust in the authority and its work. Evaluation is also a public commitment to continuous improvement and learning, and so it enables the credibility and legitimacy of authorities in the eyes of stakeholders, as it can be used to demonstrate the benefits of competition interventions to stakeholders.

Evaluation is also important to increase the effectiveness of competition authorities as it allows authorities to identify strengths and weaknesses in their approach, as well as opportunities for improvement, for example by identifying gaps in their enforcement activities. This helps to ensure that agencies are using their resources effectively (Kovacic, Hollman and Grant, 2011^[23]; Kovacic, 2009^[26]). Evaluation of the activity of competition authorities is even more important in the current context, given the debate about the objectives of competition policy (Kovacic, 2020^[27]). Consistent and meaningful performance measures allow to measure the effectiveness of competition authorities.³

There are different types of evaluation work to measure the effects of competition interventions and the next two sections focus on two broad categories. First, the assessment of expected benefits of the activity of competition authorities, and second, the ex-post evaluation on specific competition enforcement interventions. These are very different types of evaluation, as they have different purposes, they use different methodologies, they have different frameworks, and they require different resources (e.g., data and amount of work). The next sections discuss each of these categories. Part of the evaluation activity is to report (for example of the website of the authority) the outcome of the judicial review process when parties appeal decisions.

3.5.1. Assessment of expected benefits to consumers

Several authorities periodically publish on their website an estimate of the direct benefits for consumers arising from their interventions. This is often done to show value for money of the activity of the authorities (for example, some authorities⁴ are required to show they need to generate certain benefits relative to their budget), increase accountability and raise reputation. The estimate of direct consumer benefits typically focusses on the price savings generated by the enforcement actions (because for example, terminating a cartel is expected to lower prices in the targeted markets) and the merger control activity (because preventing the anti-competitive effects of a potential transaction will prevent future price increases).

The assessment of the direct expected benefits to consumers does not typically include the quantification of certain direct effects, e.g., the effects of competition interventions on non-price dimensions such as quality and innovation and the quantification of indirect effects, such as deterrence effects, i.e., the harm that might have arisen in the absence of interventions by a competition authority but that does not arise because firms have decided to change their behaviour. Effects on non-price dimensions and deterrence effects are often not included because they are harder to estimate. However, deterrence effects may provide benefits that are orders of magnitude bigger than the direct effects. Therefore, the communication about the activity of the authority is of outmost importance.

In 2014 the OECD published a guide to help competition authorities to assess the expected impact of their activities (OECD, 2014^[28]). The guide sets out the general principles and the methodology for calculating

and reporting the benefits accruing from the activity of the authorities. The methodology described in the guide relies on simple assumptions to make these assessments practicable and reduce the resources needed. It is supposed to be a quick calculation of the overall activity of the competition authority rather than intervention specific (OECD, 2014^[28]) (Davies, 2013^[29]). Box 3.3 provides a quick overview of the methodology set out in (OECD, 2014^[28]).

Box 3.3. 2014 OECD methodology to calculate expected benefits

The 2014 OECD guide draws on the experience of several competition authorities that were regularly publishing similar assessment of their activity (the UK Office of Fair Trading, the US Department of Justice and Federal Trade Commission and the Dutch competition authority). The expected consumer benefits arising from a competition authority's interventions are based on three key inputs: i) the price effect, ii) the duration of the price effect and iii) the affected turnover. Consumer benefits are assumed to be the price savings caused by the intervention, multiplied by the size of the affected turnover and multiplied again by the estimated duration of the price effect. Depending on the type of interventions the price savings could either be price reductions (for antitrust investigations or market studies) or the avoided price increase (for merger control). Where information on the three key inputs has not been collected or estimated during the investigation, the guide suggests using set values based on, but not equal to, the practices at the time of the OECD competition authorities that were active in performing such impact assessments.

The OECD guide recommends undertaking and publishing the assessment regularly and presenting a point estimate of the results within a range of plausible values, per type of decisions, both as an annual figure and as an annual moving average over three years. Showing the annual average reflects the fact that different cases may take different time, thus the number of cases published each year does not necessarily reflect the amount of work in that year. The guide also recommends focussing on static effects only and estimating dynamic effects (e.g., on innovation or productivity or growth) when they are important for the case and there are clear ways to determine their likely magnitude.

Source: OECD (2014), *Guide for helping competition authorities assess the expected impact of their activities*, <https://www.oecd.org/daf/competition/guide-impact-assessment-competition-activities.htm>

An increasing number of competition authorities in the EU now calculate consumer benefits from competition interventions, often using a methodology that follows closely the methodology set out in the 2014 OECD guide. Among non-EU countries, US authorities, the Japan Fair Trade Commission (JFTC) the Brazilian competition authority (CADE) and the CMA calculate an estimate of the expected benefits for consumers.

3.5.2. Ex-post evaluation

Ex-post evaluation is the assessment that competition authorities undertake to determine the impact of a specific intervention in the market. Ex-post evaluation is a critical process for competition authorities (as for any public sector body) as it enables them to assess the effectiveness of their policies and interventions after they have been implemented and identify what worked well and what did not. Ex-post evaluations are helpful to test the economic theories and the assumptions about market characteristics and developments on which the decisions were based and to improve the activity of the authority. In fact, some decisions may depend on specific factors, such as whether entry is feasible or likely, and assessing those predictions against market developments can yield useful lessons for the authority.

More generally, ex-post evaluations increase transparency and trust in the work of the authority and can be used to show the benefits of competition as they are important to understand whether an intervention

has achieved its initial objectives. This is because by evaluating their interventions, authorities commit to publicly assess the effectiveness of their activity, and they can be held accountable for their actions. Box 3.4 provides a few examples of recent ex-post evaluation work.

Box 3.4. Examples of ex-post evaluation

Many competition authorities undertake or commission ex-post evaluation work to assess the effectiveness of their decisions.

For example, the CMA commissioned E.CA Economics to review four vertical mergers in different industries (pig farming and pork processing, beer brewing and pub, wholesale and retail grocery and digital platform for payments services). These four mergers were cleared by the CMA in 2017. E.CA Economics found that i) the nature of the market interactions was more complex than was accounted for by the studied theories of harm, ii) the CMA treated vertical mergers (or the vertical effects of mergers with both horizontal and vertical elements) more leniently than horizontal mergers, iii) the 2021 Merger Assessment Guidelines lacked an adequate framework to help its teams think about cases of potential competition which involved a vertical element, iv) vertical mergers tended not to be isolated events but rather a part of an industry trend. E.CA Economics found that there were either other parallel transactions occurring, or the acquirer itself had engaged (or was poised to engage) in a similar transaction and considered that it would key to incorporate these trends in the development of the counterfactual to the merger as well as the expectation of the future market evolution (ECA Economics, 2022).

In 2019, the CMA also commissioned Lear to review five merger decisions in the digital sector taken by the OFT and the Competition Commission to i) identify and evaluate the theories of harm pursued, ii) evaluate whether the decisions taken were reasonable given the evidence base available at the time and iii) evaluate the evolution of the markets to assess the merger decisions.

The US FTC regularly evaluates consummated mergers. The US FTC's Merger Retrospective Program has two main objectives. First, to understand whether the authority's threshold for merger cases is too permissive and, second, to assess the performance of tools that the authority's economists use to predict the effects of proposed mergers.

Sources: Ex-post evaluation of vertical mergers, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1074008/E.CA_Report_on_Ex-post_Evaluation_of_Vertical_Mergers_-_public_version_stc_06.05.22_.pdf; Overview of the Merger Retrospective Program in the Bureau of Economic, Federal Trade Commission, <https://www.ftc.gov/policy/studies/merger-retrospective-program/overview>.

The methodology of ex-post evaluations differs significantly from the methodology described in Section 3.5.1. Contrary to the assessment of expected direct benefits, ex-post evaluations are done some time after the decision of the authority to allow markets to show the effect of the decision, they are based on extensive ad-hoc data collections and require significant resources. Ex-post evaluations may assess the impact of decisions on several market outcomes, including prices, quality, range of products, innovation and market entry, and they rely on sophisticated econometric techniques to quantify the magnitude of the effects.

In 2016 the OECD published a guide on ex-post evaluation (OECD, 2016^[30]) that provides a framework for conducting ex-post evaluation of competition authorities' enforcement decisions, which involves assessing the impact of antitrust decisions on market outcomes, such as prices, quality and innovation as well as their impact on the broader economy and society. The guide outlines the key principles and best practices for conducting ex-post evaluations.

3.6. Campaigns

One of the key tools to increase awareness of and compliance with competition law is to conduct campaigns, defined as planned sequences of communications with a specific narrative over a limited time period, to educate businesses, consumers, and other stakeholders. Campaigns may target either businesses to increase compliance with competition law or the general public to educate them about specific risks or practices. They may take various forms including public service announcements, social media campaigns, videos, leaflets, press appearances, roadshows providing information about what constitutes anti-competition practices, the penalties for violating competition law, and how to report suspected violations. Campaigns may also include workshop and training for businesses and industry associations to educate them about competition law and promote compliance and in some instances, authorities may also collaborate with trade associations and develop industry-specific guidance. Box 3.6 describes the guidelines of the UK government to design effective campaigns.

Box 3.5. UK Government's "Guide to Campaign Planning: OASIS"

In some countries the central government provides guidelines on how to design effective campaigns. In 2020 the UK Government published a "Guide to Campaign Planning: OASIS". This guide is targeted at all government communication professionals, regardless of the organisation and it sets out key principles to ensure that government campaigns are effective, efficient, and evaluated. The guide defines a campaign as a planned sequence of communications and interactions using a compelling narrative to achieve a defined and measurable outcome. The guide sets out a series of steps to help planning a campaign, called OASIS. These are:

- Objectives. Set out the objectives of the communication activity. These should be achievable and measurable.
- Audience Insight. Identify and understand the target audience of the campaign. For example, if the objective is to change the behaviour of stakeholders, the guide notes the importance of using information or commissioned research to understand stakeholders.
- Strategy/idea. Use the insight to design the approach. This includes the messaging, the channels, and the influencers.
- Implementation. Set out how to deliver the communications – the tactics. Develop a plan to allocate resources and timescales.
- Scoring/Evaluation. Monitor outputs throughout the campaign and evaluate it once complete.

Source: UK Guide to campaign planning, Guide to campaign planning: OASIS – GCS, <https://gcs.civilservice.gov.uk/guidance/marketing/delivering-government-campaigns/guide-to-campaign-planning-oasis/#OASIS-framework>.

Authorities may decide to outsource a campaign depending on financial constraints and expertise available. This may involve hiring external firms or individuals to design elements of the campaign (e.g., developing videos and graphics). Box 3.7 presents some examples of recent campaigns by competition authorities. Some are being undertaken by competition authority in their capacity as consumer protection authority, but they nonetheless can have a positive effect on competition.

Box 3.6. Examples of recent campaigns of competition authorities

Several competition authorities use campaigns to educate consumers and raise awareness of competition law. The list below provides a few examples.

- In 2022 the UK CMA launched a campaign called “rip-off tip-off” to educate consumers about certain unfair sales tactics in digital environments such as drip pricing (i.e., the marketing practice whereby firms initially advertise a good or a service at a price that is unachievable due to fees and other charges such as processing or booking fees, that are disclosed or added only at the end of the purchasing process), pressure selling (i.e., the practice whereby firms exert pressure on consumers for example via deceptive claims around the scarcity or popularity of the good or service being purchased), subscription traps and fake reviews.* These market practices may worsen both competition and consumer outcomes. For example, drip pricing may make shopping around more costly by showing the total cost only at the end of a lengthy online process and thus reduce the choice of supplier as well as charging high price to consumers.
- Portugal AdC’s Fair Play Campaign in 2022 explaining the benefits of competition to businesses and highlight risks of non-compliance. The campaign also includes best practices for trade associations and guidance on how to avoid anticompetition agreements in labour markets. See [AdC-Fair-Play-brochure](#).
- ACCC’s annual awareness campaign on scams to encourage consumers to learn how to spot a scam. The ACCC produces a series of short educational videos with simple tips to help people identify scams. The videos are then shared on social media and YouTube.
- In 2023 the Canadian Competition Bureau launched a Compliance Portal, which helps businesses to understand and comply with competition law (see [Compliance Portal](#)).
- New Zealand Commerce Commission published a series of videos to increase awareness about anti-competitive conduct (see [NZCC YouTube channel](#)).

Note: *The Online Rip-off Tip-off – Avoid sneaky sales tactics (ripoff-tipoff.campaign.gov.uk)

Sources: AdC-Fair-Play-brochure, <https://www.concorrenca.pt/sites/default/files/documentos/guias-promocao-da-concorrenca/Benefi%C3%81cios%20da%20concorre%C3%82ncia%20Fair%20Play.pdf>; Canadian Competition Bureau Compliance Portal <https://ised-isde.canada.ca/site/competition-bureau-canada/en/how-we-foster-competition/compliance-and-enforcement/corporate-compliance-programs>; NZCC YouTube channel <https://www.youtube.com/watch?v=VYmRqouDxNQ>.

3.7. Events to advocate for competition policy

Several competition authorities organise events to bring together academics, consumer bodies, businesses, and government stakeholders. These could be events open to the general public and businesses, such as public conferences, or internal events with government, sector regulators or other public stakeholders, such as workshops on procedural or substantive issues (OECD, 2022^[20]). These events represent a platform to share knowledge and ideas and give an opportunity to all stakeholders to engage with the authority. This helps competition authorities to build reputation and trust.

Box 3.7. Initiatives of competition authorities to advocate for competition policy

Several competition authorities regularly organising conferences to discuss advances and best practices in competition policy. The list below provides a description of a few examples.

- In 2018 the UK CMA organised a conference on remedies in consumer markets. The conference brought together academics, sector regulators, representatives of the industry and consumer bodies to discuss how to design effective remedies in consumer markets.
- In 2021 the US FTC organised a conference to discuss the prevalence, the effectiveness and the harm caused by dark commercial patterns, i.e., the business practices to design user interfaces that negatively affect consumer decision-making process.
- In 2022 the Competition Directorate General of the European Commission (DG COMP) organised conference about “Estimating the costs of non-competition” that discussed the macroeconomic effects arising from markets not working well.
- In 2023 DG COMP is organising a multi-disciplinary event inviting stakeholders from different fields to debate the ultimate economic and social impact of competition and competition policy on people’s lives.

Sources: CMA, How can we help people get a fair deal from consumer markets? - Competition and Markets Authority, <https://competitionandmarkets.blog.gov.uk/2018/10/01/how-can-we-help-people-get-a-fair-deal-from-consumer-markets/>; FTC Bringing Dark Patterns to Light: An FTC Workshop | Federal Trade Commission, <https://www.ftc.gov/news-events/events/2021/04/bringing-dark-patterns-light-ftc-workshop>; DG COMP Estimating the costs of non-competition, https://competition-policy.ec.europa.eu/consumers/reaching-out/estimating-costs-non-competition_en; DG COMP Markets for People, https://competition-policy.ec.europa.eu/consumers/reaching-out/markets-people_en.

3.8. Plain language initiatives

Several authorities put significant effort to use plain language when communicating with stakeholders. Plain language refers to using clear, concise, and simple language to convey information. It eliminates unnecessary jargon, technical terms and complex language that can be confusing or difficult to understand. Plain language makes communication more effective and accessible to a wider audience. It makes information more accessible to everyone, including people who may not be familiar with competition policy jargon, those with limited literacy skills and non-native speakers. It prevents misunderstanding and it may increase compliance of competition law.

Importantly, plain language initiatives are not exclusively aimed at improving communication with the layman. Improving readability of reports, decisions, guidance, and advocacy material, which may typically be read by a restricted audience made of competition policy and business experts, can make communication of competition authorities more compelling and thus increase reputation and trust. Often competition authorities organise training courses for staff to improve drafting and use plain language in their publications.

The key principles to improve readability of documents include identifying the audience of the message and their needs. This means thinking about what the audience know about the message that is communicated, what is the objective of the communication and what the audience needs to know. Taking into account the needs of who receives the information also means to address different audiences separately, organise the contents by starting with general information first and specialised information later, clearly structuring the message and keep the communication concise.⁵

Box 3.8. Plain language initiatives

While important, plain language initiative may not be a visible part of the communication strategy of a competition authority. Below the box provides a list of the available information of a few plain language initiatives, however it is likely that many competition authorities have internal processes in place to make their material accessible to the widest possible audience.

- The Canada's Competition Bureau is incorporating plain language in the work they do. This includes, among other things, improving readability of reports and guidance material, increasing accessibility of speeches, and providing training to staff. This has results in greater media attention.
- In 2010 the US Congress introduced the Plain Writing Act, requiring that Government documents issued to the public must be written clearly. This aim at enhancing citizen access to Government information and services.

Source: US Public Law 111 - 274 - Plain Writing Act of 2010 - Content Details, <https://www.govinfo.gov/app/details/PLAW-111publ274>.

4 Conclusions

Competition authorities are often resource-constrained, they operate within budgetary limits and often their ability to undertake their activity is impacted by the availability of resources. It is therefore not a surprise if the budget dedicated to the communication of the benefits of competition is limited. However, communicating the benefits of competition is essential to improve awareness of and compliance with competition law, raise the profile of the authority and increase transparency and accountability.

Competition authorities play a vital role in promoting competition and ensuring markets work well for consumers. To achieve their objectives, authorities must effectively communicate with various stakeholders, including government officials, legislators, sector regulators, consumers, and businesses. Effective communication helps authorities to build their reputation, educate businesses and consumers, increase transparency, and show accountability.

Communication can be used to build authorities' reputation, helping to establish themselves as credible and trustworthy institutions, committed to achieving their objectives. This increases public confidence in the activity of the authority. Communication can also be used to educate businesses and consumers about competition law and its implications. Many businesses may not be aware of competition laws and may not fully understand their requirements. Similarly, consumers may not be able to identify anti-competitive practices. Through effective communication, authorities can help businesses and consumers understand the importance of competition, the risks of anti-competitive behaviour and the consequences of non-compliance. Another objective of communication is increasing transparency, which is essential for showing accountability and ensuring that competition authorities are acting in the public interest. Through regular communication with stakeholders, competition authorities can provide information about their activities, decisions, and enforcement actions. This can help to build trust and confidence among stakeholders.

Effective communication can be critical to the success of a competition authority to convey its goals and values to internal and external stakeholders. This requires a well-planned communication strategy aligned with the organisation's objectives to set out clear priorities, reach and maintain relationships with different audiences in the most effective way. A communication strategy can help authorities to create open channels of communication to allow stakeholders to provide feedback and input, increasing their ability to identify emerging issues early.

Endnotes

¹ This structure reflects a series of documents published by the International Competition Network (ICN) in 2018 setting out tips for competition authorities when communicating with different audiences.

² See for example “Benefits and challenges of regional competition agreements – OECD”, <https://www.oecd.org/daf/competition/benefits-and-challenges-of-regional-competition-agreements.htm>.

³ Evaluation is also helpful to compare performance of competition authorities across time and jurisdictions. This is useful to identify how to improve the activity of a competition agency. (Kovacic, 2006^[32]).

⁴ For example, the UK CMA is required to report annual on its activity and to show that they generated a target of expected direct financial benefits to consumers of at least 10 times its costs to taxpayers (measured over a rolling three-year period)

⁵ Plain Language Action and Information Network (PLAIN), <https://www.plainlanguage.gov/media/FederalPLGuidelines.pdf>.

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