

**9th United Nations Conference on Competition and Consumer Protection  
Room XIX, Palais des Nations  
Geneva  
7-11 July 2025**

**Recent trends in the development of competition law and policy  
around the world from an overall perspective**

**Presentation**

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# Recent trends in the development of competition law and policy around the world from an overall perspective

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9th United Nations conference to review all aspects of the Set  
of multilaterally agreed equitable principles and rules for the  
control of restrictive business practices

Geneva, United Nations, July 7 2025

# New competition laws and amendments to upgrade existing laws

**Kuwait** enacted **new legislation that aims at strengthening the country's competition regime**, including its merger control rules – Law No. 72/2020 for the Protection of Competition **in 2020** ("Kuwait Competition Law").

**Vietnam**: A **new Law on Competition came into effect on July 1, 2019**, but its implementing decree (Decree No. 35/2020/ND-CP) **became effective on May 15, 2020**, setting out specific filing thresholds and appraisal criteria for merger reviews.

**Mozambique**: While its competition law framework was adopted in 2013, the **Competition Regulatory Authority (CRA) became operational in 2021** and began receiving merger notifications.

**South Korea**: in **Dec 2021: Amended the Monopoly Regulation and Fair Trade Act** to double fines, ban per se exchange of sensitive info, add transaction-value merger test

**Cambodia**: **Enacted its Competition Law in 2021**. The Cambodia Competition Commission was established in February 2022, signaling the start of its competition law regime.

**Morocco** : **Amended** Law 12 104 and Law 20 13 in **2022** to enhance the independence and efficiency of the Competition Council, including merger review

# New competition laws and amendments to upgrade existing laws

**Lesotho:** Introduced dedicated **competition legislation in 2022**

**Lebanon :** Introduced a **new Competition Law** No. 281/2022 (**15 Mar 2022**) covering cartel bans, dominance abuse, merger control, and leniency . The NCA has not been established yet.

**Jordan:** the Economy and Investments Committee of Jordan’s House of Representatives approved a number of articles in **a new draft competition law 15 January 2023**.

**India :** the Competition (**Amendment**) Act 2023 adopted **11 Apr 2023** introduced “leniency plus” and updated merger thresholds to capture digital deals.

**UAE** in Dec 2023 passed a **comprehensive competition law, effective July 2024**, introducing mandatory merger notifications and establishing a UAE Competition Authority

**Uganda:** Enacted **the Competition Act of 2024**, though implementing regulations are still pending.

**Malawi:** A **new Competition and Fair Trading Act came into effect in 2024**, aiming to supplement previous legislation and improve enforcement.

**Canada** Important **amendments to the Competition Act** became law on **June 20, 2024**, following Royal Assent of Bill C-59, the Fall Economic Statement Implementation Act, 2023. The Government

# Increased focus on ex ante merger control and streamlining of the merger control process

Several countries have reformed their merger control regimes to improve predictability and streamline processes:

**Ecuador:** the Organic Law for the Regulation and Control of Market Power (Ley Orgánica de Regulación y Control del Poder de Mercado - LORCPM) established a review process in October 2011. Over time, and notably with reforms in November 2020 (Executive Decree 1193), the process became more structured with a clear two-phase investigation similar to the EU model

**Argentina:** Resolution No. 905/2023 and Disposition No. 62/2023 and Disposition No. 156/2024 raised the thresholds for merger control established with the Defence of Competition Act No. 27,442 in May 2018.

**UAE** passed competition law in Dec 2023, effective July 2024, introducing mandatory merger notifications

**Egypt** The competition Law was amended in December 2022 to introduce a new pre-closing merger control regime fully effective on 1 June 2024

**Kuwait:** In September 2021, Kuwait introduced turnover-based thresholds that could trigger filing requirements for domestic and foreign transactions.

**Morocco** In June 2023, Morocco enacted amendments to its competition law that will have significant impacts on its merger control regime. The amendments include increasing the minimum turnover thresholds for merger control filings, introducing a simplified filing form for no-issue transactions, and requiring a filing fee, with an optional expedited process for an additional fee

# Increased focus on ex ante merger control and streamlining of the merger control process

Several countries have reformed their merger control regimes to improve predictability and streamline processes:

**Saudi Arabia**, the Saudi Arabian General Authority for Competition (“GAC”) announced **significant changes to its thresholds for when a transaction will require mandatory merger control approval on 1 November 2023**.

**UAE** passed competition law in **Dec 2023**, effective July 2024, **introducing mandatory merger notifications**

**Malaysia** is the only southeast Asian country which does not have a merger control law but the competition authority **has been developing a general, mandatory, suspensory merger control regime since April 2022** ( not yet adopted)

**China**: The State Administration for Market Regulation (SAMR) has produced **new horizontal merger review guidelines coming into effect in December 2024**, detailing quantitative tools and setting safe harbor thresholds.

**Australia**: Will **transition to a mandatory and suspensory merger control regime starting January 1, 2026**.

**Canada**: the June **2024 amendments** to the Competition Act make important changes that allow the Competition Bureau to address anti-competitive mergers more effectively. It **creates a presumption that a merger is anti-competitive if it significantly increases concentration or market share** and **strengthens remedies for anti-competitive mergers** by establishing that their goal is to preserve or restore the level of competition that would have existed without the merger. This is a crucial tool for understanding rapidly evolving digital ecosystems.

**Repeal of the Efficiencies Defence for Mergers**

# Increased attention to competition issues in the digital sector but hesitations on how to deal with them

**China:** In **February 2021**, the Anti-Monopoly Commission of the State Council issued '**Guidelines of the Anti-monopoly Commission of the State Council for Anti-monopoly in the Platform Economy Sector**' (the Platform Economy Guidelines), which address various antitrust issues concerning data

**Germany,** the German legislature **adopted the Tenth Amendment to the German Competition Law on January 18, 2021**. Section 19a gives **new powers to the Bundeskartellamt**, the German competition watchdog, when dealing with large digital platforms.

**Brazil:** a push for ex ante regulation started with **Bill No. 2,768/2022 (the Bill)** introduced to the Chamber of Deputies on **10 November 2022** which proposed integrating the ex ante digital platform regime within Brazil's telecommunications and internet legislation. This legislation is stuck in Parliament. More recently, the **Brazilian Ministry of Finance's 2024 Proposal (the BMF Proposal)** published on **10 October 2024** which proposes to introduce targeted ex ante measures tailored to platforms with '**systemic relevance**' based on their market influence and business characteristics. If implemented, this framework would empower Brazil's competition authority to impose tailored obligations and behavioural constraints on these platforms.

# Increased attention to competition issues in the digital sector but hesitations on how to deal with them

**EU:** The **Digital Markets Act (DMA)** came into force on **1 Nov 2022**: requiring compliance by Mar 2024

**Korea:** The **KFTC scrapped its plan to introduce a comprehensive platform regulation modelled after the EU's Digital Markets Act (DMA) or Section 19a of Germany's competition law**, characterized by a designation process and the imposition of ex-ante obligations. The announcement was made on September 9<sup>th</sup> 2024, following almost four years of attempts to introduce ex-ante platform regulation—initially proposed as the Online Platform Fairness Act and later as the Platform Competition Promotion Act.

But the KFTC **proposed establishing legal presumptions of dominance for certain types of digital platforms) whose market share and number of users exceed specific quantitative**. Under the bill, **platforms meeting the thresholds and thus presumed to be dominant would be prohibited from engaging in self-preferencing, tying, restrictions on multi-homing, and parity practices. Justifications—including pro-competitive effects—would be allowed. Additionally, it was suggested to introduce an interim measure system.**

**Japan:** Introduced the "**Act on Promotion of Competition for Specified Smartphone Software**" in 2024, drawing **inspiration from the EU's Digital Markets Act** to address transparency and fairness in app store and mobile platform transactions



# Increased attention to competition issues in the digital sector but hesitations on how to deal with them

**India:** 1) the **Competition (Amendment) Act 2023** updated merger thresholds to capture digital deals  
2) India **has been working on a Digital Competition Bill to tackle self-preferencing, data monopolies, and acquisitions of nascent competitors (proposed in 2024)** The DCB draws inspiration from European regulations to address concerns regarding big tech companies like Google, Facebook, and Amazon The DCB's key provisions, include the designation of Systemically Significant Digital Enterprises, their obligations, and enforcement mechanisms.

**Canada** In December 2023 (Bill C-56, An Act to amend the Excise Tax Act and the Competition Act) the **Commissioner of Competition is granted the power to initiate market studies and compel information, allowing for proactive investigation into digital markets without a specific "case" necessarily being opened.**

**Russia:** the **Fifth Antimonopoly Package focussed on Digital Markets and "Digital Giants"** is effective from September 2023

**UK :** Royal Assent for **Digital Markets, Competition and Consumers Act 2024 (24 May 2024)** amending **Competition Act 1998 and Enterprise Act 2002** to regulate digital "strategic market" firms, ban drip pricing, fake reviews etc.  
[en.wikipedia.org](https://en.wikipedia.org)+3[en.wikipedia.org](https://en.wikipedia.org)+3concurrences.

**Apr 2024: CMA published AI strategic update and joined EU/US AI competition joint statement (Jul 2024)**

# Increased attention to competition issues in the digital sector but hesitations on how to deal with them

**Thailand:** Thailand's official draft Platform Economy Act (PEA) was released on January 15, 2025, for public comment until February 15, 2025. The draft PEA is positioned as a general or overarching law for digital intermediary services and digital platform service businesses.

**Kenya:** Draft Competition (Amendment) Bill, 2024 (May 28, 2024): This is a very significant development. While the primary focus of this Bill appears to be on digital activities and abuse of superior bargaining position, the broader context of modernizing competition law to address current economic and social realities provides an avenue for ESG integration. The fact that the CAK published this for public consultation signals active policy development.

The competition authorities of Egypt, Kenya, Mauritius, Nigeria and South Africa have issued a joint statement regarding the regulations of digital markets, agreeing to collaborate, share knowledge, and build capacity to deal with these segments

# Sustainability and Competition: Guidelines in developed countries

Sustainability and Development Goals: Some countries have started to incorporate sustainability and development goals into their competition law frameworks, recognizing that competition policy can be a tool for broader social and economic objectives

**Austria** adoption of the **Guidelines on Sustainability Agreements** (by the Austrian Federal Competition Authority - AFCA): Adoption Date: **September 28, 2022** establishment of a new sustainability exemption for ecological sustainability agreements with a broad view on the benefits that can be considered, particularly for agreements that make original and significant contributions to the environment.

**Japan**: The Japan Fair Trade Commission (JFTC) initially **published Green Guidelines on March 31, 2023** for the purpose of **encouraging the efforts of enterprises and trade associations for further enhancing the realization of carbon neutrality**.

**European Union**: **Adoption Revised Horizontal Guidelines (specifically Chapter 9 on Sustainability Agreements) by European Commission: June 1, 2023** and adoption of **Commission Regulation (EU) 2023/1066 on the application of Article 101(3) TFEU to certain categories of research and development (R&D) agreements** and **Commission Regulation (EU) 2023/1067 on the application of Article 101(3) TFEU to certain categories of specialisation agreements** on the same date

**United Kingdom** **Green Agreements Guidance** Adoption by Competition and Markets Authority (CMA): **October 12, 2023**

# Sustainability and Competition: Guidelines in developed countries

**Netherlands:** [ACM Policy Rule on its oversight of sustainability agreements: Adopted October 4, 2023](#) (This replaced earlier draft guidelines from 2020 and 2021)

**Australia:** [\(ACCC\) adopts the document: Making environmental claims - A guide for business on December 2023](#) to help businesses comply with the Australian Consumer Law when making environmental claims. It provides eight principles for trustworthy environmental claims and addresses "greenwashing" and it outlines the ACCC's compliance and enforcement approach.

**Singapore:** The [Competition and Consumer Commission of Singapore \(CCCS\) issued their Environmental Sustainability Collaboration Guidance Note \(ESCGN\) on March 1, 2024](#), to offer clarity to businesses on how they can collaborate on environmental sustainability objectives without falling foul of competition laws

**France:** [Notice on informal guidance on sustainability \(by the French Competition Authority - FCA\) adopted May 27, 2024](#) . It sets out a framework for the FCA to provide informal guidance to companies seeking to understand the compatibility of their sustainability projects with competition law. It allows companies to submit requests for guidance on projects that are sufficiently developed, pursue sustainability objectives, and have a potential impact in France.

**Canada** Adoption of the [Environmental claims and the Competition Act \(Final Guidelines\) June 5, 2025](#) These final guidelines provide clarity on how businesses can comply with the Competition Act when making environmental claims particularly in light of new greenwashing provisions

# Sustainability: Emerging discussions in the developing world

Many developing world competition authorities are still in the early stages of formalizing their approach to sustainability. The prevalent approach remains a case-by-case assessment of sustainability-related agreements or conduct under existing competition law frameworks. A significant shared concern among these authorities, particularly in consumer protection aspects, is "greenwashing" – misleading environmental claims by businesses. Sustainability is often viewed as part of broader national development goals, and competition policy's role is seen in supporting these goals without undermining market efficiency.

**South Africa:** The **Strategic Plan 2025-2030 of the Competition Commission and various public statements indicate a growing focus on sustainability and its intersection with competition.** The CompCom's strategic plan and statements often link competition policy to broader societal goals, including inclusive economic growth, job creation, and transformation.

**Brazil:** CADE has been actively discussing and analyzing the intersection of competition and sustainability. For instance, **recent discussions (e.g., in 2023-2024) and internal working groups have been exploring how sustainability goals can be integrated into competition analysis. In June 2023 CADE approved a joint venture involving agricultural commodities players aimed at developing a B2B software platform for tracking and standardizing sustainability metrics across the food and agribusiness supply chain.** This case demonstrated CADE's willingness to consider sustainability benefits in its merger review. This indicates a case-by-case approach.

# Sustainability: Emerging discussions in the developing world

**India:** The **Competition Commission of India (CCI)** has been engaging in discussions and public consultations on the topic. The report of the **Committee on Digital Competition Law** (published February 27, 2024) and other policy discussions indicate a broader **consideration of how competition law adapts to evolving market dynamics, which can include sustainability issues indirectly (e.g., promoting innovation in green technologies).**

**Mexico:** COFECE has been actively engaged in discussions around competition and sustainability, as highlighted in legal analyses and academic discourse. **A public presentation titled "Green Competition Strategy" was published on September 25, 2024.** It explicitly **recognizes the need for a deeper dialogue on the matter to transition to a new phase of competition policy that addresses sustainability challenges.** It signifies a strategic direction rather than detailed guidelines on specific agreements.

**Chile:** there is growing awareness and discussion about the adoption of international standards related to sustainability reporting (e.g., ISSB standards, as noted in November 2024 regarding the Chilean regulator's adoption).

**Turkey:** Turkey's Competition Authority (TCA) has shown increasing awareness and engagement with sustainability. **The TCA Strategic Plan 2024-2028 emphasizes digital and green transformation, aligning with global trends.** It **explicitly highlights support for eco-friendly collaborations among competitors and the development of green policies.** The TCA has **already provided reasoned decisions granting individual exemptions for significant collaborations aimed at developing Turkey's electric vehicle (EV) charging network** (e.g., partnerships between Trugo and Shell, and Togg and Bosch).

# Sustainability: Emerging discussions in the developing world

**Kenya:** The **Competition Authority of Kenya** , through various public statements, conferences, and reports (e.g., as early as September 2023), **has initiated discussions in the media about the need for the Kenyan competition regime to incorporate ESG**), **has highlighted the importance of ESG considerations**. The key debate, similar to developed economies, revolves around how to assess sustainability collaborations between competitors (e.g., for joint research, standard setting, or supply chain improvements) that might otherwise be considered anti-competitive. The discussions likely centers on whether existing exemption provisions in the Competition Act are sufficient or if specific guidelines, like those in the EU or Netherlands, are needed. There's a growing argument that ESG factors should be considered in merger assessments, looking at the potential impact of mergers on environmental and social aspects post-merger.

**Colombia** : in 2025 **SIC proposed incorporating environmental and sustainability factors into collaboration assessments. Discussion of a Draft guidance and consultations**. This **marks one of the Latin American region's first formal efforts to align competition enforcement with ESG goals**.

# Proliferation or reinforcement of foreign investments security screening mechanisms

Over the last five years, there has been a **significant global trend towards strengthening and expanding foreign investment screening mechanisms**, driven largely by geopolitical concerns, supply chain resilience, and national security interests. **Many developed countries have revised existing frameworks, while several developing nations have also adopted new mechanisms or are in the process of doing so**

**Russia** Since February 2022, there has been a drastic increase in control over transactions involving the sale of Russian assets owned by "unfriendly" foreign entities. This is driven by counter-sanctions measures. Amendments were made to Federal Law No. 57-FZ "On the Procedure for Foreign Investments in Companies of Strategic Importance for National Defence and State Security." **2022: Two new types of "strategic" activities were introduced (e.g., sea/inland waterway transportation of certain cargo, development of automated information systems for air transportation).** **2023:** Further updates recognized Russian citizens with residence permits abroad as foreign investors for the purposes of controlling strategic companies, obliging them to seek approval. Clarifications were also made on the consequences of non-compliance (e.g., recovery of shares or income as state revenue).

**Japan:** Amendments to the Foreign Exchange and Foreign Trade Act (FEFTA) in 2019 (lowering thresholds for listed companies) **and additions to "core business sectors" in April 2023.** Prior notification required for foreign direct investments in designated business sectors. Exemptions exist but are restricted for high-risk investors. Sectors Concerned: Critical technologies (e.g., semiconductors, storage batteries, metal 3D printers, machine tools, industrial robots), natural gas, fertilizers, permanent magnets, marine equipment, metals and mineral products, and other sectors deemed critical for national security and technology leakage prevention.



# Proliferation or reinforcement of foreign investments security screening mechanisms

**United States:** The Foreign Investment Risk Review Modernization Act of 2018 (FIRRMA) became effective in 2020 and significantly expanded the jurisdiction and review process of CFIUS (Committee on Foreign Investment in the United States). Mandatory filings for certain transactions (e.g., foreign government substantial interest in a TID business, critical technology businesses subject to export controls) and voluntary filings for others. CFIUS has broad authority to review transactions for national security implications, including non-controlling investments and real estate. Sectors Concerned: Critical technologies (TID – Technology, Infrastructure, Data), critical infrastructure, sensitive personal data, supply chain resilience, cybersecurity risks, and proximity to military installations

**European Union (EU) and Member States:** The EU established a cooperation mechanism for FDI screening in 2019 (Regulation 2019/452), which came into force in October 2020. This regulation sets minimum requirements for national regimes and facilitates information sharing among Member States and the European Commission (EC). All EU Member States now have FDI screening mechanisms, up from 11 in 2017. A proposal for a new EU FDI screening regulation, adopted by the European Parliament in May 2025, aims to further strengthen and harmonize these rules, making screening mandatory in certain sectors and expanding the EC's role. The sectors concerned are: Critical infrastructure (energy, transport, communications, data, financial), critical technologies (AI, robotics, semiconductors, cybersecurity, aerospace, defence, dual-use items, quantum), supply of critical inputs (energy, raw materials, food security), access to sensitive information, and media.

# Proliferation or reinforcement of foreign investments security screening mechanisms

**China:** adopted a **Foreign Investment Screening in December 19, 2020** (effective January 18, 2021) to vet investments in **sectors impacting national defense, energy, agriculture, IT, finance and critical technologies**. The goal was **preventing foreign control over “actual control” assets with national security implications**

**India:** adopted a Foreign Investment Screening in April to July 2020. **In April 2020 it removed Chinese investments from automatic approval (FDI Route); on July 23, 2020 it barred foreign bidders from public projects involving “hostile nations”**. These measures were **taken in response to rising border tensions with China during the Galwan clash; aimed to stop opportunistic takeovers and safeguard** strategic sectors like power, telecom, petroleum, and coal.

**United Kingdom:** adopted **The National Security and Investment Act 2021 (NSI Act)** which came into force on **January 4, 2022**. Hybrid regime with **mandatory notification for acquisitions in 17 sensitive sectors and a voluntary notification for other transactions where national security concerns may arise**. The government also has a **"call-in" power for non-notified transactions**. Sectors Concerned: **Advanced materials, advanced robotics, artificial intelligence, civil nuclear, communications, computing hardware, critical suppliers to government, cryptographic authentication, data infrastructure, defence, energy, military and dual-use technologies, quantum**.

# Proliferation or reinforcement of foreign investments security screening mechanisms

**Australia :** Major reforms to the foreign investment framework came into effect on January 1, 2021. These reforms significantly strengthened the national security review aspects of the regime, introducing new approval categories and a "national security test" for certain investments, regardless of value. Further adjustments and updates have been made, including changes to reporting requirements for foreign investors (effective July 1, 2023). Maximum financial penalties for contraventions related to residential land were also doubled in 2024.

**Canada:** Amendments to the Investment Canada Act (ICA) passed in 2024 and updated "Guidelines on the National Security Review of Investments" released in March 2025. Mandatory filing for acquisitions of control and establishments of new Canadian businesses. National security reviews can be initiated for any investment, even below control thresholds. The scope of "national security" has explicitly expanded to include "economic security." Sectors Concerned: Sensitive technologies (as per the Sensitive Technology List, e.g., advanced digital infrastructure, AI, quantum, aerospace, robotics), critical minerals, critical infrastructure, intellectual property, and any sector with potential to undermine Canada's economic security through enhanced integration with a foreign state's economy.

# Proliferation or reinforcement of foreign investments security screening mechanisms in other developing countries

**Philippines:** Adoption in March 2022 (with the Amended Public Service Act and Republic Act No. 11647, and their Implementing Rules and Regulations). The President can block foreign investments in certain "public services" and "strategic industries" based on recommendations from a newly formed inter-agency committee. This is a formalization and expansion of previous, less explicit, review powers. Sectors Concerned: "Public services" (domestic shipping, railways, airlines) and "strategic industries" (defense, cyber infrastructure, pipelines). This marks a significant shift from the previous focus primarily on economic restrictions (Foreign Investment Negative List).

**Indonesia:** While Indonesia has long had restrictions on foreign ownership in certain sectors, recent reforms, particularly under the Job Creation Law (2020) and subsequent regulations (e.g., Presidential Regulation No. 10 of 2021, as amended by No. 49 of 2021), have streamlined investment procedures while also retaining and clarifying limitations in sensitive areas. Nature of Screening: Primarily through restrictions on foreign ownership (positive/negative lists), and a risk-based licensing approach through the Online Single Submission (OSS) system. Certain high-risk sectors require specific licenses and direct monitoring by relevant ministries. Sectors Concerned: A wide range of sectors, with some completely closed to foreign investment (e.g., narcotics, gambling), some with foreign ownership caps (e.g., air transport, maritime freight, courier services), and others requiring partnerships with local entities. The "strategic" nature is implicit in these restrictions, covering areas like defense, critical infrastructure, and certain manufacturing.

# Development of foreign investments security screening mechanisms in other developing countries

**South Africa:** The Competition Amendment Act, published on February 14, 2019, introduced a national security screening mechanism within the competition law framework. The provisions related to national security screening for foreign investments through the merger review process are still awaiting the President's publication of a specified list of national security interests.

**Saudi Arabia:** While a new Investment Law became effective in February 2025 (with Implementing Regulations published in April 2025), significant steps towards a formal screening mechanism were observed earlier. A Resolution on the establishment of a "Permanent Ministerial Committee for the Examination of Foreign Investment" was issued on September 7, 2021. The new Investment Law allows the Ministry of Investment (MISA) to suspend foreign investments for national security purposes. Sectors Concerned: Activities identified by MISA as restricted or excluded based on national security requirements.

**United Arab Emirates (UAE):** While the UAE has liberalized foreign ownership rules significantly with the Federal Law No. 26 of 2020 (replacing the previous FDI Law of 2018), which abolished the 51% UAE national ownership requirement for most sectors, it simultaneously retained or clarified restrictions for "Activities of Strategic Effect." This can be seen as a form of negative list-based screening. Each emirate designates "Activities of Strategic Effect" where 100% foreign ownership is not permitted, or where a certain level of UAE national ownership is still required. Sectors Concerned: Activities deemed of "strategic effect," which typically include defense, security, certain critical infrastructure, oil and gas exploration/production, some financial services,

# Development of foreign investments security screening mechanisms in other developing countries

**Brazil:** While Brazil has long-standing sectoral restrictions (e.g., healthcare, mass media, telecommunications, aerospace, rural property, maritime), a formal national security-based foreign investment screening process has been debated. Proposed legislation for such a mechanism has been stalled in the Brazilian congress since 2020. If adopted, it is expected to involve a review of transactions for national security implications..Sectors Concerned: Any new national security screening would likely focus on critical technologies, critical infrastructure, and sensitive data, as indicated by discussions around a potential mechanism.

# Regional cooperation developments in Africa

**Continental Africa** The AfCFTA Competition Protocol was adopted in February 2024 ( Ratified by 22 countries). The Protocol was adopted, providing for the establishment of a continental competition regulator and a "hard law" approach to competition enforcement. 5 Not yet operational).

**Common Market for Eastern and Southern Africa (COMESA) (21 countries)** 2023 Amendments to Merger Regulations (effective 2024): These were significant, introducing transaction value thresholds to capture mergers of nascent companies (especially in digital markets) that might not meet traditional turnover thresholds. This is a clear expansion of its reach and a modernization of its tools.

**Tripartite Protocol on Competition Policy, adopted in March 2022 (COMESA-EAC (8 countries of which 6 are parts of Comesa)-SADC (16 countries of which 9 are Comesa members )** to foster cooperation on competition and consumer protection among these three major African RECs. : The CCC has a solid enforcement record, particularly in merger control. The CCC is seen as a leading model for regional competition enforcement in Africa and is actively shaping competition policy discourse on the continent.

**COMESA Competition Commission (CCC) and Tunisia** MoU. This MoU signifies a step towards enhancing regional cooperation on competition policy and enforcement. It introduces a notification process between COMESA and Tunisia, allowing both parties to inform each other of enforcement activities that may impact the interests of the other.

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**COMESA Competition Commission (CCC) and East African Community Competition Authority (EACCA) MoU (June 2025)** . MOU which **provides a framework for how EACCA and CCC will handle transactions that fall under both jurisdictions, aiming for greater predictability and consistency in cross-border merger reviews and investigations.** It sets out modalities for cooperation and coordination, including information sharing (especially during joint investigations), conducting market inquiries, technical assistance, and capacity building. It also seeks to address potential duplication in enforcement and enhance certainty for businesses.



# Bilateral voluntary cooperation

**Ecowas (15 countries):** A brand new authority, the ECOWAS Regional Competition Authority (ERCA). **ERCA's merger control regime became formally operational on October 1, 2024**, signifying a significant step forward in its enforcement capabilities within the last six years.

**EU and UK Competition Cooperation Agreement (2020).** Supplementing agreement to the Trade and Cooperation Agreement (TCA) between the EU and the UK provides a framework for cooperation and coordination in competition matters between the European Commission, EU National Competition Authorities (NCAs), and the UK's Competition and Markets Authority (CMA). It allows for direct cooperation, discussion, transmission, and reception of information, and its use in investigations, subject to domestic law. It aims to strengthen the relationship and ensure more effective enforcement of competition laws. Member Countries: European Union (and its Member States' NCAs) and the United Kingdom.

**Spain and EU:** Spanish Competition Authority (CNMC) and European Commission MoU **(2024)**. This MoU **facilitates enhanced cooperation between the CNMC and the European Commission**, particularly in the enforcement of the Digital Markets Act (DMA). **It allows for the combination of resources and the creation of joint investigation teams in cases where the DMA impacts the Spanish market.**

# Bilateral voluntary cooperation between competition authorities

**India** (Competition Commission of India) and **Brazil** (Administrative Council for Economic Defense - CADE) **2021** MoU signed **to strengthen cooperation in competition law and enforcement**.

**India** (Competition Commission of India) and **Japan** (Japan Fair Trade Commission) (**2021**). MoU signed to **strengthen cooperation in competition law and enforcement**

**India** (Competition Commission of India) and **Mauritius** (Competition Commission of Mauritius) (**2022**) Memorandum on Cooperation (MoC) signed **to strengthen cooperation in competition law and enforcement**

**India and Egypt**: Competition Commission of India (CCI) and Egyptian Competition Authority **2023** MoU **signed to strengthen cooperation in competition law and enforcement**.

# Bilateral voluntary cooperation between competition authorities

**Australia** ( Australian Competition and Consumer Commission (ACCC)) and **Philippine** Competition Commission (PCC) **(2024)**. This new MoU strengthens cooperation between the two regulators, enhancing the effective administration of competition law and policy in Australia, the Philippines, and the broader ASEAN region. **It covers interagency collaboration, notification of investigations, and joint projects.**

**Australia** (Australian Competition and Consumer Commission (ACCC)) and **Viet Nam** Competition Commission (VCC) MoU **(2024)** This agreement **facilitates closer collaboration, information sharing, and the promotion of technical assistance activities between the two competition and consumer protection authorities.** It outlines common objectives and approaches, including sharing best practices, official exchanges, and joint workshops.

# Trade agreements with a competition chapter

The **Regional Comprehensive Economic Partnership (RCEP)** between the ten Asean countries (**Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand, Vietnam**) and five of ASEAN's major trading partners (**Australia China Japan New Zealand South Korea**) signed on **November 15, 2020**. Entered into force for most signatories on January 1, 2022. It is the world's largest free trade agreement, covering about 30% of global GDP and 30% of the world's population. It aims to lower tariffs, standardize customs procedures, and strengthen supply chains among its members.

The **RCEP includes a dedicated Chapter 13 on Competition**. This chapter generally **commits each party to adopt or maintain laws addressing anti-competitive activities and to establish or maintain a competition authority. It encourages cooperation and coordination among competition authorities**, including through information exchange (subject to confidentiality) and technical cooperation. It also contains provisions on transparency of competition laws and enforcement activities.

**Canada-United States-Mexico Agreement** (CUSMA / USMCA / T-MEC) Entered into force **July 1, 2020**. **This agreement superseded NAFTA and includes a comprehensive chapter on competition policy. It commits the parties to adopting or maintaining national competition laws and enforcement authorities. It includes provisions for cooperation and coordination among the competition authorities of the three countries, particularly in addressing anti-competitive practices that affect cross-border trade and investment.**

# Trade agreements with a competition chapter

**Canada and the United Kingdom Trade Continuity Agreement signed on December 9, 2020.** Entered into force on April 1, 2021. This agreement largely **maintains the provisions of the Comprehensive Economic and Trade Agreement (CETA) between Canada and the EU, which the UK was previously a party to.** CETA **includes a chapter on competition, committing each party to maintain comprehensive competition laws and an independent competition authority.** It encourages cooperation, including notification of enforcement activities that may affect the other party's interests, and information exchange where appropriate.

**Chile - Ecuador** signed on **August 13, 2020.** Entered into force on May 16, 2022. Includes a Chapter 10 on Competition. Each Party commits to adopting or maintaining competition laws that effectively prohibit and sanction anti-competitive practices, to cooperate and coordinate on competition policy matters, to making its competition laws, regulations, and general enforcement decisions publicly available and to ensure that its SOEs shall be subject to their respective competition laws. No DSM for competition disputes.

**Costa Rica – Ecuador FTA signed March 1, 2023** (and entered into force on October 1, 2024). Chapter 9 of the FTA provides a solid framework for promoting competition and preventing anti-competitive practices that could hinder the benefits of the trade agreement. While it shares common elements with other modern FTAs, the explicit exclusion of dispute settlement for competition matters is a notable feature, indicating a preference for cooperative resolution in this area.

# Trade agreements with a competition chapter

**EU-New Zealand** Free Trade Agreement signed on **July 9, 2023**. Competition Provisions: This agreement is a modern "deep and comprehensive" FTA. It includes a dedicated and comprehensive Chapter 15 on Competition and Subsidies which prohibits and requires the effective enforcement against: Cartels, Abuse of Dominance. The competition provisions apply to all undertakings, whether privately or publicly owned, that engage in commercial activities. A key aspect of the chapter is the commitment to ensuring that SOEs and designated monopolies act in accordance with commercial considerations and do not distort competition. Non-Discriminatory Treatment: Provisions aim to ensure that SOEs and monopolies do not discriminate against competitors (including those from the other Party) in their commercial activities, especially when exercising any regulatory or governmental authority. Transparency: There are provisions for transparency regarding SOEs and monopolies, requiring information disclosure on their activities.

**Ecuador- China** : Free Trade Agreement (FTA) signed on **May 10, 2023**, and which entered into force on May 1, 2024. It has a chapter 11 on competition. The objectives to promote competition in the economies of the Parties and prevent distortions in trade and investment between the Parties that may result from anti-competitive practices, to foster cooperation between their competition authorities. SOEs, when engaged in commercial activities, shall be subject to their respective competition laws and shall not adopt or maintain any anti-competitive practices (as defined in Article 11.2) that affect trade or investment between the Parties. This obligation applies unless such application impedes the performance of the particular tasks assigned to them by law. Non-Application of Dispute Settlement Mechanism to the Competition issues.

# Trade agreements with a competition chapter

**Costa Rica-United Arab Emirates** Comprehensive Economic Partnership Agreement signed on **April 17, 2024** and which entered into force on January 4, 2025 has an annex 14 C devoted to competition policy. The Parties recognise the importance of free and undistorted competition in their trade relations. The Parties may cooperate to exchange information relating to the development of competition policy, subject to their domestic laws and regulations and available resources. The Parties may conduct such cooperation through their competent authorities. The Parties may consult on matters related to anti-competitive practices and their adverse effects to trade. The consultations shall be without prejudice to the autonomy of each Party to develop, maintain and enforce its domestic competition laws and regulations. Each Party shall promote competition by adopting or maintaining national competition laws that proscribe anti-competitive practices in its territory and shall take measures as it deems appropriate and effective to counter such practices

# Data screening tools for competition investigations

The need for new expertise is also consistent with the **increasing use of more sophisticated tools**. For instance, to help in the detection of anti-competitive conduct, **competition authorities are using new investigative tools, although their adoption comes with challenges related to requirements for new resources or the adaptation of existing ones** (OECD, 2020[2]). **Competition authorities are using more complex digital forensics to support the collection and analysis of evidence, requiring methods to collect information from sources such as online cloud services. This intensified due to new working arrangements prompted by the COVID-19 pandemic.**

**Some authorities are also developing empirical methods that use datasets to evaluate firms' behaviour and identify patterns (the so-called data screening tools).** The development and use of these tools likely requires specific IT and data knowledge that traditionally competition authorities did not previously have. While for now it seems that their use is requiring additional staff, in the future, it would be worth monitoring whether successful digital screening tools may also mean less staff required to detect anti-competitive behaviour.



# Data screening tools for competition investigations

Insights from 25 antitrust agencies and shows a shared, global move toward data-centered enforcement. Agencies highlight three converging priorities:

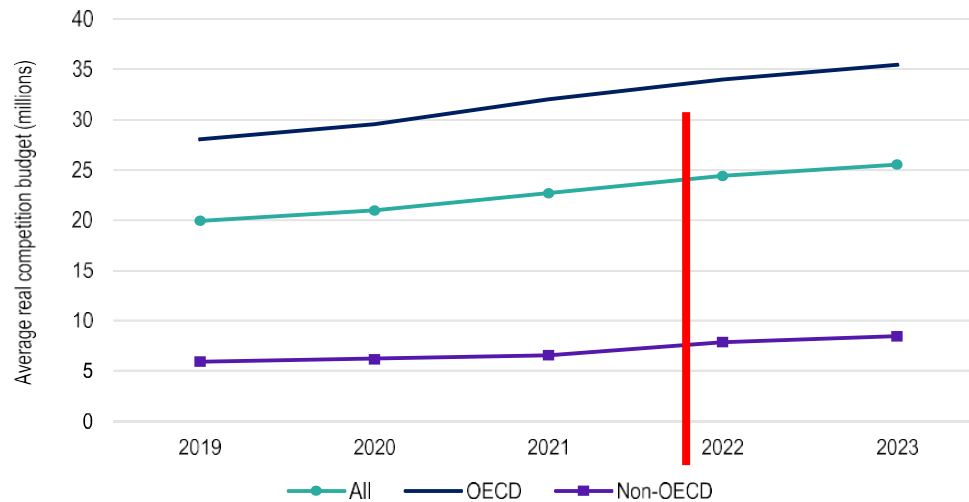
**first**, the deployment of AI and advanced analytics that range from bid-rigging screens to graph neural networks to detect cartels, merger risks and other infringements;

**second**, investment in robust data infrastructure such as web-scrape pipelines, procurement databases and secure e-discovery systems that convert vast public and corporate datasets into reliable evidence; and

**third**, deep institutional change led by new digital units, open-source collaborations and practitioner toolkits that embed computational methods in everyday competition policy. Three key challenges stand out: the necessity of secure cloud computing, the need to ensure the explainability of deployed computational tools, and the imperative to improve human-machine interaction.

# Increase in the average real budget of competition authorities ( with wide variations)

Figure 1.1. Average real competition budget in euros, 2015-2023



Note: Data based on the 60 jurisdictions in the OECD CompStats database that provided data for competition budget for nine years. Budgets are adjusted using exchange rates for 31 December 2015 and inflation rates per jurisdiction.

Source: OECD CompStats database.

In aggregate terms, there are undoubtedly more resources available globally to enforce competition laws. (....) Stronger pro-active efforts to investigate and find potential infringements, more powers related to competition enforcement and advocacy, and more complex investigations are possible reasons for this constant increase.

When looking at budgets by jurisdiction, it is possible to see that financial resources available to competition authorities have not increased across the board. In 25 jurisdictions there were real term budget cuts and in 14 of these jurisdictions even the nominal budget decreased. The biggest increases for 2023 were in non OECD countries.

# Increase in the average real budget of competition authorities ( with wide variations)

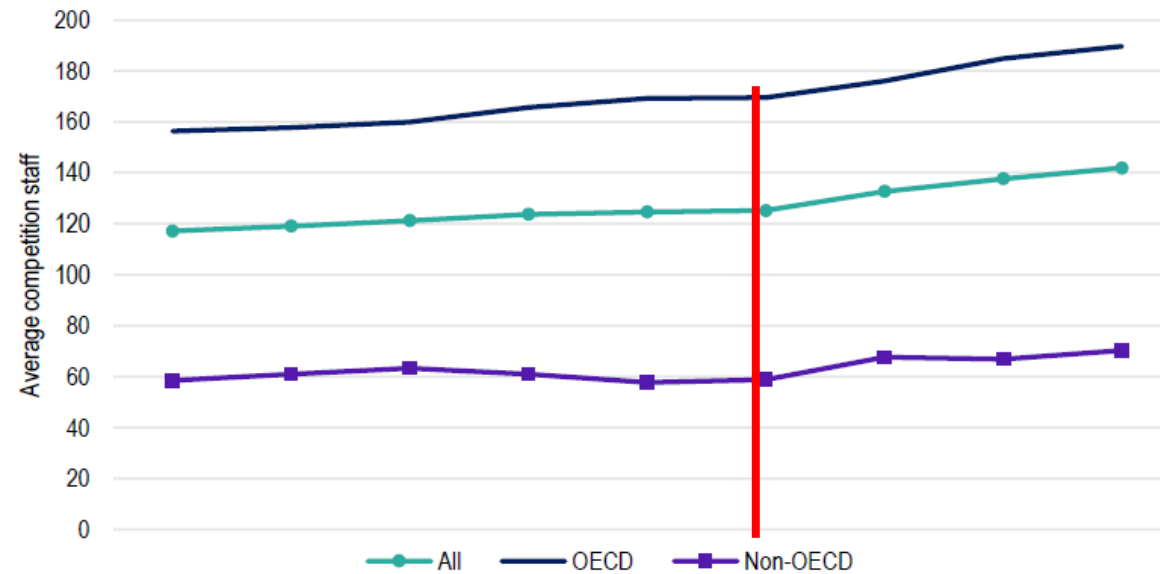
(T)here are several possible reasons which may explain the general trend of increasing resources. The possible reasons include:

- increasing attempts by authorities to pro-actively detect anti-competitive conduct
- the increasing complexity in proving infringements
- competition authorities receiving additional powers/responsibilities
- the strengthening of the authority whenever the regime is new or under consolidation.

Further research would be needed to ascertain whether these are the most relevant drivers of resources and if so, whether the increase in resources will lead to greater future enforcement activity.

# Increase in the number of staff of competition authorities

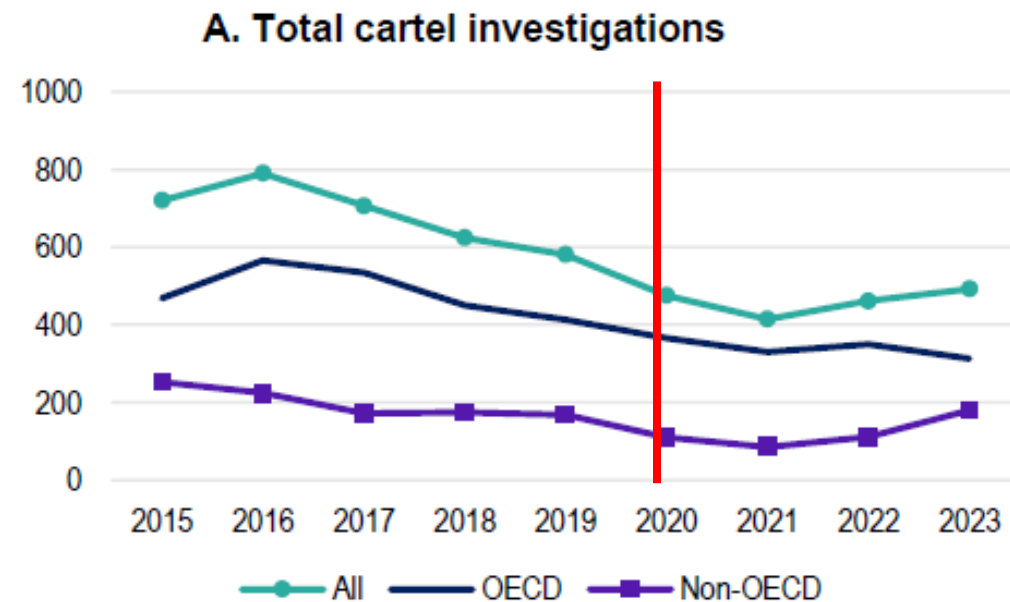
Figure 1.3. Average number of staff working on competition, 2015-23



Note: Data based on the 65 jurisdictions in the OECD CompStats database that provided data for competition staff for nine years.  
Source: OECD CompStats database.

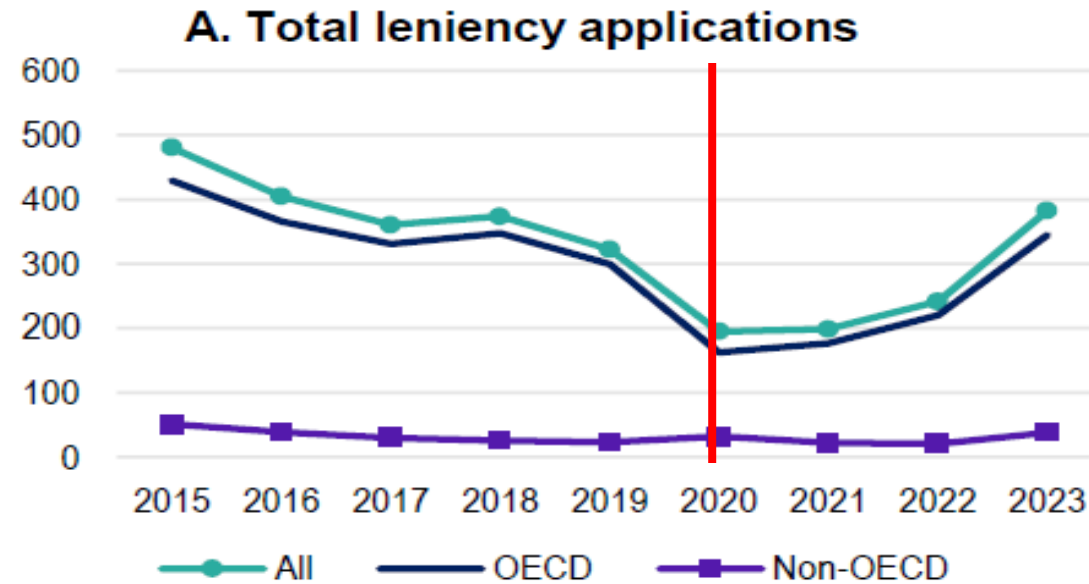
# Increase in the number of staff of cartel investigations in non-OECD countries

Figure 2.2. Number of cartel investigations, 2015-23

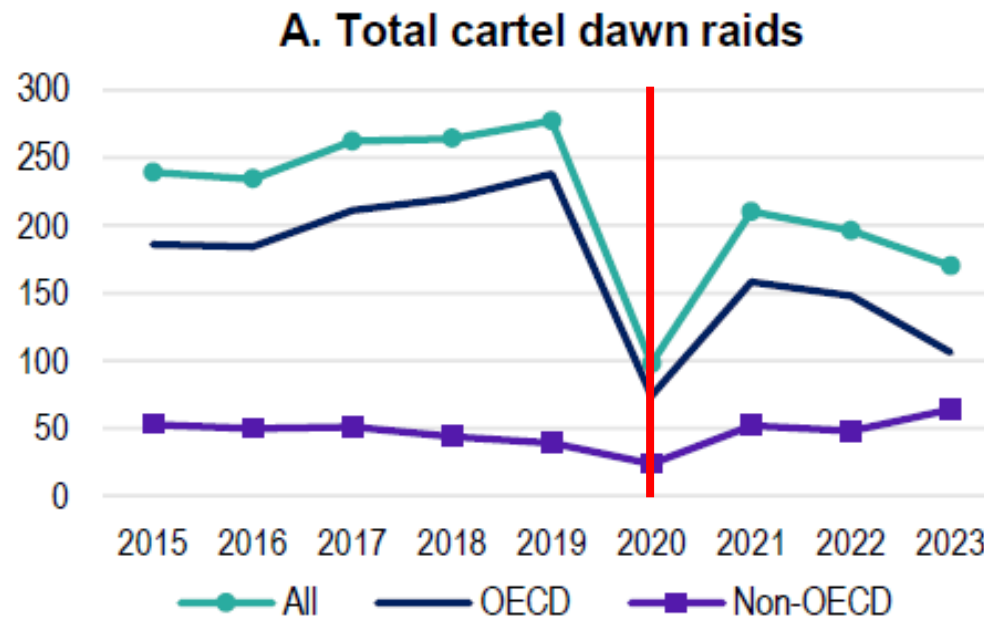


# Increase in the number of leniency applications in OECD countries , stability in non OECD countries

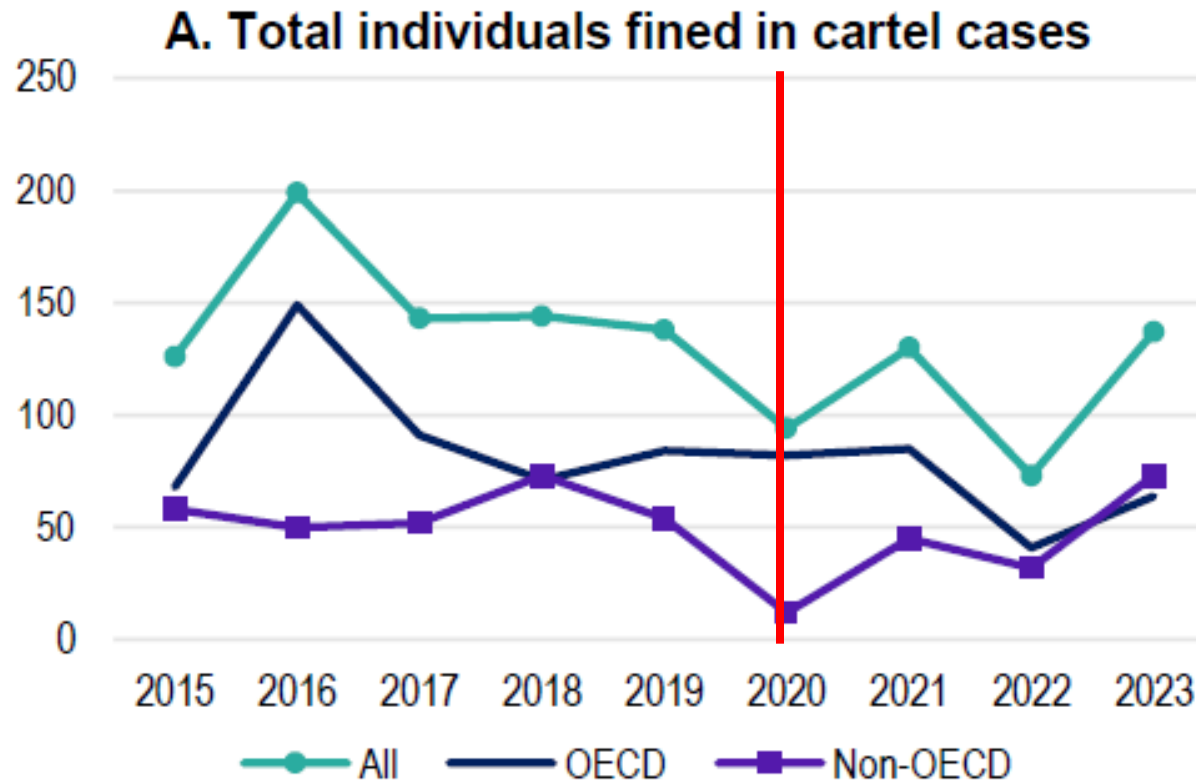
Figure 2.6. Number of leniency applications, 2015-2023



# Increase in the number of cartel dawn raids in non-OECD countries



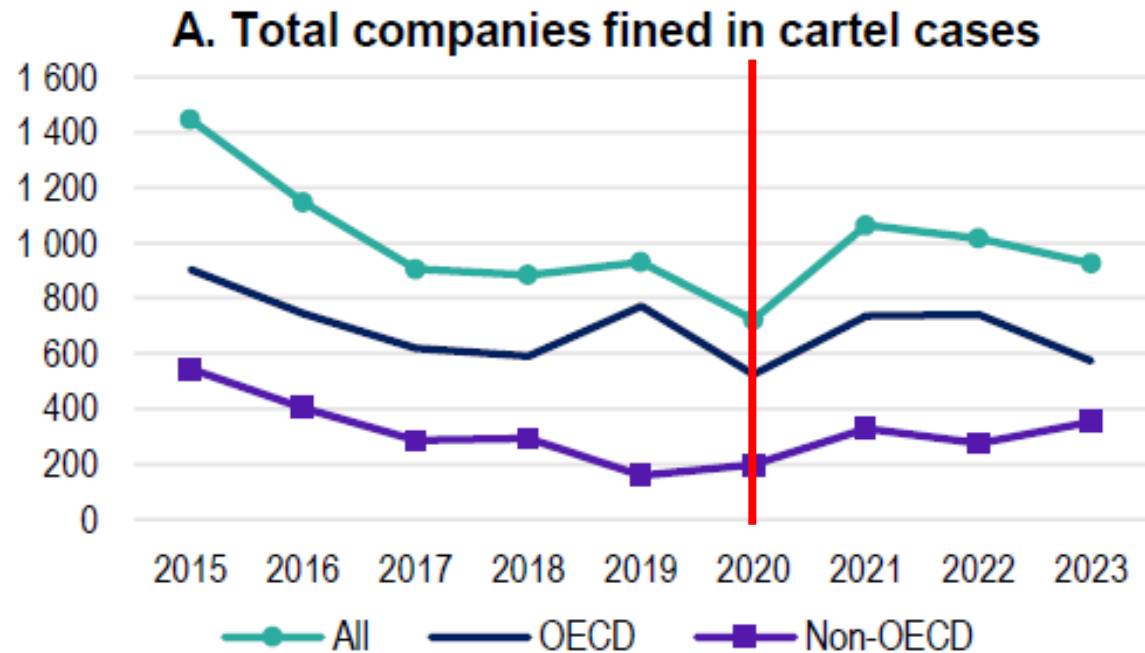
# Increase in the number of individuals fined for cartel cases in non-OECD countries





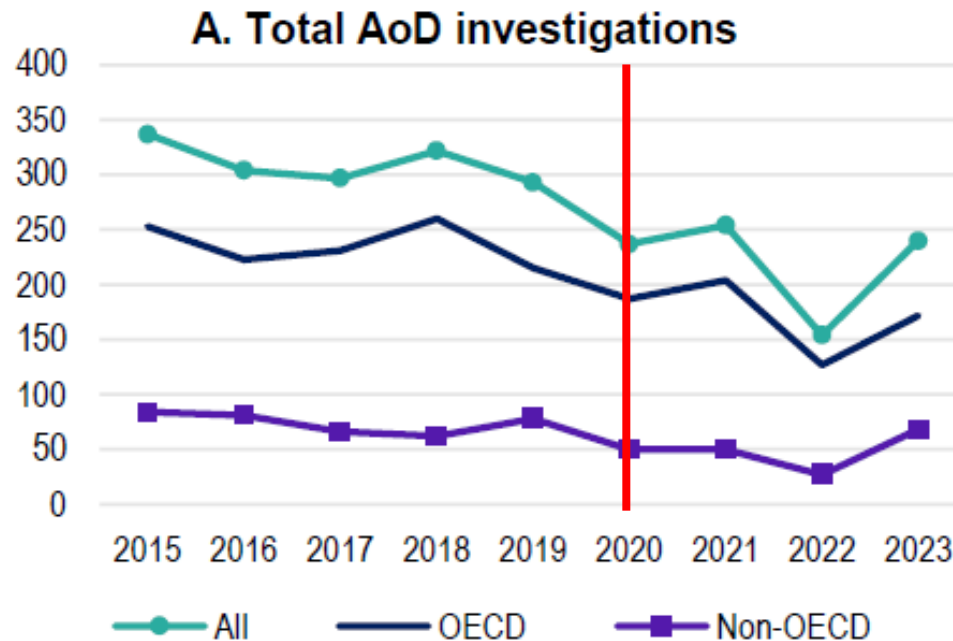
# Increase in the number of dawn raids in non-OECD countries

Figure 2.10. Companies fined in cartel cases, 2015-



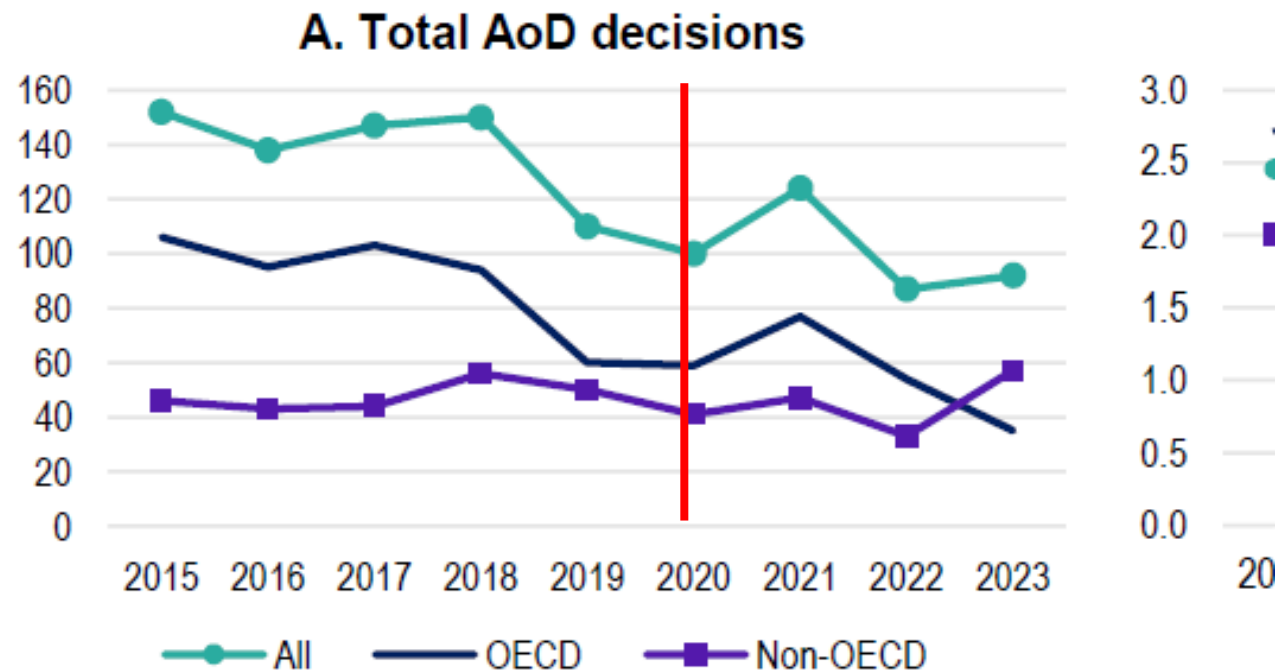
# Decline in the Abuse of Dominance investigations in the OECD countries,

Figure 2.14. Abuse of dominance investigations, 201



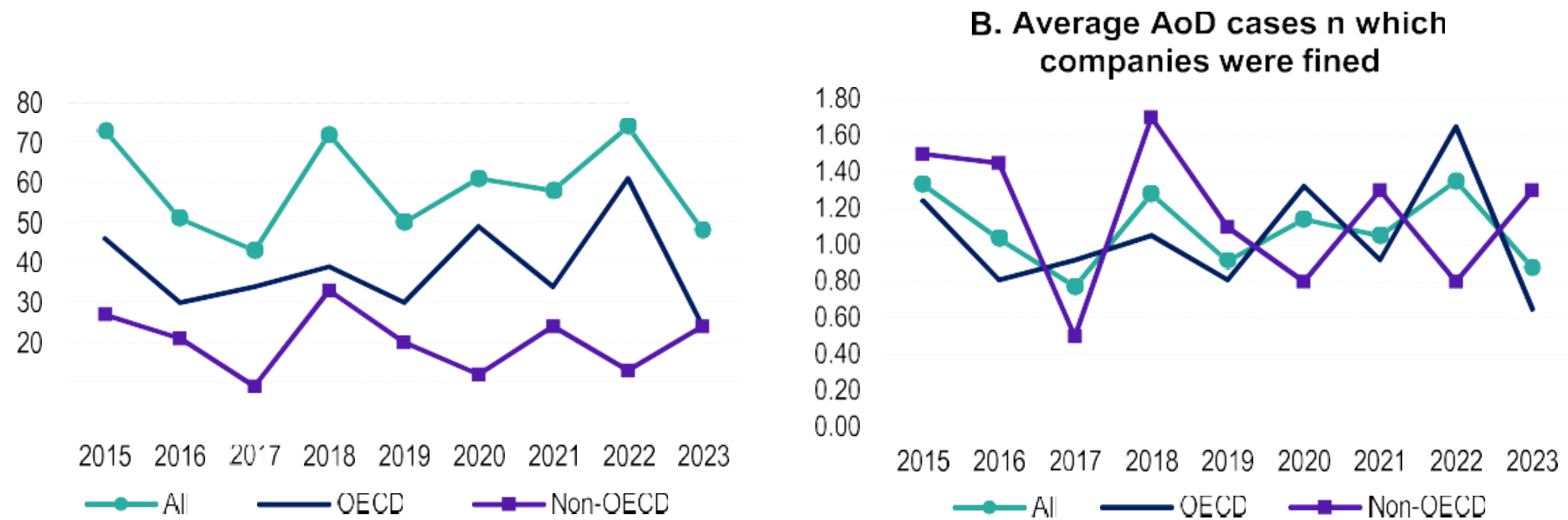
# Decline in the Abuse of Dominance decisions in the OECD countries, increase in non OECD countries

Figure 2.15. Number of abuses of dominance decisions 1



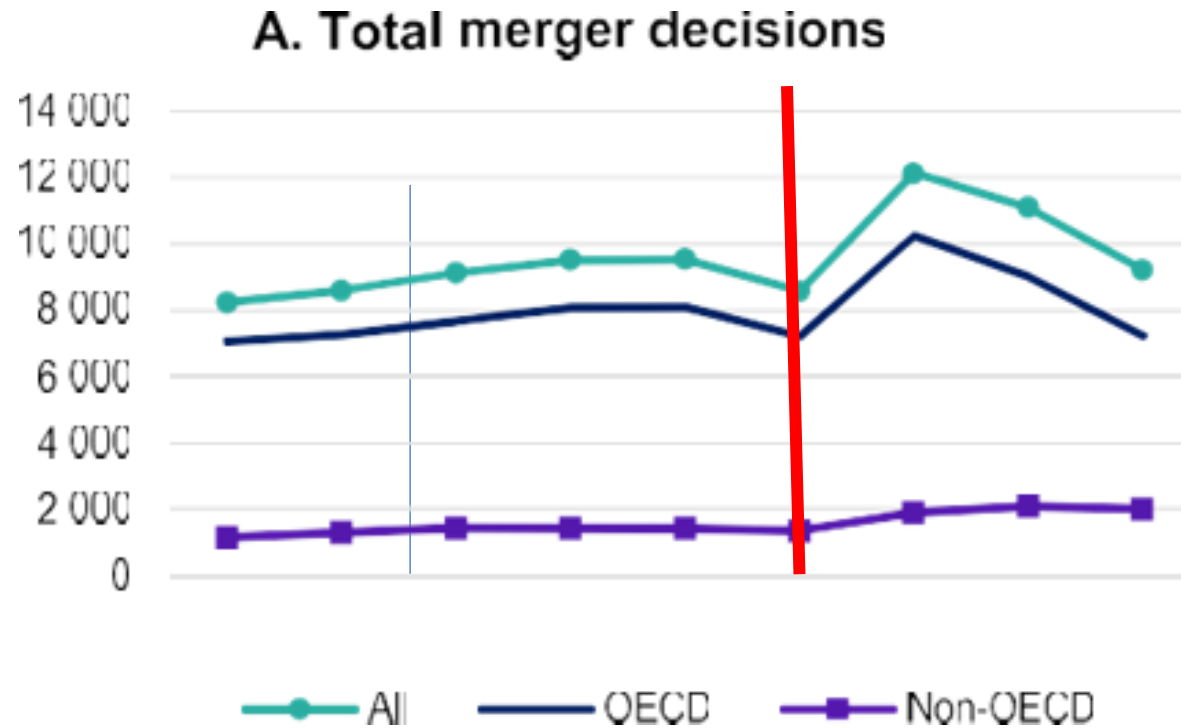
# Increase in the number of firms sanctioned for Abuse of Dominance in non OECD countries

Figure 2.20. Companies fined in abuse of dominance cases, 2015-23

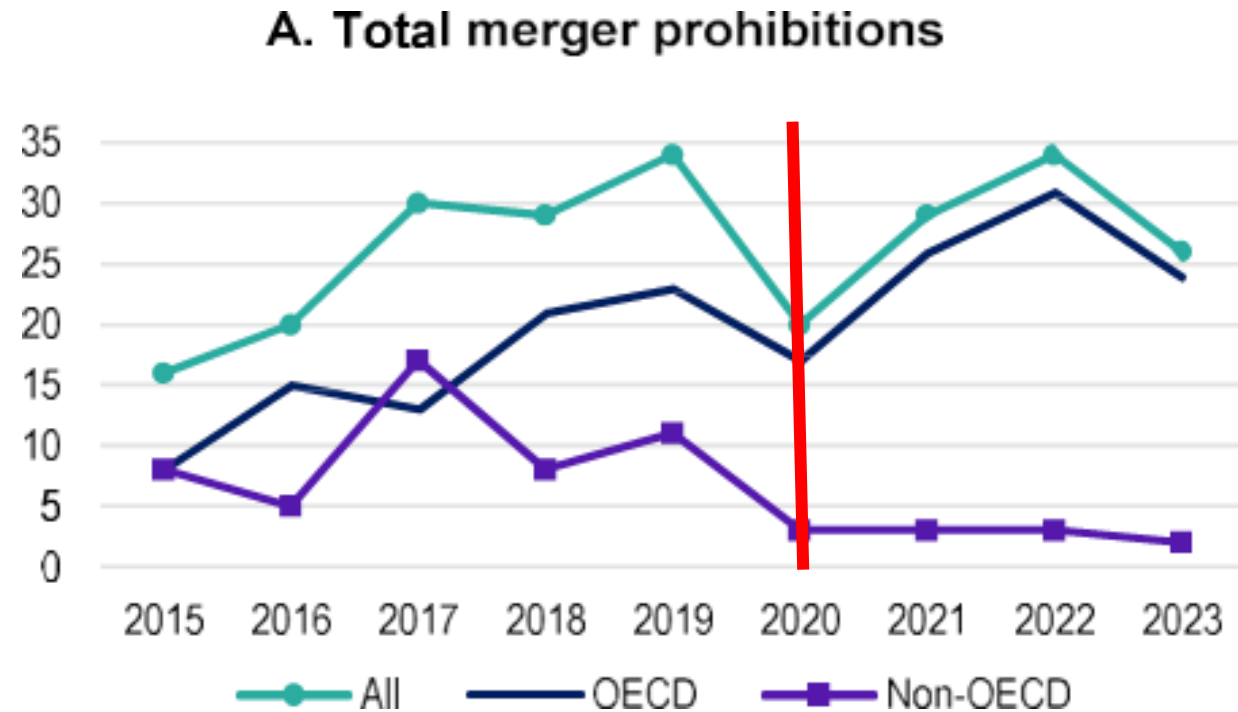


Note: Data based on the 57 jurisdictions in the OECD CompStats database that provided data for companies fined in AoD cases for nine years.  
Source: OECD CompStats database.

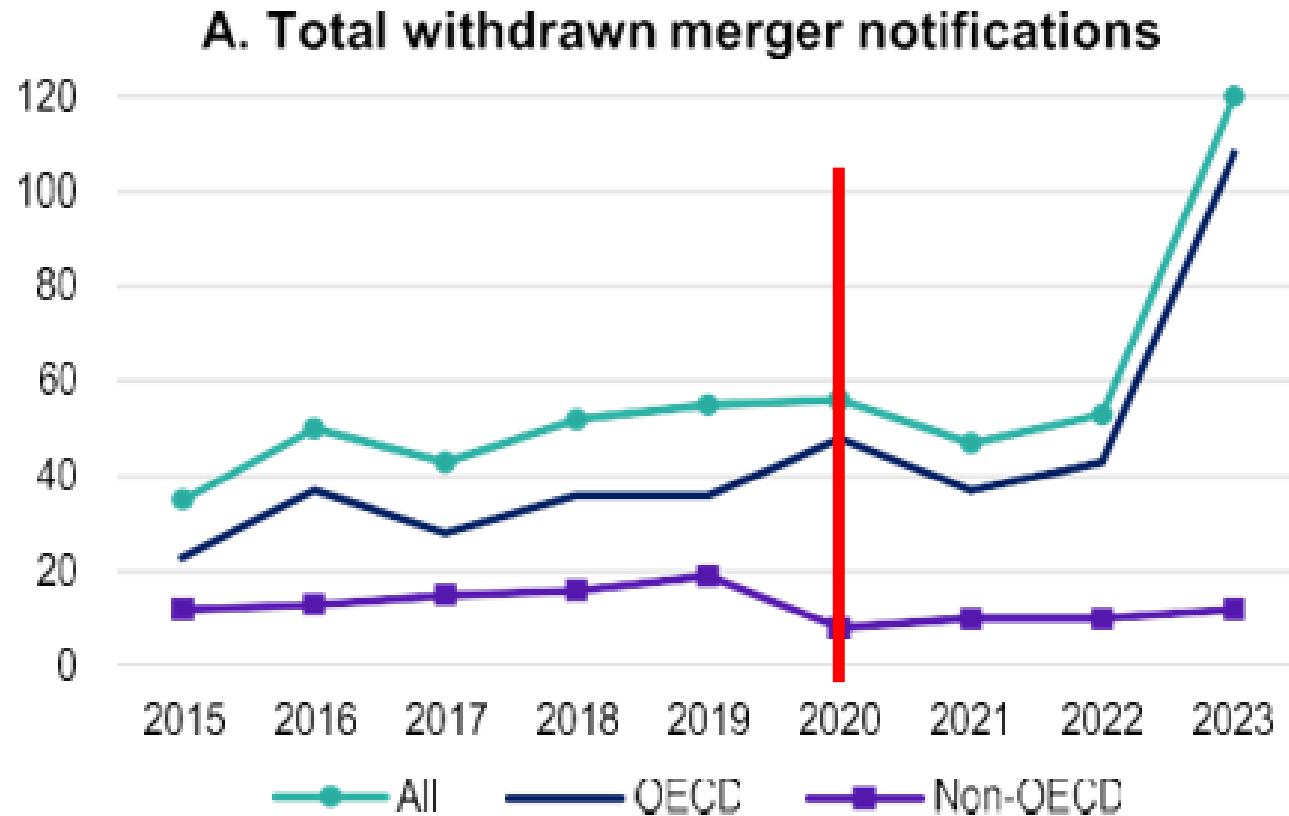
# Stability in the number of merger decisions in non OECD countries



# Stability in the number of merger prohibitions in non OECD countries



# Large increase in the number of merger notifications withdrawn in OECD countries



# Conclusions