

Unclassified

English - Or. English

27 May 2025

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

**Working Party No. 2 on Competition and Regulation**

**Assessing the Impact of Competition Authorities' Activities – Note by Argentina**

16 June 2025

This document reproduces a written contribution from Argentina submitted for Item 4 of the 79th meeting of Working Party 2 on 16 June 2025.

Federica MAIORANO  
Federica.Maiorano@oecd.org

JT03567120

## Argentina

1. In 2023, the National Commission for the Defence of Competition (CNDC, for its acronym in Spanish) conducted for the first time a quantitative estimation of the economic benefits derived from its interventions between 2020 and 2023, based on the *Guide for assessing the Impact of Competition Authorities Activities* published by OECD in 2014. This estimate was presented as part of an institutional management report, addressed to both national and international actors interested in the evolution of competition policy in Argentina during that period.
2. The exercise consisted of quantifying the expected benefits of merger and anticompetitive conduct decisions, applying the recommendations of the OECD Assessment Guide, especially in terms of estimated price and duration effects of the impacts.
3. This document is organised in three sections. The first section presents the methodology applied by the CNDC to estimate the impact of its activities, in accordance with the guidelines proposed by the OECD Guide. The second section addresses a number of relevant issues regarding the inclusion of cases and possible methodological extensions. In particular, comments on the incorporation of cases that have been subject to judicial appeal in the assessment, the updating of benefits in monetary values considering the effects of inflation, considerations on the dynamic effects and uses of the assessment, as well as a discussion on the indirect effects derived from productive linkages in different sectors of the economy. Finally, there are some final comments, certain adaptations to the OECD Assessment Guide that the CNDC has considered when developing the estimates made, and some lines of work that are currently underway.

### 1. Methodology Applied by the CNDC

4. Impact assessments of mergers and anticompetitive conduct decisions allow for a simple and synthetic quantification of the expected benefits derived from the CNDC's interventions during a given period of time. The main objective of these estimations is to have a proxy of the value generated by competition policy enforcement actions, which is useful both to be accountable to the public and to communicate the authority's institutional achievements.
5. As outlined by the OECD Assessment Guide, an aggregated *ex-ante* impact assessment—not *ex-post* evaluations of individual decisions—was carried out for the period from January 2020 to December 2023. The *ex-ante* approach involves estimates of likely future effects, calculated on an aggregate basis when considering the set of cases analysed. In contrast, an *ex-post* evaluation would focus on individual cases, analysing whether the measures imposed were complied with and what concrete effects they had on variables such as prices, access or quality, once they were implemented.
6. In order to quantify the consumer benefits of the competition decisions, an estimate of the affected turnover was made, based on the income prior to the decision (*ex-ante*) of the companies involved, considering the relevant markets determined in each case. This information was mainly extracted from the case files processed by the CNDC. In those cases where specific data were not available, public sources were used. Given the inflation in Argentina during the period of analysis, the values were updated by the consumer price index (IPC, for its acronym in Spanish) up to the year of the administrative resolution of

each file. A conservative approach was chosen, as the estimated benefits could have been higher if they had been updated to the year 2023.

7. Regarding the expected price effect, the values suggested by the OECD Guide were adopted: 10% for cartels, 5% for abuse of a dominant position and 3% for mergers. The duration of the impact was also taken from the guide: three years for cartels and abuses, and two years for mergers.

8. The estimation exercise carried out yielded a total benefit of 151 billion pesos for the Argentine economy. Among the most relevant sectors involved were services, telecommunications, health, food and beverages, and agribusiness. In terms of anticompetitive conduct, the CNDC's actions focused on sanctioning cartels and abuses of dominant positions of an exclusionary nature. With regard to mergers and acquisitions, both structural and behavioural measures were ordered. Among the former, divestments were ordered in cases such as Syngenta/Nidera in the sunflower seeds market,<sup>1</sup> the Disney/Fox merger—in which conditions were imposed to preserve competition in sports signals—<sup>2</sup> and the Linde/Praxair transaction remedies—which lessened the degree of consolidation in the liquid oxygen market.<sup>3</sup>

9. It is worth noting that 77% of the estimated benefit from antitrust enforcement came from two anticompetitive conduct cases: one linked to a cartel and the other to a vertical restraint. This is partly due to the fact that the estimated overprice in these cases—10% for cartels and 5% for abuses of dominance—is usually higher than that associated with economic mergers. In addition, the high incidence was explained by the fact that both practices occurred in mass consumption sectors, such as food and beverages. Particularly, the vertical restraint occurred in the beer market,<sup>4</sup> while the cartel took place in the wheat flour market.<sup>5</sup> The latter accounted for 61% of the total estimated benefits from competition enforcement.

## 2. Relevant Issues on the Inclusion of Appealed Cases and Possible Methodological Extensions

### 2.1. Inclusion of cases appealed in court

10. The estimates made on the benefits derived from competition enforcement included cases that were still at the judicial review stage. While it is acknowledged that the inclusion of these cases may generate inconsistencies in the event that the decisions are subsequently overturned, limiting the analysis exclusively to cases with final judgments would imply considerably delaying the publication of the reports, which would undermine the possibility of having periodic and comparable reports over time. Hence, the criterion adopted by the

---

<sup>1</sup> See at the following link: <https://www.argentina.gob.ar/noticias/desconcentracion-en-el-mercado-de-semillas-de-girasol-operacion-syngenta-nidera>

<sup>2</sup> See at the following link: <https://www.argentina.gob.ar/noticias/fusion-disney-fox-la-cndc-dictamino-la-desinversion-y-puso-condiciones-para-garantizar-la>

<sup>3</sup> See at the following link: <https://www.argentina.gob.ar/noticias/desconcentracion-en-el-mercado-de-oxigeno-liquido-operacion-linde-praxair>

<sup>4</sup> See at the following link: <https://www.argentina.gob.ar/noticias/sancion-cerveceria-y-malteria-quilmes-por-150-millones-de-pesos>

<sup>5</sup> See at the following link: <https://www.argentina.gob.ar/noticias/sancion-faim-cim-apyminra-y-molino-canuelas-por-cartelizacion-en-el-mercado-de-harina-de>

CNDC was to include all cases resolved by the body, even those pending judicial review, prioritising that the impact was recorded in the period in which the decisions were adopted and began to generate effects in the market

11. This raises a relevant methodological issue, as it requires considering how to implement the estimation of the positive effects of an antitrust measure, from its application until the moment of an eventual judicial revocation, and how to incorporate them into the overall assessment. In the case of the CNDC, the report included the estimation of benefits derived from the sanctioning of Telecom/Artear in December 2022, regarding an abuse of vertical dominance in the communications services market. During the proceedings before the CNDC, the denounced companies voluntarily ceased the alleged conduct in 2021, which entails a clear deterrence effect from the agency's intervention. Although the Court of Appeals subsequently annulled the sanction in December 2024 on strictly procedural grounds, the substance of the conduct under investigation was not questioned. Thus, the inclusion of the case in the report was justified on the basis of the real and verifiable positive effects that the intervention generated on the market from the end of the conduct.

## 2.2. Adapting OECD Assessment Guide recommendations to each jurisdiction

12. While the OECD Guide is a fundamental tool for effective implementation of competition enforcement impact assessment, the economic contexts of each jurisdiction, or the specific needs of each competition authority, may result in the development of certain adaptations to what is suggested in the Guide.

13. Therefore, in the context of economies with high inflation or exchange rate volatility, as is the case in Argentina, it is useful to develop standardised methodologies to convert figures to constant values and to a common international currency. In the practice of the CNDC, this type of adaptation allows for a better interpretation of the estimated benefits and enables more consistent comparisons over time. The incorporation of such tools could also be useful in countries with similar macroeconomic conditions by contributing to greater international comparability.

14. As noted in the OECD Guide, the estimation of benefits is limited to static effects, mainly related to price reductions. While it is recognised that the main benefits of competition occur through higher levels of innovation and productivity, these effects are more difficult to estimate and are therefore excluded from the analysis. Given this complexity, it is reasonable for antitrust agencies' impact assessments to focus on static effects, although further exploration of methodologies that capture dynamic dimensions is encouraged, especially when assessing regulatory reforms, market studies or competition advocacy efforts.

15. Finally, it should be noted that in the Argentine case, the impact assessment exercise was conducted as part of an institutional report on management results, not as part of the annual reports. The CNDC considers that these exercises could be institutionalised on a regular basis (for example, every two or four years), depending on the availability of information and resources, which suggests the convenience of making the recommendation to carry out evaluations on an annual basis more flexible.

## 2.3. Considerations on indirect effects

16. Interventions by competition agencies tend to reduce prices in the directly affected sectors, or at least prevent them from rising above competitive levels. However, the effects are not limited to the targeted markets. Through production linkages in the economy, it is possible for the benefits to spill over to other sectors. This happens because firms that use

products from the affected sectors as inputs face lower costs, which can translate into lower prices in their own activities.

17. This phenomenon is known as the ‘spillover price effect’ and is explained by the inter-sectoral structure of production. Economic sectors are interlinked: what happens in one sector can affect many others through supply chains. If an intervention in one sector ‘upstream’ (i.e. supplying inputs to others) generates a price fall, its direct buyers —‘downstream’ firms— benefit from lower costs. These, in turn, can adjust their prices, generating a chain of reductions that is transmitted through various stages of production, including to the final consumer.

18. The magnitude of the spillover effect depends on the role of the intervened sector within the production chain. Sectors with multiple downstream linkages —such as energy, business services or basic manufacturing— tend to generate larger effects, as their products are used as inputs in many other activities. By contrast, sectors that sell mainly to the final consumer, with few linkages to other sectors, generate narrower effects. Thus, the aggregate impact of competition interventions may vary significantly depending on the position of the affected sector in the production structure of the economy.

19. In this regard, the report *Modelling the macroeconomic impact of competition policy: 2023 update and further development* (European Commission, 2024), which analyses the impact of the European Commission's competition policy interventions between 2012 and 2022 using an input-output model developed by the Joint Research Centre, is noteworthy. The study assesses how these policies affect prices at both the sectoral and aggregate level, including the spillover effects transmitted between sectors from the productive interdependencies reflected in the EU input-output matrices.

20. One alternative to improve the assessment of the benefits of competition enforcement is to incorporate the indirect effects that competition policy generates across the economy. As such, a cross-country comparative study could be developed that, using each jurisdiction's input-output matrices, estimates the aggregate impact of competition interventions beyond the sectors directly affected. This approach would allow the quantification of the so-called spillover price effects and thus capture more fully the economic benefits of preserving competitive markets. This is a developing line of work within the CNDC, with the potential to strengthen competition policy evaluation tools.

21. Based on these empirical exercises, it would be possible to revise the percentages commonly used to value the benefits of competition enforcement, incorporating both direct and indirect effects in a more robust way. This could be done through an aggregate quantification that sums both components, or by explicitly disaggregating indirect benefits as an additional category within the analysis. In either case, the inclusion of these effects would reduce the underestimation bias in impact analyses.

22. In addition, if common patterns in the magnitude of indirect effects were identified in different national contexts, a standardised reference coefficient or percentage could be constructed. Such a coefficient would simplify future benefit assessment exercises, avoiding the need to apply the input-output methodology each time an impact assessment is conducted. This would strengthen the empirical basis for assessing competition policy, while facilitating its practical application through more accessible and operational approaches.

### 3. Final Remarks

23. The Argentine experience shows that the Guide to assist competition authorities in assessing the expected impact of their activities published by the OECD in 2014 is a valuable and feasible tool for conducting competition policy impact assessment exercises. From its implementation, some issues were identified that could be explored in future adaptations of the guide to broaden its applicability to different jurisdictions and institutional contexts. In particular, it would be useful to explore methodological guidelines for the monetary updating of values and the conversion to a common international currency, with the objective of favouring comparability across jurisdictions.

24. One line that could be explored to broaden the scope of impact assessment exercises is the use of national input-output matrices, which would allow capturing indirect and spillover effects between sectors. Although this methodology has not yet been applied in the Argentine case, it represents a possibility to be considered in comparative studies. Along the same lines, the construction of reference coefficients on indirect effects could facilitate a standardised valuation of benefits in different contexts. Finally, providing flexibility with respect to the suggestion to carry out annual evaluations could allow each agency to define the most appropriate frequency according to its institutional and operational conditions.