

CO2B: Publicly disclose information related to competition policy or anticompetitive acts by operators

REGULATORY FUNCTION: COMPETITION		CO2B
OBJECTIVE CO2 Operators' competition behaviour is audited through collected legal and contractual information	ACTION CARD CO2B PUBLICLY DISCLOSE INFORMATION RELATED TO COMPETITION POLICY OR ANTICOMPETITIVE ACTS BY OPERATORS	
COST: Low FREQUENCY: Regular TARGET GROUPS: Regulators, service operators, service clusters, anti-monopoly institutions, civil society		
DESCRIPTION Any information or report on anti-competitive behaviour becomes more relevant and useful when it is accessible to consumers and other operators. Regulators systematically include this, or any other information related to new competition policies, in public communication. Open access to such information enables the public to be informed while also fostering a more competitive environment. Regulators must also include specific recommendations based competition-related inquiries in their annual reports. Irrespective of the actual format, publicly available annual competition information improves market behaviour and increase consumer satisfaction.		
EXPECTED OUTCOMES <ul style="list-style-type: none"> • Transparent information about competition policies and abuses is available to the wider public. • Operators and consumers are informed about new competition policies or related misconduct. • Anti-monopoly institutions have a better overview of competitive behaviour in the sector and can base decisions on proper evidence. 		
EXAMPLE 1: UNITED KINGDOM In the UK , the 2004-05 annual report of the Economic Regulator of Water Sector in England and Wales (OFWAT) promoted and informed consumers and operators about policies related to market competition. <ul style="list-style-type: none"> • From November 2005, customers who are likely to consume at least 50 megaliters of water a year will be able to purchase water from either their existing water undertaker or from a water supply licensee. It estimates that this facility will be available to around 2,200 customers, who in total spend approximately £200 million on water each year. • Companies will be able to apply for either a 'retail' license, which entitles the holder to purchase water from a water undertaker (called a wholesale supply) and to retail it to eligible customers; or a 'combined' license, which authorizes the holder to introduce water into a water undertaker's supply system and retail it to eligible customers (a combined supply). Companies will be able to apply to OFWAT for a license from 1 August 2005. 		
EXAMPLE 2: PARAGUAY In Paraguay, the Concessionaire Tariff Regulation stipulates the obligation of providers and regulators to report information used for tariff-setting and making it available to users; it also stipulates that any agreement or action by the provider that is conducive to distorting or hiding information on service provision costs with the aim of obtaining higher tariffs in the tariff-setting process shall be considered contrary to free competition and therefore unfair (Articles 44, 45 and 48).		
EXAMPLE 3: CHILE In Chile, the General Law on Sanitary Services (Statutory Decree No. 382 of 1989) stipulates that any action or agreement by operators that is conducive to distorting or hiding information on service provision costs with the aim of obtaining higher tariffs in the tariff-setting process shall be considered contrary to free competition.		

LINKS

UK: OFWAT competition policy web information:

<https://www.ofwat.gov.uk/?s=anticompetitive+practices&x=0&y=0> <https://www.ofwat.gov.uk/regulated-companies/>

Paraguay: General Law on the Regulatory and Tariff Framework for Drinking Water and Sanitary Sewerage Provision (see Articles 44, 45 and 48)

<https://www.erssan.gov.py/index.php/marco-legal/marco-regulatorio-y-tarifario-del-servicio-publico-de-provision-de-agua-potable-y-alcantarillado-sanitario-para-la-republica-del>

Chile: General Law on Sanitary Services

<https://www.bcn.cl/leychile/navegar?idNorma=5545>

INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS

Communicating competition policies and related misconducts in annual reports requires a high level of communication and public relation skills, alongside a solid internal regulatory understanding of collected evidence. Communication capacities are usually compensated for through support by external partners. Partners may include national institutions familiar with public reporting, research institutions, and development partners. In some cases, consumer associations may also support this task. Once templated, such reports can be then completed annually by regulators without the need for external support.