

## **CHAPTER 10. MARKET COMPETITION–METHODOLOGY NOTE**

### **I. MOTIVATION**

There is substantial economic evidence that a fair level of market competition spurs economic growth by increasing industry and firm innovation and productivity, leading to better products, more and better jobs, and higher incomes.<sup>1</sup> By affecting market entry and exit, competition stimulates product innovation and service quality, protects consumers, and forces market operators to provide their products and services at cost.<sup>2</sup> But competition is rarely perfect. Markets fail either due to firms' behaviors or government interventions. Market power—a firm's ability to raise prices well above cost, offer a low-quality good or service, and drive out competition—must be kept in check.<sup>3</sup>

Governments have a wide range of tools to deter anticompetitive behaviors, promote market entry, ensure a fair level of competition, and reduce distortions created by market failures.<sup>4</sup> Competition policy is the set of policies and laws that ensure that competition in the marketplace is not restricted in a way that reduces economic welfare.<sup>5</sup> Crucial for the business environment and the economy, competition policy can help alleviate poverty and foster shared prosperity. In some major markets where governments are the sole or principal buyer (for example, education, health, and infrastructure), the design and implementation of government regulations directly influence market entry and firm behavior.<sup>6</sup>

Having a dynamic and competitive market is key for faster growth and lower prices, which in conjunction with other policies is crucial for poverty eradication. Having a well-enforced competition law helps poor producers as well as poor consumers by enforcing the breaking up of cartels, exposing dominant firms that engage in anticompetitive conduct to more competition, and by reducing barriers to entry, helping small firms enter the market and survive. Market entry provides a dual benefit to the poor, not only by helping them as consumers by putting downward pressure on prices, but also by expanding their employment and small business opportunities.<sup>7</sup>

This topic benchmarks key regulations that promote competitive behaviors and innovation from the perspective of the entire private sector, rather than considering their impact on an individual firm. It assesses regulations that deter anticompetitive firm behaviors, regulations that promote competitive behaviors in government markets, regulations that promote innovation, key public services provided to implement such regulations, and their efficient implementation.

### **II. INDICATORS**

The Market Competition topic measures good practices related to the enforcement of competition policy, intellectual property rights and innovation policy, and regulations that focus on improving competition and innovation in markets where the government is a purchaser of services or goods across the three different dimensions, here referred to as pillars. The first pillar assesses the quality of regulations that promote market competition, covering de jure features of a regulatory framework that enable firms to participate in fair market conditions and innovate, and where firms can participate in open and competitive government markets. The second pillar measures the adequacy of public services that promote market competition, thus assessing the de facto provision of services that create an equal level of playing field in markets, and that foster and promote innovation. The third pillar measures the operational efficiency in the implementation of key services promoting market competition (reflecting both the ease of compliance with the regulatory framework and the effective provision of public services directly relevant to firms that contribute in practice to the promotion of market competition). Each pillar is divided into three categories defined by common features that inform the grouping: (1) good practices related to competition regulations and institutions; (2) good practices in the area of intellectual property rights and innovation; (3) and good practices in public procurement from a competition perspective. Each category is further divided into subcategories. Each

subcategory consists of several indicators, each of which may, in turn, have several components. Relevant points are assigned to each indicator and subsequently aggregated to obtain the number of points for each subcategory, category, and pillar. Table 1 includes a summary of all three pillars, along with their respective categories.

**Table 1. Summary Table of All Three Pillars for Market Competition Topic**

<b>Pillar I—Quality of Regulations that Promote Market Competition (93 indicators)</b>	
<b>1.1</b>	<b>Competition (38 indicators)</b>
1.1.1	Antitrust (12 indicators)
1.1.2	Merger Control (11 indicators)
1.1.3	State-Owned Enterprises Framework and Scope of Competition Law (8 indicators)
1.1.4	Enforcement of Competition Regulations (7 indicators)
<b>1.2</b>	<b>Innovation and Technology Transfer (31 indicators)</b>
1.2.1	Strength of Intellectual Property Rights Protection (11 indicators)
1.2.2	Licensing and Technology Transfer (5 indicators)
1.2.3	Fair Access to Innovation (includes environment) (9 indicators)
1.2.4	University-Industry Collaboration (6 indicators)
<b>1.3</b>	<b>Bidding for Public Contracts (24 indicators)</b>
1.3.1	Access and Firm’s Participation (includes gender) (8 indicators)
1.3.2	Best Value for Money (includes gender and environment) (8 indicators)
1.3.3	Fairness of the Procurement Process (6 indicators)
1.3.4	Transparency of Key Procurement Documents (2 indicators)
<b>Pillar II—Public Services that Promote Market Competition (61 indicators)</b>	
<b>2.1</b>	<b>Competition Authority (21 indicators)</b>
2.1.1	Institutional Framework (9 indicators)
2.1.2	Advocacy and Transparency (12 indicators)
<b>2.2</b>	<b>Innovation in Firms (18 indicators)</b>
2.2.1	Institutional Framework to Support Innovation (4 indicators)
2.2.2	Digitalization of Intellectual Property Services (includes environment) (5 indicators)
2.2.3	Innovation Systems (includes gender) (9 indicators)
<b>2.3</b>	<b>E-Procurement (22 indicators)</b>
2.3.1	Digitalization of Procurement Procedures (includes environment) (15 indicators)
2.3.2	Transparency of Key Procurement Documents (includes gender) (7 indicators)
<b>Pillar III—Implementation of Key Services Promoting Market Competition (19 indicators)</b>	
<b>3.1</b>	<b>Competition (9 indicators)</b>
3.1.1	Simplified Merger Review (3 indicators)
3.1.2	Market Dynamism and Competitive Behaviors (6 indicators)
<b>3.2</b>	<b>Innovation (2 indicators)</b>
3.2.1	Proportion of Highly Innovative Firms (1 indicator)
3.2.2	Use of International Quality Certifications (1 indicator)
<b>3.3</b>	<b>Public Procurement (8 indicators)</b>
3.3.1	Time to Award Public Contracts (5 indicators)
3.3.2	Time to Receive a Payment from a Government Contract (1 indicator)
3.3.3	Firms’ Perceptions on the Ease of Bidding (1 indicator)
3.3.4	Gender Gap in Government Suppliers (1 indicator)

## 1. PILLAR I. QUALITY OF REGULATIONS FOR MARKET COMPETITION

Table 2 shows the structure for Pillar I, Quality of Regulations that Promote Market Competition. Each of this pillar’s categories and subcategories will be discussed in more detail in the order shown in the table.

**Table 2. Pillar I—Quality of Regulations that Promote Market Competition**

<b>1.1</b>	<b>Competition</b>
1.1.1	Antitrust

1.1.2	Merger Control
1.1.3	State-Owned Enterprises Framework and Scope of Competition Law
1.1.4	Enforcement of Competition Regulations
<b>1.2</b>	<b>Innovation and Technology Transfer</b>
1.2.1	Strength of Intellectual Property Rights Protection
1.2.2	Licensing and Technology Transfer
1.2.3	Fair Access to Innovation (includes environment)
1.2.4	University-Industry Collaboration
<b>1.3</b>	<b>Bidding for Public Contracts</b>
1.3.1	Access and Firm's Participation (includes gender)
1.3.2	Best Value for Money (includes gender and environment)
1.3.3	Fairness of the Procurement Process
1.3.4	Transparency of Key Procurement Documents

## 1.1 Competition

Category 1.1 is divided into four subcategories consisting of several indicators, each of which may, in turn, have several components.

### 1.1.1 Antitrust

The regulation of anticompetitive behaviors addresses, at its core, any practices that may distort healthy competition between the various actors within a given economy and may have a negative effect upon markets. The indicator aims to examine the overall quality of the competition regulations pertaining specifically to matters of antitrust, including anticompetitive agreements (both horizontal and vertical) and abuse of dominance practices. To this end, the legal framework should also provide selective exemptions of anticompetitive agreements only under specific circumstances.<sup>8</sup> Therefore, Subcategory 1.1.1–Antitrust comprises twelve indicators (table 3).

**Table 3. Subcategory 1.1.1–Antitrust**

	Indicators	Components
1	Legal Framework Prohibits Anticompetitive Agreements	Framework forbids anticompetitive agreements
2	Legal Framework Distinguishes between which Agreements Restrict Competition by Object or Effect	Framework specifies which agreements are forbidden in and of themselves
3	Exemptions for Non-Competitive Agreements Must be Justified Based on Public Interest or Efficiency	i) Framework provides exemptions for anticompetitive agreements that advance public interests ii) Framework provides exemptions for anticompetitive agreements that promote efficiency or technical and economic progress
4	Exemption Regulations Require to Identify Efficiency, Harm and Consumer's Impact of the Exempted Agreement	Exemptions are granted contingent upon the conditions that they are efficiency enhancing, do not eliminate competition and they allow a fair share for consumers
5	Exemptions are Granted for a Certain Period of Time and Renewals are Reviewed	i) Exemptions are granted contingent upon a certain time period ii) Renewals are subject to review, including the original circumstances for which the exemption was originally granted
6	Cartels are Forbidden, and Firms are not Allowed to Use Efficiency Defense for Cartels	i) Framework specifically prohibits cartels per se ii) Firms are not allowed to justify cartels that are being investigated on the basis of efficiency
7	Legal Framework Prohibits Abuse of Dominance	Framework prohibits abuse of dominant position
8	Definition of Market Dominance and Abuse of Dominant Position	i) Framework defines market dominance ii) Framework defines when firms are abusing market dominance
9	Availability of Leniency Programs with Procedural Guarantees	i) Framework provides leniency program ii) Framework provides procedural guarantees to organizations that cooperate with Competition Authorities during an investigation for

		evaluating an organization's cooperation and determining the benefits they will receive
10	Cooperation with Competition Authorities Offers Confidentiality, Anonymity, and Whistleblower Protection	<ul style="list-style-type: none"> <li>i) Framework provides confidentiality to firms that cooperate with the Competition Authority during an investigation</li> <li>ii) Framework provides anonymity to organizations that cooperate with the Competition Authority during an investigation</li> <li>iii) Framework provides whistleblower protection to individuals that cooperate with the Competition Authority during an investigation</li> </ul>
11	Leniency Programs Establish Clear Immunity Regimes	<ul style="list-style-type: none"> <li>i) Framework provides full immunity to the first firm that self-reports</li> <li>ii) Framework provides reductions in financial sanctions or other forms of leniency for firms that are not the first to self-report but do subsequently admit the anticompetitive behavior</li> </ul>
12	Incentives for Voluntary Compliance	Framework offers incentives for firms in cases of voluntary compliance

### 1.1.2 Merger Control

Good quality regulations affecting competition law also turn on how effective merger control is within the given economy. This is because mergers are considered to have either a positive or a negative effect on competition depending on the circumstances and context of the specific market.<sup>9</sup> Competition law frameworks must therefore be able to respond to this nuance by ensuring that merger control regulations are clear, signaling the types of transactions that do not need to be reviewed, detailing the processes through which the review will be carried out and ensuring procedural fairness throughout the process. Therefore, Subcategory 1.1.2–Merger Control comprises eleven indicators (table 4).

**Table 4. Subcategory 1.1.2–Merger Control**

	Indicators	Components
1	Scope of Merger Control Regulations	Framework does not exclude sectors or firms from merger control regulations
2	Legal Framework Establishes the Economic Criteria Used to Identify which Transactions Fall under Merger Control Regime	Framework provides economic quantitative and qualitative criteria for identifying which transactions fall under merger control regulations
3	Legal framework Establishes a Merger Control Procedure to Assess Competition Distortions	Framework specifies when a transaction must be notified and whether that notification is ex ante or ex post
4	Legal Framework Establishes Clear Guidelines and Thresholds for Merger Notifications, Including Individual and Aggregate Thresholds	<ul style="list-style-type: none"> <li>i) Framework establishes thresholds for merger notifications</li> <li>ii) Framework specifies whether thresholds are individual, aggregate or both</li> </ul>
5	Existence of a Multi-phased Merger Review Procedure with Specific Statutory Time Limits	<ul style="list-style-type: none"> <li>i) Multi-phased merger review procedure available in the economy</li> <li>ii) Framework mandates procedure to be completed within set statutory time limits</li> </ul>
6	Existence of a Simplified Merger Procedure	Framework provides for a simplified merger review procedure for transactions that are unlikely to create competition distortions
7	Existence of Pre-Merger Consultation with Competition Authority Regarding Transaction Notification	Framework Provides Pre-Merger Consultation with Competition Authority Regarding Transaction Notification
8	Requirement to Conduct a Substantive Economic Assessment on the Competitive Effects of a Transaction Submitted for a Merger Control Review	Framework requires the Competition Authority to conduct a substantive economic assessment on competitive effects of a merger transaction
9	Availability of Legitimate Justifications for Increases in Market Power Resulting from a Merger or Acquisition	Framework allows firms to justify an increase in market power when the transaction increases efficiency, when the firm would otherwise exit the market, when there is an underlying public interest
10	Merger Remedies Should be Effective, and the Competition Authority Should	<ul style="list-style-type: none"> <li>i) Framework confers power to Competition Authority to impose a set of remedies to guarantee that the merger maintains, restores and does not distort competition</li> </ul>

	have the Authority to Ensure Compliance	<ul style="list-style-type: none"> <li>ii) Remedies imposed by the Competition Authority must address competitive harm identified, must be the least intrusive, and must be capable of being effectively implemented</li> <li>iii) Competition Authority has the jurisdictional power to enforce a remedy order directly or indirectly</li> <li>iv) Parties involved in a merger are allowed to propose alternative solutions during the process of adopting remedies</li> </ul>
11	Powers to Block Mergers that May Otherwise Adversely Impact Competition	Framework confers Competition Authority the power to block mergers

**1.1.3 State-Owned Enterprises Framework and Scope of Competition Law**

State-owned enterprises (SOEs) constitute integral players of most markets across the world and are usually found competing with private entities in key sectors of an economy.<sup>10</sup> It is, therefore, vital that SOEs do not enjoy advantages or disadvantages in the form of exemptions that would distort adequate enforcement of competition law within a given market, and would allow SOEs to justify their anticompetitive behavior.<sup>11</sup> In order to ensure competitive neutrality within an economy, the regulatory framework must ensure SOEs are subject to competition law enforcement in the same way as other actors in the market. Therefore, Subcategory 1.1.3–State-Owned Enterprises Framework and Score of Competition Law comprises eight indicators (table 5).

**Table 5. Subcategory 1.1.3–State-Owned Enterprises Framework and Scope of Competition Law**

	Indicators	Components
1	Requirement to Justify Creation of SOEs Based on Economic, Social, and/or Sustainability Criteria	Need to justify the creation of SOEs based on economic, social, and sustainability criteria
2	Competition Law Applies to All SOEs and Sectors of the Economy	<ul style="list-style-type: none"> <li>i) Exclusion of certain sectors of the economy from competition regulations</li> <li>ii) Exclusion of certain SOEs or legal monopolies from competition regulations</li> </ul>
3	New SOEs Are Assessed from a Competition Perspective	Establishment of a SOE is contingent upon a positive assessment of its potential impact on market competition.
4	Requirement to Carry out an Evaluation Assessment to Justify SOE Commercial Activities	Requirement that evaluation assessments are carried out throughout the life cycle of the SOE to ensure activities are competitively neutral
5	Regulatory Oversight of SOE Preferential Treatment	Requirement that any preferential treatment or exemptions for SOEs undergo scrutiny and approval by the Competition Authority
6	Presence of Barriers to Competition Authority’s Investigations of SOEs	Absence of specific legal or procedural barriers that hinder the Competition Authority’s ability to investigate anti-competitive practices by the SOEs
7	Existence of Procedure to Exclude Sectors from the Application of Competition Law and Merger Control is Based on Economic, Social or Sustainability Criteria	<ul style="list-style-type: none"> <li>i) Framework provides for an exclusion regime from the application of competition law</li> <li>ii) Exclusion regime requires a decision to be justified on economic, social, or sustainability grounds</li> </ul>
8	Existence of Procedure to Exempt Agreements From the Application of Competition Law	<ul style="list-style-type: none"> <li>i) Procedure to exempt individual agreements from antitrust or merger control regulations under specified conditions</li> <li>ii) Procedure to exempt category of agreements from antitrust or merger control regulations under specified conditions</li> </ul>

Note: SOEs = State-Owned Enterprises.

**1.1.4 Enforcement of Competition Regulations**

To ensure that the competition law framework is effective, adequate enforcement must also be ensured within the economy because private enforcement is recognized as being able to substantially improve the functioning of a competition regime.<sup>12</sup> To this end, regulations should create the necessary balance and thus not only forbid anticompetitive agreements but should provide the best fit-for-purpose tools to investigate anticompetitive practices and apply a range of sanctions.<sup>13</sup> At the same time, procedural guarantees in

investigations should be present in order to allow parties to exercise their rights of defense. Therefore, Subcategory 1.1.4–Enforcement of Competition Regulations comprises seven indicators (table 6).

**Table 6. Subcategory 1.1.4–Enforcement of Competition Regulations**

	Indicators	Components
1	Procedural and Fairness Guarantees During Investigation	<p>Framework provides for the following procedural fairness guarantees:</p> <ul style="list-style-type: none"> <li>i) At the beginning of an investigation, the Competition Authority issues a notice of the reasons and concerns leading to the investigation</li> <li>ii) Investigation procedures are written</li> <li>iii) The investigation phase of the Competition Authority must be completed within a set amount of time</li> <li>iv) Parties are provided a reasonable opportunity to consult with the Competition Authority</li> <li>v) Parties have a reasonable opportunity to be heard and provide evidence or testimony in their defense (This includes testimony of experts, cross-examination of testifying witnesses and the opportunity to review or rebut any evidence brought forward)</li> <li>vi) Parties are provided with an opportunity to settle or to reach a consent agreement</li> </ul>
2	Legal Framework Defines What Constitutes Confidential Information	Framework sets out clear provisions over what constitutes confidential information in antitrust and merger control procedures
3	Adequate Powers and Resources to Investigate and to Enforce and Impose Sanctions are Conferred to the Competition Authority	<ul style="list-style-type: none"> <li>i) Framework provides the Competition Authority with the power to conduct unsolicited inspections of firm’s premises to investigate illegal anticompetitive practices</li> <li>ii) Framework grants the Competition Authority with powers to investigate whether firms have concluded a transaction that might raise competition concerns</li> <li>iii) Framework provides for penalties to firms which fail to comply with information requests from the Competition Authority</li> </ul>
4	Competition Authorities Have the Powers to Collect Monetary Sanctions and to Enforce Non-monetary Sanctions	<ul style="list-style-type: none"> <li>i) Framework confers the Competition Authority with the power to collect monetary sanctions</li> <li>ii) Framework confers the Competition Authority with the power to enforce non-monetary sanctions</li> </ul>
5	Competition Authority Can Investigate a Failure to Notify Transactions and Impose Sanctions Based on the Firm's Turnover	<ul style="list-style-type: none"> <li>i) Framework confers the Competition Authority with the power to investigate a failure to notify transactions</li> <li>ii) Framework confers the Competition Authority with the power to impose sanctions based on the firm’s turnover</li> </ul>
6	Decisions of the Competition Authority are Binding and/or Self-Enforceable and Designation of an Independent Body to Review Decisions of the Competition Authority and Action for Damages is Allowed	<ul style="list-style-type: none"> <li>i) Framework considers the Competition Authority’s decisions as binding and enforceable</li> <li>ii) Framework designates an independent body to review decisions of the Competition Authority</li> <li>iii) Framework allows firms to file for an action for damages resulting from infringement of competition law</li> </ul>
7	An Overall Cap on Fines is Provided in the Regulatory Framework	<ul style="list-style-type: none"> <li>i) Framework establishes a cap on fines that can be imposed on a firm</li> <li>ii) Framework sets out the following criteria to be used to determine the maximum cap on fines: a percentage of the firm’s global or relevant turnover, the firm’s gain or harm caused by the anticompetitive practice, or a fixed amount</li> </ul>

## 1.2 Innovation and Technology Transfer

Category 1.2 is divided into four subcategories consisting of several indicators, each of which may, in turn, have several components.

### 1.2.1 Strength of Intellectual Property Rights Protection

Strong intellectual property rights (IPR) protection promotes research and development and facilitates innovation. A broad range of coverage by intellectual property (IP) type including copyrights, patents, and

trademarks, as well as a high level of enforcement determines the confidence in IP systems.<sup>14</sup> Therefore, Subcategory 1.2.1–Strength of Intellectual Property Rights Protection comprises eleven indicators (table 7).

**Table 7. Subcategory 1.2.1–Strength of Intellectual Property Rights Protection**

	Indicators	Components
1	Provisions for Establishment of Collective Management Organizations	Provisions for establishment of Collective Management Organizations
2	Patentability Requirements (Novelty, Inventive Step, Industrial Applicability) for Inventions and Experimental Use Exception or Research Exemption for Patents	i) Patentability requirements (novelty, inventive step, industrial applicability) for inventions ii) Experimental use exception or research exemption for patents
3	Patent Protection Valid from the Filing Date	Patent protection valid from the filing date of the application
4	Duration of Patent and Trademark Protection	i) Duration of patent protection ii) Duration of trademark protection
5	Opposition Mechanisms for Patents and Trademarks	i) Opposition mechanisms for patents ii) Opposition mechanisms for trademarks
6	Provisions for Information Submission System for Patents	Provisions for Information Submission System for patents
7	Public Disclosure of Patent	Public disclosure of patent
8	Trademark use Obligation, Related Grace Period	i) Trademark use obligation ii) Grace period
9	Protection for Well-Known Marks	Protection for well-known marks
10	Actions or Remedies to Enforce Copyright, Patent, and Trademark Protection	i) Actions or remedies to enforce copyright protection ii) Actions or remedies to enforce patent protection iii) Actions or remedies to enforce trademark protection
11	Arbitration of Copyright, Patent, and Trademark Disputes	i) Arbitration of copyright disputes ii) Arbitration of patent disputes iii) Arbitration of trademark disputes

### 1.2.2 Licensing and Technology Transfer

Licensing plays a crucial role in technology transfer. Thus, ensuring adequate licensing procedures and guidelines for setting royalties can promote confidence of both IP holders and licensees.<sup>15</sup> Therefore, Subcategory 1.2.2–Licensing and Technology Transfer comprises five indicators (table 8).

**Table 8. Subcategory 1.2.2–Licensing and Technology Transfer**

	Indicators	Components
1	Provisions on Copyright, Patent, Trademark Licensing Procedures	i) Provisions on copyright licensing procedures ii) Provisions on patent licensing procedures iii) Provisions on trademark licensing procedures
2	Guidelines for Setting Fair and Non-Discriminatory Royalties	Guidelines for setting fair and non-discriminatory royalties
3	Recordal of Change of Patent Owner and Related Timeframe	i) Recordal of change of patent owner ii) Timeframe for recordal of change of patent owner
4	Temporary Licenses/Waivers for Patents	Temporary licenses/waivers for patents
5	Disclosure of Patent and Trademark Licensing Agreements to IPO	i) Disclosure of patent licensing agreements to IPO ii) Disclosure of trademark licensing agreements to IPO

Note: IPO = Intellectual Property Office.

### 1.2.3 Fair Access to Innovation (includes environment)

Open access promotes transparency and access to information.<sup>16</sup> Appropriate safeguards to public interest or environmental sustainability considerations help ensure fair use of innovation.<sup>17</sup> Therefore, Subcategory 1.2.3–Fair Access to Innovation (includes environment) comprises nine indicators (table 9).

**Table 9. Subcategory 1.2.3– Fair Access to Innovation (includes environment)**

	Indicators	Components
1	Open Access and Open-Source Definition	i) Open access definition ii) Open-source definition
2	Scope of Permissible Open Access Research Activities	Scope of permissible open access research activities
3	Provisions Enabling Open Science	Provisions enabling open science
4	Risk-Based Approach to AI Regulation	Risk-based approach to AI regulation
5	Guidelines on an Ethical Impact Assessment of AI Systems	Guidelines on an ethical impact assessment of AI systems
6	Provisions Safeguarding Public Interest	Provisions safeguarding public interest
7	Guidelines for IP-Based Financing	Guidelines for IP-based financing
8	Provisions on IP Relevant for Environmental Sustainability	Provisions on IP relevant for environmental sustainability
9	Provisions on the Environmentally Safe Disposal and Destruction of IPRs Infringing Goods	Provisions on the environmentally safe disposal and destruction of IPRs infringing goods

Note: AI=Artificial Intelligence; IP = Intellectual Property; IPRs = Intellectual Property Rights.

### 1.2.4 University-Industry Collaboration

University-industry collaboration is important for the commercialization of basic research. Strong frameworks outlining institutional IP policies promote confidence in commercialization models.<sup>18</sup> Therefore, Subcategory 1.2.4–University-Industry Collaboration comprises six indicators (table 10).

**Table 10. Subcategory 1.2.4–University-Industry Collaboration**

	Indicators	Components
1	Standard Model Research Collaboration Agreements	Standard model research collaboration agreements
2	Grace Period for Publishing Research Results Without Compromising Patentability	Grace period for publishing research results without compromising patentability
3	Patent Ownership Developed Within Public Research Organizations	Patent ownership developed within public research organizations
4	Institutional IP Policies of Public Research Organizations	Institutional IP policies of public research organizations
5	University Spin-offs	University spin-offs
6	Financial Incentives for Commercializing Research	Financial incentives for commercializing research

Note: IP = Intellectual Property.

## 1.3 Bidding for Public Contracts

Category 1.3 is divided into four subcategories consisting of several indicators, each of which may, in turn, have several components.

### 1.3.1 Access and Firm's Participation (includes gender)

A robust regulatory framework is crucial for firms to participate in markets where the government is a purchaser. The quality of regulations that promote market access (entry) and competition for such firms ensure the basic framework that can benefit the whole private sector through open and competitive procurement as the default approach to public contracts. This is established through clearly defined guidelines on the procedures for framework agreements and setting out the terms and conditions for participation in public tenders through clear rules on content and participation. Therefore, Subcategory 1.3.1–Access and Firm's Participation (includes gender) comprises eight indicators (table 11).

**Table 11. Subcategory 1.3.1–Access and Firm’s Participation (includes gender)**

	Indicators	Components
1	Open and Competitive Procurement as the Default	Open procurement is the default method for tendering a contract
2	Restrictions on Foreign Firms’ Participation in Public Procurement	<ul style="list-style-type: none"> <li>i) Framework does not impose participation or award restrictions on foreign firms</li> <li>ii) Framework does not require foreign firms to have partnerships with domestic firms to be eligible to participate in a tender</li> <li>iii) Framework does not require foreign firms to own subsidiaries in domestic economy to be eligible to participate</li> <li>iv) Framework does not reserve specific contracts exclusively for local firms and citizens</li> </ul>
3	SOEs and Independent Authorities Are Not Excluded from Application of Procurement Regulations	State-Owned Enterprises and Independent Authorities are mandated to adhere to the general public procurement regulatory framework
4	Ability to Divide Contracts into Lots	Framework provides for division of contracts in lots
5	Legal Deadline for Procuring Entities to Process Payments to the Contractor is Established	Framework applicable to procuring entities establishes a timeframe within which the entity must process a payment once an invoice has been received
6	Procurement Procedures for Framework Agreements are Established	<ul style="list-style-type: none"> <li>i) Framework outlines a designated procedure for awarding contracts based on a framework agreement where contracts are awarded following a competitive two-stage process</li> <li>ii) Framework allows addition of new suppliers to initial parties during duration of framework agreement</li> </ul>
7	Promoting Gender Equality in Public Procurement	Framework includes gender-specific provisions that promote gender equality in public procurement
8	Tender and Contractual Mechanisms to Promote SME Participation	Framework provides for preferential treatment approaches for Small and Medium Enterprises

Note: SME = Small and Medium Enterprises.

### 1.3.2 Best Value for Money (includes gender and environment)

Ensuring public money is spent in the most efficient way lies at the heart of public procurement regulation. It is therefore crucial to identify whether governments have adopted good regulatory practices in their selection of public contracts by conducting a clear and thorough evaluation of total and life cycle costs of public contracts before awarding contracts, in addition to having clear criteria as to how to establish the most economically advantageous tender considerations. Therefore, Subcategory 1.3.2–Best Value for Money (includes gender and environment) comprises eight indicators (table 12).

**Table 12. Subcategory 1.3.2–Best Value for Money (includes gender and environment)**

	Indicators	Components
1	Existence of Procedure and Criteria for Identifying Abnormally Low Bids are Established	<ul style="list-style-type: none"> <li>i) Framework established a procedure for identifying abnormally low bids</li> <li>ii) Framework establishes criteria for identifying abnormally low bids</li> </ul>
2	Designation of Specialized Tendering Methods for Innovation Procurement	Framework designates specific tendering procedures for innovation procurement
3	Incorporation of Sustainability Clauses in Standard Bidding Documents	Framework establishes that standard bidding documents must contain sustainability clauses for all or some model documents
4	Incentives to Include Environmental Considerations in Tenders	<ul style="list-style-type: none"> <li>i) Framework provides incentive for preparing bids with environmentally friendly components</li> <li>ii) Framework establishes quantifiable environmental targets for public procurement entities</li> <li>iii) Framework compels the inclusion of specific environmental standards in the specifications for goods, services, and works procured by the government</li> <li>iv) Framework recognizes and provides a list of eco labels that can be utilized in bid documents for public procurement</li> </ul>
5	Mechanisms to Introduce Gender-Responsive Public Procurement	Framework includes the following mechanisms: gender analysis in needs assessment, the principle of equal pay and non-discrimination and/or

		exclusion grounds for firms that have violated gender equality obligations, and award criteria with gender dimension
6	Market-Based Tools to Estimate Contract Value	Framework establishes tools that must be used when procuring entities prepare to estimate the contract value of new procurement opportunities, including, market analysis, feasibility study and/or historical data from similar projects or tenders
7	Total Cost of Ownership and Life Cycle Cost Considerations are Used in Bid Evaluation	i) Framework defines project life cycle cost ii) Framework defines total cost of ownership
8	Most Economically Advantageous Tender is the Preferred Evaluation Criteria	Framework explicitly recommends the preference to use Most Economically Advantageous tender criteria over lower price criteria

### 1.3.3 Fairness of the Procurement Process

Effective competition in government markets needs a public procurement framework that protects the fairness of tender processes. The tools that typically promote fairness in these cases aim at ensuring equal opportunity and treatment of bidders. Unequal treatment not only distorts the competitive process to award a contract but can also have detrimental effects on market entry. Fairness of the procurement process can only be clearly established through the procedural guarantees recognized for the granting of public contracts, including such aspects as a clear standstill period between contract award notice and the signing of the contract, the minimum duration between the notice and the award, the obligation to notify firms of the decisions, and adequate recourse to appeal. Therefore, Subcategory 1.3.3–Fairness of the Procurement Process comprises six indicators (table 13).

**Table 13. Subcategory 1.3.3–Fairness of the Procurement Process**

	Indicators	Components
1	Standstill Period Between Contract Award Notice and Contract Signing to Allow Aggrieved Bidders to Challenge the Decision	Framework establishes a mandatory standstill period between the public notice of an award and contract signing to allow unsuccessful bidders to challenge the decision
2	Minimum Duration between Publication of Tender Notice and Submission Deadline is Clearly Defined	Framework sets a minimum timeframe between advertisement of a tender notice and a submission deadline for all procurement procedures
3	Prohibition of Dividing Contracts to Circumvent Open Tendering Thresholds	Framework prohibits the splitting of contracts for the purpose of circumventing thresholds for open tendering
4	Obligation to Notify Firms of Procurement Decisions and Legal Framework Establishes How Clarification Requests from Potential Bidders should be Addressed	i) Framework requires that clarification requests from potential bidders be communicated to all bidders ii) Framework mandates communication of an award decision to all bidders
5	Availability of Specialized Procurement Tribunals and of the Right to Appeal its Decisions	i) Framework designates a specialized and independent authority to receive procurement challenges filed by firms on decisions issued by the procuring entities ii) Framework establishes the right for an aggrieved bidder to appeal decisions on challenges made by the authority that receives the procurement challenges
6	Time Limits to Resolve Appeals and Legal Recourses Granted to Firms When there are Delays in Resolving Appeals	i) Framework establishes legally binding time limits to challenge a review process ii) Framework establishes legal recourse for an aggrieved bidder experiencing delays in either challenge or review processes for all or some types of challenges

### 1.3.4 Transparency of Key Procurement Documents

Transparency is a core principle of high-quality public procurement. An open and transparent procurement process improves competition and increases efficiency. Transparency-enhancing measures are, in general,

consistent with the promotion of competition. They promote competition by informing suppliers of opportunities to compete and by giving them confidence that bids will be assessed objectively on their merits—thereby increasing their incentive to bid.<sup>19</sup> Transparency can only be guaranteed when it is established through the public procurement process. As a result, this calls for a continuous and effective publication at every stage of the procurement procedure. Therefore, Subcategory 1.3.4–Transparency of Key Procurement Documents comprises two indicators (table 14).

**Table 14. Subcategory 1.3.4–Transparency of Key Procurement Documents**

	Indicators	Components
1	Publication of Procurement Plans, Notices, Tender Documents, and Award Decisions	<ul style="list-style-type: none"> <li>i) Framework establishes that procurement plans should be made publicly available</li> <li>ii) Framework establishes that tender notices should be made publicly available</li> <li>iii) Framework establishes that tender documents should be made publicly available</li> <li>iv) Framework establishes that award decisions should be made publicly available</li> </ul>
2	Publication of Contracts and Contract Amendments	Framework establishes that contracts and contract amendments should be made publicly available

## 2. PILLAR II. PUBLIC SERVICES THAT PROMOTE MARKET COMPETITION

Table 15 shows the structure for Pillar II, Public Services that Promote Market Competition. Each of this pillar’s categories and subcategories will be discussed in more detail in the order shown in the table.

**Table 15. Pillar II–Public Services that Promote Market Competition**

<b>2.1</b>	<b>Competition Authority</b>
2.1.1	Institutional Framework
2.1.2	Advocacy and Transparency
<b>2.2</b>	<b>Innovation in Firms</b>
2.2.1	Institutional Framework to Support Innovation
2.2.2	Digitalization of Intellectual Property Services (includes environment)
2.2.3	Innovation Systems (includes gender)
<b>2.3</b>	<b>E-Procurement</b>
2.3.1	Digitalization of Procurement Procedures (includes environment)
2.3.2	Transparency of Key Procurement Documents (includes gender)

### 2.1 Competition Authority

Category 2.1 is divided into two subcategories consisting of several indicators, each of which may, in turn, have several components.

#### 2.1.1 Institutional Framework

Having a Competition Authority is key to effectively enforcing competition regulations and signaling a level playing field in the market. Competition authorities must operate within a clear and independent framework to investigate firm behaviors and implement sanctions to deter anticompetitive practices. By focusing on the institutional framework and the quality of the enforcement of competition regulations, the indicator serves as a proxy for the de facto operationalization of competition authorities. Therefore, Subcategory 2.1.1–Institutional Framework comprises nine indicators (table 16).

**Table 16. Subcategory 2.1.1–Institutional Framework**

	Indicators	Components
1	Competition Authority is Operationally Independent	Competition Authority is operationally independent

2	Competition Authority has a Clear and Non-Overlapping Mandate	Co-existing authorities that are responsible for protecting and fostering competition do not have uncoordinated overlapping mandates
3	Establishment of a Procedure for Selection and Dismissal of Board Members	i) Due process for the appointment of the Competition Authority's board members ii) Due process to dismiss the Competition Authority's board members
4	Term Limits for Board Members of the Competition Authority	i) Framework sets out an official office term for board members of the Competition Authority ii) Framework sets a cap on the number of terms a board member of the Competition Authority can serve
5	Mechanisms are Established for Competition Authorities to Cooperate with Foreign Competition Authorities	Existence of established cooperation mechanisms between domestic and foreign Competition Authorities
6	Cooling off Period after Term Limits for Board Members of Competition Authority for Private Sector Jobs in Previously Investigated Companies	Cooling-off period during which board members of the Competition Authority cannot take jobs in previously investigated companies
7	Conflict of Interest Rules are Applied to Employees of the Competition Authority	Conflict of interest rules are applied to case-handlers of the Competition Authority
8	Competition Authority Issues Opinions on Policies and Regulations	Competition Authority has the mandate to issue opinions on government policies and regulations to ensure that they do not hamper competition
9	Competition Authority's Opinions are Binding	Competition Authority opinions are binding

### 2.1.2 Advocacy and Transparency

Through competition advocacy a competition agency can influence government policies by proposing alternatives that would be less detrimental to economic efficiency and consumer welfare. It can serve as a buttress against lobbying and economic rent-seeking behavior by various interest groups. And it can foster greater accountability and transparency in government economic decision making and promote sound economic management and business principles in both the public and private sectors. This indicator also benchmarks competition authorities' role in promoting accessibility and transparency by measuring whether the Competition Authority publishes its decisions and the legal and economic justification behind them; issues guidance/advocacy reports on antitrust and merger control; and enforces sanctions. Therefore, Subcategory 2.1.2–Advocacy and Transparency comprises twelve indicators (table 17).

**Table 17. Subcategory 2.1.2–Advocacy and Transparency**

	Indicators	Components
1	Issuance of Guidance Documents on Horizontal and Vertical Agreements	i) Competition Authority issues guidance documents on horizontal agreements ii) Competition Authority issues guidance on vertical agreements iii) Competition Authority issues guidance on cooperation agreements
2	Issuance of Guidance Documents on Abuse of Dominance	Competition Authority issues guidance documents on abuse of dominance
3	Issuance of Guidance Documents on Leniency Programs	Competition Authority issues guidance documents on leniency programs
4	Issuance of Guidance on Market Definition	Competition Authority issues guidance documents on market definition
5	Issuance of Guidance Documents on Competition-Related Issues in Digital Platforms	Competition Authority issues guidance documents on competition-related issues in digital platforms
6	Issuance of Guidance on Merger Control	Competition Authority issues guidance documents on merger control
7	Issuance of Guidance on Labor Markets	Competition Authority issues guidance documents on antitrust enforcement as it pertains to labor markets
8	Issuance of Analytical Reports on Competition	Competition Authority may issue analytical reports on markets, behaviors, or practices from the perspective of competition policy
9	Organization of Workshops to Disseminate Competition Policy	Competition Authority organizes workshops or webinars to disseminate competition policy to firms

10	Online Publication of all Antitrust and Merger Control Decisions and Exemptions	i) Competition Authority publishes all antitrust and merger control decisions online ii) Competition Authority must publish decision on exemption of SOE from antitrust and merger control regulations online
11	Online Publication of all Opinions of the Competition Authority on Government Policies	Competition Authority publishes all opinions on government policies online
12	Electronic Notification of Transaction for Merger Control	Firms may file notification of a transaction subject to merger control regulations electronically

## 2.2 Innovation in Firms

Category 2.2 is divided into three subcategories consisting of several indicators, each of which may, in turn, have several components.

### 2.2.1 Institutional Framework to Support Innovation

Strong institutional mechanisms are important to support innovation.<sup>20</sup> Therefore, Subcategory 2.2.1–Institutional Framework to Support Innovation comprises four indicators (table 18).

**Table 18. Subcategory 2.2.1–Institutional Framework to Support Innovation**

	Indicators	Components
1	Pro-Bono or Low-Cost Legal Assistance Offered by IPO to IP Licensees	Pro-bono or low-cost legal assistance offered by IPO to IP licensees
2	Availability of Information Submission System in Practice	Availability of Information Submission System in practice
3	Public Consultations on IP Laws and Regulations	Public consultations on IP laws and regulations
4	Public Body Responsible for Participation of Firms in Development of Technical Standards	Public body responsible for participation of firms in development of technical standards

*Note:* IP = Intellectual Property; IPO = Intellectual Property Office.

### 2.2.2 Digitalization of Intellectual Property Services (includes environment)

Digitalization of intellectual property services promotes access to IP rights and facilitates IPR protection and technology transfer, for instance through license of rights databases.<sup>21</sup> Therefore, Subcategory 2.2.2–Digitalization of Intellectual Property Services (includes environment) comprises five indicators (table 19).

**Table 19. Subcategory 2.2.2–Digitalization of Intellectual Property Services (includes environment)**

	Indicators	Components
1	Availability of License of Rights Database or IP Marketplace	Availability of license of rights database or IP marketplace
2	Availability of Green Technology Identifier	Availability of green technology identifier in license of rights database or IP marketplace
3	Availability of Electronic Database on Locally Registered IPR	Availability of electronic database on locally registered IPR
4	Availability of Online Platform for IP Holders to Manage IPR Electronically	Availability of online platform for IP holders to manage IPR electronically
5	Online Publication of List of Qualified IP Professionals by the IPO	Online publication of list of qualified IP professionals by the IPO

*Note:* IP = Intellectual Property; IPO = Intellectual Property Office; IPR = Intellectual Property Rights.

### 2.2.3 Innovation Systems (includes gender)

Innovation systems contribute to the diffusion of innovation through increased collaboration, technical assistance, or financial incentives.<sup>22</sup> Therefore, Subcategory 2.2.3–Innovation Systems (includes gender) comprises nine indicators (table 20).

**Table 20. Subcategory 2.2.3–Innovation Systems (includes gender)**

	Indicators	Components
1	Availability of Technology Transfer Offices	Availability of technology transfer offices
2	Availability of Regulatory Sandboxes	Availability of regulatory sandboxes
3	Availability of Innovation Incubators	Availability of innovation incubators
4	Availability of Innovation Accelerators	Availability of innovation accelerators
5	Government Financial Assistance to Private Incubators/Accelerators	Government financial assistance to private incubators/accelerators
6	Public Research Organizations Technical Assistance to Private Incubators/Accelerators	Public research organizations technical assistance to private incubators/accelerators
7	Availability of Incubators/Accelerators that Target Women Entrepreneurs	Availability of incubators/accelerators that target women entrepreneurs
8	Availability of Science and Technology Parks	Availability of science and technology parks
9	Availability of Innovation Clusters	Availability of innovation clusters

## 2.3 E-Procurement

Category 2.3 is divided into two subcategories consisting of several indicators, each of which, in turn, have several components.

### 2.3.1 Digitalization of Procurement Procedures (includes environment)

E-procurement matters because it has the potential to save time, create efficiency, and help new firms access the market. E-procurement also facilitates sustainable practices in public procurement through features such as environmental labels. Research suggests that e-procurement facilitates the entry of higher quality contractors. In addition, digital technologies provide a competitive edge by improving the speed and quality of procurement, reducing risk, and enhancing innovation. They can also be used to enhance the quality of public service delivery and quality of competition in government markets.<sup>23</sup> Web-based platforms for making online payments for public procurement services prove to enhance efficiency and cost effectiveness. Therefore, Subcategory 2.3.1–Digitalization of Procurement Procedures (includes environment) comprises fifteen indicators (table 21).

**Table 21. Subcategory 2.3.1 Digitalization of Procurement Procedures (includes environment)**

	Indicators	Components
1	Availability of Central E-Procurement Platform	Existence of an operational central electronic public procurement (e-procurement) platform
2	Registering as a Vendor	E-procurement platform includes registering as a vendor
3	Asking the Procuring Entity for Clarifications and Notification of Decisions Electronically	i) E-procurement platform includes asking the procuring entity for clarifications ii) E-procurement platform includes notification of decisions
4	Submitting Tenders Electronically	E-procurement platform includes submitting tenders electronically
5	Open Bids Electronically and Virtual Workspace to Manage the Tender Procedure	i) E-procurement platform includes opening bids electronically ii) E-procurement platform includes a virtual workspace to manage the tender procedure
6	Submitting Bid Security Electronically and Performance Guarantee with Electronic Validation	i) E-procurement platform includes submitting bid guarantee electronically with electronic validation ii) E-procurement platform includes submitting performance guarantee electronically with electronic validation
7	Contract Signing Electronically	E-procurement platform includes contract signing electronically
8	E-contract Management and Implementation Module	E-procurement platform includes an e-contract management and implementation module

9	Submitting Invoices to the Procuring Entity	E-procurement platform includes submitting invoices to the procuring entity
10	Receiving Payments from the Procuring Entity Electronically	E-procurement platform includes receiving payments from the procuring entity electronically
11	Module for Framework Agreement Management	E-procurement platform includes a module for framework agreement
12	E-Reverse Auction Module	E-procurement platform includes an e-reverse auction module
13	E-Catalogue of Approved Suppliers	E-procurement platform includes an e-catalogue of approved suppliers
14	Electronic Green Catalogues	E-procurement platform includes electronic green catalogues
15	Applying for Vendor Eco-Certifications or Eco/Labels Electronically	E-procurement platform includes applying for vendor eco-certifications or eco/labels electronically

### 2.3.2 Transparency of Key Procurement Documents (includes gender)

The availability of information promotes equal access for all types of businesses, including small and medium enterprises (SMEs), by reducing the possibility of large or well-connected firms gaining an advantage because of information asymmetries, and potentially increases competition for government contracts. Therefore, Subcategory 2.3.2–Transparency of Key Procurement Documents (includes gender) comprises seven indicators (table 22).

**Table 22. Subcategory 2.3.2–Transparency of Key Procurement Documents (includes gender)**

	Indicators	Components
1	Accessing Notices on Procurement Opportunities Electronically	E-procurement platform includes tender notices
2	Accessing Bidding Documents Electronically	E-procurement platform includes tender documents
3	Accessing Award Decisions (Including Their Rationale) Electronically	E-procurement platform includes awards and their rationale
4	Accessing Contracts and Contract Amendments Electronically	i) E-procurement platform includes contracts ii) E-procurement platform includes contract amendments
5	Access to Specifications, Standards, or Criteria for Eco-labels and Environmentally Preferable Goods and Services Electronically	E-procurement platform includes sustainability standards, eco-labels and environmentally preferable foods and services
6	Publication of Open Data in Machine Readable Format on Suppliers Contracts and Tenders	i) Existence of data platform that provides open access to data on tenders ii) Existence of data platform that provides open access to data on suppliers
7	Gender - Publication of Open Data on Tenders and Contracts Disaggregated by Sex	E-procurement platform collects and publishes data on sex-disaggregated data on firms that have participated in tenders

## 3. PILLAR III. IMPLEMENTATION OF KEY SERVICES PROMOTING MARKET COMPETITION

Table 23 shows the structure for Pillar III, Implementation of Key Services Promoting Market Competition. Each of this pillar’s categories and subcategories will be discussed in more detail in the order shown in the table.

**Table 23. Pillar III–Implementation of Key Services Promoting Market Competition**

<b>3.1</b>	<b>Competition</b>
3.1.1	Simplified Merger Review
3.1.2	Market Dynamism and Competitive Behaviors
<b>3.2</b>	<b>Innovation</b>
3.2.1	Proportion of Highly Innovative Firms
3.2.2	Use of International Quality Certifications
<b>3.3</b>	<b>Public Procurement</b>
3.3.1	Time to Award Public Contracts

3.3.2	Time to Receive a Payment from a Government Contract
3.3.3	Firm's Perceptions on the Ease of Bidding
3.3.4	Gender Gap in Government Suppliers

### 3.1 Competition

Category 3.1 is divided into three subcategories consisting of several indicators, each of which, in turn, have several components.

#### 3.1.1 Simplified Merger Review

Inadequate merger review processes and ineffective competition policy implementation can have negative effect on the economy (for example, by delaying mergers that do not raise concerns). Poorly implemented review processes can also undermine firm growth by discouraging firms from merging if the cost to do so is deemed too high, or if the outcome of the merger review is deemed too uncertain.<sup>24</sup> Most economies have regulations to review merger notifications and provide simplified procedures, but their effective implementation is crucial for the business environment. A key assumption for this subcategory is that the merger at stake does not raise competition concerns. Therefore, Subcategory 3.1–Simplified Merger Review comprises three indicators (table 24).

**Table 24. Subcategory 3.1.1–Simplified Merger Review**

	Indicators	Components
1	Use of the Simplified Merger Review Procedure	Use of simplified merger review procedure under a specific scenario with fixed parameters
2	Time to File a Simplified Merger Review	Time in days to comply with the documentary requirements and file a notification to the Competition Authority for the transaction with set parameters
3	Time to Clear a Simplified Merger Review	Time in days for the Competition Authority to review and clear a transaction with set parameters

#### 3.1.2 Market Dynamism and Competitive Behaviors

This subcategory provides an overall measure of competition in the markets. It assesses market dynamics and competitive behaviors through proxy questions addressed directly to businesses about certain characteristics of their markets and their ability to compete horizontally and vertically without restraints from anticompetitive practices or government regulations (for instance, constraints in their ability to set prices or the ease of changing a utility provider). Therefore, Subcategory 3.1.2–Market Dynamism and Competitive Behaviors comprises six indicators (table 25).

**Table 25. Subcategory 3.1.2–Market Dynamism and Competitive Behaviors**

	Indicators	Components
1	Market Structure (Number of Firms that Compete in the Market)	i) Percentage of firms that compete with less than two competitors. ii) Percentage of firms that compete with more than two firms and less than five firms iii) Percentage of firms that compete with more than five firms
2	Market Concentration (Market Share of Largest Competitor)	Percentage of market share of the largest competitor
3	Changes in the Level of Competition	Index of change of level of competition over last year
4	Pricing Power (Ability to Change Prices Without Losing Customers)	Percentage of firms that can increase prices for its main product or service more than its competitors without losing customers
5	Easiness to Switch Internet Provider	Index of difficulty to switch internet providers
6	Government Intervention in Prices	Percentage of firms reporting that their main product or service price is regulated

## 3.2 Innovation

Category 3.2 is divided into two subcategories consisting of one indicator, each of which may, in turn, have several components.

### 3.2.1 Proportion of Highly Innovative Firms

This subcategory assesses super innovative firms. Therefore, Subcategory 3.2.1–Proportion of Highly Innovative Firms comprises one indicator (table 26).

**Table 26. Subcategory 3.2.1–Proportion of Highly Innovative Firms**

	Indicators	Components
1	Proportion of Highly Innovative Firms	i) Percentage of firms that introduced a new product ii) Percentage of firms that introduced a new process iii) Percentage of firms spending in R&D

*Note:* R&D = research and development.

### 3.2.2 Use of International Quality Certifications

This subcategory assesses use of international quality certifications. Therefore, Subcategory 3.2.2–Use of International Quality Certifications comprises one indicator (table 27).

**Table 27. Subcategory 3.2.2–Use of International Quality Certifications**

	Indicators	Components
1	Use of International Quality Certifications	Percentage of firms with international quality certifications

## 3.3 Public Procurement

Category 3.3 is divided into four subcategories consisting of several indicators, each of which may, in turn, have several components.

### 3.3.1 Time to Award Public Contracts

In procurement markets, lengthy processes to award contracts can deter market entry and encourage collusive behaviors. Firms might incorporate the cost to prepare bids and the length of the tender procedure before deciding to participate in the government markets. Therefore, Subcategory 3.3.1–Time to Award Public Contracts comprises five indicators (table 28).

**Table 28. Subcategory 3.3.1–Time to Award Public Contracts**

	Indicators	Components
1	Time to Award a Large Works Contract in Open Competitive Bidding	Time that would usually pass between bid opening and contract signing for a large works contract procured under open competitive bidding in calendar days
2	Time to Award a Small Service Contract in Selective Bidding	Time that would usually pass between bid opening and contract signing for a small service contract procured under selective or restricted bidding calendar in days
3	Time to Prequalify Suppliers	Time that would usually pass between publication of the prequalification notice until the moment when all bidders are informed of the prequalification decision in calendar days
4	Time to Award a Contract through Electronic Auction	Time that would usually pass between bid opening and contract signing for a contract procured under electronic auction in calendar days
5	Time to Award a Contract in a Framework Agreement	Time that would usually pass to complete the first stage and the second stage of a framework agreement in calendar days

### 3.3.2 Time to Receive a Payment from a Government Contract

Late payments create negative externalities on firms, such as disruption of market activity and postponed payments of employees and suppliers. This can have the effect of draining firms' liquidity, and in the presence of limited access to credit, delayed payments can ultimately force firms to exit the market, with additional negative effects on their suppliers and customers.<sup>25</sup> Therefore, Subcategory 3.3.2–Time to Receive a Payment from a Government Contract comprises one indicator (table 29).

**Table 29. Subcategory 3.3.2–Time to Receive a Payment from a Government Contract**

	Indicators	Components
1	Time to Receive a Payment from a Government Contract	Time to receive payment from a government contract after submitting an invoice in days

### 3.3.3 Firms' Perceptions on the Ease of Bidding

Administrative burden and high technical and financial capacity requirements can hinder competition in government markets, which are likely to disproportionately affect small and medium sized firm's participation in them.<sup>26</sup> This subcategory contains a measure of the ease of bidding by asking firms how difficult they find meeting the administrative requirements to participate in tenders. Therefore, Subcategory 3.3.3–Firm's Perceptions on the Ease of Bidding comprises one indicator (table 30).

**Table 30. Subcategory 3.3.3–Firm's Perceptions on the Ease of Bidding**

	Indicators	Components
1	Firms' Perceptions on the Difficulty to Meet the Administrative Requirements to Participate in Tenders	Perceptions of the degree of difficulty to comply with the administrative requirements to participate in tenders

### 3.3.4 Gender Gap in Government Suppliers

By promoting supplier diversity in their public procurement policies, governments can address inequities in the marketplace, foster the growth potential of women-owned businesses and introduce qualified women-owned businesses into the supply chain, which increases competition and potentially leads to cost savings.<sup>27</sup> Therefore, Subcategory 3.3.4–Gender Gap in Government Suppliers comprises one indicator (table 31).

**Table 31. Subcategory 3.3.4–Gender Gap in Government Suppliers**

	Indicators	Components
1	Gender Gap in Government Suppliers	Percent of firms owned or managed by women among those that held a government contract in last 3 years (%)

## III. DATA SOURCES

### 4.1 Data Collection Sources

The data for Pillar I, Pillar II, and part of Pillar III are collected through consultations with private sector experts. For the Competition category of indicators, this includes corporate lawyers and consultants with expertise in competition law, and legal professionals acting in competition law. For Innovation, lawyers and consultants specialized in intellectual property rights, chartered patent and trademark attorneys are the main contributors. Finally, for the Public Procurement category of indicators, experts include lawyers with expertise in public procurement, consultants who assist in the preparation of tenders, and in-house procurement officers.

Part of the data for Pillar III is collected through Enterprise Surveys, including all indicators in the Market Dynamism and Competitive Behaviors subcategory, all indicators in the Innovation category, and all indicators in the Time to Receive a Payment from a Government Contract subcategory, Firms' Perceptions

on the Ease of Bidding subcategory, and Gender Gap in Government Suppliers subcategory. These surveys provide representative data on innovation in firms as well as practices on government contracts.

## 4.2 Screening and Selection of Experts

The Market Competition topic has three questionnaires, one for each area: Competition, Innovation, and Public Procurement. Each questionnaire targets experts in their respective areas of expertise. A screener questionnaire is used to assist the selection of experts receiving the Market Competition topic questionnaires based on a set of criteria (table 32).

**Table 32. Screener Questionnaire and Respondent Criteria**

<b>Relevant Experts' Professions</b>	
Competition	Corporate lawyers, legal consultants, etc.
Innovation	Intellectual property lawyers, chartered patent attorneys, etc.
Procurement	Public procurement lawyers, consultants, in-house procurement officers, etc.
<b>Relevant Areas of Specialization</b>	
Competition	Antitrust/competition, abuse of dominance, merger control procedures, etc.
Innovation	Intellectual property registration and management, technology transfer, research commercialization, etc.
Procurement	Public procurement and government tenders at state, national and federal level (if applicable), etc.
<b>Assessment of the Experts' Knowledge and Experience Related to Competition Law, Innovation, and Procurement</b>	
Competition	Experience in antitrust/competition litigation and providing advice to concerned firms; providing advice for mergers and acquisitions, including litigation experience; advising on abuse of dominance matters including litigation; experience in advising firms on how to self-comply with competition law requirements; experience in regulated markets.
Innovation	Experience with IPR registration, management, licensing, litigation, technology transfer and research commercialization.
Procurement	Experience with public procurement at the state/national/federal level, in either an advisory, consultant, compliance or litigation role; experience in bidding or assisting firms to bid for government tenders for goods, services and works; experience in assessing contract awards; experience in contractual issues related to payment; experience in formal challenges and appeals procedures on public procurement decisions.

*Note:* IPR = Intellectual Property Rights.

Thus, the information provided in the screener questionnaires will allow the team to better understand the experts' professions; areas of specializations and experts' knowledge or experience related to market competition, including competition, innovation, and public procurement.

## IV. PARAMETERS

To ensure comparability of the data from expert consultations across economies, the Market Competition topic uses specific parameters for public procurement indicators. However, it does not have a general parameter applicable to all three thematic areas of the topic (Competition, Innovation, and Public Procurement). A parameter refers to an assumption that is made about the characteristics through which the practice of the topics shall be measured, such as location or centralized relevant public authority (including Competition Authority or public procurement entity).

### 5.1 General Parameters

The Market Competition topic does not employ general parameters that are applicable to all pillars. However, the topic benchmarks only central/federal regulations and services provided by central/federal authorities to keep the data comparable across economies.

## 5.2 Specific Parameters

Market Competition uses specific parameters in some categories of indicators to ensure that the information gathered as to the relevant authorities and the relevant procedures are comparable across economies. In particular, for the category of indicators that measure public procurement regulations and services, the relevant procedures along with the public institutions that are in charge vary widely and can compromise the quality and comparability of the data.

### 5.2.1 Procurement–Procuring Entity

#### *Justification:*

Procurement procedures and the legal framework that governs a procurement process can vary depending on which institution is undertaking the procurement. This parameter impacts both de jure and de facto indicators.

#### *Application:*

For Pillars I and II, indicators that fall within the category of public procurement are benchmarked as applicable to the three largest procuring entities based on the volume of tenders (number of tenders) they have procured over the last three years. The procuring entities are identified by the private sector experts who respond to the market competition questionnaire based on their experience and knowledge or based on reliable publicly available data.

## V. TOPIC SCORING

The Market Competition topic has three pillars: Pillar I–Quality of Regulations that Promote Market Competition; Pillar II–Public Services that Promote Market Competition; and Pillar III– Implementation of Key Services Promoting Market Competition. The total points for each Pillar are further rescaled to values from 0 to 100, and subsequently aggregated into the total topic score. Each pillar contributes one-third to the total topic score. The scores distinguish between benefits to the firm (captured as firm flexibility points) and benefits to society’s broader interests (captured as social benefits points). Table 33 shows the scoring for the Market Competition topic. For further scoring details, please see Annex A, which complements this section.

**Table 33. Aggregate Scoring Overview**

Pillar Number	Pillar	Number of Indicators	Score			Rescaled Points (0–100)	Weight
			Firm Flexibility Points	Social Benefits Points	Total Points		
I	Quality of Regulations that Promote Market Competition	93	93	93	186	100	0.33
II	Public Services that Promote Market Competition	61	61	61	122	100	0.33
III	Implementation of Key Services Promoting Market Competition	19	100	n/a	100	100	0.33

*Note:* n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent).

### 6.1 Pillar I–Quality of Regulations that Promote Market Competition

Pillar I covers 93 indicators with a total score of 186 points (93 points on firm flexibility and 93 points on social benefits) (table 34). The scoring for each category under this pillar is as follows:

- 6.1.1** *Competition* has 38 indicators with a total maximum score of 76 points (38 points on firm flexibility and 38 points on social benefits). Specifically, the *Antitrust* Subcategory has 12 indicators; *Merger Control* has 11 indicators; *State-Owned Enterprises Framework and Scope of Competition Law* has 8 indicators; and *Enforcement of competition regulations* has 7 indicators. A regulatory framework that promotes market competition benefits both firms (firm flexibility) and society/customers (social benefits). Hence, equal scores are assigned to both categories.
- 6.1.2** *Innovation and Technology Transfer* has 31 indicators with a total maximum score of 62 points (31 points on firm flexibility and 31 on social benefits). Specifically, the *Strength of Intellectual Property Rights Protection* Subcategory has 11 indicators; the *Licensing and Technology Transfer* has 5 indicators, the *Fair Access to Innovation (includes environment)* has 9 indicators, and the *University-Industry Collaboration* Subcategories has 6 indicators. A regulatory framework that promotes innovation and technology transfer benefits both the firm (firm flexibility) and the society (social benefits). Hence, equal scores are assigned to both categories.
- 6.1.3** *Bidding for Public Contracts* has 24 indicators with a total maximum score of 48 points (24 points on firm flexibility and 24 points on social benefits). Specifically, the *Access and Firm's Participation (includes gender)* Subcategory has 8 indicators; the *Best Value for Money (includes gender and environment)* Subcategory has 8 indicators; the *Fairness of the Procurement Process* Subcategory has 6 indicators; and the *Transparency of Key Procurement Documents* Subcategory has 2 indicators. A regulatory framework that promotes fair bidding for public contracts benefits both the firm (firm flexibility) and the society (social benefits). Hence, equal scores are assigned to both categories.

**Table 34. Aggregate Scoring Pillar I**

Pillar I– Quality of Regulations that Promote Market Competition		No. of Indicators	FFP	SBP	Total Points	Rescaled Points
<b>1.1</b>	<b>Competition</b>	<b>38</b>	<b>38</b>	<b>38</b>	<b>76</b>	<b>33.33</b>
1.1.1	Antitrust	12	12	12	24	10.00
1.1.2	Merger Control	11	11	11	22	10.00
1.1.3	State-Owned Enterprises Framework and Scope of Competition Law	8	8	8	16	6.67
1.1.4	Enforcement of Competition Regulations	7	7	7	14	6.67
<b>1.2</b>	<b>Innovation and Technology Transfer</b>	<b>31</b>	<b>31</b>	<b>31</b>	<b>62</b>	<b>33.33</b>
1.2.1	Strength of IPR Protection	11	11	11	22	8.33
1.2.2	Licensing and Technology Transfer	5	5	5	10	8.33
1.2.3	Fair Access to Innovation (includes environment)	9	9	9	18	8.33
1.2.4	University-Industry Collaboration	6	6	6	12	8.33
<b>1.3</b>	<b>Bidding for Public Contracts</b>	<b>24</b>	<b>24</b>	<b>24</b>	<b>48</b>	<b>33.33</b>
1.3.1	Access and Firm's Participation (includes gender)	8	8	8	16	11.67
1.3.2	Best Value for Money (includes gender and environment)	8	8	8	16	11.67
1.3.3	Fairness of the Procurement Process	6	6	6	12	5.00
1.3.4	Transparency of Key Procurement Documents	2	2	2	4	5.00
<b>Total</b>		<b>93</b>	<b>93</b>	<b>93</b>	<b>186</b>	<b>100.00</b>

Note: FFP = Firm Flexibility Point; IPR = Intellectual Property Rights; SBP = Social Benefits Point.

## 6.2 Pillar II–Public Services that Promote Market Competition

Pillar II includes 61 indicators with a total score of 122 points (61 points on firm flexibility and 61 points on social benefits) (table 35). The scoring for each category under this pillar is as follows:

- 6.2.1** *Competition Authority* has 21 indicators with a total maximum score of 42 points (21 points on firm flexibility and 21 points on social benefits). Specifically, the *Institutional Framework* Subcategory has 9 indicators, and the *Advocacy and Transparency* Subcategory has 12 indicators. Strong institutional framework and high quality of enforcement benefit both firms (firm flexibility) and society/customers (social benefits). Hence, equal scores are assigned to both categories.
- 6.2.2** *Innovation in Firms* has 18 indicators with a total maximum score of 36 points (18 points on firm flexibility and 18 on social benefits). Specifically, the *Institutional Framework to Support Innovation* Subcategory has 4 indicators; the *Digitalization of Intellectual Property Services (includes environment)* Subcategory has 5 indicators; and the *Innovation Systems (includes gender)* Subcategory has 9 indicators. Public services that support innovation in firms benefit both the firm (firm flexibility) and the society (social benefits). Hence, equal scores are assigned to both categories.
- 6.2.3** *E-Procurement* has 22 indicators with a total maximum score of 44 points (22 points on firm flexibility and 22 points on social benefits). Specifically, the *Digitalization of Procurement Procedures (includes environment)* Subcategory has 15 indicators; and the *Transparency of Key Procurement Documents (includes gender)* Subcategory has 7 indicators. High quality of e-procurement services benefits both the firm (firm flexibility) and the society (social benefits). Hence, equal scores are assigned to both categories.

**Table 35. Aggregate Scoring Pillar II**

Pillar II– Public Services that Promote Market Competition		No. of Indicators	FFP	SBP	Total Points	Rescaled Points
<b>2.1</b>	<b>Competition Authority</b>	<b>21</b>	<b>21</b>	<b>21</b>	<b>42</b>	<b>33.33</b>
2.1.1	Institutional Framework	9	9	9	18	16.67
2.1.2	Advocacy and Transparency	12	12	12	24	16.67
<b>2.2</b>	<b>Innovation in Firms</b>	<b>18</b>	<b>18</b>	<b>18</b>	<b>36</b>	<b>33.33</b>
2.2.1	Institutional Framework to Support Innovation	4	4	4	8	11.11
2.2.2	Digitalization of Intellectual Property Services (includes environment)	5	5	5	10	11.11
2.2.3	Innovation Systems (includes gender)	9	9	9	18	11.11
<b>2.3</b>	<b>E-Procurement</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>44</b>	<b>33.33</b>
2.3.1	Digitalization of Procurement Procedures (includes environment)	15	15	15	30	22.22
2.3.2	Transparency of Key Procurement Documents (includes gender)	7	7	7	14	11.11
<b>Total</b>		<b>61</b>	<b>61</b>	<b>61</b>	<b>122</b>	<b>100.00</b>

Note: IP = Intellectual Property.

## 6.3 Pillar III–Implementation of Key Services Promoting Market Competition

Pillar III covers 19 indicators with a score ranging from 0 to 100 (table 36). The points under this pillar are assigned to firm flexibility only, as the indicators measure the outcomes of service provision to firms. For

example, a long time to award a public contract may cause adverse consequences on firms, thus hampering firm flexibility. The scoring for each category under this pillar is as follows:

- 6.3.1** *Competition* has 9 indicators with a total maximum score of 33.33 points. Specifically, the *Simplified Merger Review* Subcategory has 3 indicators, and the *Market Dynamism and Competitive Behaviors* Subcategory has 6 indicators.
- 6.3.2** *Innovation* has 2 indicators with a total maximum score of 33.33 points. The *Proportion of Highly Innovative Firms* Subcategory has 1 indicator, and the *Use of International Quality Certifications* Subcategory has 1 indicator.
- 6.3.3** *Public Procurement* has 8 indicators with a total maximum score of 33.33 points. The *Time to Award Public Contracts* Subcategory has 5 indicators, the *Time to Receive a Payment from a Government Contract* Subcategory has 1 indicator, the *Firm's Perceptions on the Ease of Bidding* Subcategory has 1 indicator, and the *Gender Gap in Government Suppliers* Subcategory has 1 indicator.

**Table 36. Aggregate Scoring Pillar III**

Pillar III– Implementation of Key Services Promoting Market Competition		No. of Indicators	Rescaled Points
<b>3.1</b>	<b>Competition</b>	<b>9</b>	<b>33.33</b>
3.1.1	Simplified Merger Review	3	6.67
3.1.2	Market Dynamism and Competitive Behaviors	6	26.67
<b>3.2</b>	<b>Innovation</b>	<b>2</b>	<b>33.33</b>
3.2.1	Proportion of Highly Innovative Firms	1	16.67
3.2.2	Use of International Quality Certifications	1	16.67
<b>3.3</b>	<b>Public Procurement</b>	<b>8</b>	<b>33.33</b>
3.3.1	Time to Award Public Contracts	5	8.33
3.3.2	Time to Receive a Payment from a Government Contract	1	8.33
3.3.3	Firms' Perceptions on the Ease of Bidding	1	8.33
3.3.4	Gender Gap in Government Suppliers	1	8.33
	<b>Total</b>	<b>19</b>	<b>100.00</b>

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- <sup>1</sup> World Bank (2017).
- <sup>2</sup> Begazo Gomez and Nyman (2016).
- <sup>3</sup> Tirole (2015).
- <sup>4</sup> Tirole (2017).
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- <sup>6</sup> Worldwide, public procurement accounts for between 10 percent and 25 percent of GDP, on average (EC 2014).
- <sup>7</sup> OECD (2013).
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## ANNEX A. MARKET COMPETITION–SCORING SHEET

This document outlines the scoring approach for the Market Competition topic. For every indicator, a Firm Flexibility Point (FFP) and/or a Social Benefits Point (SBP) are assigned, along with a clarification on the detailed scoring for each such indicator and a note on the relevant background literature.

<b>PILLAR I–QUALITY OF REGULATIONS THAT PROMOTE MARKET COMPETITION</b>					
<b>1.1 COMPETITION</b>					
<b>1.1.1 Antitrust</b>					
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>	<b>Rescaled Points</b>	<b>Background Literature</b>
Legal Framework Prohibits Anticompetitive Agreements	1	1	2	0.83	UNCTAD (2007)
Legal Framework Distinguishes between which Agreements Restrict Competition by Object or Effect	1	1	2	0.83	UNCTAD (2007)
Exemptions for Non-competitive Agreements Must be Justified Based on Public Interest or Efficiency	1	1	2	0.83	UNCTAD (2007)
Exemption Regulations Require to Identify the Efficiency, Harm and Consumer's Impact of the Exempted Agreement	1	1	2	0.83	UNCTAD (2007)
Exemptions are Granted for a Certain Time Period and Renewals are Reviewed	1	1	2	0.83	UNCTAD (2007)
Cartels are Forbidden, and Firms are not Allowed to Use Efficiency Defense for Cartels	1	1	2	0.83	UNCTAD (2007)
Legal Framework Prohibits Abuse of Dominance	1	1	2	0.83	UNCTAD (2007)
Definition of Market Dominance and Abuse of Dominant Position	1	1	2	0.83	UNCTAD (2007)
Availability of Leniency Programs with Procedural Guarantees	1	1	2	0.83	ICN (2019)
Cooperation with Competition Authorities Offers Confidentiality, Anonymity, and Whistleblower Protection	1	1	2	0.83	ICN (2019)
Leniency Programs Establish Clear Immunity Regimes	1	1	2	0.83	ICN (2019)
Incentives for Voluntary Compliance	1	1	2	0.83	OECD (2021b)
<b>Total Points for Subcategory 1.1.1</b>	<b>12</b>	<b>12</b>	<b>24</b>	<b>10.00</b>	
<b>1.1.2 Merger Control</b>					
Scope of Merger Control Regulations	1	1	2	0.91	ICN (2018); OECD (2005)

Legal Framework Establishes the Economic Criteria used to Identify which Transactions Fall under the Merger Control Regime	1	1	2	0.91	ICN (2018)
Legal Framework Establishes a Merger Control Procedure to Assess Competition Distortions	1	1	2	0.91	ICN (2018)
Legal Framework Establishes Clear Guidelines and Thresholds for Merger Notifications including Individual and Aggregate Thresholds	1	1	2	0.91	ICN (2018)
Existence of a Multi-phased Merger Review Procedure with Specific Statutory Time Limits	1	1	2	0.91	OECD (2005)
Existence of a Simplified Merger Procedure	1	1	2	0.91	OECD (2005)
Existence of Pre-Merger Consultation with Competition Authority Regarding Transaction Notification	1	1	2	0.91	OECD (2018b); OECD (2022b)
Requirement to Conduct a Substantive Economic Assessment on the Competitive Effects of a Transaction Submitted for a Merger Control Review	1	1	2	0.91	Bradford and Chilton (2018); ICN (2018)
Availability of Legitimate Justifications for Increases in Market Power Resulting from a Merger or Acquisition	1	1	2	0.91	ICN (2018); OECD (2018b)
Merger Remedies should be Effective, and the Competition Authority Should have the Authority to Ensure Compliance	1	1	2	0.91	Bradford and Chilton (2018); ICN (2018)
Powers to Block Mergers that May Otherwise Adversely Impact Competition	1	1	2	0.91	ICN (2018); OECD (2018b)
<b>Total Points for Subcategory 1.1.2</b>	<b>11</b>	<b>11</b>	<b>22</b>	<b>10.00</b>	
<b>1.1.3 State-Owned Enterprises Framework and Scope of Competition Law</b>					
Requirement to Justify the Creation of SOEs Based on Economic, Social and/or Sustainability Criteria	1	1	2	0.83	OECD (2015a), Recommendation I & III
Competition Law Applies to All SOEs and Sectors of the Economy	1	1	2	0.83	OECD (2015a), Recommendation I & III
New SOEs Are Assessed from a Competition Perspective	1	1	2	0.83	OECD (2015a), OECD (2021f)
Requirement to Carry Out an Evaluation Assessment to Justify SOE Commercial Activities	1	1	2	0.83	OECD (2015a), Recommendation I
Regulatory Oversight of SOE Preferential Treatment	1	1	2	0.83	OECD (2015a), OECD (2021f)
Presence of Barriers to Competition Authority's Investigations of SOEs	1	1	2	0.83	OECD (2015a), OECD (2021f)
Existence of Procedure to Exclude Sectors from the Application of Competition Law and Merger Control is Based on Economic, Social or Sustainability Criteria	1	1	2	0.83	OECD (2015a), Recommendation I and III
Existence of Procedure to Exempt Agreements from the Application of Competition Law	1	1	2	0.83	OECD (2019)
<b>Total Points for Subcategory 1.1.3</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>6.67</b>	
<b>1.1.4 Enforcement of Competition Regulations</b>					
Procedural and Fairness Guarantees During Investigation	1	1	2	0.95	ICN (2019)
Legal Framework Defines What Constitutes Confidential Information	1	1	2	0.95	OECD (2005)

Adequate Powers and Resources to Investigate and to Enforce and Impose Sanctions are Conferred to the Competition Authority	1	1	2	0.95	ICN (2019)
Competition Authorities Have the Powers to Collect Monetary Sanctions and to Enforce Non-monetary Sanctions	1	1	2	0.95	ICN (2019)
Competition Authority Can Investigate a Failure to Notify Transactions and Impose Sanctions Based on the Firm's Turnover	1	1	2	0.95	ICN (2019)
Decisions of the Competition Authority are Binding and/or Self-enforceable and Designation of an Independent Body to Review Decisions of the Competition Authority, and Action for Damages is Allowed	1	1	2	0.95	Bradford and Chilton (2018); UNCTAD (2007)
An Overall Cap on Fines is Provided in the Regulatory Framework	1	1	2	0.95	OECD (2019b)
<b>Total Points for Subcategory 1.1.4</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>6.65</b>	
<b>Total Points for Category 1.1</b>	<b>38</b>	<b>38</b>	<b>76</b>	<b>33.33</b>	
<b>1.2 INNOVATION AND TECHNOLOGY TRANSFER</b>					
<b>1.2.1 Strength of Intellectual Property Rights Protection</b>					
Provisions for Establishment of Collective Management Organizations	1	1	2	0.76	WIPO (2004); WIPO (2022)
Patentability Requirements (Novelty, Inventive Step, Industrial Applicability) for Inventions and Experimental Use Exception or Research Exemption for Patents	1	1	2	0.76	WIPO (2004); WIPO (2010)
Patent Protection Valid From the Filing Date	1	1	2	0.76	WIPO (2004)
Duration of Patent and Trademark Protection	1	1	2	0.76	TRIPS (1994)
Opposition Mechanisms for Patents and Trademarks	1	1	2	0.76	WIPO (2023a); WIPO (2009)
Provisions for Information Submission System for Patents	1	1	2	0.76	WIPO (2023b)
Public Disclosure of Patents	1	1	2	0.76	WIPO (2004)
Trademark use Obligation, Related Grace Period	1	1	2	0.76	WIPO (2004)
Protection for Well-Known Marks	1	1	2	0.76	WIPO (2000)
Actions or Remedies to Enforce Copyright, Patent, and Trademark Protection	1	1	2	0.76	TRIPS (1994)
Arbitration of Copyright, Patent, and Trademark Disputes	1	1	2	0.76	Reed et al. (2021)
<b>Total Points for Subcategory 1.2.1</b>	<b>11</b>	<b>11</b>	<b>22</b>	<b>8.33</b>	
<b>1.2.2 Licensing and Technology Transfer</b>					
Provisions on Copyright, Patent, Trademark Licensing Procedures	1	1	2	1.67	WIPO (2004)
Guidelines for Setting Fair and Non-Discriminatory Royalties	1	1	2	1.67	OECD (2019a)
Recordal of Change of Patent Owner and Related Timeframe	1	1	2	1.67	WIPO (2010)
Temporary Licenses/Waivers for Patents	1	1	2	1.67	World Bank (2020)

Disclosure of Patent and Trademark Licensing Agreements to IPO	1	1	2	1.67	WIPO (2010)
<b>Total Points for Subcategory 1.2.2</b>	<b>5</b>	<b>5</b>	<b>10</b>	<b>8.33</b>	
<b>1.2.3 Fair Access to Innovation (includes environment)</b>					
Open Access and Open-Source Definition	1	1	2	0.93	WIPO (2011); BSA (2005)
Scope of Permissible Open Access Research Activities	1	1	2	0.93	Priest (2012); WIPO (2021)
Provisions Enabling Open Science	1	1	2	0.93	UNESCO (2021a); UNESCO (2022a)
Risk-Based Approach to AI Regulation	1	1	2	0.93	Panait et al. (2021); OECD (2023)
Guidelines on an Ethical Impact Assessment of AI Systems	1	1	2	0.93	UNESCO (2021b); UNESCO (2022b); UNESCO (2023); UNESCO/Mila (2023)
Provisions Safeguarding Public Interest	1	1	2	0.93	TRIPS (1994)
Guidelines for IP-Based Financing	1	1	2	0.93	WIPO (2008)
Provisions on IP Relevant for Environmental Sustainability	1	1	2	0.93	WIPO (2020)
Provisions on the Environmentally Safe Disposal and Destruction of IPRs Infringing Goods	1	1	2	0.93	WIPO (2010b); WIPO (2017a); Stoentgen (2012); WIPO (2017b)
<b>Total Points for Subcategory 1.2.3</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>8.33</b>	
<b>1.2.4 University-Industry Collaboration</b>					
Standard Model Research Collaboration Agreements	1	1	2	1.39	WIPO (n.d.)
Grace Period for Publishing Research Results without Compromising Patentability	1	1	2	1.39	WIPO (n.d.)
Patent Ownership Developed within Public Research Organizations	1	1	2	1.39	Aridi and Cowey (2018)
Institutional IP Policies of Public Research Organizations	1	1	2	1.39	WIPO (n.d.)
University Spin-offs	1	1	2	1.39	Aridi and Cowey (2018)
Financial Incentives for Commercializing Research	1	1	2	1.39	Aridi and Cowey (2018)
<b>Total Points for Subcategory 1.2.4</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>8.33</b>	
<b>Total Points for Category 1.2</b>	<b>31</b>	<b>31</b>	<b>62</b>	<b>33.33</b>	
<b>1.3 BIDDING FOR PUBLIC CONTRACTS</b>					
<b>1.3.1 Access and Firm's Participation (includes gender)</b>					
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>	<b>Rescaled Points</b>	<b>Background Literature</b>
Open and Competitive Procurement as the Default	1	1	2	1.46	OECD (2011); UNCITRAL (2011)
Restrictions on Foreign Firms' Participation in Public Procurement	1	1	2	1.46	Anderson et al. (2010); MAPS (2018); OECD (2011); UNCITRAL (2011)

SOEs and Independent Authorities Are Not Excluded from Application of Procurement Regulations	1	1	2	1.46	OECD (2015a), Recommendation III
Ability to Divide Contracts into Lots	1	1	2	1.46	EBRD (2017); OECD (2011, 2015b); Uyarra et al. (2014)
Legal Deadline for Procuring Entities to Process Payments to the Contractor is Established	1	1	2	1.46	MAPS (2018)
Procurement Procedures for Framework Agreements are Established	1	1	2	1.46	UNCITRAL (2011)
Promoting Gender Equality in Public Procurement	1	1	2	1.46	MAPS (2022); OECD (2021e)
Tender and Contractual Mechanisms to Promote SME Participation	1	1	2	1.46	ADB (2012); Beck and Demirguc-Kunt (2006); EBRD (2017b); OECD (2015b, 2017a)
<b>Total Points for Subcategory 1.3.1</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>11.67</b>	
<b>1.3.2 Best Value for Money (includes gender and environment)</b>					
Existence of Procedures and Criteria for Identifying Abnormally Low Bids are Established	1	1	2	1.46	UNCITRAL (2011)
Designation of Specialized Tendering Methods for Innovation Procurement	1	1	2	1.46	Edler and Georghiou (2007); Ghisetti (2017); OECD (2017b)
Incorporation of Sustainability Clauses in Standard Bidding Documents	1	1	2	1.46	MAPS (2018); OECD (2015c)
Incentives to Include Environmental Considerations in Tenders	1	1	2	1.46	MAPS (2018); OECD (2015c)
Mechanisms to Introduce Gender-Responsive Public Procurement	1	1	2	1.46	MAPS (2022)
Market-Based Tools to Estimate Contract Value	1	1	2	1.46	MAPS (2018)
Total Cost of Ownership and Life Cycle Cost Considerations are Used in Bid Evaluation	1	1	2	1.46	Dimitri (2012); MAPS (2018); UNCITRAL (2011)
Most Economically Advantageous Tender is the Preferred Evaluation Criteria	1	1	2	1.46	Dimitri (2012); Lewis and Bajari (2011); MAPS (2018); UNCITRAL (2011)
<b>Total Points for Subcategory 1.3.2</b>	<b>8</b>	<b>8</b>	<b>16</b>	<b>11.67</b>	
<b>1.3.3 Fairness of the Procurement Process</b>					
Standstill Period Between Contract Award Notice and Contract Signing to Allow Aggrieved Bidders to Challenge the Decision	1	1	2	0.83	MAPS (2018); OECD (2015b); UNCITRAL, (2011)
Minimum Duration Between Publication of Tender Notice and Submission Deadline is Clearly Defined	1	1	2	0.83	MAPS (2018); UNCITRAL (2011)
Prohibition of Dividing Contracts to Circumvent Open Tendering Thresholds	1	1	2	0.83	MAPS (2018) ; UNCITRAL (2011)
Obligation to Notify Firms of Procurement Decisions and Legal Framework Establishes how Clarification Requests from Potential Bidders should be Addressed	1	1	2	0.83	OECD (2015b); UNCITRAL (2011)
Availability of Specialized and Independent Procurement Tribunals and of the Right to Challenge Award Decisions	1	1	2	0.83	MAPS (2018); UNCITRAL (2011)

Time Limits to Resolve Appeals and Legal Recourses Granted to Firms When there are Delays in Resolving Appeals	1	1	2	0.83	MAPS (2018); UNCITRAL (2011)
<b>Total Points for Subcategory 1.3.3</b>	<b>6</b>	<b>6</b>	<b>12</b>	<b>5.00</b>	
<b>1.3.4 Transparency of Key Procurement Documents</b>					
Publication of Procurement Plans, Notices, Tender Documents, and Award Decisions	1	1	2	2.50	ADB (2013); EBRD (2015); Kinsey (2004); MAPS (2018); OECD (2015b)
Publication of Contracts and Contract Amendments	1	1	2	2.50	MAPS (2018); OECD (2015b)
<b>Total Points for Subcategory 1.3.4</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>5.00</b>	
<b>Total Points for Category 1.3</b>	<b>24</b>	<b>24</b>	<b>48</b>	<b>33.33</b>	
<b>Total Points for Pillar I</b>	<b>93</b>	<b>93</b>	<b>186</b>	<b>100.00</b>	

Note: IP = Intellectual Property; SME = Small and Medium Enterprise; SOE = State-Owned Enterprise.

<b>PILLAR II—PUBLIC SERVICES THAT PROMOTE MARKET COMPETITION</b>					
<b>2.1 COMPETITION AUTHORITY</b>					
<b>2.1.1 Institutional Framework</b>					
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>	<b>Rescaled Points</b>	<b>Background Literature</b>
Competition Authority is Operationally Independent	1	1	2	1.85	Bradford and Chilton (2018)
Competition Authority Has a Clear and Non-Overlapping Mandate	1	1	2	1.85	OECD (2022a)
Establishment of a Procedure for Selection and Dismissal of Board Members	1	1	2	1.85	Bradford and Chilton (2018)
Term Limits for Board Members of the Competition Authority	1	1	2	1.85	Bradford and Chilton (2018)
Mechanisms are Established for Competition Authorities to Cooperate with Foreign Competition Authorities	1	1	2	1.85	ICN (2013)
Cooling off Periods after Term Limits for Board Members of Competition Authority for Private Sector Jobs in Previously Investigated Companies	1	1	2	1.85	Bradford and Chilton (2018)
Conflict of Interest Rules are Applied to Employees of the Competition Authority	1	1	2	1.85	Bradford and Chilton (2018)
Competition Authority Issues Opinions on Policies and Regulations	1	1	2	1.85	ICN (2014)
Competition Authority's Opinions are Binding	1	1	2	1.85	ICN (2014)
<b>Total Points for Subcategory 2.1.1</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>16.67</b>	
<b>2.1.2 Advocacy and Transparency</b>					
Issuance of Guidance Documents on Horizontal and Vertical Agreements	1	1	2	1.39	OECD (2021c)
Issuance of Guidance Documents on Abuse of Dominance	1	1	2	1.39	OECD (2021c)
Issuance of Guidance Documents on Leniency Programs	1	1	2	1.39	OECD (2021c)
Issuance of Guidance on Market Definition	1	1	2	1.39	ICN (2018)
Issuance of Guidance Documents on Competition-Related Issues in Digital Platforms	1	1	2	1.39	ICN (2018)
Issuance of Guidance on Merger Control	1	1	2	1.39	ICN (2018)
Issuance of Guidance on Labor Markets	1	1	2	1.39	ICN (2018)
Issuance of Analytical Reports on Competition	1	1	2	1.39	ICN (2017)
Organization of Workshops to Disseminate Competition Policy	1	1	2	1.39	ICN (2012)
Online Publication of all Antitrust and Merger Control Decisions and Exemptions	1	1	2	1.39	ICN (2019); OECD (2015a)

Online Publication of all Opinions of the Competition Authority on Government Policies	1	1	2	1.39	OECD (2019c)
Electronic Notification of Transaction for Merger Control	1	1	2	1.39	ICN (2019)
<b>Total Points for Subcategory 2.1.2</b>	<b>12</b>	<b>12</b>	<b>24</b>	<b>16.67</b>	
<b>Total Points for Category 2.1</b>	<b>21</b>	<b>21</b>	<b>42</b>	<b>33.33</b>	
<b>2.2 INNOVATION IN FIRMS</b>					
<b>2.2.1 Institutional Framework to Support Innovation</b>					
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>	<b>Rescaled Points</b>	<b>Background Literature</b>
Pro-Bono or Low-Cost Legal Assistance Offered by IPO to IP Licensees	1	1	2	2.78	WIPO (n.d.)
Availability of Information Submission System in Practice	1	1	2	2.78	WIPO (2023b)
Public Consultations on IP Laws and Regulations	1	1	2	2.78	US Chamber of Commerce (2022)
Public Body Responsible for Participation of Firms in Development of Technical Standards	1	1	2	2.78	WIPO (n.d.)
<b>Total Points for Subcategory 2.2.1</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>11.11</b>	
<b>2.2.2 Digitalization of Intellectual Property Services (includes environment)</b>					
Availability of License of Rights Database or IP Marketplace	1	1	2	2.22	WIPO (2010)
Availability of Green Technology Identifier	1	1	2	2.22	WIPO (2020)
Availability of Electronic Database on Locally Registered IPR	1	1	2	2.22	WIPO (2004)
Availability of Online Platform for IP Holders to Manage IPR Electronically	1	1	2	2.22	WIPO (2004)
Online Publication of List of Qualified IP Professionals by the IPO	1	1	2	2.22	WIPO (2004)
<b>Total Points for Subcategory 2.2.2</b>	<b>5</b>	<b>5</b>	<b>10</b>	<b>11.11</b>	
<b>2.2.3 Innovation Systems (includes gender)</b>					
Availability of Technology Transfer Offices	1	1	2	1.23	Aridi and Cowey (2018)
Availability of Regulatory Sandboxes	1	1	2	1.23	World Bank (2020)
Availability of Innovation Incubators	1	1	2	1.23	Cirera et al. (2020)
Availability of Innovation Accelerators	1	1	2	1.23	Cirera et al. (2020)
Government Financial Assistance to Private Incubators/Accelerators	1	1	2	1.23	Cirera et al. (2020)
Public Research Organizations Technical Assistance to Private Incubators/Accelerators	1	1	2	1.23	Cirera et al. (2020)
Availability of Incubators/Accelerators that Target Women Entrepreneurs	1	1	2	1.23	Cirera et al. (2020)

Availability of Science and Technology Parks	1	1	2	1.23	Cirera et al. (2020)
Availability of Innovation Clusters	1	1	2	1.23	Cirera et al. (2020)
<b>Total Points for Subcategory 2.2.3</b>	<b>9</b>	<b>9</b>	<b>18</b>	<b>11.11</b>	
<b>Total Points for Category 2.2</b>	<b>18</b>	<b>18</b>	<b>36</b>	<b>33.33</b>	
<b>2.3 E-PROCUREMENT</b>					
<b>2.3.1 Digitalization of Procurement Procedures (includes environment)</b>					
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>	<b>Rescaled Points</b>	<b>Background Literature</b>
Availability of Central E-Procurement Platform	1	1	2	1.48	EBRD (2015); MAPS (2018); PwC (2013)
Registering as a Vendor	1	1	2	1.48	ADB (2013); EBRD (2015); OECD (2015b); PwC (2013)
Asking the Procuring Entity for Clarifications and Notification of Decisions Electronically	1	1	2	1.48	ADB (2013); EBRD (2015); Kinsey (2004); OECD (2015b)
Submitting Tenders Electronically	1	1	2	1.48	ADB (2013); EBRD (2015); Kinsey (2004); OECD (2015b)
Open Bids Electronically and Virtual Workspace to Manage the Tender Procedure	1	1	2	1.48	ADB (2013); EBRD (2015); MAPS (2018); PwC (2013)
Submitting Bid Security Electronically and Performance Guarantee with Electronic Validation	1	1	2	1.48	ADB (2013); EBRD (2015)
Contract Signing Electronically	1	1	2	1.48	ADB (2013); EBRD (2015); PwC (2013)
E-contract Management and Implementation Module	1	1	2	1.48	ADB (2013); EBRD (2015); PwC (2013)
Submitting Invoices to the Procuring Entity	1	1	2	1.48	ADB (2013); EBRD (2015)
Receiving Payments from the Procuring Entity Electronically	1	1	2	1.48	ADB (2013); EBRD (2015)
Module for Framework Agreement Management	1	1	2	1.48	ADB (2013); EBRD (2015)
E-Reverse Auction Module	1	1	2	1.48	ADB (2013); EBRD (2015)
E-Catalogue of Approved Suppliers	1	1	2	1.48	ADB (2013); EBRD (2015)
Electronic Green Catalogues	1	1	2	1.48	ADB (2013); EBRD (2015)
Applying for Vendor Eco-Certifications or Eco/Labels Electronically	1	1	2	1.48	ADB (2013); EBRD (2015); OECD (2015b); PwC (2013)
<b>Total Points for Subcategory 2.3.1</b>	<b>15</b>	<b>15</b>	<b>30</b>	<b>22.22</b>	
<b>2.3.2 Transparency of Key Procurement Documents (includes gender)</b>					
Accessing Notices on Procurement Opportunities Electronically	1	1	2	1.59	ADB (2013); EBRD (2015); Kinsey (2004); MAPS (2018); PwC (2013)
Accessing Bidding Documents Electronically	1	1	2	1.59	ADB (2013); EBRD (2015); Kinsey (2004); MAPS (2018); PwC (2013)

Accessing Award Decisions (Including Their Rationale) Electronically	1	1	2	1.59	ADB (2013); EBRD (2015); Kinsey (2004); MAPS (2018); PwC (2013)
Accessing Contracts and Contract Amendments Electronically	1	1	2	1.59	MAPS (2018); PwC (2013)
Access to Specifications, Standards, or Criteria for Eco-Labels and Environmentally Preferable Goods and Services Electronically	1	1	2	1.59	MAPS (2018); OECD (2015c); PwC (2013)
Publication of Open Data in Machine Readable Format on Suppliers Contracts and Tenders	1	1	2	1.59	EBRD (2015); MAPS (2018); OECD (2015b)
Gender - Publication of Open Data on Tenders and Contracts Disaggregated by Sex	1	1	2	1.59	MAPS (2022)
<b>Total Points for Subcategory 2.3.2</b>	<b>7</b>	<b>7</b>	<b>14</b>	<b>11.11</b>	
<b>Total Points for Category 2.3</b>	<b>22</b>	<b>22</b>	<b>44</b>	<b>33.33</b>	
<b>Total Points for Pillar II</b>	<b>61</b>	<b>61</b>	<b>122</b>	<b>100.00</b>	

Note: IP = Intellectual Property.

<b>PILLAR III—IMPLEMENTATION OF KEY SERVICES PROMOTING MARKET COMPETITION</b>					
<b>3.1 COMPETITION</b>					
<b>3.1.1 Simplified Merger Review</b>					
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>	<b>Rescaled Points</b>	<b>Background Literature</b>
Use of the Simplified Merger Review Procedure	33.33	n/a	33.33	2.22	ICN (2018)
Time to File a Simplified Merger Review	33.33	n/a	33.33	2.22	ICN (2018)
Time to Clear a Simplified Merger Review	33.33	n/a	33.33	2.22	ICN (2018)
<b>Total Points for Subcategory 3.1.1</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>6.67</b>	
<b>3.1.2 Market Dynamism and Competitive Behaviors</b>					
Market Structure (Number of Firms that Compete in the Market)	16.67	n/a	16.67	4.45	OECD (2018a, 2021a); Szarzec, Dombi, and Matuszak (2021)
Market Concentration (Market Share of Largest Competitor)	16.67	n/a	16.67	4.45	OECD (2018a, 2021a); Szarzec, Dombi, and Matuszak (2021)
Changes in the Level of Competition	16.67	n/a	16.67	4.45	OECD (2018a, 2021a); Szarzec, Dombi, and Matuszak (2021)
Pricing Power (Ability to Change Prices without Losing Customers)	16.67	n/a	16.67	4.45	OECD (2018a, 2021a); Szarzec, Dombi, and Matuszak (2021)
Easiness to Switch Internet Provider	16.67	n/a	16.67	4.45	OECD (2018a, 2021a); Szarzec, Dombi, and Matuszak (2021)
Government Intervention in Prices	16.67	n/a	16.67	4.45	OECD (2018a, 2021a); Szarzec, Dombi, and Matuszak (2021)
<b>Total Points for Subcategory 3.1.2</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>26.67</b>	
<b>Total Points for Category 3.1</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>33.33</b>	
<b>3.2 INNOVATION</b>					
<b>3.2.1 Proportion of Highly Innovative Firms</b>					
Proportion of Highly Innovative Firms	100	n/a	100	16.67	Cirera and Muzi (2020)
<b>Total Points for Subcategory 3.2.1</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>16.67</b>	
<b>3.2.2 Use of International Quality Certifications</b>					
Use of International Quality Certifications	100	n/a	100	16.67	OECD (2018c)

Total Points for Subcategory 3.2.1	100	n/a	100	16.67	
<b>Total Points for Category 3.2</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>33.33</b>	
<b>3.3 PUBLIC PROCUREMENT</b>					
<b>3.3.1 Time to Award Public Contracts</b>					
Time to Award a Large Works Contract in Open Competitive Bidding	25	n/a	25	1.67	Kinsey (2004); MAPS (2018)
Time to Award a Small Services Contract in Selective Bidding	25	n/a	25	1.67	Kinsey (2004); MAPS (2018)
Time to Prequalify Suppliers	25	n/a	25	1.67	Kinsey (2004); MAPS (2018)
Time to Award a Contract through Electronic Auction	25	n/a	25	1.67	Kinsey (2004); MAPS (2018)
Time to Award a Contract in a Framework Agreement	25	n/a	25	1.67	Kinsey (2004); MAPS (2018)
Total Points for Subcategory 3.3.1	100	n/a	100	8.33	
<b>3.3.2 Time to Receive a Payment from a Government Contract</b>					
Time to Receive a Payment from a Government Contract	100	n/a	100	8.33	ADB (2013); Conti et al. (2021); MAPS (2018)
Total Points for Subcategory 3.3.2	100	n/a	100	8.33	
<b>3.3.3 Firm's Perceptions on the Ease of Bidding</b>					
Firms' Perceptions on the Difficulty to Meet the Administrative Requirements to Participate in Tenders	100	n/a	100	8.33	ADB (2012); EBRD (2017b); MAPS (2018); OECD (2011)
Total Points for Subcategory 3.3.3	100	n/a	100	8.33	
<b>3.3.4 Gender Gap in Government Suppliers</b>					
Gender Gap in Government Suppliers	100	n/a	100	8.33	MAPS (2022)
Total Points for Subcategory 3.3.4	100	n/a	100	8.33	
<b>Total Points for Category 3.3</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>33.33</b>	
<b>Total Points for Pillar III</b>	<b>100</b>	<b>n/a</b>	<b>100</b>	<b>100.00</b>	

Note: n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent); R&D = research and development.

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## ANNEX B. MARKET COMPETITION–ANNOTATED QUESTIONNAIRE

Annex B consists of a Glossary and three Annotated Questionnaires for Competition, Innovation, and Procurement. The Annotated Questionnaires provide the mapping between each indicator and the corresponding question(s).

### **Glossary**

**Abuse of dominant position:** Refers to anticompetitive practices exercised by a firm that holds a significant market share to maintain or increase its position in the market, damage competition and ultimately negatively affect consumer welfare.

**Accelerator:** Is a program or an organization that targets high growth-oriented firms in the process of scale up and entails intensive mentoring accompanied by the possibility of an early-stage investment.

**Action for damages:** Is a claim brought before a national court by a party harmed by a Competition Law infringement, requesting monetary compensation for that infringement and any effects it has had upon the injured party's business.

**Agreement on government procurement (GPA):** International instrument regulating the conduct of international trade in government procurement markets. It aims to ensure fair, transparent, and non-discriminatory conditions of competition for purchases of goods, services, and construction services by the public entities covered by the Agreement. It also serves broader purposes of promoting good governance, the efficient and effective management of public resources, and the attainment of best value for money in national procurement systems.

**Cartel:** A cartel is an anti-competitive agreement or concerted practice among two or more rival firms, which aims at coordinating their behavior on the market or influencing other parameters of competition such as prices, total industry output, market shares, allocation of customers, allocation of territories, bid-rigging, establishment of common sales agencies, and the division of profits or combination of these.

**Central purchasing body:** A contracting entity that acquires goods or services (commonly through framework agreements) intended for several public sector entities.

**Collective management organization:** Refers to organizations authorized to manage copyrights, or rights related to copyrights, on behalf of more than one right holder, for the collective benefit of all right holders within the organization.

**Competitive neutrality:** Competitive neutrality is the recognition that significant government business activities that are in competition with the private sector should not have a competitive advantage or disadvantage simply by virtue of government ownership and control.

**Designation by threshold:** Involves setting specific thresholds or criteria that define when a procurement process is designated for SMEs. For example, procurements below a certain value or size may be designated exclusively for SMEs, while larger procurements may be open to all businesses.

**Duration:** Refers to providing specific timeframes within which the protection will be valid, either from the date of registration or from the date the application is made. If the legislation provides multiple durations, the one that is most protecting to the intellectual property right holder is considered. Renewal is not taken into account.

**e-catalogue:** An e-catalogue, or electronic catalogue, refers to a digital database or repository within the electronic public procurement platform. It contains comprehensive information about suppliers who have been approved to participate in procurement activities, including their products, services, pricing, terms and conditions, and other relevant details.

**e-reverse auction:** An e-reverse auction is a procurement process conducted electronically, typically through an online platform, where suppliers compete in real-time to offer the lowest price for goods, services, or works.

**Ethical impact assessment:** Identifies and assesses benefits, concerns, and risks of AI systems.

**Experimental use exception:** Involves limiting the rights of the patent holder for specific purposes that allow the furtherance of innovation through scientific research or technological innovation.

**Fair, reasonable and non-discriminatory (FRAND):** Refers to a voluntary commitment made by patent holders towards a standard setting organization to offer a license to a patent on fair, reasonable and non-discriminatory terms when the relevant patent is, or may become, essential to a technical standard.

**Framework agreement:** A fixed term contractual agreement between procuring entities and selected supplier(s), which sets conditions for future, repetitive purchases.

**Goods:** Objects of every kind and description including raw materials, products and equipment and objects in solid, liquid, or gaseous form, and electricity, as well as services incidental to the supply of the goods if the value of those incidental services does not exceed that of the goods themselves.

**Guidelines for setting fair, reasonable and non-discriminatory (FRAND) royalty rates:** Include any relevant guidelines, data tools, circulars, and/or manuals that can be used for benchmarking or calculating royalty rates, including resources on legal and market assessments, economic analyses, and/or valuation benchmarking.

**Green Catalogue:** Specialized catalogues, known as green catalogues, that feature environmentally friendly products, services, or suppliers certified to meet sustainability criteria.

**High-Value Procurement:** Refers to tenders that should be carried out under an open and competitive procedure for the purpose of this questionnaire.

**Horizontal agreements:** Are cooperation agreements made between two or more competing undertakings operating at the same level of the market, either in the production or distribution within a supply chain.

**Incubator:** Is a program or an organization that provides physical space and a number of services to new businesses, helping them through the earlier stages of their development.

**Industrial applicability:** Means that an invention must be capable of being used for an industrial or business purpose beyond a mere theoretical phenomenon or be useful itself.

**Information Submission System:** Is a third-party observation system allowing the submission of prior art and/or other complementary information in the form of previous patent applications or registrations, which is believed to be relevant to the question of whether the invention is new and/or involves an inventive step.

**Innovation cluster:** Is a geographical concentration of interconnected firms and their suppliers and clients, and knowledge institutions, resulting in the generation of innovation.

**Intellectual property-based financing:** may include the use of IP to secure financing, IP securitization, IP valuation, IP-backed loans, IP sale or leaseback.

**Inventive step:** or non-obviousness, tests the patentability of an invention, and refers to the requirement that the invention could not be obviously deduced by a person having ordinary skills in the relevant technical field.

**Legal monopoly:** Also known as a statutory monopoly, is a firm that is protected from competitors by legislation, usually through government mandate, and a firm offers specific services at regulated price.

**Leniency program:** Is an opportunity for a participant in an anticompetitive agreement to receive total or partial immunity from sanctions or other penalties in exchange for collaborating with the investigation of competition authorities, voluntarily disclosing information about the agreement and their role within a cartel or group of firms.

**Life cycle costing:** LCC is the sum of all recurring and one-time (nonrecurring) costs over a lifespan or a specified period of a good, service, structure, or system. It includes purchase price, installation cost, operating costs, maintenance and upgrade costs, and remaining (residual or salvage) value at the end of ownership or its useful life.

**Lowest price:** Bid evaluation process in which a procuring entity determines the winning bid by eliminating ineligible bidders and technically unacceptable bids and then selecting the lowest priced bid for award.

**Machine readable format:** Data in a format that can be automatically read and processed by a computer, such as an Excel readable file (CSV, XLSM, or XLSX), JSON, etc. Machine-readable data must be structured data. Non-digital material (for example printed or hand-written documents) are not machine-readable. But even digital material need not be machine-readable. For example, consider a PDF document containing tables of data. These are definitely digital but are not machine-readable because a computer would struggle to access the tabular information - even though they are very human readable. The equivalent tables in a format such as a spreadsheet would be machine readable.

**Market analysis:** A market analysis involves assessing prevailing market conditions, prices, and trends to inform procurement planning and decision-making.

**Market dominance:** Refers to the control of an economic market by a dominant firm that accounts for a significant share within a given geographic area and possesses the power to affect the competition on the relevant market and allowing it to behave independently of other firms, acting either on the same or different levels of the production or distribution chains.

**Merger remedies:** Refer to measures taken by competition authorities to preserve or restore competition within a relevant market that would otherwise be lost as a result of a particular merger transaction. Merger remedies can either be structural, through the divestiture of the firm or its assets, or behavioural (conduct-based), which modify the behavior and the future conduct of merging parties.

**Most economically advantageous tender (MEAT):** Bid evaluation process through which the successful bid is ascertained on the basis of combining technical and financial characteristics of the bids.

**Novelty:** Tests the patentability of an invention and refers to the requirement that the patent has some new characteristic which is not known in the body of existing knowledge in its technical field.

**Open access:** Refers to the freely available online, digital sharing of academic information, either in the form of publications or data.

**Open science:** combines a set of principles and practices aiming to make multilingual scientific knowledge openly available, accessible and reusable for everyone for the benefit of scientists and society as a whole.

**Open-source:** Refers to software provided on license terms that allow it to be used, modified, and distributed freely.

**Operational independence:** Is when the Competition Authority decides and acts without the influence or necessary validation of external authorities or individuals.

**Pre-granting opposition rights:** Are the rights available to third parties to oppose the granting of a patent or a trademark prior to its registration.

**Post-granting opposition rights:** Are the rights available to third parties to oppose the granting of a patent or a trademark after it has already been registered.

**Prequalification procedure:** A standalone prequalification procedure refers to a process by which prospective suppliers or contractors are evaluated and prequalified based on specific criteria before the actual procurement process begins. A standalone prequalification procedure is conducted separately and independently from any subsequent tendering stages.

**Procurement procedure:** A procedure by which a public sector entity can acquire goods, services, and works. Occasionally referred to as Call for Tenders, Public Procurement Competition, or Tender.

**Procuring entity:** Public entity (agency) conducting procurement in compliance with an applicable law. The terms “procuring agency” or “procurement body” are often used as synonyms. To be considered where a procurement process and an applicable regulatory framework are determined based on which entity conducts procurement.

**Provisional, or interim, measure:** In IP protection aims at protecting the rights of the relevant party (either the IPR holder or a third party) to put the actions leading to the alleged IPR infringement temporarily on hold while waiting for the final decision of the dispute pending before the court.

**Regulatory sandboxes:** Involve active policymaking where a virtual environment is created that enables the live testing of new products or services in a controlled and time-bound manner.

**Regulatory framework (innovation questionnaire):** Refers to the comprehensive body of instruments (laws, acts, regulations, guidance documents, soft law instruments, etc.) that regulate intellectual property rights and innovation systems. For soft law instruments, please consider only instruments that (i) have the goal of expressing the view of the government on matters that have a direct or indirect impact to firms; (ii) such instruments provide guidance to firms and experts as the expected position of the government in such matters, and thus facilitate self-compliance in IPR or related matters; and (iii) these instruments must be publicly available.

**Regulatory framework (competition questionnaire):** Refers to the comprehensive body of instruments (including laws, acts, regulations, guidance documents, soft law instruments etc.) that are designed to promote and maintain market competition through Competition Law and enforcement. It includes soft law instruments.

**Regulatory framework (procurement questionnaire):** Refers to a comprehensive body of instruments (laws, acts, regulations, detailed procedures, etc.) that regulate procurement processes (from needs-assessment to post-tendering). independently of its form, as long as it binds the procuring entities in a manner that private sector will expect such entities to comply with such instruments.

**Rules and criteria on the ownership of IPRs:** Refer to the existence of a nation-wide policy that clearly establishes the rules of ownership of inventions developed by university researchers within the framework of their employment and can either be reflected in the patent or employment legislation or may take the form of specific legislation dealing with university IPRs and technology transfer.

**Science and technology parks:** Are property-based ventures that bring academia and industry together by providing R&D facilities to technology and science companies to foster innovation.

**Services:** Services of intellectual and consulting nature and any other services not covered by the terms “goods” and “works.”

**Soft Law instruments (competition questionnaire):** Instruments that (i) have the goal of expressing the view of the government or the Competition Authority on matters that have a direct or indirect impact to firms; (ii) such instruments provide guidance to firms and experts like you as the expected position of the government in such matters, and thus facilitate self-compliance in competition related matters; and (iii) these instruments must be publicly available These instruments can be in the shape of recommendations, manuals or guidelines.

**Soft Law instruments (procurement questionnaire):** Consider instruments such as rules, guidelines, standard bidding documents or general contract clauses that (i) have the goal of expressing the view of the government on matters that have a direct or indirect impact to firms; (ii) such instruments provide guidance to firms and experts like you as the expected position of the government in such matters, and thus facilitate self-compliance in procurement related matters; and (iii) these instruments must be publicly available.

**Spin-offs:** Are newly created companies based on a new technology developed by a university or research institution with the aim of commercializing the new invention.

**Standard model research collaboration agreements or consortium agreements:** Refer to pre-drafted model contracts that are used as a basis in the conclusion of an agreement between two or more parties that wish to cooperate to develop and possibly commercialize a new technology.

**Standard tender/bidding documents:** A document issued by a competent authority (centralized procurement body, procuring entity, etc.) that sets out the terms and conditions for a set of procurement procedures, usually categorized by type of procurement, value and or sector. Alternative terms: standard solicitation documents or standard procurement documents.

**Standstill period:** Period starting from the moment bidders of a competition are informed of an outcome, during which time they are allowed to express objections or file complaints. Procuring entities cannot proceed to signing a contract with a winning bidder until this period elapses and all complaints are resolved.

**State-owned enterprise (SOE):** Is any legal entity engaged in commercial activities that is recognized by national law as an enterprise and in which the government exercises either full or partial ownership. This includes enterprises established as joint stock, limited liability corporations and partnerships. Ownership may be determined either by the number of shares the government holds within the SOE or through the de facto control of the government upon the activities and decision-making of the enterprise.

**Substantive economic assessment:** Involves a blend of legal and in-depth economic analysis, supported by robust and technical evidence, of the competitive effects of the merger in question upon the relevant market.

**Technology transfer office:** Refers to an office that can facilitate the transfer of technology and collaborative innovation between research institutions and firms with the aim of commercialization.

**Temporary licenses:** Are granted by patent holders while setting limitations on the terms under which the license is granted, either in the type of service that can be provided or the number of customers that can be served, or the time validity of the license.

**Total cost of ownership (TCO):** TCO calculates the complete cost—from purchase to disposal—including expected costs to be incurred during the product lifetime, such as service, repair, and insurance.

**Value for money:** A term used in different ways to convey the effective, efficient, and economic use of resources. In the context of public procurement, it can be defined as the most advantageous combination of cost, quality, and sustainability to meet defined requirements. Cost means consideration of the cost and risks over the entire life cycle; quality means meeting a specification that is fit for purpose and sufficient to meet the requirements; and sustainability comprises economic, social, and environmental benefits.

**Vertical agreements:** Are agreements entered into by two or more undertakings acting at different levels of the production or distribution chains, which relate to the conditions under which they may purchase, sell or resell certain products or services.

**Voluntary compliance:** Reflects the possibility for firms under an on-going investigation to cooperate with the Competition Authority, in exchange for a reduction in fines or penalties to be imposed upon them at the conclusion of the procedure, if any.

**Well-known mark:** Is a trademark that, in view of its widespread reputation or recognition, may enjoy broader protection than an ordinary mark, regardless of whether it is registered or not.

**Works:** All works associated with construction, reconstruction, demolition, repair, or renovation of a building, structure, or activities (such as site preparation, excavation, erection, building, installation of equipment or materials, decoration and finishing), as well as services incidental to construction (such as drilling, mapping, satellite photography, seismic investigations and similar services provided pursuant to the procurement contract, if the value of those services does not exceed that of the construction itself).

## COMPETITION QUESTIONNAIRE

The tables below present all indicators (including their components, if applicable) under each pillar, with a reference to the corresponding question number in parenthesis. The questions are listed before each table for ease of reference.

For Y/N questions, the Y response accounts for the score and is considered as the good practice, unless otherwise indicated with the sign “Y/N; N – good practice.”

In the tables that follow, “AND” means all referenced questions must have a good practice response to obtain a score on the indicator.

In the tables that follow, “OR” means one or more referenced questions must have a good practice response to obtain a score on the indicator.

Certain questions are marked as “not scored,” which indicates that they do not impact the score in any way. The purpose of these questions is to further inform and refine the questions design for subsequent years of the rollout phase, as needed, as well as to substantiate and provide further information for the scored questions.

### PILLAR I–QUALITY OF REGULATIONS THAT PROMOTE MARKET COMPETITION

#### 1.1. QUALITY OF COMPETITION REGULATIONS

##### 1.1.1 Antitrust

1. Does the regulatory framework forbid anticompetitive agreements between firms? (Y/N)
2. Does the regulatory framework specify which agreements (between competitors) are forbidden in and of themselves, without the necessity to prove actual harm to either competition or consumers? (Y/N)
3. Does the regulatory framework identify which horizontal and vertical agreements must have an adverse effect on the market to be prohibited? (Y/N) *(not scored)*
4. Are cartels, including agreements that directly or indirectly fix purchase or selling prices, forbidden in and of themselves? (Y/N)
5. Does the regulatory framework provide exemptions for anticompetitive agreements that advance certain public interests? (Y/N)
6. Does the regulatory framework provide exemptions for anticompetitive agreements if they promote efficiency or technical and economic progress? (Y/N)
7. According to the regulatory framework, can cartels be exempted from the application of competition law provisions? (Y/N) *(not scored)*
8. According to the regulatory framework, are exemptions for anticompetitive agreements granted contingent upon the condition that the agreement must be efficiency enhancing? (Y/N)

9. **According to the regulatory framework, are exemptions for anticompetitive agreements granted contingent upon the condition that the agreement must not eliminate competition? (Y/N)**
10. **Are exemptions for anticompetitive agreements granted contingent upon the condition that the agreement should allow a fair share for consumers? (Y/N)**
11. **Are exemptions from the competition regulatory framework granted only for certain time periods? (11a - good practice)**
  - 11a. Yes, exemptions are granted for a specific time period
  - 11b. No, there is no time period for some exemptions
  - 11c. No, there is no time period for any exemptions
  - 11d. No, exemptions cannot be granted
12. **Is renewal of an exemption at the end of its term contingent upon a review of the reasons for which the exemption was granted by the Competition Authority? (Y/N)**
13. **Are there specific provisions in the regulatory framework that prevent justifying agreements that are forbidden in and of themselves on the basis of efficiency? (Y/N)**
14. **Does the regulatory framework prohibit firms from abusing dominant positions? (Y/N)**
15. **Does the regulatory framework define market dominance when firms have substantial degree of power in a market? (Y/N)**
16. **Does the regulatory framework define when firms are abusing their market dominance? (Y/N)**
17. **Does the regulatory framework contain provisions that allow firms to justify their behaviors on the basis of contributions to economic and/or technical progress during an investigation by the Competition Authority? (*not scored*)**
18. **Does the regulatory framework provide a leniency program? (Y/N)**
19. **Does the leniency program include a defined process with procedural guarantees for evaluating an organization's cooperation and determining the benefits they will receive? (Y/N)**
20. **Is the confidentiality of organizations that cooperate with the Competition Authority during an investigation protected by the regulatory framework? (Y/N)**
21. **Does the regulatory framework allow the Competition Authority to disclose the identity of a leniency applicant during judicial proceedings? (21a or 21b – good practice)**
  - 21a. No, the identity of the applicant is never disclosed
  - 21b. Yes, disclosure is allowed when there is a legal obligation to do so as part of judicial proceedings
  - 21c. Yes, the regulatory framework imposes no constraints on the disclosure of the leniency applicant's identity
22. **Is the anonymity of organizations that cooperate with the Competition Authority during an investigation explicitly protected by the regulatory framework? (Y/N)**
23. **According to the regulatory framework, are individual employees that report to the Competition Authority antitrust violations within their own companies given whistleblower protection? (Y/N)**

- 24. Does the leniency program provide full immunity to the first firm that self-reports its involvement in anticompetitive behavior? (Y/N)**
- 25. Do subsequent firms that self-report involvement in anticompetitive behavior receive any reductions or exemptions from financial sanctions? (Y/N)**
- 26. Within the context of an open antitrust investigation, does the regulatory framework offer incentives for firms in cases of voluntary compliance? (Y/N)**

### **1.1.2 Merger Control**

- 27. Are there sectors that are excluded from the merger control regulations? (Y/N; N - good practice)**
- 28. Does the regulatory framework provide economic criteria specifically designed to identify transactions that fall under merger control regulations? (28a – good practice)**  
 28a. Yes, it provides for both quantitative and qualitative criteria  
 28b. Yes, but it provides only quantitative criteria  
 28c. Yes, but it provides only qualitative criteria  
 28d. No, it does not provide an economic criteria
- 29. Does the regulatory framework establish thresholds for merger notifications? (Y/N)**
- 30. Does the regulatory framework specify a threshold for merger notifications based on turnover? (30c – good practice)**  
 30a. Yes, individual, concerning the turnover of the target firm.  
 30b. Yes, aggregate, concerning the turnover of all firms involved in the merger.  
 30c. Yes, both, depending on the transaction.  
 30d. No, there is no such indication
- 31. According to the regulatory framework, is it mandatory for firms to file a notification of a transaction, such as a merger or an acquisition, with the Competition Authority when the transaction exceeds a set threshold? (31a or 31b – good practice)**  
 31a. Yes, the transaction must be notified  
 31b. No, but firms can voluntarily submit their transaction for review  
 31c. No, there is no provision regulating this matter
- 32. Does the regulatory framework establish a merger control procedure that includes distinct phases or stages based on the potential harm of the transaction? (32a or 32b – good practice)**  
 32a. Yes, there is an integrated multi-phased merger control procedure  
 32b. Yes, there are multiple but coordinated merger control procedures  
 32c. No, there are multiple but not coordinated merger control procedures  
 32d. No
- 33. Does the regulatory framework set out statutory time limits within which merger control procedures must be completed? (33a - good practice)**  
 33a. Yes, for each phase, stage or procedure  
 33b. Yes, but only for some phases, stages or procedures  
 33c. No
- 34. Does the regulatory framework establish a procedure for conducting a simplified merger review? (Y/N)**

35. Does the regulatory framework establish a procedure for pre-merger consultations with the Competition Authority to provide pre-merger advice on whether the transaction should be formally notified? (Y/N)
36. Does the regulatory framework require a Competition Authority to conduct a substantive economic assessment on competitive effects of a transaction submitted for a merger control review? (Y/N)
37. Does the regulatory framework allow firms to justify an increase in market power resulting from a merger or acquisition by arguing that the transaction increases efficiency? (Y/N)
38. Does the regulatory framework allow firms to justify an increase in market power resulting from a merger or acquisition by arguing that the firm would otherwise exit the market? (Y/N)
39. Does the regulatory framework allow firms to justify an increase in market power resulting from a merger or acquisition by arguing that there is an underlying public interest that supersedes competition? (Y/N)
40. According to the regulatory framework, does the Competition Authority have powers to propose a set of remedies to guarantee that the merger preserves, reinstates and does not adversely affect competition in the relevant market? (40a or 40b – good practice)
- 40a. Yes, the Competition Authority has the power to propose remedies and enforce them
- 40b. Yes, the Competition Authority has the power to propose remedies, which are subject to approval and enforcement by another agency or courts
- 40c. No, the Competition Authority does not have the power to propose remedies
41. According to the regulatory framework, are proposed remedies by the Competition Authority required to specifically address the potential harm identified in the merger assessment? (Y/N)
42. According to the regulatory framework, are the proposed remedies by the Competition Authority required to prioritize the least intrusive remedy while ensuring the realization of the merger's efficiencies? (Y/N)
43. According to the regulatory framework, are the proposed remedies by the Competition Authority required to be capable of effective implementation within a short period of time? (Y/N)
44. Does the Competition Authority have the power to enforce a remedy order? (44a or 44b or 44c – good practice)
- 44a. Yes, it has the power to directly enforce a remedy order itself
- 44b. Yes, it has the power to request a court to enforce a remedy order
- 44c. Yes, both possibilities are available
- 44d. No, does not have the power to enforce a remedy
45. Does the regulatory framework allow merging parties to propose alternative solutions during the adoption of remedies? (Y/N)
46. According to the regulatory framework, does the Competition Authority have powers to block mergers? (46a or 46b – good practice)

- 46a. Yes, it has the power to directly block the merger
- 46b. No, it must file a legal challenge against the merger in court to block the merger
- 46c. No, mergers cannot be blocked

### 1.1.3 State-Owned Enterprises Framework and Scope of Competition Law

- 47. Does the regulatory framework require governments to justify the creation of SOEs based on specific economic, social or sustainability criteria? (Y/N)
- 48. According to the regulatory framework, are any sectors in the economy excluded from competition law enforcement? (Y/N; N – good practice)
- 49. According to the regulatory framework, are any legal monopolies excluded from application of competition law? (Y/N; N – good practice)
- 50. According to the regulatory framework, are any SOEs excluded from application of competition law? (Y/N; N – good practice)
- 51. Does the creation of SOEs require a positive assessment on its impact on competition? (Y/N)
- 52. Does the regulatory framework require periodic evaluations to be conducted on SOEs to assess their impact on competition and the market, and to ensure their activities remain competitively neutral? (52a – good practice)
  - 52a. Yes, regularly for all SOEs
  - 52b. Yes, regularly for some SOEs
  - 52c. No
- 53. Does the regulatory framework provide for preferential treatment or exemptions specifically benefiting SOEs compared to private firms? (*not scored*)
- 54. Does the regulatory framework require that preferential treatment or exemptions granted to SOEs compared to private firms undergo approval by the Competition Authority? (54a or 54b – good practice)
  - 54a. Yes, approval by the Competition Authority is required regardless of impact of the preferential treatment
  - 54b. Yes, review by the Competition Authority is required, with approval depending on the impact of the exemption
  - 54c. Yes, review by the Competition Authority is required, but approval is not required.
  - 54d. No, there is no requirement for review by the Competition Authority
- 55. Are there any specific legal or procedural barriers that hinder the Competition Authority's ability to investigate anti-competitive practices by SOEs? (Y/N)
- 56. Does the regulatory framework provide for a procedure to exclude a particular firm or sector from the application of antitrust and/or merger control regulations while conducting commercial activities? (Y/N)
- 57. Does the regulatory framework allow firms to seek exemptions from antitrust or merger control regulations under specified conditions for individual agreements? (Y/N)
- 58. Does the regulatory framework provide procedures to exempt category of agreements (Y/N)

- 59. Does the exemption regime require a decision be justified on economic, social or sustainability grounds? (59a – good practice)**  
59a. Yes, both for individual agreement and categories  
59b. Yes, only for individual agreements  
59c. Yes, only for category of agreements  
59d. No

#### **1.1.4 Enforcement of Competition Regulations**

- 60. Does the regulatory framework grant the Competition Authority powers to investigate whether firms have concluded a transaction that might raise competition concerns? (60a or 60b – good practice)**  
60a. Yes, for all transactions  
60b. Yes, but only for transactions that fall within the mandatory notification thresholds  
60c. No
- 61. According to the regulatory framework, does the Competition Authority issue a notice of the reasons and concerns leading to an investigation at the beginning of the process? (Y/N)**
- 62. According to the regulatory framework, are the investigation procedures of the Competition Authority required to be documented in writing? (Y/N)**
- 63. According to the regulatory framework, does the investigation phase of the Competition Authority have to be completed within a set amount of time? (Y/N)**
- 64. According to the regulatory framework, are parties provided a reasonable opportunity to consult with the Competition Authority during the investigation? (Y/N)**
- 65. According to the regulatory framework, are parties provided a reasonable opportunity to be heard and provide evidence or testimony in their defense during the investigation (this includes testimony of experts, cross-examination of testifying witnesses, and the opportunity to review or rebut any evidence brought forward)? (Y/N)**
- 66. According to the regulatory framework, are parties provided with an opportunity to settle or to reach a consent agreement with the Competition Authority? (Y/N)**
- 67. Are there clear provisions on what constitutes confidential information to be protected within investigations and merger control procedures (for example, business secrets)? (Y/N)**
- 68. Does the regulatory framework grant the Competition Authority the power to conduct unsolicited inspections of firms' premises (such as dawn raids) to investigate illegal anticompetitive practices? (68a – good practice)**  
68a. Yes, with a court order or warrant  
68b. Yes, without a court order or warrant  
68c. No
- 69. Does the regulatory framework specify penalties for firms that fail to comply with information requests from the Competition Authority? (69a or 69b – good practice)**  
69a. Yes

- 69b. Yes, but only if the company supplies incorrect or misleading information
- 69c. No

**70. In the enforcement of sanctions, does the regulatory framework confer the Competition Authority with the power to collect monetary sanctions? (70a or 70b – good practice)**

- 70a. Yes, the Competition Authority can collect monetary sanctions itself
- 70b. Yes, with coordination with tax authorities for enforcement
- 70c. No, the Competition Authority needs judicial enforcement through court orders
- 70d. No, the Competition Authority cannot collect monetary sanctions

**71. In the enforcement of sanctions, does the regulatory framework confer the Competition Authority with the power to enforce nonmonetary sanctions? (71a or 71b or 71c – good practice)**

- 71a. Yes, the Competition Authority can enforce non-monetary sanctions itself
- 71b. Yes, with coordination with other governmental authorities
- 71c. No, the Competition Authority needs judicial enforcement through court orders
- 71d. No, the Competition Authority cannot enforce non-monetary sanctions

**72. According to the regulatory framework, does the Competition Authority have the power to take action to sanction firms that fail to comply with the merger control regime? (72a or 72b – good practice)**

- 72a. Yes, the Competition Authority has the power to impose sanctions directly
- 72b. Yes, but the authority to impose sanctions lies with another agency or appropriate courts
- 72c. No

**73. Would the sanction be calculated on the basis of the firm’s turnover? (Y/N)**

**74. Does the regulatory framework establish that Competition Authority’s decisions are binding and enforceable? (Y/N)**

**75. Is there a designated independent body before which firms can challenge the decisions of the Competition Authority? (Y/N)**

**76. Does the regulatory framework define procedures, requirements and standards to enable firms or individuals to pursue damages resulting from infringement of competition law?(Y/N)**

**77. Does the regulatory framework establish an overall cap on fines that can be imposed on a firm? (Y/N)**

**78. Please select the criteria used to determine the fine ceiling:**

- 78a. As a percentage of the firm’s global turnover (Y/N)
- 78b. Based on the firm’s gain from the anticompetitive practice (Y/N)
- 78c. Fixed amount (Y/N)

1.1 COMPETITION			
1.1.1 Antitrust			
Indicators	FFP	SBP	Total Points
Legal Framework Prohibits Anticompetitive Agreements (1)	1	1	2

<b>Legal Framework Distinguishes Between which Agreements Restrict Competition by Object or Effect (2)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Exemptions for Non-competitive Agreements Must be Justified Based on Public Interest or Efficiency</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Exemptions for public interests (5)	0.5	0.5	1
- Exemptions for efficiency or technical and economic progress (6)	0.5	0.5	1
<b>Exemption Regulations Require to Identify the Efficiency, Harm and Consumer's Impact of the Exempted Agreement (8 AND 9 AND 10)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Exemptions are Granted for a Certain Time Period and Renewals are Reviewed</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Exemptions granted for certain time periods (11)	0.5	0.5	1
- Renewal of exemptions conditions (12)	0.5	0.5	1
<b>Cartels are Forbidden, and Firms are not Allowed to Use Efficiency Defense for Cartels (4 AND 13)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Legal Framework Prohibits Abuse of Dominance (14)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Definition of Market Dominance and Abuse of Dominant Position (15 AND 16)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Availability of Leniency Programs with Procedural Guarantees</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Availability of leniency program (18)	0.5	0.5	1
- Leniency program provides procedural guarantees (19)	0.5	0.5	1
<b>Cooperation with Competition Authorities Offers Confidentiality, Anonymity, and Whistleblower Protection</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Confidentiality (20 AND 21)	0.33	0.33	0.67
- Anonymity (22)	0.33	0.33	0.67
- Whistleblower protection to individuals (23)	0.33	0.33	0.67
<b>Leniency Programs Establish Clear Immunity Regimes (24 AND 25)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Incentives for Voluntary Compliance (26)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>12</b>	<b>12</b>	<b>24</b>
<b>1.1.2 Merger Control</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Scope of Merger Control Regulations (27)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Legal Framework Establishes the Economic Criteria Used to Identify Which Transactions Fall Under the Merger Control Regime (28)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Legal Framework Establishes a Merger Control Procedure to Assess Competition Distortions (31)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Legal Framework Establishes Clear Guidelines and Thresholds for Merger Notifications Including Individual and Aggregate Thresholds (29 AND 30)*</b> <i>*A partial score of 0.50 is allotted for either option 30a. or 30b. is selected</i>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Existence of a Multi-phased Merger Review Procedure, Procedure with Specific Statutory Time Limits (32 AND 33)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Existence of a Simplified Merger Procedure (34)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Existence of Pre-Merger Consultation with Competition Authority Regarding Transaction Notification (35)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Requirement to Conduct a Substantive Economic Assessment on the Competitive Effects of a Transaction Submitted for a Merger Control Review (36)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Availability of Legitimate Justifications for Increases in Market Power Resulting from a Merger or Acquisition (37 AND 38 AND 39)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Merger Remedies Should be Effective, and the Competition Authority Should have the Authority to Ensure Compliance (40 AND 42 AND 43 AND 44 AND 45)</b>	<b>1</b>	<b>1</b>	<b>2</b>

<b>Powers to Block Mergers that May Otherwise Adversely Affect Competition (46)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>11</b>	<b>11</b>	<b>22</b>
<b>1.1.3 State-Owned Enterprises Framework and Scope of Competition Law</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Requirement to justify the Create of SOEs Based on Economic, Social or Sustainability Criteria (47)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Competition Law Applies to All SOEs and Sectors of the Economy (48 AND 49 AND 50)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>New SOEs Are Assessed from a Competition Perspective (51)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Requirement to Carry out an Evaluation Assessment to Justify SOE Commercial Activities (52)*</b> <i>*A partial score of 0.50 is allotted if option 52b is selected</i>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Regulatory Oversight of SOE Preferential Treatment (54)*</b> <i>*A partial score of 0.50 is allotted if option 54c is selected</i>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Presence of Barriers to Competition Authority's Investigations of SOEs (55)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Existence of Procedure to Exclude Sectors from the Application of Competition Law and Merger Control is Based on Economic, Social or Sustainability Criteria</b> - Procedure to exclude firm or sector exists (56) - Exemption must be justified on economic, social or sustainability criteria (59)* <i>*A partial score of 0.50 is allotted if either option 59b or 59c is selected.</i>	<b>1</b>	<b>1</b>	<b>2</b>
	0.5	0.5	1
	0.5	0.5	1
<b>Existence of Procedure to Exempt Agreements from the Application of Competition Law</b> - Procedure to exempt individual agreements exists (57) - Procedure to exempt category of agreements exists (58)	<b>1</b>	<b>1</b>	<b>2</b>
	0.5	0.5	1
	0.5	0.5	1
<b>Total Points</b>	<b>8</b>	<b>8</b>	<b>16</b>
<b>1.1.4 Enforcement of Competition Regulations</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Procedural and fairness Guarantees During Investigation (61 AND 62 AND 63 AND 64 AND 65 AND 66)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Legal Framework Defines What Constitutes Confidential Information (67)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Adequate Powers to Investigate and to Enforce and Impose Sanctions are Conferred to Competition Authority (60 AND 68 AND 69)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Competition Authorities have the Powers to Collect Monetary Sanctions and to Enforce Non-Monetary Sanctions (70 AND 71)</b> <i>*A partial score of 0.50 is allotted if option 70c. is selected</i>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Competition Authority Can Investigate a Failure to Notify Transactions and Impose Sanctions Based on the Firm's Turnover (72 AND 73)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Decisions of the Competition Authority are Binding and/or Self-Enforceable and Designation of an Independent Body to Review Decisions of the Competition Authority, and Action for Damages is Allowed (74 AND 75 AND 76)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>An Overall Cap on Fines is Provided in the Regulatory Framework (77 AND 78a OR 78b OR 78c)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>7</b>	<b>7</b>	<b>14</b>

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point; SOEs = State-Owned Enterprises.

## PILLAR II—PUBLIC SERVICES THAT PROMOTE MARKET COMPETITION

### 2.1 COMPETITION AUTHORITY

#### 2.1.1 Institutional Framework

- 79. Does (the economy) have a functional Competition Authority?** *(not scored)*  
79a. Please provide the Competition Authority's name *(not scored)*  
79b. Please provide the Competition Authority's website link *(not scored)*
- 80. Are there any other authorities (for example, sectoral regulators) that are responsible for protecting and fostering competition in a targeted sector?** *(not scored)*
- 81. Is the Competition Authority operationally independent in practice?** (81a. – good practice)  
81a. Yes  
81b. Not in practice, although it should be independent according to the regulatory framework  
81c. No
- 82. Please provide an example of why the Competition Authority is not considered to be operationally independent** *(not scored)*
- 83. Do these authorities have well-defined mandates in the areas of antitrust and merger control, to avoid overlapping interventions with the Competition Authority** (Y/N)
- 84. In practice, have there been any uncoordinated overlapping interventions between May 1, 2023 and September 1, 2024?** *(not scored)*
- 85. Does the regulatory framework establish a due process for the appointment of the Competition Authority's board members?** (Y/N)
- 86. Does the regulatory framework establish a due process to dismiss Competition Authority board members?** (Y/N)
- 87. Is there an official office term in years for board members of the Competition Authority?** (Y/N)
- 88. Is there a maximum number of terms a board member of the Competition Authority can serve?** (Y/N)
- 89. Are there any established cooperation mechanisms between the domestic and foreign Competition Authorities?** (Y/N)
- 90. Is there a cooling-off period during which former board members and staff of the Competition Authority are prohibited from taking jobs in companies they previously investigated?** (Y/N)
- 91. According to the regulatory framework, are case handlers within the Competition Authority expected to adhere to conflict-of-interest rules?** *(not scored)*
- 92. Do case handlers of the Competition Authority apply conflict of interest rules in practice?** (Y/N)

93. Does the Competition Authority have a mandate to issue opinions on government policies and regulations to ensure they do not hinder competition? (Y/N)
94. Are the opinions of the Competition Authority on government policies legally binding? (Y/N)
95. If a government body disagrees with an opinion of the Competition Authority, is there a requirement to justify this position and submit it to the Competition Authority? (*not scored*)

### 2.1.2 Advocacy and Transparency

96. Does the Competition Authority publish general guidance documents on horizontal agreements online? (Y/N)
97. Does the Competition Authority publish general guidance documents on vertical agreements online? (Y/N)
98. Does the Competition Authority publish general guidance documents on cooperation agreements online? (Y/N)
99. Does the Competition Authority issue general guidance documents on abuse of dominance? (Y/N)
100. Does the Competition Authority publish general guidance documents on leniency programs online? (Y/N)
101. Does the Competition Authority publish general guidance documents on market definition (including analysis of product and geographical scope)? (Y/N)
102. Does the Competition Authority publish general guidance documents on digital platforms or multi-sided markets online? (Y/N)
103. Does the Competition Authority publish general guidance documents on merger control online? (Y/N)
104. Does the Competition Authority publish general guidance documents on antitrust enforcement or competition policy related to labor markets online? (Y/N)
105. Does the Competition Authority issue analytical reports on markets, behaviors or practices from the perspective of competition policy? (Y/N)
106. Does the Competition Authority organize workshops/webinars to disseminate information about competition policy to firms? (Y/N)
107. Does the Competition Authority publish all antitrust and merger control decisions online? (Y/N)
108. Does the regulatory framework require exemption decisions to be published online? (*not scored*)
109. Are exemption decisions published in practice? (Y/N)
110. In practice, can firms file notification of a transaction subject to merger control regulations electronically? (Y/N)

**111. Are the opinions of the Competition Authority on government policies published online? (Y/N)**

<b>2.1 COMPETITION AUTHORITY</b>			
<b>2.1.1 Institutional Framework</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Competition Authority is Operationally Independent (81)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Competition Authority has a Clear and Non-overlapping Mandate (83)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Establishment of Procedure for Selection and Dismissal of Board Members (85 AND 86)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Term Limits for Board Members of the Competition Authority (87) AND (88)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Mechanisms are Established for Competition Authorities to Cooperate with Foreign Competition Authorities (89)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Cooling off Periods After Term Limits for Board Members of the Competition Authority for Private Sector Jobs in Previously Investigated Companies (90)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Conflict of Interest Rules are Applied to Employees of the Competition Authority (92)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Competition Authority Issues Opinions on Policies and Regulations (93)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Competition Authority's Opinions are Binding (94)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>9</b>	<b>9</b>	<b>18</b>
<b>2.1.2 Advocacy and Transparency</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Issuance of Guidance Documents on Horizontal and Vertical Agreements</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Horizontal agreements (96)	0.33	0.33	0.67
- Vertical agreements (97)	0.33	0.33	0.67
- Cooperation agreements (98)	0.33	0.33	0.67
<b>Issuance of Guidance Documents on Abuse of Dominance (99)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Issuance of Guidance Documents on Leniency Programs (100)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Issuance of Guidance on Market Definition (101)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Issuance of Guidance Documents on Competition-Related Issues in Digital Platforms (102)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Issuance of Guidance on Merger Control (103)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Issuance of Guidance on Labor Markets (104)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Issuance of Analytical Reports on Competition (105)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Organization of Workshops to Disseminate Competition Policy (106)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Online Publication of All Antitrust and Merger Control Decisions, and Exemptions</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Antitrust and merger control decisions (107)	0.5	0.5	1
- Exemption decisions (109)	0.5	0.5	1
<b>Online Publication of all Opinions of the Competition Authority on Government Policies (111)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Electronic Notification of Transaction for Merger Control (110)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>12</b>	<b>12</b>	<b>24</b>

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

## PILLAR III—IMPLEMENTATION OF KEY SERVICES PROMOTING MARKET COMPETITION

The scores for Pillar III indicators are calculated using the Normal Cumulative Density Function (CDF) transformation method on a scale of 0 to 100, where 0 and 100 represent the lowest and highest possible scores, respectively. The best and worst performers are identified based on the 5th and 95th percentiles of the collected data.

Data for Pillar III on the Time to file, review and clear a simplified merger review and adequate use of the procedure are collected through expert consultation, conditional to (i) existence of regulation to notify transactions as answered in Question 31; and (ii) actual practice in filing merger notifications to the Competition Authority over last year, as answered in Question 112b.

Data for Pillar III on the Index on Market Dynamism and Competitive Behaviors are collected through firm-level surveys.

### 3.1 COMPETITION

#### 3.1.1 Simplified Merger Review

**112. For the following 4 questions please assume that in accordance with the regulatory framework a transaction between two firms must be notified to the Competition Authority as this transaction is within the scope of merger control regulations. This transaction does not include a market overlap, that is, firms are not operating in the same or related markets. In voluntary notification systems, please assume that firms will notify the transaction willingly for the purpose of answering the following questions.**

112a. In practice, in case of a transaction with the characteristics described above, would the transaction be reviewed under a simplified merger review procedure? (Y/ No, the Competition Authority would not review it under a simplifier merger review procedure/ No, because there is no simplified merger review regime)

112b. Have any merger notifications been filed with the Competition Authority in the past year? (*not scored*)

112c. In practice, what is an average time, in calendar days, to comply with documentary requirements and file a notification to the Competition Authority for a case similar to the one described above? (*Numerical*)

112d. In practice, what is an average time, in calendar days, it takes for the Competition Authority to review and clear a transaction similar to the one described above? (*Numerical*)

**113. Over the past year, has the Competition Authority applied a leniency program? (Y/N) (*not scored*)**

**114. Are all Competition Authority's antitrust decisions enforced in practice? (Y/N) (*not scored*)**

**115. Does the regulatory framework require firms to pay a fee to notify and/or clear a transaction? (Y/N) (*not scored*)**

**116. Is the official office term of the head of the Competition Agency and its board members respected in practice? (Y/N) (*not scored*)**

117. Over the last year, have any board members continued their duties after expiration of their terms? (Y/N) *(not scored)*

### 3.1.2 Market Dynamism and Competitive Behaviors

118. How many competitors did this establishment's main product [or service] face in this main market? *(Numerical value)*

119. In fiscal year [Insert last complete fiscal year], what was the market share of your largest competitor, in terms of sales, in the market where this establishment sold its main product or offered its main service? *(Numerical value)*

120. Over the last year, has the level of competition in the market where this establishment sold its main product or offered its main service changed? Less competition (0), no change (50), more competition (100)

121. Considering the main market for this establishment's main product or service, can this establishment increase its prices more so than its competitors can without losing customers? (Y/N/Price is regulated by government; N – good practice (100))

122. Using the responses on the card, please indicate how difficult it would be for this establishment to switch between internet providers. Unable to change (0); if some or little difficulty (50); if no difficulty (100)

3.1 COMPETITION			
3.1.1 Simplified Merger Review			
Indicators	FFP	SBP	Total Points
Use of the Simplified Merger Review Procedure (112a)	100 (33.33%)	n/a	100 (33.33%)
Time to File a Simplified Merger Review (112c)	100 (33.33%)	n/a	100 (33.33%)
Time to Clear a Simplified Merger Review (112d)	100 (33.33%)	n/a	100 (33.33%)
<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>
3.1.2 Market Dynamism and Competitive Behaviors			
Indicators	FFP	SBP	Total Points
Market Structure (Number of Firms that Compete in the Market) (118)	100 (16.67%)	n/a	100 (16.67%)
Market Concentration (Market Share of Largest Competitor) (119)	100 (16.67%)	n/a	100 (16.67%)
Changes in the Level of Competition (120)	100 (16.67%)	n/a	100 (16.67%)
Pricing Power (Ability to Change Prices Without Losing Costumers) (121)	100 (16.67%)	n/a	100 (16.67%)
Easiness to Switch Internet Provider (122)	100 (16.67%)	n/a	100 (16.67%)
Government Intervention in Prices (121)	100 (16.67%)	n/a	100 (16.67%)

<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>
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*Note:* n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent).  
FFP = Firm Flexibility Point; SBP = Social Benefits Point.

## INNOVATION QUESTIONNAIRE

The tables below present all indicators (including their components, if applicable) under each pillar, with a reference to the corresponding question number in parenthesis. The questions are listed before each table for ease of reference.

For Y/N questions, the Y response accounts for the score and is considered as the good practice, unless otherwise indicated with the sign “Y/N; N – good practice.”

In the tables that follow, “AND” means all referenced questions must have a good practice response to obtain a score on the indicator.

In the tables that follow, “OR” means one or more referenced questions must have a good practice response to obtain a score on the indicator.

Certain questions are marked as “not scored,” which indicates that they do not impact the score in any way. The purpose of these questions is to further inform and refine the questions design for subsequent years of the rollout phase, as needed, as well as to substantiate and provide further information for the scored questions.

*Note:* Several indicators in Innovation are shared between three types of intellectual property: copyright, patent, and trademark. In those cases, the same question is asked for each area (copyright, patent, and trademark). However, the scoring on the indicator is shared among the three areas to avoid triple counting. Shared indicators are marked with \*. For example, the indicator on “Licensing” scores 2 points (on FFP and SBP) and is shared between copyright, patent, and trademark. The questions corresponding to this indicator apply to all three types of IP protection and are asked in all three subsections of the questionnaire identically. In terms of the scoring, 2 points for this indicator feed into the overall Innovation score based on the information collected on three types of IP.

### PILLAR I—QUALITY OF REGULATIONS THAT PROMOTE MARKET COMPETITION

## 1.2 INNOVATION AND TECHNOLOGY TRANSFER

### 1.2.1 Strength of Intellectual Property Rights Protection

1. **Are there any legal provisions for the establishment of Collective Management Organizations (CMOs)? (Y/N)**
2. **Does the regulatory framework explicitly define patentability requirements (novelty, inventive step, industrial applicability) for inventions? (Y/N)**
3. **Please specify the duration of the patent protection in years in accordance with the regulatory framework. (Numerical entry)**
4. **Please specify the duration of the trademark protection in years in accordance with the regulatory framework. (Numerical entry)**
5. **Does the regulatory framework stipulate that the patent protection is valid from the filing date of the application in case patent registration is granted? (Y/N)**

6. Does the regulatory framework define any experimental use exception or research exemption for patents? (Y/N)
7. According to the regulatory framework, are pre-granting opposition rights available for patents? (Y/N)
8. According to the regulatory framework, are post-granting opposition rights available for patents? (Y/N)
9. Does the regulatory framework provide the opportunity for third parties to submit complementary information on a patent application through a third-party observation system (also known as an Information Submission System)? (Y/N)
10. Does the regulatory framework require the disclosure of a patent? (Y/N)
11. Does the regulatory framework provide for a trademark use obligation? (Y/N)
12. Does the regulatory framework stipulate a grace period after trademark registration before the use obligation comes into effect? (Y/N)
13. Does the regulatory framework provide protection for well-known marks? (Y/N)
14. According to the regulatory framework, are pre-registration opposition procedures available for trademarks? (Y/N)
15. According to the regulatory framework, are post-registration opposition procedures available for trademarks? (Y/N)
16. According to the regulatory framework, can public authorities employ civil or administrative procedures to enforce copyright protection? (Y/N)
17. According to the regulatory framework, can public authorities employ criminal procedures to enforce copyright protection? (Y/N)
18. According to the regulatory framework, can public authorities employ provisional measures to enforce copyright protection? (Y/N)
19. According to the regulatory framework, can public authorities employ civil or administrative procedures to enforce patent rights protection? (Y/N)
20. According to the regulatory framework, can public authorities employ criminal procedures to enforce patent rights protection? (Y/N)
21. According to the regulatory framework, can public authorities employ provisional measures to enforce patent rights protection? (Y/N)
22. According to the regulatory framework, can public authorities employ civil or administrative procedures to enforce trademark rights protection? (Y/N)
23. According to the regulatory framework, can public authorities employ criminal procedures to enforce trademark rights protection? (Y/N)

24. According to the regulatory framework, can public authorities employ provisional measures to enforce trademark rights protection? (Y/N)
25. Does the regulatory framework allow arbitrating copyright disputes, as long as they do not affect third party rights? (Y/N)
26. Does the regulatory framework allow arbitrating patent disputes, as long as they do not affect third party rights? (Y/N)
27. Does the regulatory framework allow arbitrating trademark disputes, as long as they do not affect third party rights? (Y/N)

### 1.2.2 Licensing and Technology Transfer

28. Does the regulatory framework include provisions on copyright licensing procedures? (Y/N)
29. Does the regulatory framework include provisions on patent licensing procedures? (Y/N)
30. Does the regulatory framework include provisions specifying procedures on trademark licensing agreements? (Y/N)
31. Are there any guidelines provided by a public agency for setting fair, reasonable, and non-discriminatory royalties? (Y/N)
32. In cases of patent ownership transfer, does the regulatory framework mandate to record a change of the patent owner to ensure that patent rights remain enforceable against third-party infringement? (Y/N)
33. Does the regulatory framework specify a timeframe during which a record of a change of the patent owner must be made? (Y/N)
34. Does the patent licensing regime explicitly provide that patent holders may grant temporary licenses/waivers? (Y/N)
35. Does the regulatory framework require the disclosure of patent licensing agreements to the Intellectual Property Office? (Y/N)
36. Does the regulatory framework require disclosure of trademark licensing agreements to the Intellectual Property Office? (Y/N)

### 1.2.3 Fair Access to Innovation (includes environment)

37. Does the regulatory framework define open access content? (Y/N)
38. Does the regulatory framework define open-source content? (Y/N)
39. Does the regulatory framework define the scope of permissible open access research activities to prevent potential liability for copyright infringement? (Y/N)
40. Does the regulatory framework include provisions enabling open science? (Y/N)

41. Does your economy adopt a risk-based approach to AI regulation? (Y/N)
42. Are there guidelines on an ethical impact assessment of AI systems? (Y/N)
43. Does the regulatory framework include provisions on intellectual property rights safeguarding public interest in sectors of vital importance to socioeconomic and technological development? (Y/N)
44. Does the regulatory framework include provisions on intellectual property-based financing? (Y/N)
45. Are there any legal provisions on intellectual property (IP) relevant for environmental sustainability policies? (Y/N)
46. Does the regulatory framework include provisions on the environmentally safe disposal and destruction of intellectual property infringing goods? (Y/N)

#### 1.2.4 University-Industry Collaboration

47. Does your economy have standard model research collaboration agreements or consortium agreements? (Y/N)
48. Does the regulatory framework include guidance on a grace period for the publication of research results that may compromise patentability prior to filing a patent application? (Y/N)
49. Does the regulatory framework establish rules and criteria on patent ownership developed within public research organizations? (Y/N)
50. Does the regulatory framework require that universities or public research organizations adopt their own institutional IP policies? (Y/N)
51. Does the regulatory framework provide conditions under which university spin-offs may be established for the commercialization of a new product or process? (Y/N)
52. Does the regulatory framework provide financial incentives for commercializing research through benefit or revenue-sharing in a royalty-bearing licensing deal? (Y/N)

1.2 INNOVATION AND TECHNOLOGY TRANSFER			
1.2.1 Strength of Intellectual Property Rights Protection			
Indicators	FFP	SBP	Total Points
Provisions for Establishment of Collective Management Organizations (1)	1	1	2
Patentability Requirements (Novelty, Inventive Step, Industrial Applicability) for Inventions and Experimental Use Exception or Research Exemption for Patents	1	1	2
- Patentability requirements (novelty, inventive step, industrial applicability) for inventions (2)	0.5	0.5	1
- Experimental use exception or research exemption for patents (6)	0.5	0.5	1

<b>Patent Protection Valid from the Filing Date (5)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Duration of Patent and Trademark Protection</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Duration of patent protection (3)	0.5	0.5	1
- Duration of trademark protection (4)	0.5	0.5	1
<b>Opposition Mechanisms for Patents and Trademarks</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Pre-granting opposition for patents (7)	0.25	0.25	0.5
- Post-granting opposition for patents (8)	0.25	0.25	0.5
- Pre-granting opposition for trademarks (14)	0.25	0.25	0.5
- Post-granting opposition for trademarks (15)	0.25	0.25	0.5
<b>Provisions for Information Submission System for Patents (9)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Public Disclosure of Patent (10)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Trademark Use Obligation and Related Grace Period</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Trademark use obligation (11)	0.5	0.5	1
- Grace period after trademark registration before the use obligation comes into effect (12)	0.5	0.5	1
<b>Protection for Well-Known Marks (13)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Actions or Remedies to Enforce Copyright, Patent, and Trademark Protection*</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Civil and administrative procedures for copyrights (16)	0.11	0.11	0.22
- Criminal procedures for copyrights (17)	0.11	0.11	0.22
- Provisional measures for copyrights (18)	0.11	0.11	0.22
- Civil and administrative procedures for patents (19)	0.11	0.11	0.22
- Criminal procedures for patents (20)	0.11	0.11	0.22
- Provisional measures for patents (21)	0.11	0.11	0.22
- Civil and administrative procedures for trademarks (22)	0.11	0.11	0.22
- Criminal procedures for trademarks (23)	0.11	0.11	0.22
- Provisional measures for trademarks (24)	0.11	0.11	0.22
<b>Arbitration of Copyright, Patent, and Trademark Disputes*</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Arbitration for copyrights disputes (25)	0.33	0.33	0.66
- Arbitration for patents disputes (26)	0.33	0.33	0.66
- Arbitration for trademarks disputes (27)	0.33	0.33	0.66
<b>Total Points</b>	<b>11</b>	<b>11</b>	<b>22</b>
<b>1.2.2 Licensing and Technology Transfer</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Provisions on Copyright, Patent, Trademark Licensing Procedures*</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Provisions on copyrights licensing procedures (28)	0.33	0.33	0.66
- Provisions on patents licensing procedures (29)	0.33	0.33	0.66
- Provisions on trademarks licensing procedures (30)	0.33	0.33	0.66
<b>Guidelines for Setting Fair and Non-Discriminatory Royalties (31)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Recordal of Change of Patent Owner and Related Timeframe</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Recordal of change of patent owner (32)	0.5	0.5	1
- Timeframe for recordal of change of patent owner (33)	0.5	0.5	1
<b>Temporary Licenses/Waivers for Patents (34)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Disclosure of Patent and Trademark Licensing Agreements to IPO</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Disclosure of patent licensing agreements to IPO (35)	0.5	0.5	1
- Disclosure of trademark licensing agreements to IPO (36)	0.5	0.5	1
<b>Total Points</b>	<b>5</b>	<b>5</b>	<b>10</b>
<b>1.2.3 Fair Access to Innovation (includes environment)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>

<b>Open Access and Open-Source Definition</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Open access definition (37)	0.5	0.5	1
- Open-source definition (38)	0.5	0.5	1
<b>Scope of Permissible Open Access Research Activities (39)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Provisions Enabling Open Science (40)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Risk-Based Approach to AI Regulation (41)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Guidelines on an Ethical Impact Assessment of AI Systems (42)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Provisions Safeguarding Public Interest (43)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Guidelines for IP-Based Financing (44)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Provisions on IP Relevant for Environmental Sustainability (45)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Provisions on the Environmentally Safe Disposal and Destruction of IPRs Infringing Goods (46)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>9</b>	<b>9</b>	<b>18</b>
<b>1.2.4 University-Industry Collaboration</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Standard Model Research Collaboration Agreements (47)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Grace Period for Publishing Research Results without Compromising Patentability (48)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Patent Ownership Developed Within Public Research Organizations (49)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Institutional IP Policies of Public Research Organizations (50)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>University Spin-offs (51)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Financial Incentives for Commercializing Research (52)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>6</b>	<b>6</b>	<b>12</b>

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point; IP = Intellectual Property; IPO = Intellectual Property Office; AI = Artificial Intelligence.

\*Shared indicator between copyright, patent, and trademark.

## PILLAR II—PUBLIC SERVICES THAT PROMOTE MARKET COMPETITION

### 2.2 INNOVATION IN FIRMS

#### 2.2.1 Institutional Framework to Support Innovation

53. In practice, does the Intellectual Property Office (IPO) offer pro-bono or low-cost legal assistance to potential IP licensees? (Y/N)
54. In practice, is there a functioning third-party observation system (also known as Information Submission System) where patent holders or affected third parties may submit complementary information on a patent application? (Y/N)
55. Do government agencies conduct public consultations when developing IP laws and regulations? (Y/N)
56. Is there a public body responsible for facilitating and coordinating domestic firms' participation in developing technical standards? (Y/N)

## 2.2.2 Digitalization of Intellectual Property Services (includes environment)

57. Is there an electronic platform, such as a license of rights database, or IP marketplace, connecting potential buyers and sellers of IP rights? (Y/N)
58. Does the electronic platform, such as license of rights database or IP marketplace, have a specific section or tag/label on green technology? (Y/N)
59. Does the IPO have a publicly accessible electronic database (available online) to identify locally registered intellectual property rights, their content, ownership, and filing date? (Y/N)
60. Does the IPO have an online platform allowing IP holders to manage the details of their rights electronically? (Y/N)
61. Does the IPO publish online an updated list of qualified IP professionals, including registered patent attorneys? (Y/N)

## 2.2.3 Innovation Systems (includes gender)

62. Does the economy have technology transfer offices responsible for process of commercializing research that takes place in universities and/or public research organizations? (Y/N)
63. Are regulatory sandboxes used in your economy to enable technology generation? (Y/N)
64. Are there any innovation incubators in your economy? (Y/N)
65. Are there any innovation accelerators in your economy? (Y/N)
66. Do government agencies provide financial assistance to private sector led innovation incubators and/or accelerators? (Y/N)
67. Do public research organizations provide technical assistance to private sector led innovation incubators and/or accelerators? (Y/N)
68. Are there incubators and/or accelerators that specifically target women entrepreneurs and women-founded businesses in your economy? (Y/N)
69. Are there any science and technology parks in your economy? (Y/N)
70. Are there any innovation clusters in your economy? (Y/N)

2.2 INNOVATION IN FIRMS			
2.2.1 Institutional Framework to Support Innovation			
Indicators	FFP	SBP	Total Points
Pro-Bono or Low-Cost Legal Assistance Offered by IPO to IP Licensees (53)	1	1	2
Availability of Information Submission System in Practice (54)	1	1	2
Public Consultations on IP Laws and Regulations (55)	1	1	2

Public Body Responsible for Participation of Firms in Development of Technical Standards (56)	1	1	2
<b>Total Points</b>	<b>4</b>	<b>4</b>	<b>8</b>
<b>2.2.2 Digitalization of Intellectual Property Services (includes environment)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
Availability of License of Rights Database or IP marketplace (57)	1	1	2
Availability of Green Technology Identifier (58)	1	1	2
Availability of Electronic Database on Locally Registered IPR (59)	1	1	2
Availability of Online Platform for IP Holders to Manage IPR Electronically (60)	1	1	2
Online Publication of List of Qualified IP Professionals by the IPO (61)	1	1	2
<b>Total Points</b>	<b>5</b>	<b>5</b>	<b>10</b>
<b>2.2.3 Innovation Systems (includes gender)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
Availability of Technology Transfer Offices (62)	1	1	2
Availability of Regulatory Sandboxes (63)	1	1	2
Availability of Innovation Incubators (64)	1	1	2
Availability of Innovation Accelerators (65)	1	1	2
Government Financial Assistance to Private Incubators/Accelerators (66)	1	1	2
Public Research Organizations Technical Assistance to Private Incubators/Accelerators (67)	1	1	2
Availability of Incubators/Accelerators that Target Women Entrepreneurs (68)	1	1	2
Availability of Science and Technology Parks (69)	1	1	2
Availability of Innovation Clusters (70)	1	1	2
<b>Total Points</b>	<b>9</b>	<b>9</b>	<b>18</b>

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point; IP = Intellectual Property; IPO = Intellectual Property Office; IPR = Intellectual Property Rights.

## PILLAR III—IMPLEMENTATION OF KEY SERVICES PROMOTING MARKET COMPETITION

### 3.2 INNOVATION

The scores for Pillar III indicators are calculated using the Normal Cumulative Density Function (CDF) transformation method on a scale of 0 to 100, where 0 and 100 represent the lowest and highest possible scores, respectively. The best and worst performers are identified based on the 5th and 95th percentiles of the collected data.

The data for Pillar III on the Innovation are collected through firm-level surveys, using the following questions:

#### 3.2.1 Proportion of Highly Innovative Firms

##### 71. Highly innovative firms:

- 71a. During the last three years, has this establishment introduced new or improved products or services?
- 71b. During the last three years, has this establishment introduced any new or improved process?
- 71c. During fiscal year, did this establishment spend on research and development activities, either in-house or contracted with other companies, excluding market research surveys?

### 3.2.2 Use of International Quality Certificated

#### 72. Does this establishment have an internationally recognized quality certification?

3.2 INNOVATION			
3.2.1 Proportion of Highly Innovative Firms			
Indicators	FFP	SBP	Total Points
Proportion of Highly Innovative Firms (71a AND 71b AND 71c)	100 (100%)	n/a	100 (100%)
3.2.2 Use of International Quality Certifications			
Use of International Quality Certifications (72)	100 (100%)	n/a	100 (100%)
<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>

*Note:* n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent).  
FFP = Firm Flexibility Point; SBP = Social Benefits Point.

## PROCUREMENT QUESTIONNAIRE

The tables that follow present all indicators (including their components, if applicable) under each pillar, with a reference to the corresponding question number in parenthesis. The questions are listed before each table for ease of reference.

For Y/N questions, the Y response accounts for the score and is considered as the good practice, unless otherwise indicated with the sign “Y/N; N – good practice.”

In the tables that follow, “AND” means all referenced questions must have a good practice response to obtain a score on the indicator.

In the tables that follow, “OR” means one or more referenced questions must have a good practice response to obtain a score on the indicator.

Certain questions are marked as “not scored,” which indicates that they do not affect the score in any way. The purpose of these questions is to further inform and refine the question design for subsequent years of the rollout phase, as needed, as well as to substantiate and provide further information for the scored questions.

<b>PILLAR I—QUALITY OF REGULATIONS THAT PROMOTE MARKET COMPETITION</b>	
<b>Parameters</b>	
<b>Procuring Entity</b>	<p>Procurement procedures and the legal framework that governs a procurement process can vary depending on which institution is undertaking the procurement. This parameter affects both de jure and de facto indicators.</p> <p>Indicators that fall within the category of public procurement are benchmarked as applicable to the three largest procuring entities based on the volume of tenders (number of tenders) they have procured over the last three years. The procuring entities are identified by the private sector experts who respond the market competition questionnaire based on their experience and knowledge or based on reliable publicly available data.</p>

*Note:* Sector - to be considered where a procurement category (e.g., for goods, works, or services - including both consulting and non-consulting services) determines the procurement process or the applicable regulatory framework. Defense procurement, concessions and PPPs are excluded from the scope of this analysis.

Value - to be considered where a value of a proposed contract determines a procurement process or an applicable regulatory framework. Legally established thresholds usually distinguish between tenders that should be carried out under an open and competitive procedure (defined as “high-value” for the purposes of this questionnaire) and restricted, selective, or limited procurement (defined as “low-value” for the purposes of this questionnaire). Contracts that are not covered under the public procurement regulatory framework (for example, very small values) fall outside the scope of the topic.

### **1.3 BIDDING FOR PUBLIC CONTRACTS**

**1. What are the three central/federal government entities that have conducted the largest procurements by number of tenders in your economy in the last three years? (not scored)**

*Please, list the three procuring entities in the order of importance, starting with the one that has issued the most tenders.*

- 1a. Name of the procuring entity (largest):
- 1b. Name of the procuring entity (second largest)

1c. Name of the procuring entity (third largest)

2. **Is any of the three procuring entities that you have selected a state-owned enterprise or an Independent Authority? (Y/N) (not scored)**
3. **Does any of these SOEs or Independent Authorities have a specific public procurement regulatory framework compared to the other centralized/federal procuring entities? (Y/N) (not scored)**

### 1.3.1 Access and Firm's Participation (includes gender)

4. **Are any SOEs or Independent Authorities in your economy governed by a separate set of public procurement regulations, distinct from the general public procurement regulatory framework? (Y/N)**
5. **Does the regulatory framework establish open procurement as a default method for tendering a contract? (5a. or 5b. - good practice)**
  - 5a. Yes, without exception
  - 5b. Yes, with exception
  - 5c. No
6. **Does the regulatory framework impose any participation or award restrictions on foreign firms? (N - good practice)**
  - 6a. Yes, in all public tenders
  - 6b. Yes, in some public tenders
  - 6c. No
7. **Does the regulatory framework require foreign firms to have partnerships with domestic firms to be eligible to participate in a tender? (N - good practice)**
  - 7a. Yes, in all public tenders
  - 7b. Yes, in some public tenders
  - 7c. No
8. **Does the regulatory framework require foreign firms to own (fully or partially) subsidiaries in the domestic economy to be eligible to participate in a tender? (N - good practice)**
  - 8a. Yes, in all public tenders
  - 8b. Yes, in some public tenders
  - 8c. No
9. **Does the regulatory framework reserve specific contracts exclusively for local firms or citizens? (N - good practice)**
  - 9a. Yes, in all public tenders
  - 9b. Yes, in some public tenders
  - 9c. No
10. **Does the regulatory framework include award quotas as a preferential treatment approach for small and medium-sized enterprises? (Y/N)**
11. **Does the regulatory framework provide shorter payment deadlines for small and medium-sized enterprises? (Y/N)**

12. Does the regulatory framework include designation by threshold as a preferential treatment approach for small and medium-sized enterprises? (Y/N)
13. Does the regulatory framework include reserved products as a preferential treatment approach for small and medium-sized enterprises? (Y/N)
14. Does the regulatory framework include financial guarantee exemptions as a preferential treatment approach for small and medium-sized enterprises? (Y/N)
15. Does the regulatory framework include subcontracting requirements or incentives as a preferential treatment approach for small and medium-sized enterprises? (Y/N)
16. Does the regulatory framework, applicable to the Procuring Entities you selected, establish a timeframe with in which a Procuring Entity must process a payment once an invoice is received? (16a. or 16b. – good practice)  
 16a. Yes, for all contracts  
 16b. Yes, but only in some contracts  
 16c. No
17. Does the regulatory framework allow firms to claim interest on late payments (or any similar contractual penalty) if the government does not pay within the legally established timeframe? (*not scored*)  
 17a. Yes  
 17b. The regulatory framework does not provide for late payment interest (or any similar contractual penalty)
18. Does the regulatory framework outline a designated procedure for awarding contracts based on a framework agreement? (Y/N)
19. Does the regulatory framework allow framework agreements to admit new suppliers, in addition to the initial parties, during the duration of the agreement? (19a. or 19b. – good practice)  
 19a. Yes, for all types of procurement  
 19b. Yes, but only for some types of procurements  
 19c. No
20. Are call-off contracts within a framework agreement awarded through a competitive second stage? (20a. – good practice)  
 20a. Yes, for all types of procurement  
 20b. Yes, but only for some types of procurements  
 20c. No
21. Does the regulatory framework include gender-specific provisions that promote gender equality in public procurement? (Y/N)

### 1.3.2 Best Value for Money (includes gender and environment)

22. Does the regulatory framework establish a process for identifying abnormally low bids that allows to interact with the bidder prior to exclusion? (22a. or 22b. – good practice)  
 22a. Yes, for all procurement procedures  
 22b. Yes, but only in some procurement procedures  
 22c. No

- 23. Does the regulatory framework establish objective and quantifiable criteria to identify abnormally low bids? (23a. or 23b. – good practice)**  
 23a. Yes, for all procurement procedures  
 23b. Yes, but only in some procurement procedures  
 23c. No
- 24. Does the regulatory framework designate specific tendering procedures for innovation procurement? (Y/N)**
- 25. Does the regulatory framework require procuring entities to use standard bidding/tender documents when preparing a tender? (not scored)**  
 25a. Yes, without exception  
 25b. Yes, but with some exception  
 25c. No
- 26. Do these standard bidding documents contain sustainability clauses? (26a. or 26b – good practice)**  
 26a. Yes, in all model documents  
 26b. No, only in some model documents  
 26c. None of the model documents contain sustainability clauses
- 27. Does the regulatory framework provide incentives for preparing bids with environmentally friendly components? (Y/N)**
- 28. Does the regulatory framework set general quantifiable environmental targets for procuring entities to achieve through procurement projects? (Y/N)**
- 29. Does the regulatory framework mandate specific environmental standards in the specifications for goods, services, and works? (29a. or 29b. – good practice)**  
 29a. Yes, standards are mandated in all public tenders  
 29b. Yes, standards are mandated in some public tenders  
 29c. No, standards are only recommended  
 29d. No, there are no specific requirements
- 30. Does the regulatory framework provide a list of accepted eco tags that procuring entities can use in their bid documents? (Y/N)**
- 31. Does the regulatory framework encourage needs assessments to include gender analysis? (Y/N)**
- 32. Does the regulatory framework require firms to demonstrate adherence to the principle of equal pay during tender procedures? (Y/N)**
- 33. Does the regulatory framework require firms to demonstrate adherence to gender non-discrimination? (Y/N)**
- 34. Does the regulatory framework include exclusion grounds for firms that have violated gender equality obligations? (Y/N)**
- 35. Does the regulatory framework include award criteria with a gender dimension? (Y/N)**

- 36. According to the regulatory framework, are procuring entities required to carry out a market analysis when estimating the contract value of a new procurement opportunity? (36a. or 36b. – good practice)**  
36a. Yes, in all public tenders  
36b. Yes, in some public tenders  
36c. No
- 37. According to the regulatory framework, are procuring entities required to conduct a feasibility study to estimate the contract value of a new procurement opportunity? (37a or 37b – good practice)**  
37a. Yes, in all public tenders  
37b. Yes, in some public tenders  
37c. No
- 38. According to the regulatory framework, are procuring entities required to use historical data from similar tenders when estimating the contract value of a new procurement opportunity? (38a or 38b – good practice)**  
38a. Yes, in all public tenders  
38b. Yes, in some public tenders  
38c. No
- 39. According to the regulatory framework, are bidders required to prepare their bids based on the principle of project life cycle cost for high-value procurement? (39a or 39b – good practice)**  
39a. Yes  
39b. No, but the regulatory framework recommends it  
39c. No
- 40. According to the regulatory framework, are bidders required to prepare their bids based on the principle of total cost ownership for high-value procurement? (40a. or 40b – good practice)**  
40a. Yes  
40b. No, but the regulatory framework recommends it  
40c. No
- 41. Does the regulatory framework explicitly recommend the preference to use Most Economically Advantageous Tender criteria over lowest price criteria? (41a – good practice)**  
41a. Yes, for all procurement procedures  
41b. Yes, but only in some procurement procedures  
41c. No
- 42. According to the regulatory framework, should the procuring entity provide a reference price in tender documents? (not scored)**  
42a. Yes, for all sectors  
42b. Yes, but for some sectors only  
42c. No

### 1.3.3 Fairness of the Procurement Process

- 43. Is there a mandatory standstill period between the public notice of award and contract signing to allow unsuccessful bidders challenge the decision? (43a – good practice)**  
43a. Yes, for all public procurement procedures  
43b. Yes, but only in some public procurement procedures

43c. No

**44. Does the regulatory framework set a minimum timeframe between advertisement of a tender notice and a submission deadline?** (44a. – good practice)

44a. Yes, for all procurement procedures

44b. Yes, but only in some procurement procedures

44c. No

**45. Does the regulatory framework prohibit splitting contracts for the purpose of circumventing thresholds for open tendering?** (Y/N)

**46. Does the regulatory framework mandate communication of an award decision?** (46a. – good practice)

46a. Yes, to all bidders → 1 point if selected → proceed to the next question.

46b. Yes, to the awarded bidder only → proceed to the next question.

46c. No, only the name of the awardee is provided

46d. The regulatory framework does not require communication

**47. Is the requirement to communicate an award decision applicable to all procurements conducted by the procuring entities listed?** (47a. – good practice)

47a. Yes, applicable to all procurement procedures

47b. No, only for some procurements procedures

47c. No

**48. According to the regulatory framework, how should clarification requests from potential bidders be communicated?** (48a. – good practice)

48a. Required to communicate answers to all bidders

48b. Required to communicate answers only to inquiring bidder

48c. Not specified by law

**49. Does the regulatory framework designate a specialized and independent authority to receive procurement challenges filed by firms on decisions issued by the Procuring Entities you specified?** (49a. – good practice)

49a. Yes, specialized and independent

49b. Yes, specialized

49c. Yes, independent

49d. No

**50. Does an aggrieved bidder have the right to appeal decisions on challenges made by the authority that receives procurement challenges?** (Y/N)

**51. Are there any legally binding time limits to resolve a procurement challenge?** (51a. – good practice)

51a. Yes, for all types of challenges

51b. Yes, but only in some types of challenges

51c. No

**52. Is there a legal recourse for an aggrieved bidder experiencing delays in either challenge or review processes?** (52a. – good practice)

52a. Yes, for all types of challenges

52b. Yes, but only in some type of challenges

52c. No

### 1.3.4 Transparency of Key Procurement Documents

**53. According to the regulatory framework, which of the following documents needs to be made publicly available?** (Yes, for all contracts/Yes, except for low value contracts – good practice)

53a. Procurement plans (Yes, for all contracts/Yes, except for low value contracts/No)

53b. Tender notices (Yes, for all contracts/Yes, except for low value contracts/No)

53c. Tender documents (project specific) (Yes, for all contracts/Yes, except for low value contracts/No)

53d. Award decisions (Yes, for all contracts/Yes, except for low value contracts/No)

53e. Contracts (Yes, for all contracts/Yes, except for low value contracts/No)

53f. Contract amendments (Yes, for all contracts/Yes, except for low value contracts/No)

<b>1.3 BIDDING FOR PUBLIC CONTRACTS</b>			
<b>1.3.1 Access and Firm's Participation (includes gender)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Open and Competitive Procurement as the Default (5)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Restrictions to Foreign Firms to Participate in Public Procurement (6 AND 7 AND 8 AND 9)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>SOEs and Independent Authorities Are Not Excluded from Application of Procurement Regulations (4)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Ability to Divide Contracts into Lots (17e)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Legal Deadline for Procuring Entities to Process Payments to the Contractor is Established (16)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Procurement Procedures for Framework Agreements are Established (18 AND 19 AND 20)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Promoting Gender Equality in Public Procurement (21)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Tender and Contractual Mechanisms to Promote SME Participation</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Tender mechanisms: (10 OR 12 OR 13)	0.5	0.5	1
- Contractual mechanisms: (11 OR 14 OR 15)	0.5	0.5	1
<b>Total Points</b>	<b>8</b>	<b>8</b>	<b>16</b>
<b>1.3.2 Best Value for Money (includes gender and environment)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Existence of Procedure and Criteria for Identifying Abnormally Low Bids are Established (22 AND 23)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Designation of Specialized Tendering Methods for Innovation procurement (24)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Incorporation of Sustainability Clauses in Standard Bidding Documents (26)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Incentives to Include Environmental Considerations in Tenders (27 OR 28 OR 29 OR 30) *A partial score of 0.50 is allotted if option 29c is selected</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Mechanisms to Introduce Gender-Responsive Public Procurement</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Needs assessment should include gender analysis (31)	0.2	0.2	0.4
- Firms show that they adhere to the principle of equal pay (32)	0.2	0.2	0.4
- Firms show that they adhere to gender non-discrimination (33)	0.2	0.2	0.4
- Exclusion grounds for infringement of gender rules (34)	0.2	0.2	0.4
- Award criteria with gender dimension (35)	0.2	0.2	0.4
<b>Market-Based Tools to Estimate Contract Value (36 OR 37 OR 38)</b>	<b>1</b>	<b>1</b>	<b>2</b>

<b>Total Cost of Ownership and Life Cycle Cost Considerations are used in Bid Evaluation</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Total cost of ownership (39)	0.5	0.5	1
- Life cycle costing (40)	0.5	0.5	1
<b>Most Economically Advantageous Tender Considerations are Used in Bid Evaluation (41)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>8</b>	<b>8</b>	<b>16</b>
<b>1.3.3 Fairness of the Procurement Process</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Standstill Period between Contract Award Notice and Contract Signing to Allow Aggrieved Bidders to Challenge the Decision (43)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Minimum Duration between Publication of Tender Notice and Submission Deadline is Clearly Defined (44)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Prohibition of Dividing Contracts to Circumvent Open Tendering Thresholds (45)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Obligation to Notify Firms of Procurement Decisions and Legal Framework Establishes How Clarification Requests from Potential Bidders should be Addressed (46 AND 47 AND 48)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Availability of Specialized Procurement Tribunals and the Right to Challenge Award Decisions (49 AND 50)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Time Limits to Resolve Appeals and Legal Recourses Granted to Firms When there are Delays in Resolving Appeals (51 AND 52)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>6</b>	<b>6</b>	<b>12</b>
<b>1.3.4 Transparency of Key Procurement Documents</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Publication of Procurement Plans, Notices, Tender Documents and Award Decisions (53a AND 53b AND 53c AND 53d)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Publication of Contracts and Contract Amendments</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Contracts (53e)	0.5	0.5	1
- Contract amendments (53f)	0.5	0.5	1
<b>Total Points</b>	<b>2</b>	<b>2</b>	<b>4</b>

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

<b>PILLAR II—PUBLIC SERVICES THAT PROMOTE MARKET COMPETITION</b>	
<b>Parameters</b>	
<b>Procuring Entity</b>	<p>Procurement procedures and the legal framework that governs a procurement process can vary depending on which institution is undertaking the procurement. This parameter impacts both de jure and de facto indicators.</p> <p>Indicators that fall within the category of public procurement are benchmarked as applicable to the three largest procuring entities based on the volume of tenders (number of tenders) they have procured over the last three years. The procuring entities are identified by the private sector experts who respond the market competition questionnaire based on their experience and knowledge or based on reliable publicly available data.</p>

## 2.3 E-PROCUREMENT

### 2.3.1 Digitalization of Procurement Procedures (includes environment)

**54. Is there an operational central electronic public procurement (e-procurement) platform in your economy? (Y/N)**

N → proceed to question 58.

**55. Is the central e-procurement platform used by all the procuring entities that you listed at the beginning of the questionnaire? (not scored)**

**56. Please complete the questions below based on the features available in the centralized procurement platform. (Yes, fully digitized/Yes, but hard copy documents must be submitted/No) (Yes, fully digitized – good practice)**

56a. Does the centralized e-procurement platform allow firms to complete the vendor registration process online? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

56b. Does the centralized e-procurement platform allow firms to access notices on procurement opportunities online? (Yes, fully digitized without registration/Yes, but registration is required/No)

56c. Does the centralized e-procurement platform allow firms to access bidding documents online? (Yes, fully digitized /Yes, but some hard copy documents must be requested / No)

56d. Does the centralized e-procurement platform offer the option to ask a procuring entity for clarifications? (Yes, fully digitized /No, only an email is provided to contact the procuring entity /No)

56e. Is it possible to submit all components of tenders online through the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

56f. Does the centralized e-procurement platform allow to submit bid security online with electronic validation? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

56g. Is it possible to conduct the bid opening procedure online on the centralized e-procurement platform? (Yes, fully digitized/Y Yes, but some parts require physical presence or handling/No)

56h. Does the centralized e-procurement platform provide a virtual workspace to manage tender procedures, including operative tools for members of the evaluation committee? (Yes, fully digitized/ Yes, but some parts of the evaluation process are conducted offline in physical format/No)

56i. Does the centralized e-procurement platform provide effective notifications for decisions of procurement authorities (such as clarifications, awards, contracts, and other relevant milestones) delivered through online means? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

56j. Is it possible to access award decisions, including their rationale, on the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be requested/No)

56k. Does the centralized e-procurement platform allow to submit performance guarantees online with electronic validation? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

56l. Is it possible to conduct the contract signing procedure online on the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

56m. Is it possible to access contracts that have been awarded on the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be requested/No)

56n. Is it possible to access contract amendments on the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be requested/No)

56o. Is it possible to submit invoices to the procuring entity online through the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

- 56p. Does the centralized e-procurement platform include a module for framework agreement management? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56q. Does the centralized e-procurement platform include an e-catalogue of approved suppliers? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56r. Does the centralized e-procurement platform include green catalogues? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56s. Does the centralized e-procurement platform include an e-reverse auction module? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56t. Does the centralized e-procurement platform include an e-contract management and implementation module? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56u. Is it possible to receive payments from the procuring entity through the centralized e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56v. Does the centralized e-procurement platform allow to apply for vendor eco-certifications or eco-labels? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 56w. Does the centralized e-procurement platform provide access to specifications, standards, or criteria for eco-labels and environmentally preferable goods and services? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

*Note: Items b, c, j, m, n, and w are under Subcategory Transparency of Key Procurement Documents.*

**57. Are the features supported by the central e-procurement platform available for procurements of goods, works, and services? (not scored)**

**58. In the absence of a central procurement platform, please provide the link to any other e-procurement platforms or websites which are used by the procuring entities: (not scored)**

**59. Please complete the questions below based on the features available in the most sophisticated non-centralized procurement platform. (Yes, fully digitized/Yes, but hard copy documents must be submitted/No) (Yes, fully digitized – good practice)**

- 59a. Does the e-procurement platform allow firms to complete the vendor registration process online? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59b. Does the e-procurement platform allow firms to access notices on procurement opportunities online? (Yes, fully digitized without registration/Yes, but registration is required/No)
- 59c. Does the e-procurement platform allow firms to access bidding documents online? (Yes, fully digitized /Yes, but some hard copy documents must be requested / No)
- 59d. Does the e-procurement platform offer the option to ask a procuring entity for clarifications? (Yes, fully digitized /No, only an email is provided to contact the procuring entity /No)
- 59e. Is it possible to submit all components of tenders online through the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59f. Does the e-procurement platform allow to submit bid security online with electronic validation? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59g. Is it possible to conduct the bid opening procedure online on the e-procurement platform? (Yes, fully digitized/Y Yes, but some parts require physical presence or handling/No)
- 59h. Does the e-procurement platform provide a virtual workspace to manage tender procedures, including operative tools for members of the evaluation committee? (Yes, fully digitized/ Yes, but some parts of the evaluation process are conducted offline in physical format/No)
- 59i. Does the e-procurement platform provide effective notifications for decisions of procurement authorities (such as clarifications, awards, contracts, and other relevant milestones) delivered through online means? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59j. Is it possible to access award decisions, including their rationale, on the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be requested/No)

- 59k. Does the e-procurement platform allow to submit performance guarantees online with electronic validation? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59l. Is it possible to conduct the contract signing procedure online on the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59m. Is it possible to access contracts that have been awarded on the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be requested/No)
- 59n. Is it possible to access contract amendments on the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be requested/No)
- 59o. Is it possible to submit invoices to the procuring entity online through the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59p. Does the e-procurement platform include a module for framework agreement management? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59q. Does the e-procurement platform include an e-catalogue of approved suppliers? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59r. Does the e-procurement platform include green catalogues? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59s. Does the e-procurement platform include an e-reverse auction module? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59t. Does the e-procurement platform include an e-contract management and implementation module? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59u. Is it possible to receive payments from the procuring entity through the e-procurement platform? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59v. Does the e-procurement platform allow to apply for vendor eco-certifications or eco-labels? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)
- 59w. Does the e-procurement platform provide access to specifications, standards, or criteria for eco-labels and environmentally preferable goods and services? (Yes, fully digitized/Yes, but hard copy documents must be submitted/No)

*Note: Items b, c, j, m, n, and w are under Subcategory Transparency of Key Procurement Documents.*

### **2.3.2 Transparency of Key Procurement Documents (includes gender)**

**60. For the following types of data, please select whether there is a public data portal that provides open access to such information in machine readable format:**

- 60a. Data on tenders (including description, dates, category of spending, estimated value, contracting authority, and identification of bidders) (Y/N)
- 60b. Data on suppliers (Y/N)

**61. Are sex-disaggregated data on firms that have participated in tenders collected by the central e-procurement platform? (not scored)**

- 61a. Yes, for all firms
- 61b. Yes, but only for the firm that has been awarded the contract
- 61c. No → proceed to question 67.

**62. Are these data available for the most recent calendar year (2022)? (Y/N)**

**63. Are these data anonymized? (not scored)**

**64. Are these data publicly available online? (Y/N)**

**65. Is the data of suppliers' sex-disaggregated (Y/N)**

66. Is the data of subcontractors' sex-disaggregated? (Y/N)

<b>2.3 E-PROCUREMENT</b>			
<b>2.3.1 Digitalization of Procurement Procedures (includes environment)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Registering as a Vendor (56a OR 59a)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Asking a Procuring Entity for Clarifications and Notification of Decisions Electronically</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Clarifications (56d OR 59d)	0.5	0.5	1
- Notifications (56i OR 59i)	0.5	0.5	1
<b>Submitting Tenders Electronically (56e OR 59e)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Open Bids Electronically and Virtual Workspace to Manage the Tender procedure</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Open bids (56g OR 59g)	0.5	0.5	1
- Virtual workspace (56h OR 59h)	0.5	0.5	1
<b>Submitting Bid Security Electronically and Performance Guarantee with Electronic Validation</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Bid security (56f OR 59f)	0.5	0.5	1
- Performance guarantee (56k OR 59k)	0.5	0.5	1
<b>Contract Signing Electronically (56l OR 59l)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>E-Contract Management and Implementation Module (56t OR 59t)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Submitting Invoices to the Procuring Entity (56o OR 59o)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Receiving Payments from the Procuring Entity (56u OR 59u)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Module for Framework Agreement Management (56p OR 59p)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>E-Reverse Auction Module (56s OR 59s)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>E-Catalogue of Approved Suppliers (56q OR 59q)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Electronic Green Catalogues (56r OR 59r)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Applying for Vendor Eco-Certifications/Eco-Labels (56v OR 59v)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Availability of Central E-Procurement Platform (54)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>15</b>	<b>15</b>	<b>30</b>
<b>2.3.2 Transparency of Key Procurement Documents (includes gender)</b>			
<b>Indicators</b>	<b>FFP</b>	<b>SBP</b>	<b>Total Points</b>
<b>Accessing Notices on Procurement Opportunities Electronically (56b OR 59b)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Accessing Bidding Documents Electronically (56c OR 59c)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Accessing Award Decisions (Including their Rationale) Electronically (56j OR 59j)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Accessing Contracts and Contract Amendments Electronically</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Contracts (56m OR 59m)	0.5	0.5	1
- Contract amendments (56n OR 59n)	0.5	0.5	1
<b>Access to Specifications, Standards, or Criteria for Eco-Labels and Environmentally Preferable Goods and Services Electronically (56w OR 59w)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Publication of Open Data in Machine Readable Format on Suppliers Contracts and Tenders</b>	<b>1</b>	<b>1</b>	<b>2</b>
- Tenders (60a)	0.5	0.5	1
- Suppliers (60b)	0.5	0.5	1

<b>Gender - Publication of Open Data on Tenders and Contracts Disaggregated by Sex (62 AND 64 AND 65 AND 66)</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>Total Points</b>	<b>7</b>	<b>7</b>	<b>14</b>

Note: FFP = Firm Flexibility Point; SBP = Social Benefits Point.

### PILLAR III—IMPLEMENTATION OF KEY SERVICES PROMOTING MARKET COMPETITION

The scores for Pillar III indicators are calculated using the Normal Cumulative Density Function (CDF) transformation method on a scale of 0 to 100, where 0 and 100 represent the lowest and highest possible scores, respectively. The best and worst performers are identified based on the 5th and 95th percentiles of the collected data, except for Gender Gap in Government suppliers where the upper threshold is fixed at 50% which signals gender equality.

Data for Pillar III for the Time to Award Public Contracts are collected through expert questionnaires, conditional to whether these five procurement procedures were actually implemented over the last year (question 67).

The data for Pillar III on the Time to Receive a Payment from a Government Contract, on the Firm's Perceptions on the Ease of Bidding and on Gender Gap in Government Suppliers are collected through firm-level surveys (questions 68 through 71).

## 3.3 PUBLIC PROCUREMENT

### 3.3.1 Time to Award Public Contracts

**67. In practice, how many days would usually pass between bid opening, and contract signing (i.e., the time in which all tenderers, participants and relevant parties are notified of the award decision and the awardee can start implementing the contract) for the following scenarios?**

- 67a. Calendar days to complete a procurement of works contract procured in an open procedure valued above the threshold for international procurement
- 67b. Calendar days to complete the procurement of a services contract procured in a restricted procedure with limited competition, valued below the threshold for international procurement
- 67c. Calendar days to complete the prequalification of supplier
- 67d. Calendar days to complete an electronic auction
- 67e. Calendar days to complete a framework agreement with a competitive second stage

### 3.3.2 Time to Receive a Payment from a Government Contract

**68. Approximately, how many days does it take for this establishment to receive payment under a government contract after it has delivered an invoice to the relevant authority? (numerical)**

*If this establishment has received multiple payments or contracts, please provide the time of the largest payment.*

### 3.3.3 Firms' Perceptions on the Ease of Bidding

**69. How difficult does this establishment find the administrative requirements to participate in a public tender?** Very difficult (0), Moderately difficult (33), Somewhat difficult (66) and Not difficult at all (100)

*Please consider the time and resources that the establishment used in order to prepare a bid.*

- 69a. Very difficult
- 69b. Moderately difficult
- 69c. Somewhat difficult
- 69d. Not difficult at all

70. Over the last year, has this establishment secured or attempted to secure a government contract? (Y/N) (not scored)

### 3.3.4 Gender Gap in Government Suppliers

71. Over the last three years, has this establishment held a government contract? (Y/N) → used to compute the % of women-owned firms that hold a government contract, where the highest percentage scores better (capped at 50%).

3.3 PUBLIC PROCUREMENT			
3.3.1 Time to Award Public Contracts			
Indicators	FFP	SBP	Total Points
Time to Award a Large Works Contract in Open Competitive Bidding (67a)	100 (20%)	n/a	100 (20%)
Time to Award a Small Services Contract in Selective Bidding (67b)	100 (20%)	n/a	100 (20%)
Time to Prequalify Suppliers (67c)	100 (20%)	n/a	100 (20%)
Time to Award a Contract through Electronic Auction (67d)	100 (20%)	n/a	100 (20%)
Time to Award a Contract in a Framework Agreement (671e)	100 (20%)	n/a	100 (20%)
<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>
3.3.2 Time to Receive a Payment from a Government Contract			
Indicators	FFP	SBP	Total Points
Time to Receive Payment from a Government Contract (68)	100 (100%)	n/a	100 (100%)
<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>
3.3.3 Firm's Perceptions on the Ease of Bidding			
Indicators	FFP	SBP	Total Points
Firms' Perceptions on the Difficulty to Meet the Administrative Requirements to Participate in Tenders (69)	100 (100%)	n/a	100 (100%)
<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>
3.3.4 Gender Gap in Government Suppliers			
Indicators	FFP	SBP	Total Points
Gender Gap in Government Suppliers (71)	100 (100%)	n/a	100 (100%)
<b>Total Points</b>	<b>100</b>	<b>n/a</b>	<b>100</b>

*Note:* n/a = not applicable (refers to the cases when the impact on firms or society is either ambiguous or nonexistent).  
FFP = Firm Flexibility Point; SBP = Social Benefits Point.