



# Annual Activity Report 2023

## Annexes

DG COMPETITION

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## **ANNEX 1: Statement of the Director in charge of Risk Management and Internal Control**

***I declare that in accordance with the Commission's communication on the internal control framework <sup>(1)</sup>, I have reported my advice and recommendations on the overall state of internal control in the DG to the Director-General.***

***I hereby certify that the information provided in section 2 of the present Annual activity report and in its annexes is, to the best of my knowledge, accurate and complete.***

***Brussels, 9 April 2024***

***(signed)***

***Maria Velentza, Director in charge of Risk Management and Internal Control***

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<sup>(1)</sup> C(2017)2373 of 19.04.2017.

## ANNEX 2: Performance tables

### 1. A European Green Deal

General objective 1: A European Green Deal			
Impact indicator: Share of renewable energy in gross final energy consumption			
Source of the data: Eurostat (Eurostat online data code: <a href="#">sdg_07_40</a> )			
Baseline (2018)	Interim Milestone <sup>(2)</sup> (2020)	Target (2030)	Latest known results (2022)
19.1%	20%	32%	23.0%

<b>Specific objective 1.1:</b> <i>State aid control contributes to environmental protection, renewables and energy savings]</i> <i>Related to spending programme: Programme for Single Market, competitiveness of enterprises, including small and medium-sized enterprises, and European statistics</i>			
<b>Result indicator:</b> Total State aid expenditure for environmental protection, renewables and energy savings as a percentage of total State aid in the EU <b>Source of the data:</b> Under Article 6(1) of Commission Regulation (EC) 794/2004, the Commission shall publish an annual State aid synopsis ("State aid scoreboard") on the basis of expenditure reports provided by the Member States			
Baseline (2018)	Interim Milestone <sup>(3)</sup> (2022)	Target (2024)	Latest known results (2022)
55.5%	Increasing trend (%)	Increasing trend (%)	18.2%

Main outputs in 2023:			
Initiatives linked to regulatory simplification and burden reduction			
Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Revision of the State Aid General Block Exemption Regulation (GBER) in light of the Green Deal	Adoption	Q1 2023	Adopted Q2 2023
Enforcement actions			
Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Enforcement of EU State aid control	Number of opening decisions per year	No target	1 extension of an opening decision
	Number of Commission decisions adopted	No target	36

<sup>(2)</sup> In case of short- or medium-term objectives (all targets are set to be achieved in less than 3 years) the milestones column should be deleted from the table.

<sup>(3)</sup> The column should be deleted if only short-and medium term (less than 3 years) targets are set.

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
GBER schemes under Section 7	Number of GBER schemes implemented under Section 7	Increasing number	687

## 2. A Europe fit for the digital age

### General objective 2: A Europe fit for the digital age

**Impact indicator:** Real GDP growth rate

**Source of the data:** Eurostat (online data code [TEC00115](#))

Baseline (2019)	Interim Milestone <sup>(4)</sup> (2022)	Target (2024)	Latest known results (2022)
1.8%	Stable/increasing trend (x%)	2%	3.4%

**Specific objective 2.1:** Updated rules and policy guidance in support of A Europe fit for the digital age, including tackling systemic competition in the platform economy and beyond  
Related to spending programme: see above under 1.1

**Result indicator:** Ratio between adopted policy initiatives by the Commission in the area of EU competition policy to support A Europe fit for the digital age headline ambition and policy initiatives in the area of EU competition policy included in the Commission Work Programmes 2020-2024

**Source of the data:** European Commission

Baseline (2020)	Interim Milestone <sup>(5)</sup> (2022)	Target (2020-2024)	Latest known results (2023)
N/A	Increasing trend	100%	0 <sup>(6)</sup>

### Main outputs in 2023:

#### New policy initiatives

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Digital Markets Act, Implementing Regulation	Adoption	Q2 2023	Adopted Q2 2023
Foreign Subsidies Regulation, Implementing Regulation	Adoption	Q2 2023	Adopted Q3 2023

#### Initiatives linked to regulatory simplification and burden reduction

<sup>(4)</sup> In case of short- or medium-term objectives (all targets are set to be achieved in less than 3 years), the milestones column should be deleted from the table.

<sup>(5)</sup> The column should be deleted if only short-and medium term (less than 3 years) targets are set.

<sup>(6)</sup> No Commission Work Programme 2023 item.

<b>Output</b>	<b>Indicator</b>	<b>Target</b>	<b>Latest known results</b> (situation on 31/12/2023)
Communication amending the Guidance on enforcement priorities on the application of Article 102 TFEU to exclusionary conduct	Adoption	N/A	Adopted Q1 2023
Revision of the Horizontal Block Exemption Regulations (R&D Block Exemption and Specialisation Block Exemption) and of the Horizontal Guidelines	Adoption	Q2 2023	Adopted Q2 2023
Regulation extending the Motor Vehicle Block Exemption Regulation and Revision of the Supplementary Guidelines to the Motor Vehicle Block Exemption	Adoption	Q2 2023	Adopted Q2 2023
Guidelines on the antitrust derogation for sustainability agreements in agriculture	Adoption	Q4 2023	Adopted Q4 2023
Revision of the Notice on a Simplified procedure and revised Implementing Regulation	Adoption	Q3 2023	Adopted Q2 2023
Amendment of the General Block Exemption Regulation ("Green Deal GBER")	Adoption	Q1 2023	Adopted Q2 2023
Revision of the de minimis aid Regulation	Adoption	Q3 2023	Adopted Q4 2023
Revision of the Fisheries de minimis Regulation	Adoption	Q4 2023	Adopted Q4 2023
Extension of the transitional period regarding operating aid for regional airports under the Aviation Guidelines	Adoption	Q3 2023	Adopted Q3 2023
<b>Evaluations and fitness checks</b>			
<b>Output</b>	<b>Indicator</b>	<b>Target</b>	<b>Latest known results</b> (situation on 31/12/2023)
Consortia Block Exemption Regulation	Evaluation report	Q3 2023	Q4 2023: Publication of evaluation report and expiry of the Regulation on 25 April 2024
<b>Public consultations</b>			
<b>Output</b>	<b>Indicator</b>	<b>Target</b>	<b>Latest known results</b> (situation on 31/12/2023)
Guidelines for Article 102 TFEU on exclusionary abuses	Call for Evidence	N/A	Call for Evidence started in Q1 2023

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Evaluation of Technology Transfer block exemption regulation and Technology Transfer guidelines	Public consultation	Q2 2023	Q2 2023
Public consultation on the Foreign Subsidies Implementing Regulation	Public consultation	Q1 2023	Q1 2023

### External communication actions

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Evaluation of Regulation 1/2003 and Regulation 773/2004	Conference on 20 <sup>th</sup> anniversary of Regulation 1/2003 Stakeholder workshop	2023	Conference in Q3 2023
Stakeholder workshop on the evaluation of Technology Transfer block exemption regulation and Technology Transfer guidelines	Stakeholder workshop	Q4 2023	Q4 2023
Q&As on the implementation of the Foreign Subsidies Regulation	Guidance on our website	N/A	Q4 2023

### Other important outputs

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Report on Competition Policy 2022	College adoption (in English)	Q1 2023	Adopted Q2 2023

**Specific objective 2.2:** *State aid control contributes to high performant broadband networks*

*Related to spending programme: see above under 1.1*

**Result indicator:** Total State aid expenditure for broadband in the EU as a percentage of total State aid in the EU

**Source of the data:** Commission services

Baseline (2018)	Interim Milestone (2022)	Target (2024)	Latest known results (2022)
0.67%	Increasing trend (%)	Increasing trend (%)	0.19%

Main outputs in 2023:			
Enforcement actions			
Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Commission decisions authorising State aid for broadband measures	Number of the Commission decisions per year	Stable trend	4 <sup>(7)</sup>
Other important outputs			
Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Commission giving trainings within the Broadband Competence Offices (BCO) network	Number of trainings given by year	Stable trend	5 <sup>(8)</sup>

**Specific objective 2.3:** Strengthening competition enforcement in support of A Europe fit for the digital age

Related to spending programme: see above under 1.1

**Result indicator:** Estimate of customer benefits resulting from cartel prohibition decisions

**Source of the data:** Commission services (OECD Guidance 2014)

Baseline (2019)	Interim Milestone (2022)	Target (2024)	Latest known results (2023)
EUR 1.5-2.3 bn	EUR 0.2-0.3 bn	Increasing or stable (EUR x-y bn)	EUR 0.05-0.08 bn

**Result indicator:** Estimate of customer benefits resulting from non-cartel antitrust interventions

**Source of the data:** Commission services (OECD Guidance 2014)

Baseline (2019)	Interim Milestone (2022)	Target (2024)	Latest known results (2023)
EUR 6.4-7.6 bn	EUR 5.6-11.2 bn	Increasing or stable (EUR x-y bn)	EUR 0.1 bn

Main outputs in 2023:			
Enforcement actions			
Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Enforcement of Digital Markets Act (DMA)	Number of the Commission decisions per year	No Target	19

<sup>(7)</sup> There were fewer decisions in 2023 (4) compared to RRF-heavy 2022 (8). The impact of the GBER has also meant that more measures have gone under the GBER. The trend is likely to stay stable or increase in 2024.

<sup>(8)</sup> Number of trainings increased (5 as opposed to 2 in 2022) due to need to explain new BBGL and GBER provisions.

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Enforcement of antitrust rules	Number of the Commission decisions per year (intervention rate)	No target	5
Effective support to NCAs on individual cases with a view to ensure coherent and effective application of Articles 101 and 102 TFEU	Number of envisaged enforcement decisions and similar case consultations in the European Competition Network (ECN)	No target	79
	Implementation rate of comments on envisaged decisions received from the NCAs pursuant to article 11.4 of Regulation (EC) No 1/2003	No target	In 100% of cases the comments on envisaged decisions have been completely or partially implemented
	Time to reply to NCAs pursuant to article 11.4 of Regulation (EC) No 1/2003	Within 30 days or as otherwise agreed with the NCA	In 100% of cases the reply has been provided within 30 days or as otherwise agreed with the NCAs

**Result indicator:** Estimate of customer benefits resulting from merger interventions

**Source of the data:** Commission services (OECD Guidance 2014)

Baseline (2019)	Interim Milestone (2022)	Target (2024)	Latest known results (2023)
EUR 5.7-9.4 bn	EUR 16.1-26.8 bn	Stable (EUR x-y bn)	EUR 3.2– 5.3 bn

**Result indicator:** Ratio of merger decisions adopted in a simplified procedure

**Source of the data:** Commission services

Baseline (2019)	Interim Milestone (2022)	Target (2024)	Latest known results (2023)
78%	79%	Stable	82%

**Main outputs in 2023:**

**Enforcement actions**

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Enforcement of EU merger control	Number of the Commission decisions per year	No target	333
	Number of the Commission decisions in simplified procedure per year	No target	271
	Intervention rate	No target	3.3%
Enforcement of EU State aid control	Number of opening decisions per year	No target	5 (and 1 extension of an opening)

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
	Adoption of Commission decisions in the field of State aid in accordance with EU State aid rules	No target	626
Monitoring of schemes in the field of State aid	Number of aid schemes subject to ex-post monitoring	Around 50	50 schemes monitored in 2023
Prevention and recovery of incompatible aid	Adoption of recovery decisions in the field of State aid in accordance with EU State aid rules	No target	3 final negative decisions with recovery in 2023
Enforcement of Foreign Subsidies Regulation	Number of the Commission decisions per year	No Target	41 pre-notification contacts, 11 notifications of concentrations

### External communication actions

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
LinkedIn	Number of subscribers	10.000	23,000
X (Formerly Twitter)	Number of subscribers	23.000	24,000
YouTube	Number of subscribers Videos online	500 75	650 110
External newsletter	Number of subscribers	10.000	11,000
Press Material	Published Press Material Press Conferences	700 6	900 6
Webcasts	Webcasts held Total views	5 3,000	5 8,500
ECN Advocacy and Communication Meeting Advocating for Competition in a Time of Transitions	Number of Member States participating in the meeting	27 Member States	2

## 3. An economy that works for people

### General objective 3: An economy that works for people

**Impact indicator:** Real GDP growth rate

**Source of the data:** Eurostat (Eurostat online data code: [TEC00115](#))

Baseline (2019)	Interim Milestone (2022)	Target (2024)	Latest known results (2022)
2%	3.5%	Increasing trend (%)	3.4%

**Specific objective 3.1:** *State aid control facilitates aid in the common interest*  
*Related to spending programme: see above under 1.1*

**Result indicator:** Total State aid expenditure falling under the General Block Exemption Regulation as a percentage of total State aid in the EU

**Source of the data:** Commission services

Baseline (2019)	Interim Milestone (2022)	Target (2024)	Latest known results (2022)
37%	Increasing trend (%)	Increasing trend (%)	25.7%

### Main outputs in 2023:

#### Initiatives linked to regulatory simplification and burden reduction

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Revision of the SGEI de minimis Regulation	Adoption	Q4 2023	Adopted Q4 2023 <sup>(9)</sup>

#### Enforcement actions

Output	Indicator	Target	Latest known results (situation on 31/12/2022)
State aid falling under the GBER	State aid scoreboard value	Increasing trend	EUR 58.62 bn

**Specific objective 3.2:** *Banking aid necessary to safeguard financial stability, while protecting competition*  
*Related to spending programme: see above under 1.1*

**Result indicator:** Ratio of balance sheet growth of aided banks to balance sheet growth of unaided banks

**Source of the data:** Commission services and the European Central Bank

Baseline <sup>(10)</sup> (2019)	Interim Milestone (2022)		Target (2024)	Latest known results (2023)
-2.19% (aided banks) vs +4.17% (banking sector) => i.e. a ratio of approximately -52.5%	To remain below 90%	-0,4% (aided banks) vs 5,8% (banking sector) => i.e. a ratio of approximately -6.5%	To remain below 90%	-3,0% (aided banks) vs 25,8% (banking sector) => i.e. a ratio of approximately -11.6%

<sup>(9)</sup> Commission Regulation (EU) 2023/2832 of 13 December 2023 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to de minimis aid granted to undertakings providing services of general economic interest, OJ L 2023/2832 of 15 December 2023, pp 1-12. For more details, see: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_6567](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_6567).

<sup>(10)</sup> The aim of this indicator is to verify that aided banks do not grow as fast as the average of the European Banking sector. We monitor the balance sheet evolution of all aided banks that are still in their restructuring period at the end of the reporting year and compare with the balance sheet growth of the entire European banking sector (excluding aided banks) since 2019. Sources of both datasets are Bloomberg and the ECB Statistical Site.

**Result indicator:** Ratio of State aid to all banks in the EU in the form of liquidation aid (capital or liquidity) to Total Assets of banks being liquidated

**Source of the data:** Commission services and the European Central Bank

Baseline	Interim Milestone (2022)	Target (2024)	Latest known results (2023)
N/A	To remain below 3% <sup>(11)</sup>	To remain below 3%	4.2% <sup>(12)</sup>

### Main outputs in 2023:

#### Evaluations and fitness checks

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
Evaluation of State aid rules for banks in difficulty	Publication of evaluation results Staff Working Document	Q4 2023	Staff Working Document in preparation <sup>(13)</sup>

#### Enforcement actions

Output	Indicator	Target	Latest known results (situation on 31/12/2023)
State aid enforcement in the financial sector	Number of Commission decisions adopted in 2023	No target	10 <sup>(14)</sup>
State aid enforcement in the financial sector	Ratio of Total Balance Sheets of Banks provided with legal certainty through a no-aid decision to Total Balance Sheets of the EU banks.	No target	0,4%
State aid enforcement in the financial sector	Ratio of Amount of non-performing loan (NPL) transactions benefitting from the State guarantee of the year to Decrease of the stock of NPLs in the banks' books	No target	20,3% <sup>(15)</sup>

<sup>(11)</sup> The aim of this indicator is to put into context the amount of liquidation aid approved by comparing it to the size of the liquidated banks. The non-binding target of 3% is chosen to ensure that the State aid granted for an orderly exit from the market remains limited in relative terms.

<sup>(12)</sup> As in 2022, the breach of the target and interim milestone is due to the liquidation aid approved for the resolution of the Polish Getin Noble Bank. Due to this bank's size and the resulting aid amount, the outcome of the result indicator is higher than had been expected when the target and milestone were set.

<sup>(13)</sup> Regulatory Scrutiny Board in April 2024.

<sup>(14)</sup> This concerns the prolongation or reintroduction of 6 schemes for small banks, 2 amendments to individual liquidation aid decisions, and 2 no aid decisions (Hercules and Tercas).

<sup>(15)</sup> This is significantly lower than in 2022 most likely because in 2023 only the Hercules scheme could be used since the GACS scheme had expired by mid-2022. It should also be noted that there was overall a lower decrease in NPLs in 2023 than in the year before.

**Specific objective 3.3:** Temporary support of the economy through COVID-19 aid

Related to spending programme: see above under 1.1

**Result indicator:** Total COVID-19 aid as a percentage of total State aid in the EU**Source of the data:** Commission services

<b>Baseline</b> (2020)	<b>Interim Milestone</b> <sup>(16)</sup> (2021)	<b>Target</b> (2022)	<b>Latest known results</b> (2022)
55.5%	57%	Decreasing trend (%)	33.6%

**Enforcement actions**

<b>Output</b>	<b>Indicator</b>	<b>Target</b>	<b>Latest known results</b> (situation on 31/12/2023)
Commission decisions adopted based on the State aid Temporary Framework to support the economy in the context of the COVID-19 outbreak	Number of Commission decisions adopted in 2023	No target	4 <sup>(17)</sup>
Commission guidance provided to the market participants in the field of antitrust in the context of the COVID-19 outbreak	Number of comfort letters adopted per year in 2023	No target	N/A
Amount of COVID-19 aid	Aid granted under the Temporary Framework (Article 107(3)(b)) and Article 107(2)(b)	Decreasing (2023)	N/A
Commission decisions related to reforms and investments included in Member States' recovery and resilience plans	Number of Commission decisions adopted in 2023	Increasing (2023)	58
Commission decisions related to Temporary Crisis Framework (TCF) or the Temporary Crisis and Transition Framework (TCTF)	Number of Commission decisions adopted in 2023	No target	220 <sup>(18)</sup>

<sup>(16)</sup> The column should be deleted if only short-and medium term (less than 3 years) targets are set.

<sup>(17)</sup> Two of these four decisions are re-adoption by the Commission of decisions annulled by the EU General Court. In addition, the Commission adopted eight decisions directly under the Treaty to support the economy during the COVID-19 pandemic.

<sup>(18)</sup> The Commission also adopted four decisions directly under the Treaty in the context of Russia's war of aggression against Ukraine.

## **ANNEX 3: Draft annual accounts and financial reports**

**Table 1 : Commitments**

**Table 2 : Payments**

**Table 3 : Commitments to be settled**

**Table 4 : Balance Sheet**

**Table 5 : Statement of Financial Performance**

**Table 5 Bis: Off Balance Sheet**

**Table 6 : Average Payment Times**

**Table 7 : Income**

**Table 8 : Recovery of undue Payments**

**Table 9 : Ageing Balance of Recovery Orders**

**Table 10 : Waivers of Recovery Orders**

**Table 11 : Negotiated Procedures**

**Table 12 : Summary of Procedures**

**Table 13 : Building Contracts**

**Table 14 : Contracts declared Secret**

**Table 15 : FPA duration exceeds 4 years**

**Table 16 : Commitments co-delegation type 3 in 2022**

TABLE 1: OUTTURN ON COMMITMENT APPROPRIATIONS IN 2023 (in Mio €) for DG COMP					
			Commitment appropriations authorised*	Commitments made	%
			1	2	3=2/1
Title 02 European Strategic Investments					
02	02 04	Digital Europe programme	0,00	0,00	0,00 %
<b>Total Title 02</b>			<b>0,00</b>	<b>0,00</b>	<b>0,00 %</b>
Title 03 Single Market					
03	03 01	Support administrative expenditure of the 'Single Market' cluster	0,06	0,06	98,81 %
	03 02	Single Market Programme	18,14	17,99	99,15 %
<b>Total Title 03</b>			<b>18,20</b>	<b>18,05</b>	<b>99,15 %</b>
Title 07 Investing in People, Social Cohesion and Values					
07	07 07	Justice	0,00	0,00	0,00 %
<b>Total Title 07</b>			<b>0,00</b>	<b>0,00</b>	<b>0,00 %</b>
Title 20 Administrative expenditure of the European Commission					
20	20 02	Other staff and expenditure relating to persons	1,78	1,74	97,44 %
	20 03	Administrative Operating expenditure	0,45	0,45	100,00 %
	20 04	Information and communication technology-related expenditure	0,53	0,53	99,99 %
<b>Total Title 20</b>			<b>2,76</b>	<b>2,72</b>	<b>98,35 %</b>
<b>Total Excluding NGEU</b>			<b>20,96</b>	<b>20,76</b>	<b>99,05 %</b>
<b>Total DG COMP</b>			<b>20,96</b>	<b>20,76</b>	<b>99,05 %</b>

\* Commitment appropriations authorised include, in addition to the budget voted by the legislative authority, appropriations carried over from the previous exercise, budget amendments as well as miscellaneous commitment appropriations for the period (e.g.

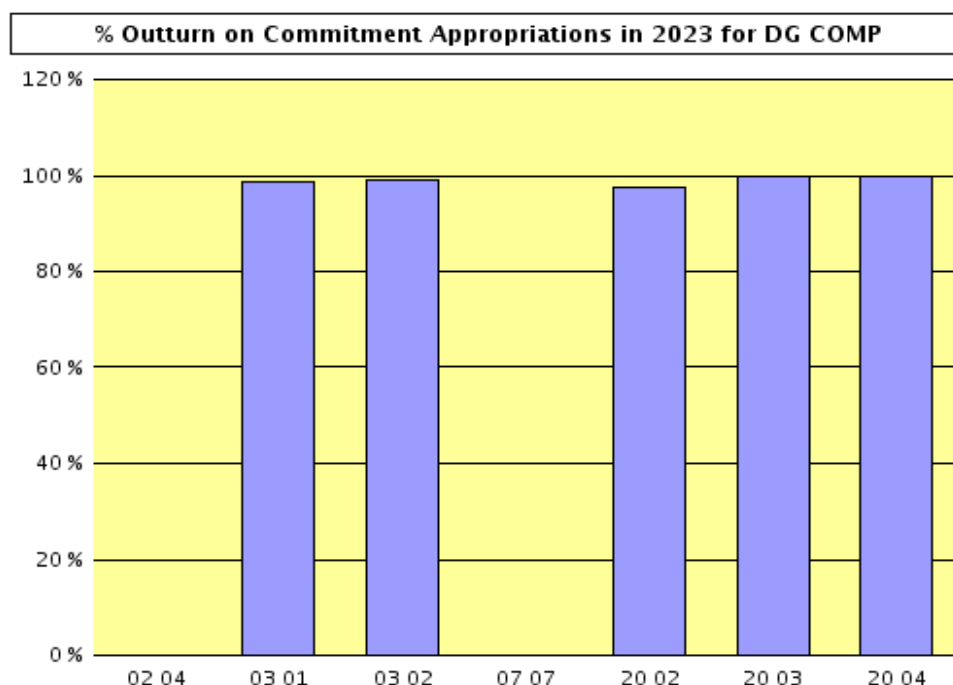
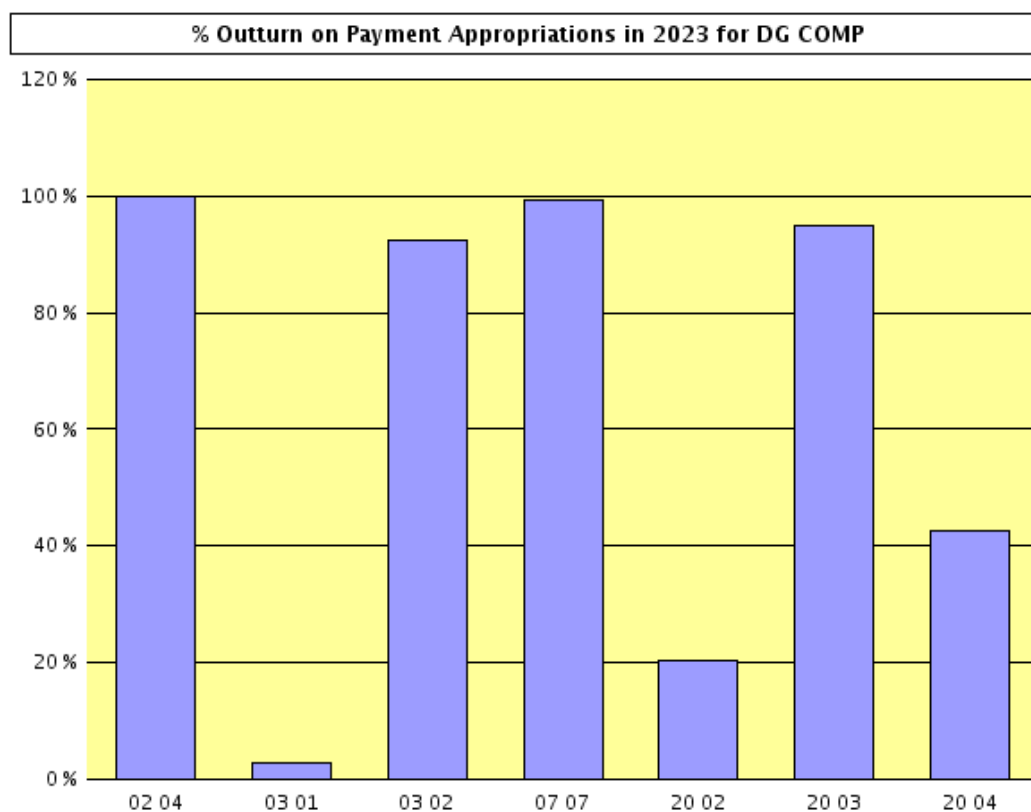


TABLE 2: OUTTURN ON PAYMENT APPROPRIATIONS in 2023 (in Mio €) for DG COMP					
			Payment appropriations authorised *	Payments made	%
			1	2	3=2/1
<b>Title 02 European Strategic Investments</b>					
02	02 04	Digital Europe programme	0,35	0,35	100,00 %
<b>Total Title 02</b>			<b>0,35</b>	<b>0,35</b>	<b>100,00%</b>
<b>Title 03 Single Market</b>					
03	03 01	Support administrative expenditure of the 'Single Market' cluster	0,06	0,00	2,85 %
	03 02	Single Market Programme	21,62	19,99	92,46 %
<b>Total Title 03</b>			<b>21,68</b>	<b>19,99</b>	<b>92,21%</b>
<b>Title 07 Investing in People, Social Cohesion and Values</b>					
07	07 07	Justice	0,32	0,32	99,26 %
<b>Total Title 07</b>			<b>0,32</b>	<b>0,32</b>	<b>99,26%</b>
<b>Title 20 Administrative expenditure of the European Commission</b>					
20	20 02	Other staff and expenditure relating to persons	1,78	0,36	20,22 %
	20 03	Administrative Operating expenditure	0,48	0,46	94,92 %
	20 04	Information and communication technology-related expenditure	0,60	0,25	42,56 %
<b>Total Title 20</b>			<b>2,86</b>	<b>1,07</b>	<b>37,47%</b>
<b>Total Excluding NGEU</b>			<b>25,21</b>	<b>21,73</b>	<b>86,19%</b>
<b>Total DG COMP</b>			<b>25,21</b>	<b>21,73</b>	<b>86,19 %</b>

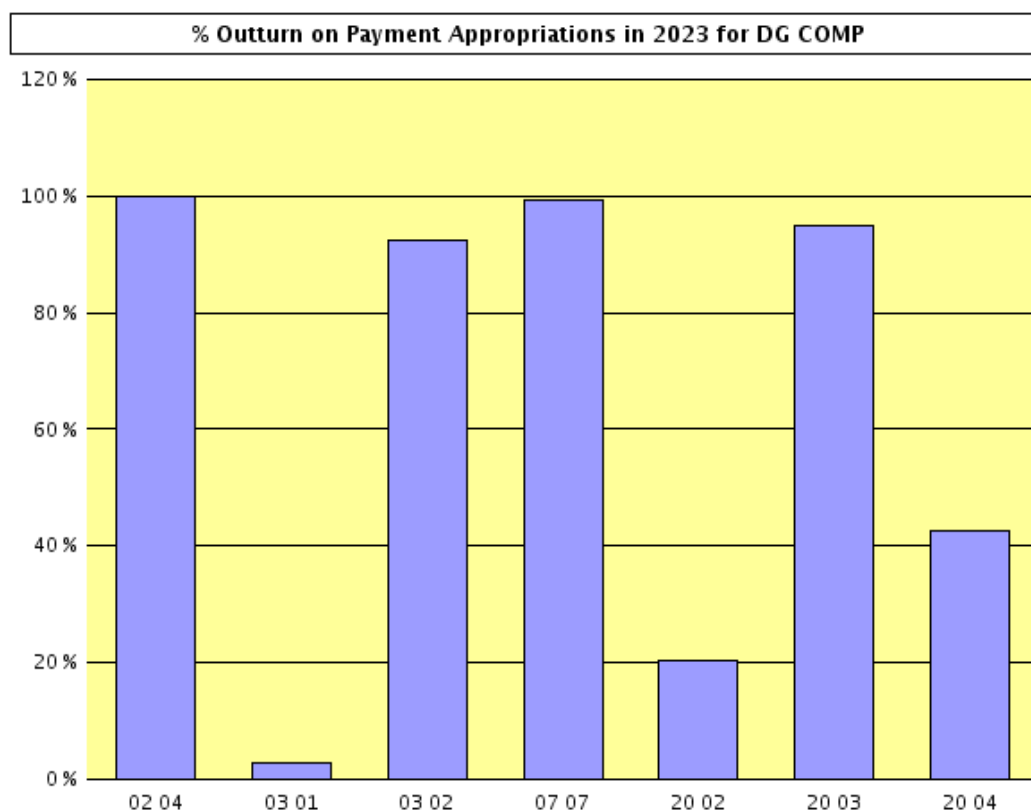
\* Payment appropriations authorised include, in addition to the budget voted by the legislative authority, appropriations carried over from the previous exercise, budget amendments as well as miscellaneous payment appropriations for the period (e.g. internal and external assigned revenue).



**TABLE 2: OUTTURN ON PAYMENT APPROPRIATIONS in 2023 (in Mio €) for DG COMP**

			Payment appropriations authorised *	Payments made	%
			1	2	3=2/1
<b>Title 02 European Strategic Investments</b>					
02	02 04	Digital Europe programme	0,35	0,35	100,00 %
<b>Total Title 02</b>			<b>0,35</b>	<b>0,35</b>	<b>100,00%</b>
<b>Title 03 Single Market</b>					
03	03 01	Support administrative expenditure of the 'Single Market' cluster	0,06	0,00	2,85 %
	03 02	Single Market Programme	21,62	19,99	92,46 %
<b>Total Title 03</b>			<b>21,68</b>	<b>19,99</b>	<b>92,21%</b>
<b>Title 07 Investing in People, Social Cohesion and Values</b>					
07	07 07	Justice	0,32	0,32	99,26 %
<b>Total Title 07</b>			<b>0,32</b>	<b>0,32</b>	<b>99,26%</b>
<b>Title 20 Administrative expenditure of the European Commission</b>					
20	20 02	Other staff and expenditure relating to persons	1,78	0,36	20,22 %
	20 03	Administrative Operating expenditure	0,48	0,46	94,92 %
	20 04	Information and communication technology-related expenditure	0,60	0,25	42,56 %
<b>Total Title 20</b>			<b>2,86</b>	<b>1,07</b>	<b>37,47%</b>
<b>Total Excluding NGEU</b>			<b>25,21</b>	<b>21,73</b>	<b>86,19%</b>
<b>Total DG COMP</b>			<b>25,21</b>	<b>21,73</b>	<b>86,19 %</b>

\* Payment appropriations authorised include, in addition to the budget voted by the legislative authority, appropriations carried over from the previous exercise, budget amendments as well as miscellaneous payment appropriations for the period (e.g. internal and external assigned revenue).



**TABLE 4 : BALANCE SHEET for DG COMP**

BALANCE SHEET	2023	2022
A.I. NON CURRENT ASSETS	21.075.674,54	23.055.198,90
A.I.1. Intangible Assets	21.075.674,54	23.055.198,90
A.II. CURRENT ASSETS	12.602.304.482,98	12.381.444.035,28
A.II.2. Current Pre-Financing	1.388.737,49	981.148,79
A.II.3. Curr Exch Receiv & Non-Ex Recoverables	12.600.915.745,49	12.380.462.886,49
<b>ASSETS</b>	<b>12.623.380.157,52</b>	<b>12.404.499.234,18</b>
P.I. NON CURRENT LIABILITIES	-21.360.822,65	-20.603.667,39
P.I.2. Non-Current Provisions	-21.360.822,65	-20.603.667,39
P.II. CURRENT LIABILITIES	0,00	-452.279,91
P.II.2. Current Provisions	0,00	-391.863,49
P.II.4. Current Payables	0,00	-60.416,42
P.II.5. Current Accrued Charges & Defrd Income	0,00	0,00
<b>LIABILITIES</b>	<b>-21.360.822,65</b>	<b>-21.055.947,30</b>
<b>NET ASSETS (ASSETS less LIABILITIES)</b>	<b>12.602.019.334,87</b>	<b>12.383.443.286,88</b>
Non-allocated central (surplus)/deficit*	9.854.495.667,46	11.010.092.851,13
P.III.2. Accumulated Surplus/Deficit	-22.456.515.002,33	-23.393.536.138,01
<b>TOTAL DG COMP</b>	<b>0,00</b>	<b>0,00</b>

**TABLE 5 : STATEMENT OF FINANCIAL PERFORMANCE for DG COMP**

STATEMENT OF FINANCIAL PERFORMANCE	2023	2022
II.1 REVENUES	-1.341.922.746,41	-486.726.876,09
II.1.1. NON-EXCHANGE REVENUES	-993.563.561,96	-379.656.510,00
II.1.1.5. FINES	-993.500.968,33	-379.406.407,00
II.1.1.6. RECOVERY OF EXPENSES	-6.220,80	
II.1.1.8. OTHER NON-EXCHANGE REVENUES	-56.372,83	-250.103,00
II.1.2. EXCHANGE REVENUES	-348.359.184,45	-107.070.366,09
II.1.2.2. OTHER EXCHANGE REVENUE	-348.359.184,45	-107.070.366,09
II.2. EXPENSES	620.805.369,74	1.423.748.011,77
II.2. EXPENSES	620.805.369,74	1.423.748.011,77
II.2.11. OTHER EXPENSES	616.322.269,32	1.420.769.448,10
II.2.2. EXP IMPL BY COMMISS&EX.AGENC. (DM)	4.483.100,42	2.978.023,52
II.2.8. FINANCE COSTS		540,15
<b>STATEMENT OF FINANCIAL PERFORMANCE</b>	<b>-721.117.376,67</b>	<b>937.021.135,68</b>

**TABLE 5bis : OFF BALANCE SHEET for DG COMP**

OFF BALANCE	2023	2022
OB.2. Contingent Liabilities	-765.703.129,78	-2.476.359.997,94
OB.2.7. CL Legal cases OTHER	-765.703.129,78	-2.476.359.997,94
OB.4. Balancing Accounts	765.703.129,78	2.476.359.997,94
OB.4. Balancing Accounts	765.703.129,78	2.476.359.997,94
<b>OFF BALANCE</b>	<b>0,00</b>	<b>0,00</b>

TABLE 6: AVERAGE PAYMENT TIMES

Legal Times									
Maximum Payment Time (Days)	Total Nbr of Payments	Nbr of Payments within Time Limit	Percentage	Average Payment Times (Days)	Nbr of Late Payments	Percentage	Average Payment Times (Days)	Late Payments Amount	Percentage
30	740	739	99,86 %	9,43	1	0,14 %	65,00	845,00	0, %
60	19	18	94,74 %	27,11	1	5,26 %	61,00	21.088,24	1, %

Total Number of Payments	759	757,00	1,00		2,00	0,00		21.933,24	0,00
Average Net Payment Time	9,99			9,85			63,00		
Average Gross Payment Time	11,13			10,92			91,5		

Suspensions							
Average Report Approval Suspension Days	Average Payment Suspension Days	Number of Suspended Payments	% of Total Number	Total Number of Payments	Amount of Suspended Payments	% of Total Amount	Total Paid Amount
0	31	28	3,69 %	759	1.356.187,17	6,36 %	21.317.145,50

**TABLE 7 : SITUATION ON REVENUE AND INCOME in 2023 for DG COMP**

Chapter		Revenue and income recognized			Revenue and income cashed from			Outstanding balance
		Current year RO	Carried over RO	Total	Current Year RO	Carried over RO	Total	
		1	2	3=1+2	4	5	6=4+5	
42	Fines and penalties	396.165.468,33	13.713.572.306,17	14.109.737.774,50	-1.035.247.441,67	1.322.365.965,06	287.118.523,39	13.822.619.251,11
60	Single market, innovation and digital	1.038.127,00	0,00	1.038.127,00	1.038.127,00	0,00	1.038.127,00	0,00
61	Cohesion, resilience and values	19.236,97	0,00	19.236,97	19.236,97	0,00	19.236,97	0,00
67	Completion for outstanding recovery orders prior to 2021	0,00	2.272.856,59	2.272.856,59	0,00	0,00	0,00	2.272.856,59
<b>Total DG COMP</b>		<b>397.222.832,30</b>	<b>13.715.845.162,76</b>	<b>14.113.067.995,06</b>	<b>-1.034.190.077,70</b>	<b>1.322.365.965,06</b>	<b>288.175.887,36</b>	<b>13.824.892.107,70</b>

**TABLE 8: FINANCIAL IMPACT OF EX-ANTE AND EX-POST CONTROLS in for DG COMP (RECOVERY CONTEXT)***Not applicable***TABLE 9: AGEING BALANCE OF RECOVERY ORDERS AT 31/12/2023 for DG COMP**

	Number at 01/01/2023	Number at 31/12/2023	Evolution	Open Amount (Eur) at 01/01/2023	Open Amount (Eur) at 31/12/2023	Evolution
2003	1	1	0,00 %	1.060.000,00	1.060.000,00	0,00 %
2006	1	1	0,00 %	11.500.000,00	11.500.000,00	0,00 %
2009	4	4	0,00 %	1.068.547.856,59	8.161.477,83	-99,24 %
2010	8	8	0,00 %	16.157.665,47	16.082.469,00	-0,47 %
2011	1	1	0,00 %	9.000.000,00	9.000.000,00	0,00 %
2013	2	2	0,00 %	27.082.000,00	27.082.000,00	0,00 %
2014	13	13	0,00 %	430.099.406,71	429.949.150,40	-0,03 %
2015	4	1	-75,00 %	79.256.000,00	7.146.000,00	-90,98 %
2016	3	3	0,00 %	455.557.756,43	454.316.331,62	-0,27 %
2017	20	19	-5,00 %	4.133.752.662,85	4.105.879.662,85	-0,67 %
2018	5	5	0,00 %	4.715.255.000,00	4.715.255.000,00	0,00 %
2019	10	5	-50,00 %	1.796.515.413,80	1.747.450.000,00	-2,73 %
2020	5	5	0,00 %	165.210.000,00	165.210.000,00	0,00 %
2021	16	16	0,00 %	604.382.000,00	604.382.000,00	0,00 %
2022	14	7	-50,00 %	295.310.308,00	168.119.000,00	-43,07 %
2023		13			968.748.410,00	
	<b>107</b>	<b>104</b>	<b>-2,80 %</b>	<b>13.808.686.069,85</b>	<b>13.439.341.501,70</b>	<b>-2,67 %</b>

**TABLE 10 :Recovery Order Waivers >= 60 000 € in 2023 for DG COMP***Not applicable*

**TABLE 11 : Negotiated Procedures in 2023 for DG COMP**

*Not applicable*

**TABLE 12 : Summary of Procedures in 2023 for DG COMP****Internal Procedures > € 60,000**

Procedure Legal base	Number of Procedures	Amount (€)
Open procedure (FR 164 (1)(a))	6	7.449.163,00
Total	6	7.449.163,00

**TABLE 13 : BUILDING CONTRACTS in 2023 for DG COMP**

*Not applicable*

**TABLE 14 : CONTRACTS DECLARED SECRET in 2023 for DG COMP**

*Not applicable*

**TABLE 15 : FPA duration exceeds 4 years - DG COMP**

*Not applicable*

**TABLE 16 : Commitments co-delegation type 3 in 2023 for DG COMP**

*Not applicable*

## ANNEX 4: Financial scorecard

### DG Competition

The Annex 4 of each Commission service summarises the annual result of the standard financial indicators measurement. Annexed to the Annual Activity Report 2022, 10 standard financial indicators are presented below, each with its objective and result for the Commission service and for the EC as a whole (for benchmarking purposes)<sup>19</sup>:

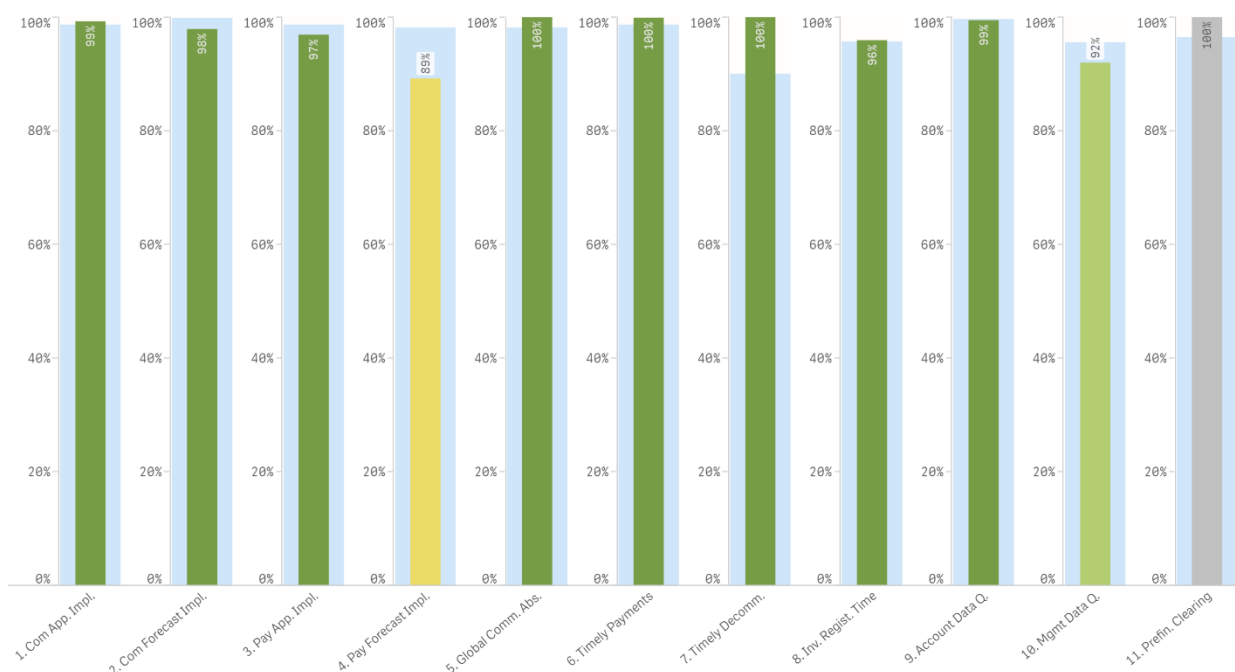
- Commitment Appropriations (CA) Implementation
- CA Forecast Implementation
- Payment Appropriations (PA) Implementation
- PA Forecast Implementation
- Global Commitment Absorption
- Timely Payments
- Timely Decommitments
- Invoice Registration Time
- Accounting Data Quality
- Management Data Quality

For each indicator, its value (in %) for the Commission service is compared to the common target (in %). The difference between the indicator's value and the target is colour coded as follows:

- 100 – >95% of the target: dark green
- 95 – >90% of the target: light green
- 90 – >85% of the target: yellow
- 85 – >80% of the target: light red
- 80 – 0% of the target: dark red

The Commission services are invited to provide commentary for each indicator's result in the dedicated comment section below the indicators scores as this can help the reader to understand the Commission's service context. In cases when the indicator's value achieves 80% or less of the target, the comment becomes mandatory.

COMP Indicator Scores for 2023 12



For each indicator the light blue bar denotes the EC Score.

(<sup>19</sup>) If the EC service did not perform any transaction in the area measured by the indicator or the information is not available in the central financial system, the indicator is not calculated (i.e. displayed as “-”) in this Annex.

The detailed definitions of the indicators are available on the internal DG BUDG site (BudgPedia) and managed by unit BUDG.C5 Financial Reporting.

Indicator	Objective	Comment <sup>20</sup>	COMP Score	EC Score
1. Commitment Appropriations Implementation	Ensure efficient use of commitment appropriations expiring at the end of Financial Year		99%	99%
2. Commitment Forecast Implementation	Ensure the cumulative alignment of the commitment implementation with the commitment forecast in a financial year		98%	100%
3. Payment Appropriations Implementation	Ensure efficient use of payment appropriations expiring at the end of Financial Year		97%	99%
4. Payment Forecast Implementation	Ensure the cumulative alignment of the payment implementation with the payment forecast in a financial year		89%	98%
5. Global Commitment Absorption <sup>(21)</sup>	Ensure efficient use of already earmarked commitment appropriations (at L1 level)		100%	98%
6. Timely Payments	Ensure efficient processing of payments within the legal deadlines	DG Competition reached 100 % timely payments compared to 99% EC score. This is considerably higher than the score in 2022 (86%).	100%	99%
7. Timely Decommittments	Ensure efficient decommitment of outstanding RAL at the end of commitment life cycle		100%	90%

<sup>(20)</sup> An explanation behind the indicator result can be provided, e.g. the comment about the achievement itself, reference to the whole Commission performance (better or worse), reasons behind this achievement. The comment is mandatory for the 'Timely payments' indicator. For the rest of indicators, the comment is mandatory only if the score is equal or below the target of 80%.

<sup>(21)</sup> Due to technical limitation: 1. the indicator does not take into account the Com L1 Consumption between the FDC ILC date, and the FA FDI allowed as an exception in the external actions for Com L1 of type GF, i.e. with Financing Agreement, under the FR2018 Article 114.2. 2. it is technically not possible to exclude the decommitment of RAL (C8) which is subsequently re-committed for a new purpose. As a result, the actual Indicator score may be slightly higher than the one reported for DGs using the GF commitments.

8. Invoice Registration Time	Monitor the accounting risk stemming from late registration of invoices in the central accounting system ABAC		96%	96%
9. Accounting Data Quality	Ensure the good data quality of ABAC transactions with the focus on fields having a primary impact on the accounts		99%	100%
10. Management Data Quality	Ensure the good data quality of ABAC transactions with the focus on fields having a primary impact on the management decisions		92%	96%
11. Timely Invoice PF clearing			100%	100%

## ANNEX 5: Materiality criteria

**Since 2019 <sup>(22)</sup>, a ‘de minimis’ threshold for financial reservations has been introduced. Quantified annual activity report reservations related to residual error rates above the 2% materiality threshold are deemed not substantial for segments representing less than 5% of a DG’s total payments and with a financial impact below EUR 5 million. In such cases, quantified reservations are no longer needed.**

In conformity with the current guidelines, DG Competition applies the following quantitative and qualitative materiality criteria to assess the overall impact of a weakness and judge whether it is material enough to have an impact on the assurance.

### **Qualitative assessment**

Competition policy is implemented through enforcement and involves predominantly procedural (case-handling) and advocacy activities, involving a very modest level of financial management. Qualitative criteria cover significant reputational risks for the DG or the Commission and significant weaknesses in the internal control systems. For assessing the significance of the weakness, the nature and scope, duration, existence of mitigating controls and/or remedial actions are considered. For weaknesses, which are considered significant in qualitative terms but not in quantitative terms, DG Competition takes into account the possible reputational impact they may entail to the image of DG Competition and the Commission. They will be assessed according to the context and nature of the impact, awareness, and duration.

### **Quantitative assessment**

As regards legality and regularity, the proposed standard quantitative materiality threshold of 2% of the residual error rate of the executed payments is applied. DG Competition considers it an appropriate threshold above which weaknesses detected should be considered “material”. In DG Competition, this applies to all non-compliance events detected throughout the year and with a quantifiable impact on legality and regularity.

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<sup>(22)</sup> Agreement of the Corporate Management Board of 30/4/2019.

## ANNEX 6: Relevant Control System(s) for budget implementation (RCSs)

### *Management of operational and administrative expenditures*

**Main internal control objectives:** Ensuring that the implementation of the contract is in compliance with the signed contract before payment.

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicators
<p>The goods/services/works foreseen are not, totally or partially, provided in accordance with the technical description and requirements foreseen in the contract and/or the amounts paid exceed that due in accordance with the applicable contractual and regulatory provisions.</p> <p>DG unable to meet some objectives and priorities because the contractor is unable to deliver at the quality level and within the time limits as requested.</p>	<p>Operational and financial checks in accordance with the financial circuits. and against the contract provisions.</p> <p>Operation authorisation by the AO.</p> <p>Network in place for raising awareness and enhance co-ordination, monitoring and follow-up of contracts in order to reduce the risk of low quality or limited delivery of goods/services/ works.</p>	<p>100% of the contracts are controlled.</p> <p>Depth: All underlying documents.</p>	<p>Error rate &lt; 2%</p> <p>Payment times</p> <p>Deterrents &amp; systematic weaknesses corrected.</p> <p>Benefits: Controls performed to comply with the base line requirements of the Financial Regulation.</p>

**Main internal control objectives:** Ensuring that any weakness in the procedures (tender and financial transactions) is corrected.

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicator
An error or non-compliance with regulatory and contractual provisions, including technical specifications, or a fraud is not prevented, detected, or corrected by ex-ante control, prior to payment.	Review of procurements and financial transactions through ex-post audits performed by the ICC.  Review of reported exceptions.	Representative sample  Depth: all underlying documents.	Amounts detected associated with fraud and error.  Benefits: Controls performed comply with the base line requirements of the Financial Regulation.  Potential irregularities, errors and overpayments prevented.  Number of cases referred to OLAF.  Number of instances of overriding controls or deviations from established procedure

### ***Prevention, detection and correction of fraud and irregularities***

**Main control objectives:** Ensuring that staff behaves according to the highest professional standards.

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicators
The reputation of the Commission is damaged due to staff misconduct.	Controls put in place in addition to the existing controls at central level (ethics declarations and training):  Ethics guide for DG COMP staff approved by DG HR and endorsed by senior management.  Training and awareness sessions on ethics for staff. Systematic training of newcomers, including trainees and visiting staff.  Conflict of interest checks in Case Management applications  Yearly declaration of awareness of conflict of interest and confidentiality rules.	Coverage: 100%  Relevant staff receives yearly a specific conflict of interest declaration and is invited to training sessions.	<b>Economy:</b> estimate of cost of staff involved.  <b>Benefits:</b> staff awareness about the ethical rules, no reports of unethical behaviour, number of IDOC/OLAF investigations.

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicators
	Two staff members supporting DG HR in information to staff on ethics rules.		

### ***Safeguard of information and IT-systems***

**Main control objectives:** Ensure that confidential and/or sensitive information is not disclosed, or its integrity breached (data altered) due to security of IT systems and/or information processes not being fully effective.

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicators
Sensitive information is disclosed, or its integrity breached (data altered) due to security of IT systems and/or information processes not being fully effective.	<p>Security of IT systems and information safeguarding 'culture': appropriate design of IT systems and/or information processes.</p> <p>Yearly update of the IT Risk Register</p> <p>Formal procedures to add, manage and remove user access rights to IT applications.</p> <p>Detailed manuals of procedures, specific guidance by LISO and LSO.</p> <p>Application of corporate policy on job functions that handle high volumes of sensitive information.</p> <p>Use of marking system.</p> <p>Reporting, risk assessment and follow-up of incidents.</p> <p>Physical access controls.</p> <p>LISO's prior approval of, and timely follow up reporting by, DG DIGIT's investigation of suspicious activities on COMP workstations.</p> <p>Staff awareness actions.</p>	<p>Security rules and culture to be adjusted in view of latest technical developments and 'possibilities'.</p> <p>DG's IT governance body to evaluate the probability and impact of IT risks at least once per year and to discuss mitigation actions.</p> <p>Continuous risk management of each project according to the PM2 methodology.</p> <p>Daily access rights management of the case management applications and related applications</p> <p>Systematic (access controls, training sessions for newcomers, reporting and follow-up of disclosures), and ad –hoc (update of internal guidance documents, communication of events and policies, information sessions)</p>	<p>Efficiency: Reaction to security incidents and adaptation to prevent future events.</p> <p>Economy: estimate of cost of staff involved.</p> <p>Effectiveness: staff awareness of security rules and best practices.</p>

## **Enforcement and policy action taken in the area of EU competition policy and enforcement**

**Main internal control objectives:** Ensuring that EU competition policy and enforcement actions are of high quality.

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicators
<p>Challenges before courts potentially leading to significant reputational risks, excessive legal costs, annulments of decisions and (monetary) compensation claims of high value.</p>	<p>A dedicated team in DG Competition continuously updates instrument specific Manuals of Procedures (ManProc) for antitrust/cartels, mergers, and State aid.</p> <p>Instrument-based ManProcs and the Working Arrangements with the Commissioner provide guidance to the staff of DG Competition about the different roles, procedures, required consultations and procedural steps to be followed in the daily operations.</p> <p>The case support Units contribute to ensuring policy consistency and high quality of draft decisions in terms of substance and clarity. They participate in the weekly meetings with the Commissioner and instrument management meetings contributing to the uniform application of the rules and regulations by the case teams.</p> <p>Chief Economist Team (CET) offers an expert economic view for policy development and provides independent guidance in individual cases in all 3 instruments (anti-trust, mergers and State aid) throughout the investigation process and a final written advice on a formal proposal which is to be submitted for decision to the Commissioner.</p> <p>Peer review panel assures internal scrutiny organised for major antitrust, merger and State aid cases, covering all or certain aspects of the case (factual basis, legal reasoning and economic analysis).</p> <p>Legal Service (an independent Commission service operating under the control and authority of the President of the Commission) ensures high quality output in terms of theory of harm and legal reasoning in enforcement cases and policy documents.</p> <p>Independent Hearing Officers chair oral hearings and oversee the procedural fairness of competition proceedings in the field of antitrust, cartels and mergers and provide a final opinion published in the Official Journal when the Commission decision is taken.</p> <p>The Principal Adviser strengthens the capacity of DG Competition to carry out economic evaluations of the EU's competition policy.</p> <p>Senior Management Meeting (SMM) chaired by the Director General discusses inter alia major developments in on-going cases and</p>	<p><b>Coverage:</b> 100%</p>	<p>Number of control failures</p> <p>Number of annulments of competition decisions by the EU courts and reductions of fines</p>

Main risks It may happen (again) that...	Mitigating controls	Coverage, frequency and depth of controls	Cost-effectiveness indicators
	<p>jurisprudence of the General Court and the Court of Justice.</p> <p>Director-General and Deputy Director-General of the instrument in close cooperation with the Commissioner discuss major on-going cases and decide on the granting of priority in a case.</p> <p>Weekly instruments management meetings review and decide on the planning of ongoing cases and horizontal policy initiatives and ensure adequate staffing of cases.</p> <p>Knowledge Management and information sharing tools like 'COMPWiki' allow staff to share knowledge and best practices within the DG.</p> <p>Document Management and Case Management Applications support key business processes.</p> <p>Important developments in competition cases and horizontal policy initiatives are discussed in weekly meetings between the Competition Commissioner, the Cabinet and DG Competition. In this way, the Commissioner is kept up to date and alerted in a timely manner of any developments likely to be relevant for him/her or the College.</p> <p>The Commissioner is regularly updated on the progress in the most important enforcement cases in all instruments (quarterly meetings or ad-hoc multiannual meetings as appropriate) as well as strategic meetings with the Senior Management and Directorates of DG Competition.</p>		

## ***Fines imposed in the area of competition***

**Main control objectives:** Ensuring that the Commission establishes its revenue entitlements and correctly registers its revenue entitlements, reliable reporting (true and fair)

<b>Main risks It may happen (again) that...</b>	<b>Mitigating controls</b>	<b>Coverage, frequency, and depth of controls</b>	<b>Cost-Effectiveness indicators</b>
The Commission decision embeds weaknesses that would undermine the Commission's legal rights in terms of revenue entitlements such as decision not addressed to the correct legal entity.	<p>Main parameters of the fines are discussed before the SO is finalised in a meeting chaired by the DDG Antitrust in which A1, CET, LS and CAB participate.</p> <p>Experienced case handlers verify calculations (fresh pair of eyes).</p>	<p><b>Coverage:</b> 100%</p> <p>In-depth panel review for draft COMP-decisions on fines.</p>	<p><b>Effectiveness:</b></p> <p>Value of the rights concerned (e.g. decision on fine overruled by CoJ).</p> <p><b>Benefits:</b></p> <p>The (average annual) total value of the significant errors detected/avoided - and thus prevented in terms of the Commission's rights.</p>
EU accounting rules are not respected and that the accounts do not reflect the reality.	Commission Decisions being followed-up by concerned services.	<p><b>Coverage:</b> 100% monthly for new decisions</p> <p>quarterly follow-up of fines before Court of Justice.</p>	<p><b>Effectiveness:</b></p> <p>Value of the rights concerned.</p> <p><b>Benefits:</b> The accounts at year-end give a true and fair view.</p> <p><b>Economy (costs):</b> estimation of cost of staff involved in the controls.</p>

**Table Y – Overview of DG's/EA's estimated cost of controls at Commission (EC) level:**

[illegible]

\*\*\*\*\* Once the decision is adopted, the cost of controls to ensure a correct registration of a fine decision corresponds to less than 10% of a full time equivalent as the number of fines decisions in a year is limited.

In 2023, DG Competition has not been addressed audit recommendations by the **European Court of Auditors (ECA)** but has contributed to several ECA audits involving other Commission services, as set out in the table below. ECA performance audit on the Commission's control of State aid in times of crisis started in 2023. In 2023, DG Competition also implemented recommendations included in ECA's 2020 performance audits in State aid to financial institutions (SP 21/2020) and merger control and antitrust proceedings (SP 24/2020) and informed ECA of its progress.

<b>ECA Special Report</b>	<b>ECA Publication</b>	<b>Recommendations to COMP</b>
Intermodal Freight Transport (SP 8/2023)	March 2023	No
Securing agricultural product supply during COVID-19 (SP 9/2023)	April 2023	No
The EU's Industrial Policy on Batteries (SP 15/2023)	June 2023	No
Offshore renewable energy in the EU (SP 22/2023)	October 2023	No
Report (pursuant to Article 92(4) Regulation (EU) No 806/2014) on any contingent liabilities arising as a result of the performance by the SRB, the Council or the Commission of their tasks under this Regulation for the 2022 financial year	November 2023	No
Screening Foreign direct investments in the EU - Effectiveness of the EU framework (SP 27/2023)	December 2023	No
The EU's support for sustainable biofuels in transport (SP 29/2023)	December 2023	No

## **ANNEX 8: Specific annexes related to "assessment of the effectiveness of the internal control systems"**

During the reporting year the senior management of DG Competition **monitored** the functioning of its internal controls. Relevant actions were implemented when necessary. To this end, DG Competition has used existing **procedures** (DG Competition IC Strategy and DG Competition IC Framework) and **structures** (senior management, DG Competition IC Coordinator, DG Competition IC Network) established and operating according to the best professional practices and to central guidelines (the Communication on the Revision of the Control Framework and the Implementation Guide of the Internal Control Framework of the Commission) provided by the relevant Commission services (DG BUDG, IAS).

For this report DG Competition has assessed, in a **structured review process**, the effectiveness of its comprehensive risk based internal control system. In this process DG Competition has identified deficiencies and measured their impact on the Internal Control principles as defined in the European Commission Internal Control Framework. The assessment has been assured, validated, and reported by the Director in charge of **Risk Management and Internal Control (RMIC)**.

In this process DG Competition analysed numerous **sources of information** including: risk assessment, self-assessments of internal controls, ex-post review of financial transactions, anti-fraud report, registers of non-compliance and exceptions, analysis of internal control deficiencies identified in the past, observations and recommendations provided by the IAS, assessment of the implementation of recommendations of the European Court of Auditors, results of the corporate indicators reported in the AAR Annex 4, review of inadvertent disclosures of sensitive information, and the review of sensitive posts.

The residual risk from audit recommendations remaining open from previous years and being implemented by DG Competition is not considered to have an impact on the declaration of assurance. Results from audits during the reporting year **did not include any critical findings**.

The deficiency reported in the 2022 AAR (staff turnover) was addressed, partially resolved and downgraded – further actions, including competency mapping of staff in accordance with the HR Strategy, are ongoing.

## ANNEX 9: Specific annexes related to "Control results" and "Assurance: Reservations"

### 1. Annex related to "Control results" – Table X: Estimated risk at payment and at closure

Table X: Estimated risk at payment and at closure

DG COMP	Payments made (2023;MEUR)	minus new prefinancing [plus retentions made] (in 2023;MEUR)	plus cleared prefinancing [minus retentions released and deductions of expenditure made by	Relevant expenditure (for 2023;MEUR)	Detected error rate or equivalent estimates	Estimated risk at payment (2023;MEUR)	Adjusted Average Recoveries and Corrections (adjusted ARC; %)	Estimated future corrections [and deductions] (for 2023;MEUR)	Estimated risk at Closure (2023;MEUR)
-1	-2	-3	-4	-5	-6	-7	-8	-9	-10
Digital Europe programme	0,35	0,00	0,00	0,35	0,50% - 0,50%	0,00 - 0,00	0,00% - 0,00%	0,00 - 0,00	0,00 - 0,00
Single Market Programme	20,00	- 0,56	0,00	19,44	0,50% - 0,50%	0,10 - 0,10	0,00% - 0,00%	0,00 - 0,00	0,10 - 0,10
Justice	0,32	0,00	0,14	0,45	0,50% - 0,50%	0,00 - 0,00	0,00% - 0,00%	0,00 - 0,00	0,00 - 0,00
Administrative Expenditures	1,07	0,00	0,00	1,07	0,50% - 0,50%	0,01 - 0,01	0,00% - 0,00%	0,00 - 0,00	0,01 - 0,01
<b>DG total</b>	<b>21,73</b>	<b>- 0,56</b>	<b>0,14</b>	<b>21,31</b>		<b>0,11 - 0,11</b>	<b>0,00% - 0,00%</b>	<b>0,00 - 0,00</b>	<b>0,11 - 0,11</b>
					<b>Overall risk at payment in %</b>	<b>0,50% - ### (7) / (5)</b>		<b>Overall risk at closure in %</b>	<b>0,50% - 0,50% (10) / (5)</b>

#### Notes to the table X

(1) Relevant Control Systems differentiated per relevant portfolio segments and at a level which is lower than the total.

(2) Payments made or equivalent, e.g. expenditure registered in the Commission's accounting system, accepted expenditure or cleared pre-financing. In any case, this means after the preventive (ex-ante) control measures have already been implemented earlier in the cycle.

(3) New pre-financing actually paid by out by the department itself during the financial year

(4) Pre-financing actually cleared during the financial year (i.e. their 'delta' in the Financial Year 'actuals', not their 'cut-off' based estimated 'consumption').

(5) For the purpose of equivalence with the ECA's scope of the EC funds with potential exposure to legality & regularity errors (see the ECA's Annual Report methodological annex 1.1), our concept of "relevant expenditure" includes the payments made, subtracts the new pre-financing paid out and adds the pre-financing actually cleared during the FY. This is a separate and 'hybrid' concept, intentionally combining elements from the budgetary accounting and from the general ledger accounting.

(6) In this column, we disclose the detected error rates or equivalent estimates. *For low-risk types of expenditure, where there are indications that the equivalent error rate might be close to 'zero' (e.g. administrative expenditure, operating contributions to agencies), the rate which should be used is 0.5% as a conservative estimate, unless the department has a more precise estimate based on evidence.*

(8) The adjusted average recovery and corrections percentage is [mostly / to some extent] based on the 7 years historic Average of Recoveries and financial Corrections (ARC), which is the best available indication of the corrective measures each department applied over the past years as a result of ex post controls.

(9) For some programmes with no set *closure* point (e.g. EAGF) and for some multiannual programmes for which corrections are still possible afterwards (e.g. EAFRD and ESIF), all corrections that remain possible are considered for this estimate.

## **2. Reservations (Not applicable)**

## ANNEX 10: Reporting – Human resources, digital transformation and information management and sound environmental management

### Human resources

**Objective 1:** DG Competition employs a competent and engaged workforce and contributes to gender equality at all levels of management to effectively deliver on the Commission's priorities and core business

**Indicator 1:** Number and percentage of first female appointments to middle management positions

**Source of data:** Commission Decision SEC(2020)146 of 1 April 2020

Baseline (01/12/2019)	Target (2024)	Latest known results (31/12/2023)
45%, 20 out of 45	A new revised target for first female appointments to middle management functions was adopted in 2023 (reference period 01/01/2023 until the end of the mandate).	DG COMP had a target of three additional first female appointments, which were met by DG COMP on 1 August 2023.

**Indicator 2:** DG Competition's staff engagement index

**Source of data:** Commission staff survey

Baseline (2018)	Target (2024)	Latest known results (31/12/2023)
76%	At least 76% and maintain above the Commission average (69% in 2018)	76% (Commission average 73%)

### Main outputs in 2023:

Description	Indicator	Target	Latest known results (31/12/2023)
Entrance, career development and exit interviews	Percentage of the respective staff invited	100%	100%

Description	Indicator	Target	Latest known results (31/12/2023)
Implementation of initiatives aimed at increasing the number of female candidates to middle management position	First female appointments to middle management	Sending the maximum number of female colleagues to the corporate female development programme as a preparation to become Head of Unit. Continuing the cross-DG (COMP; GROW, ECFIN, FISMA) female talent development programme in 2023 (subject to available budget authorised by DG HR) to build a pipeline of female Deputy Head of Units as candidates for future Head of Unit positions. Continue encouraging female colleagues to participate in management trainings.	New revised target for first female appointments to middle management functions was adopted in 2023 (reference period 01/01/2023 until the end of the mandate). DG COMP had a target of three additional first female appointments, which were met by DG COMP on 1 August 2023.
Internal communication	Number of news items posted on the internal webpage	794	770
	Number of internal newsletters	45	41
	Number of Senior Management Video debriefs	21	22
	Number of all staff events	one event for all DG staff; one event/Directorate	2 one event/Directorate

**Objective 2:** Information flows effectively throughout DG Competition so that staff understand Commission and DG Competition's objectives and how their individual work relates to these objectives

**Indicator 1:** Understanding by the staff of DG Competition's priorities

**Source of data:** Commission staff survey 2023

Baseline (2018)	Target (2024)	Latest known results (31/12/2023)
73%	Improve level of staff understanding	81% of DG COMP staff replied that their Directorate-General has a clear set of priorities and objectives, EC average 68%

**Indicator 2:** Understanding by the staff of DG Competition of their objectives and tasks  
**Source of data:** Commission staff survey 2023

Baseline (2018)	Target (2024)	Latest known results (31/12/2023)
93%	Maintain or increase	88% of DG COMP staff replied they have a clear understanding of what is expected from them at work, EC average 87%

## Digital transformation and information management

**Objective:** DG Competition is using innovative, trusted digital solutions for better competition enforcement, information management and administrative processes to forge a truly digitally transformed, user-focused and data-driven Commission in the competition domain and beyond]

**Indicator 1:** Degree of implementation of the digital solutions modernisation plan: – the three most important aggregated IT solutions: case management solutions (CASE@EC), exchanges with external stakeholders and data analytics/artificial intelligence

**Source of data:** Yearly DG Competition IT strategy

Baseline (2019)	Target (2024)	Latest known results (31/12/2023)
25% Support for horizontal projects at DG COMP.	95% Support for case management at EC (participating DGs) and enabling re-use by EUIs (e.g. EPPD).	81,8% Support available for State Aid case management, Horizontal Project, Digital Markets Act (DMA) and Foreign Subsidies Regulation (FSR), and document registration for all competition instruments. Support available also for CNECT (Digital Services Act and DMA), GROW (FSR public procurement cases), BUDG (Rule of Law) cases.
50% Support for State Aid digital exchanges, collaboration within the European Competition Network and leniency applications.	100% Digital notification of cases via eNotification portal	81,8% Support available for: <ul style="list-style-type: none"> <li>• State Aid digital notification, reporting and transparency;</li> <li>• Collaboration within the European Network;</li> <li>• Leniency applications;</li> <li>• Negotiation on confidentiality claims;</li> <li>• Requests for information and;</li> <li>• Publication of competition public data.</li> </ul>

<b>Baseline (2019)</b>	<b>Target (2024)</b>	<b>Latest known results (31/12/2023)</b>
18,75% Results of proofs of concept using machine learning.	100% Procure eDiscovery solution with technology-assisted review. State-of-the-art tools to efficiently crunch big data. Extend new data solutions to all data teams.	66,7% Data science workbench established; Market study for e-discovery solutions; Revamped eDiscovery; Ad-hoc data services; Advanced content search tool to support non-standard submissions; Pilot Machine Learning platform; Decisions content search tool
New information systems (going into production in a given year) have a security plan and/or a security risk assessment to safeguard information <sup>(23)</sup> .	100%	100%
<b>Indicator 2:</b> Percentage of COMP key data assets for which corporate principles for data governance have been implemented <b>Source of data:</b> Local Data Correspondent		
<b>Baseline (2019)</b>	<b>Target (2024)</b>	<b>Latest known results (31/12/2023)</b>
10%	100% Considering the specificity of the COMP data and depending on the availability of resources and guidance from horizontal services.	60% 4 out 6 DG Competition instruments supported by CASE@EC and modern data management practises.
<b>Indicator 3:</b> Percentage of staff attending awareness raising activities on data protection compliance <b>Source of data:</b> DPC activities		
<b>Baseline (2018)</b>	<b>Target (2024)</b>	<b>Latest known results (31/12/2023)</b>
90%, information sessions, interventions from the DPCs in the management meetings, directorate house meetings or unit meetings took place in 2018. There was a large demand for that following the entry into force of the GDPR in May 2018.	100% of staff	95%

<sup>(23)</sup> Contained in IT Risk file. IT Risks and mitigating actions are discussed by the DG Competition governance body for IT (DIT) and documented in the IT Risk Register.

## Sound environmental management

**Objective:** DG Competition takes account of its environmental impact in their actions and actively promotes measures to reduce the related day-to-day impact of the administration and its work, with the support of their respective EMAS Correspondent

### Main outputs in 2023:

#### I. More efficient use of resources (energy, water, paper):

Description	Indicator	Target	Latest known results (31/12/2023)
<b>Priority action to support the Greening the Commission Communication and action plan</b>			
Participation in corporate energy saving actions, by closing down DG's buildings during the Christmas and New Year's and optimisation of the temperature in EC buildings.	The DG building participates in: - end and beginning of year energy saving action - optimisation of comfort hours and/or comfort temperature	Participation in corporate energy saving actions, by closing down DG's buildings during the Christmas and New Year's and optimisation of the temperature in EC buildings.	100%
<b>Other recommended actions</b>			
Paperless working methods at DG level (such as paperless working: e-signatories, financial circuits, collaborative working tools) and staff awareness actions to reduce office paper use in the framework of EMAS corporate campaigns and/or raise awareness about DG's office paper use in collaboration with OIB where appropriate.	Number of new actions introduced in relation to paperless working methods.	1	1: oral and written communication
	% of staff informed related to paperless working methods.	100%	100%
	Prints per person per DG.	Reduced prints per person (%), in line with the Commission's average.	Reduced prints paper per person: -10.64%
<b>II. Reducing CO<sub>2</sub>, equivalent CO<sub>2</sub> and other atmospheric emissions</b>			
Description	Indicator	Target	Latest known results (31/12/2023)
<b>Priority action to support the Greening the Commission Communication and action plan</b>			
Analysis of DG's missions trends/patterns (based on corporate EC-	Signed the EC DG Travel Pledge	Yes	Yes

staff's and experts' professional trips (missions <sup>24</sup> ), optimise and gradually reduce CO2 emissions (e.g. by reducing the number of participants in the same mission, promoting more sustainable travelling options, promoting videoconferencing/ virtual events as an alternative).	CO2 (t) emissions from DG's missions	Reduce DG's CO2 emissions from missions <sup>25</sup> with 50% (2019 as baseline)	Yes
<b>Other recommended actions</b>			
Staff awareness actions on digital pollution and gradual change of behaviours avoiding heavy emails, encouraging the use of ICT platforms, avoiding unnecessary storage of data.	Number of events organised	1	1
<b>III. Reducing and management of waste</b>			
<b>Description</b>	<b>Indicator</b>	<b>Target</b>	<b>Latest known results (31/12/2023)</b>
<b>Priority action to support the Greening the Commission Communication and action plan</b>			
Implementation of the EC Guidelines for sustainable meetings and events, e.g. sustainable catering, reduce/eliminate single-use plastics, gadgets/gifts.	Number of green events	1	2
<b>Other recommended actions</b>			
Staff awareness actions about waste reduction and sorting in the framework of EMAS corporate campaigns and/or staff awareness	100% of staff informed	100% of staff informed	100%
	Waste generation per DG/service building (kg/person)	Reduce waste generation (%), below the Commission average	In the Madou building, unsorted waste generation + 12% of Commission average <sup>(26)</sup>

<sup>(24)</sup> Data provided by PMO/MiPs.

<sup>(25)</sup> Overall reduction of CO2 emissions from missions for the DG/service from 2019 to 2023 (%).

<sup>(26)</sup> No self-service restaurant available in Madou building since the pandemic. Having such a restaurant would decrease the amount of unsorted waste (brought into the building in the form of take-aways).

actions about DG's waste generation in collaboration with OIB where appropriate (for example, promote and label the waste sorting schemes in place).		Increase waste sorting (%) <sup>(27)</sup> , in line with the Commission average	Madou building waste sorting compared to Commission average: paper + 6% pmc + 103% organic + 101% glass + 70%
<b>IV. Promoting green public procurement (GPP)</b>			
<b>Description</b>	<b>Indicator</b>	<b>Target</b>	<b>Latest known results (31/12/2023)</b>
<b>Other recommended actions</b>			
Staff awareness actions on the promotion of <i>"green" items among EC office supplies' catalogue</i> (for example, introduce a DG-specific office supplies' catalogue, including only 100% "green" items).	Number of actions	2	2
	Number or % of staff informed	100% of staff informed	100%

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<sup>(27)</sup> Overall reduction of waste generation for the DG/service (all buildings) from 2019 to 2023 (%).

**ANNEX 11: Implementation through national or international public-sector bodies and bodies governed by private law with a public sector mission (Not applicable)**

**ANNEX 12: EAMR of the Union Delegations (Not applicable)**

**ANNEX 13: Decentralised agencies and/or EU Trust Funds (Not applicable)**

**ANNEX 14: Reporting on the Recovery and Resilience Facility (Not applicable)**

## ANNEX 15: Key performance indicators

### KPI 1, KPI 2 and KPI 3

DG Competition provides three estimates of the benefits to customers resulting from the Commission's cartel prohibition decisions (KPI 1), non-cartel antitrust interventions (KPI 2) and from merger interventions (KPI 3). However, such estimates underestimate the overall impact of cartel, non-cartel, and merger decisions, as they do not capture the deterrence and non-price effects of such decisions or other effects of competition policy <sup>(28)</sup>.

In 2023, the total estimated customer savings from cartel prohibitions, non-cartel antitrust interventions and merger interventions varied between EUR 3.4 and 5.5 billion. The customer savings from the 2023 cartel decisions (KPI 1) varied between EUR 0.05 and 0.08 billion <sup>(29)</sup>, depending on the assumption made about the level of the avoided price overcharge. The customer savings from cartel prohibitions are lower than the values reported for 2022 and below the average recorded during the previous five years (EUR 0.9 – 1.3 billion), resulting from both a lower number of interventions (4) and the lower affected turnover per case. Customer benefits resulting from non-cartel antitrust interventions were slightly above EUR 0.1 billion <sup>(30)</sup>, which is lower than the average recorded in the previous five years (EUR 4.2 – 7.5 billion). Total customer savings resulting from the 11 merger interventions by the Commission (KPI 3) varied between EUR 3.2-5.3 billion <sup>(31)</sup>, depending on the assumption made on the level of price increase avoided. This

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<sup>(28)</sup> Since 2012, DG Competition systematically calculates the direct benefits of its competition policy interventions using the estimated customer benefits approach. See also *OECD Guide helping competition authorities assess the expected impact of their activities* (April 2014) <http://www.oecd.org/daf/competition/Guide-competition-impact-assessmentEN.pdf> and Competition Policy Brief (2022). Issue 1, October 2022. European Commission <https://data.europa.eu/doi/10.2763/80601>.

<sup>(29)</sup> DG Competition calculation. The approach followed to estimate customer benefits from stopping a cartel (prevented harm) consists in multiplying (i) the assumed increased price brought about by the cartel (called the "overcharge") by (ii) the value of sales by cartel members in the market directly affected by the cartel and (iii) the likely duration of the cartel had it remained undetected. A 10% to 15% overcharge is assumed based on historic data. This is conservative when compared to the findings of recent empirical literature which report considerably higher median price overcharges for cartels. In order to estimate what the likely duration of the cartel would have been if it had continued undetected, a case-by-case analysis was carried out, focussing on the particular circumstances of each case as reflected in indicators of cartel stability (including the number of cartel participants, their market shares, the characteristics of the product concerned, the level of market entry barriers and other market conditions). The cartels are classified into three categories: 'unsustainable', 'fairly sustainable' and 'very sustainable'. It is assumed that the cartels in the first category would have lasted one extra year in the absence of the Commission's intervention, the cartels in the second category three years, and the cartels in the third group six years.

<sup>(30)</sup> The approach used to estimate customer benefits resulting from the Commission's non-cartel antitrust interventions (prohibition decisions based on Article 7 of Regulation 1/2003, commitment decisions based on Article 9 of Regulation 1/2003) consists in multiplying 1) the expected price increase avoided (with lower and upper bounds of 5% and 10%, respectively, unless case-specific information is available); 2) the total size of the affected markets, which is measured by the annual turnover of the companies under investigation in the affected markets; 3) the expected duration of the avoided price increase (1, 3 or 6 years).

<sup>(31)</sup> DG Competition calculation. The approach followed to estimate customer benefits from Commission's interventions (a merger prohibition, a merger approval subject to conditions or a withdrawal of a merger notification in Phase II due to the intervention by the Commission) takes into account (i) the likely price increase avoided (3% and 5 % for the lower and upper boundary of the estimated customer benefits,

range is below the average recorded during the previous five years (EUR 11.9 – 19.9 billion).

#### **KPI 4**

The key performance indicator for the contribution of competition policy towards the green transition also supporting the recovery from the crisis is measured by total State aid expenditure for environmental protection, renewables, and energy savings as a percentage of total State aid in the EU. According to the latest information, this amounted to 18% (2022), similar level to 2020-2021 (23% and 21%), but a sharp decrease from 2019 (54%). The abrupt fall in the indicator in 2020 was due to the COVID-19 pandemic and the subsequent State aid response to mitigate its economic effects (see KPI 7).

#### **KPI 5**

The key performance indicator for the contribution of competition policy towards the digital transition also supporting the recovery from the crisis is measured by the total State aid expenditure for broadband as a percentage of total State aid in the EU. According to the latest information, this amounted to 0.2% (2022), a similar level to 2021 (also 0.2%) 2020 (0.1%) but a decrease from 2019 (0.5%). This abrupt fall in the indicator was due to the COVID-19 pandemic and the subsequent State aid response to mitigate its economic effects (see KPI 7).

#### **KPI 6**

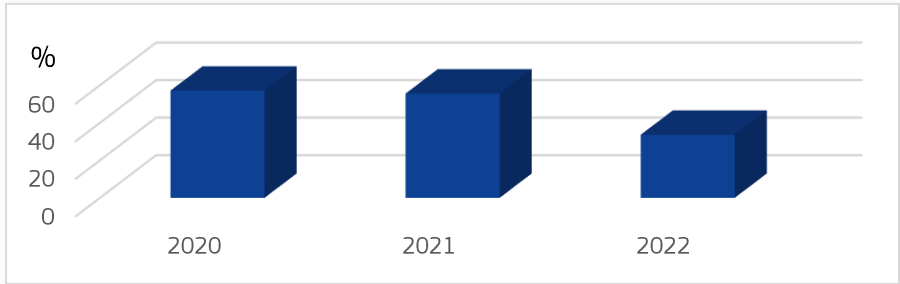
The key performance indicator for the contribution of competition policy towards the objectives of the economy that works for people also supporting the recovery from the crisis is measured by the total State aid expenditure falling under the General Block Exemption Regulation as a percentage of total State aid in the EU. According to the latest information, this amounted to 26% (2022), an increase compared to 2021 (18%) and 2020 (17%). The abrupt fall of the indicator in 2020 was due to the COVID-19 pandemic and the subsequent strong State aid response to mitigate its economic effects (see KPI 7).

#### **KPI 7**

The key performance indicator for the contribution of competition policy towards the objectives of the economy that works for people supporting the recovery from the pandemic crisis is measured by the total COVID-19 aid as a percentage of total State aid in the EU. This amounted to 34% in 2022, considerably lower than in previous years, 57% in 2021, and 56% in 2020, in line with the intended decreasing trend envisaged for this indicator. In 2023, the relevant State aid framework expired making the indicator result not applicable.

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respectively); (ii) the total size (by value) of the product market affected and (iii) the expected duration of the price increase avoided. This duration reflects the expected length of time that the affected product market would have taken to self-correct either by the arrival of a new entrant or by the expansion of existing competitors. The prevention of anticompetitive effects such as the negative impact of the proposed merger on innovation and choice are not considered.

Impact indicator	Trend	Target (or milestones)	Latest known results			
KPI 7 Total COVID-19 aid as a percentage of total State aid in the EU.	Stable trend	Decreasing trend. State aid to remedy the serious disturbance to the economy caused by the COVID-19 pandemic is a temporary economic response by nature.	34% (2022)			
						
		%	2020	2021	2022	2023
		KPI 7	56%	57%	34%	N/A