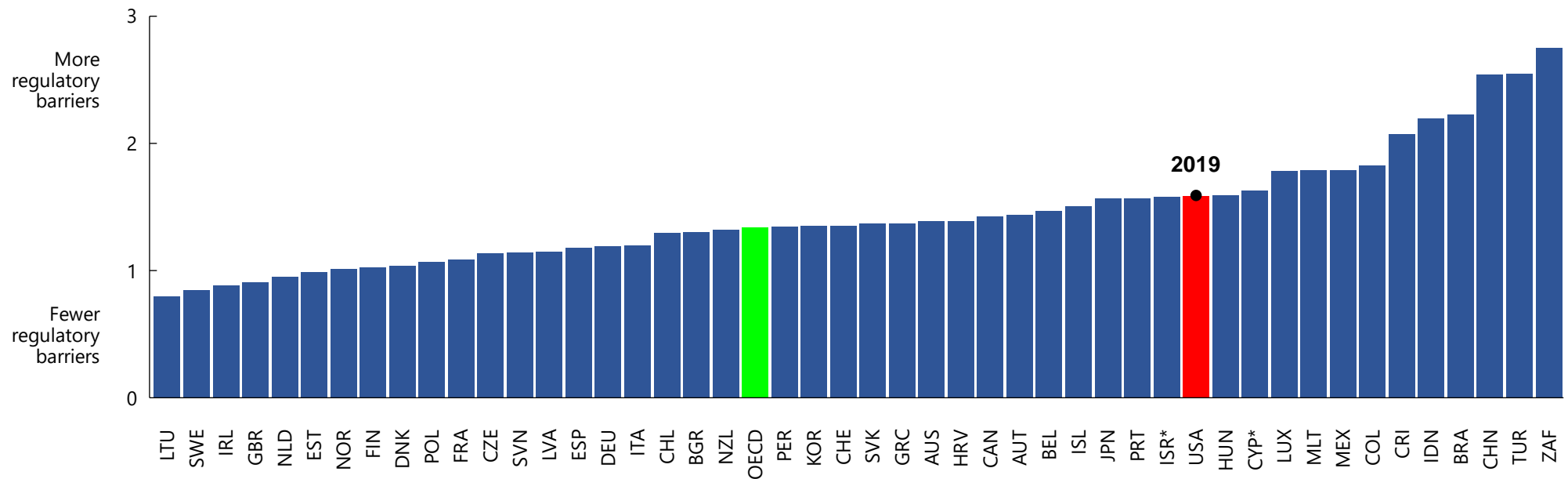


OECD Product Market Regulation (PMR) indicators: How does the United States compare?+

Competitive product markets can boost productivity, employment, and living standards. The OECD Product Market Regulation (PMR) indicators assess the alignment of a country's regulatory framework with internationally accepted best practices. The economy-wide indicator measures the distortions to competition that can be induced by the barriers to entry and expansion faced by firms across the economy, as well as by the involvement of the state in the economy. In this indicator, the United States performs worse than the average OECD economy.

Figure 1: Overall economy-wide Product Market Regulation indicator[#]



^{*}When the regulatory issues included in the PMR indicators are not set at the federal level, the information refers to New York State.

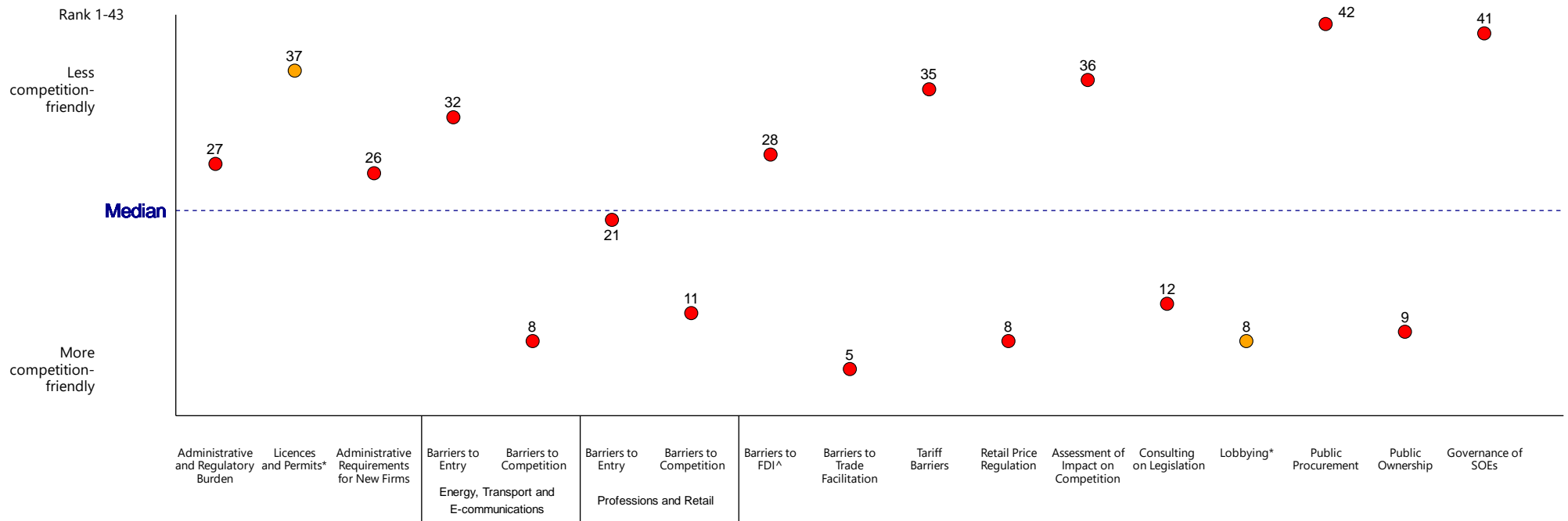
[#]The information used to build all the PMR indicators for this country refers to the laws and regulations into force on 1 January 2024. The data for some of the other countries refers to 1 January 2023.

^{*}Please see notes on Israel and Cyprus on page 7.

ECONOMY-WIDE HIGHLIGHTS

The U.S. regulatory framework for public procurement could better ensure a level playing field for all firms, regardless of size and origin. Other areas for improvement include: simplifying the administrative and regulatory burden on businesses, streamlining the licensing system and the requirements for starting new firms, and enhancing the mechanisms for assessing the impact of laws and regulations on competition. While non-tariff barriers to trade are low, tariff barriers and barriers to foreign direct investment remain high. Although public ownership is limited compared to most OECD countries, the governance of state-owned enterprises does not align with key OECD best practices aimed at ensuring a level playing field with private firms.

Figure 2: Economy-wide Product Market Regulation indicators: the United States' ranking⁺



⁺The ranking is across all OECD members and Brazil, Croatia, Bulgaria, Indonesia, and Peru.

* Licences and Permits, Lobbying, and Public Ownership are not indicators, but components of other indicators. Please refer to the table of correspondence on page 7.

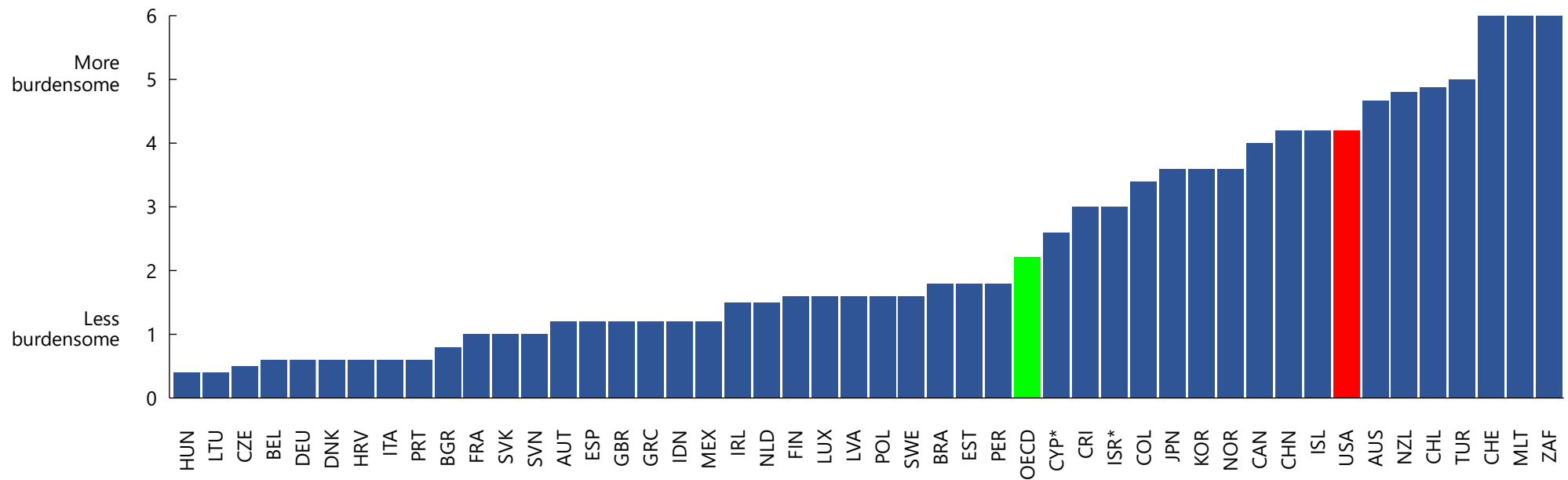
[^]The values for the low-level indicator on Barriers to FDI are derived from the OECD FDI Restrictiveness indexes, whose values are still preliminary and may be subject to small changes.

Note: The names of the low-level indicators have been simplified for presentational purposes. Please refer to the table of correspondence on page 7.

ECONOMY-WIDE HIGHLIGHTS: OBTAINING LICENCES AND PERMITS

Obtaining licences and permits can be cumbersome for both new and established businesses. But this burden can be reduced when countries keep an inventory of all licences and regularly review it, adopt the 'silence is consent' principle, and tailor the length and complexity of licences to the risks inherent in the licensed activities. The United States' licensing regime is more burdensome than the average OECD economy and there is ample room for simplification.

Figure 3: Licences and Permits ⁺

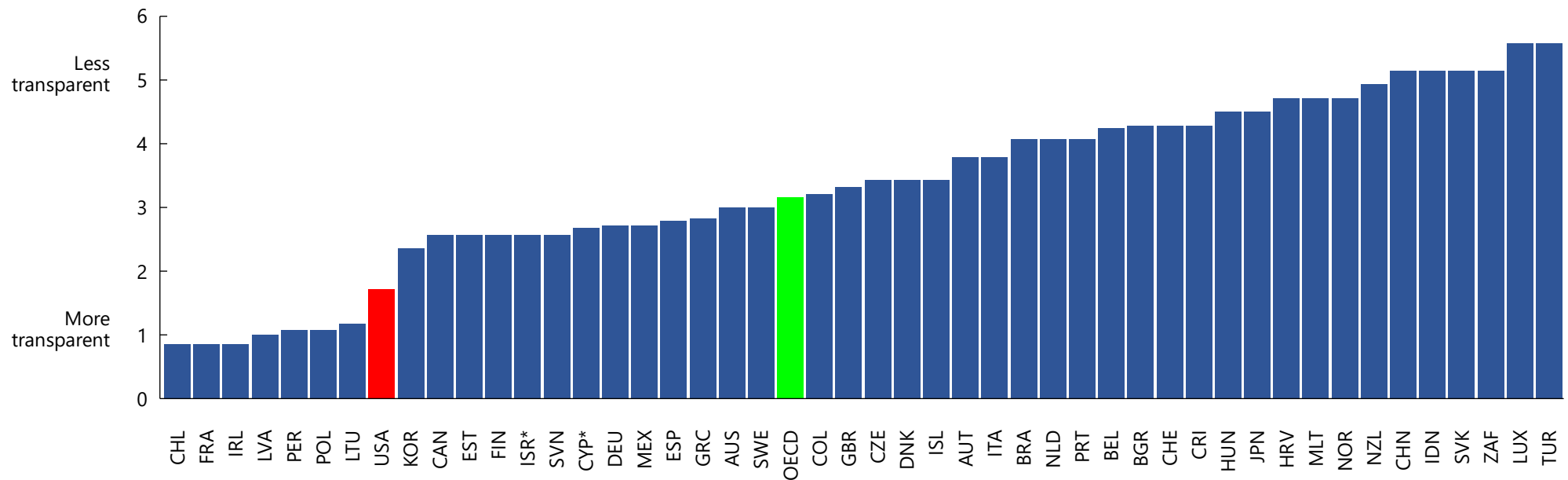


⁺ The information scored here is included in the PMR low-level indicator Administrative and Regulatory Burden.

ECONOMY-WIDE HIGHLIGHTS: REGULATION OF LOBBYING ACTIVITIES

Many countries still do not have adequate rules that ensure transparency and accountability in the interactions between public officials and interest groups. This lack of regulation may favour the lobbying endeavours of larger incumbent firms, potentially leading to an unlevel playing field for younger and smaller firms. The United States, however, has made significant efforts to impose disclosure obligations on policymakers and lobbyists to ensure transparency in these interactions. However, the regime could be strengthened if public officials were required to make their agendas public and to disclose the identity of the interest groups consulted.

Figure 4: Lobbying[#]

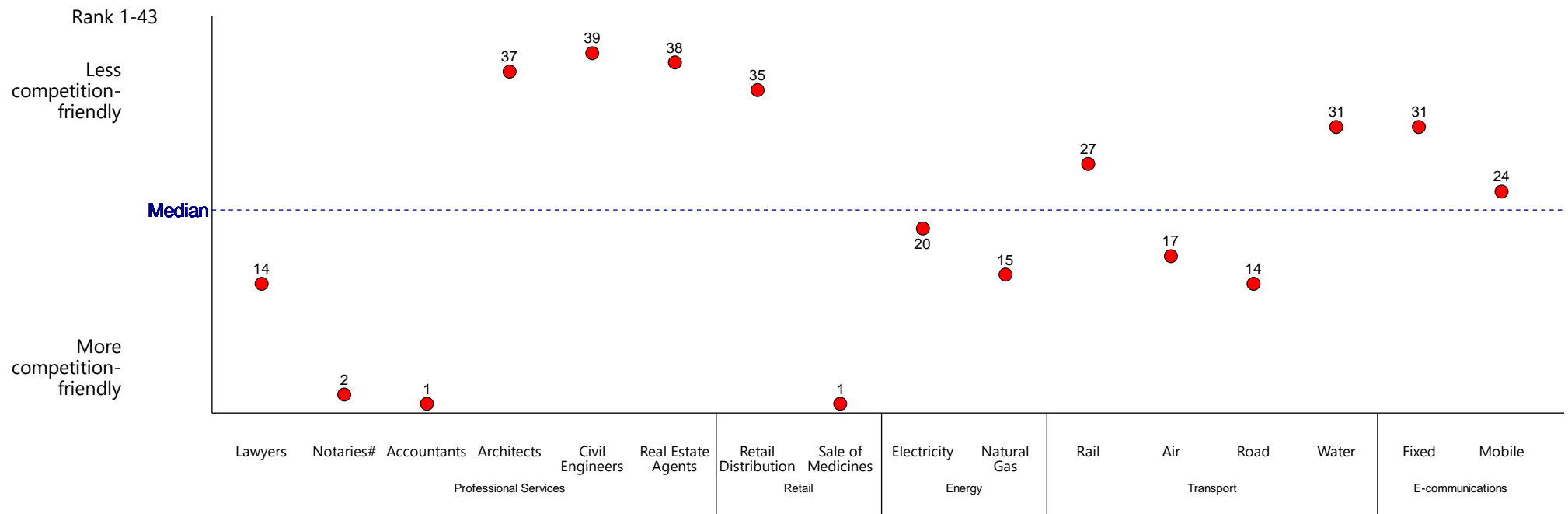


[#] The information scored here is included in the PMR low-level indicator Consulting on Legislation.

SECTOR-SPECIFIC HIGHLIGHTS: SERVICE SECTORS

In the United States the regulatory framework in the energy, road and air transport sectors is quite conducive to competition, whereas further steps could be taken to reduce regulatory barriers in e-communications, water and rail transport, and in retail distribution. In professional services, while notaries and accountants face very light regulatory constraints, architects, civil engineers, and real estate agents are more strictly regulated than in the average OECD economy.

Figure 5: Product Market Regulation indicators for service sectors: the United States' ranking⁺



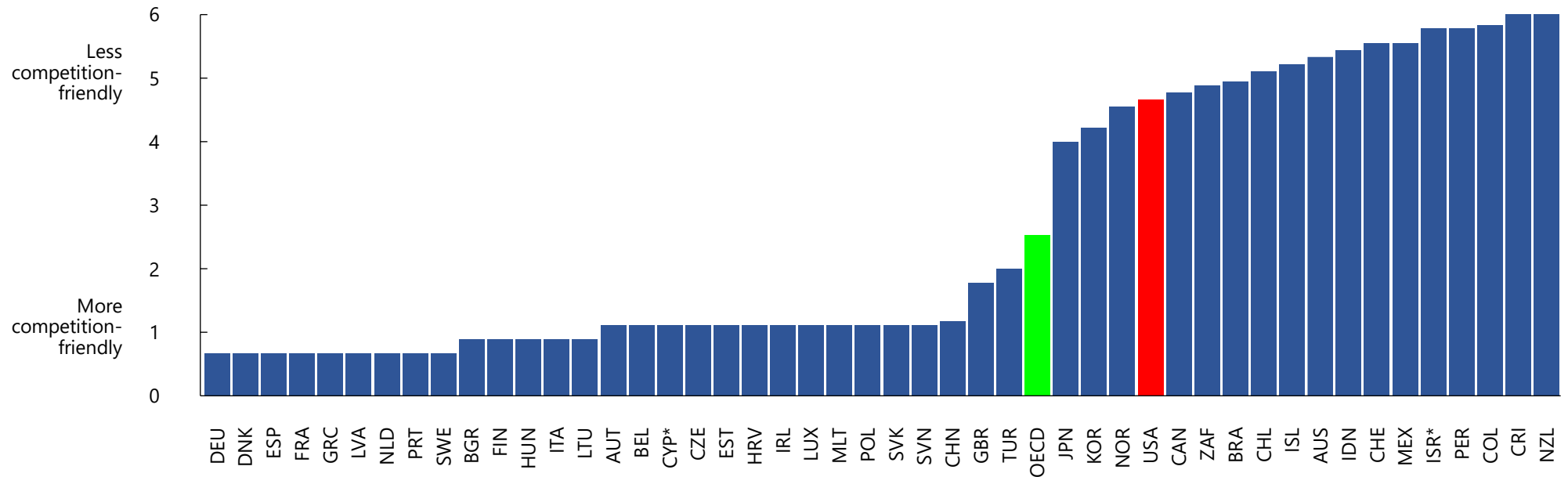
⁺The ranking is across all OECD members and Brazil, Croatia, Bulgaria, Indonesia, and Peru.

[#] Please see note on page 7.

SECTOR-SPECIFIC HIGHLIGHTS: DIGITAL MARKETS

New markets that rely on the intensive use of data have emerged, such as online marketplaces, search engines, and social media. These markets raise new challenges to competition. The United States has put effort into assessing the competition challenges raised by the development of these markets. Discussions are ongoing on how to address them, but no concrete steps have been taken so far.

Figure 6: Product Market Regulation indicator on Digital Markets[#]



[#] The information used to build this indicator refers to laws and regulations into force or under discussion in parliament on 1 January 2024.

For further information please contact: PMRindicators@oecd.org

Notes:

Source: OECD PMR database for 2023/2024 and 2018/2019.

1. The statistical data for Israel are supplied by and under the responsibility of the relevant Israeli authorities. The use of such data by the OECD is without prejudice to the status of the Golan Heights, East Jerusalem and Israeli settlements in the West Bank under the terms of international law.

2a. Footnote by Türkiye: The information in this document with reference to "Cyprus" relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Türkiye recognizes the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of the United Nations, Türkiye shall preserve its position concerning the "Cyprus issue".

2b. Footnote by all the European Union Member States of the OECD and the European Union: The Republic of Cyprus is recognized by all members of the United Nations with the exception of Türkiye. The information in this database relates to the area under the effective control of the Government of the Republic of Cyprus.

#Note on notaries: In civil law countries, notaries exercise administrative and judicial tasks by virtue of power delegated by the state; hence, they play a special role in the legal services market in the concerned countries and in this aspect they are different from the other professions included in the OECD's PMR indicator.

The names of the low-level indicators in Figure 2 have been simplified for presentational purposes. This table of correspondence shows the name used in the official PMR dataset.

TABLE OF CORRESPONDENCE	
Name of low-level indicators in Figure 2	Name of low-level indicators in the official PMR dataset
Administrative and Regulatory Burden	Communication and Simplification of Administrative and Regulatory Burden
Administrative Requirements for New Firms	Administrative Requirements for Limited Liability Companies and Personally-owned Enterprises
Barriers to Entry in Energy, Transport and E-communications	Barriers to Entry in Network Sectors
Barriers to Competition in Energy, Transport and E-communications	Involvement in Business Operations in Network Sectors
Barriers to Entry in Professions and Retail	Barriers to Entry in Service Sectors
Barriers to Competition in Professions and Retail	Involvement in Business Operations in Service Sectors
Barriers to FDI	Barriers to Foreign Direct Investment
Barriers to Trade Facilitation	Barriers to Trade Facilitation
Tariff Barriers	Tariff Barriers
Retail Price Regulation	Retail Price Controls and Regulation
Assessment of Impact on Competition	Assessment of Impact on Competition
Consulting on Legislation	Interaction with Stakeholders
Public Procurement	Public Procurement
Governance of SOEs	Governance of SOEs
Components of low-level indicators in Figure 2	Low-level indicators from which they are taken
Licences and Permits	Communication and Simplification of Administrative and Regulatory Burden
Lobbying	Interaction with Stakeholders
Public Ownership	Quality and Scope of Public Ownership