

UNITED NATIONS CONFERENCE ON TRADE  
AND DEVELOPMENT

UNCTAD GUIDEBOOK  
ON COMPETITION SYSTEMS



UNITED NATIONS  
New York and Geneva, 2007



## FOREWORD

UNCTAD is the focal point on all work related to competition policy and consumer protection within the United Nations system. This mandate is established by the Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices, unanimously adopted by the General Assembly in 1980. It has as a main objective “to ensure that restrictive business practices do not impede or negate the realization of benefits that should arise from liberalization of tariff and non-tariff barriers affecting world trade, particularly those affecting the trade and development of developing countries”. The set establishes broad principles and rules encouraging the adoption and strengthening of competition legislation and policies at the national and regional levels, and at promoting international cooperation in this area.

As highlighted in the UNCTAD Model Law on Competition in 2007, a total of 113 countries and regional groupings have adopted or are in the process of adopting competition legislation.<sup>1</sup> However, despite a general widespread trend towards the adoption, reformulation or better implementation of competition laws and policies in developing countries and economies in transition, many of these countries still do not have up-to-date competition legislation or effective enforcement of their competition legislation.

Many countries may thus be interested in receiving information concerning other countries’ legislation and experiences in this area. To facilitate communication among competition authorities and other relevant agencies, the UNCTAD secretariat is publishing this *UNCTAD*

---

<sup>1</sup> UNCTAD Model Law on Competition, (TD/RBP/CONF.5/7/Rev.3), New York and Geneva, 2007.

*Guidebook on Competition Systems.* It contains general country information in the area of competition law and policy, including the scope and objectives of individual country legislation and policy, institutional structures and contact details of the competition authorities. The guidebook will be updated on regular basis.



**CONTENTS**

Albania.....	1
Andean Community.....	3
Argentina.....	7
Armenia.....	11
Australia.....	15
Azerbaijan.....	17
Barbados.....	19
Belarus.....	21
Belgium.....	23
Bhutan.....	27
Bolivia.....	29
Bosnia and Herzegovina.....	31
Brazil.....	33
Canada.....	35
Chile.....	37
Colombia.....	39
COMESA.....	43
Costa Rica.....	45
Croatia.....	47
Czech Republic.....	49
Denmark.....	51
Dominican Republic.....	53
Egypt.....	55
El Salvador.....	57
Estonia.....	59
Finland.....	61
Honduras.....	63
India.....	65
Indonesia.....	67
Jamaica.....	69
Jordan.....	71
Kenya.....	73
Madagascar.....	75
Malawi.....	77

Malta .....	79
Mexico .....	81
Montenegro .....	83
Mozambique .....	85
Namibia .....	87
Nepal .....	89
Netherlands .....	91
Nicaragua .....	95
Pakistan .....	97
Panama .....	99
Papua New Guinea .....	101
Paraguay .....	103
Peru .....	105
Philippines .....	109
Poland .....	111
Portugal .....	115
Russian Federation .....	119
Saudi Arabia .....	123
Senegal .....	125
Serbia .....	127
Singapore .....	129
Slovakia .....	133
South Africa .....	135
Trinidad and Tobago .....	137
Tunisia .....	139
Turkey .....	143
Uganda .....	147
Ukraine .....	149
United Republic of Tanzania .....	153
United States of America .....	155
Uruguay .....	157
Venezuela, Bolivarian Republic of .....	159
Viet Nam .....	161
Zambia .....	163
Zimbabwe .....	165





## Albania



### **Background information:**

The origin of the competition policy lies with the “Law for Competition” 1995. Since Albania has faced a transition from a state-controlled economy to an open market economy since 1991, it was necessary to replace this law with a new law that best reflects the changes in the country’s economy. Now it has a new law, which is compatible with European Union Competition Policy. The Competition Authority (CA) functions include investigating the abuse of dominant position, control of mergers and concentration. The CA is the only institution that has control over market conduct and it has enforcement power. As it is a new institution, it deals with small cases.

To increase the effectiveness of the CA, we have defined some objectives:

- To strengthen the relationship with regulators in different sectors; and
- To promote a competition culture for consumers and firms, and advocate competition.

**Legislation:** The Law N°9121 “For the Protection of Competition”.

**Date of implementation:** 28 July 2003.

**Institutions:** Competition Authority.

**Location of the regional institution:** Tirana, Albania.

**Associated ministry or independent institution:** None.

**Merger provisions:** Yes.

**Sectoral regulators:**

- Ent. of Telecommunication (ERT);
- Ent. of Energy (ERE); and
- The Financial Survey Agency (AFS).

**International cooperation agreements containing competition provisions entered into:** None in competition policy.

**Contact details:**

**Lindita Milo**

Chairwoman

Tel: (355) 69 209 1186

Fax: (355) 4 234 505

E-mail: llati@mail.caa.gov.al

**Servete Gruda**

Commissioner

Tel: (355) 68 209 1410

E-mail: servetergruda@yahoo.com

**Kolo Broka**

Commissioner

E-mail: kolobroka@hotmail.com

## Andean Community



### **Background information:**

The Andean Community (Comunidad Andina de Naciones) General Secretariat (SG CAN) is the executive body of the Andean Community. Starting on 1 August 1997, it assumed, among other things, the functions of the Board of the Cartagena Agreement.

Its functions include the following: (a) managing the subregional integration process; (b) providing solutions to issues submitted for its consideration; (c) ensuring that the commitments established by the community are duly fulfilled; and (d) ensuring good relations with member States as well as the executive bodies of other regional integration and cooperation organizations.

The SG CAN also makes proposals because it is empowered to draw up draft decisions and propose them to the Andean Council of Foreign Affairs Ministers and to the commission. Similarly, the secretariat can propose new initiatives and suggestions to the council when meeting in enlarged session.

The Commission of the Andean Community approved in March 2005 Decision 608 on “Rules for the protection and promotion of competition in the Andean Community”. The decision introduced a regional law on competition applicable to anticompetitive practices and abuse of dominant positions. All sectors of the economic activity are covered except if the CAN Commission decides to exclude a specific sector following a supported request from a member State. Furthermore, Decision 616 (July 2005) enables Ecuador to apply Decision 608 when anticompetitive practices are originated in an Ecuadorian territory or practices originated in a third country affecting the Ecuadorian territory. Both Bolivia and Ecuador may temporarily apply Decision 608 while they adopt a national competition law.

Investigations can be opened *ex officio* (or following a request) by SG CAN when the restrictive practice is taking place in at least two member States, or when it takes place in one member State but causes effects in one or more other CAN country. The law is also applicable when an anticompetitive practice is not taking place in CAN, but its effects have an effect on the CAN market. Restrictive practices taking place and having effect only in the same CAN country are not covered by Decision 608. Investigations are carried out jointly by subregional and designated national authorities under the leadership of SG CAN. The authorities in the relevant member States carry out investigations upon request, but SG CAN may undertake its own investigations in parallel or after the requested investigation by the national authorities is reported to SG CAN.

**Legislation:** Decision 608: “Rules for the Protection and Promotion of Competition in the Andean Community”.

**Date of implementation:** 4 April 2005.

**Institutions:**

- Andean Community General Secretariat;
- Competition agencies of the member countries;
- Andean Committee of Defence of Competition.

**Member countries:** Bolivia, Colombia, Ecuador, Peru.

**Location of the regional institution:** Lima, Peru.

**Associated ministry or independent institution:** Independent institution – international organization.

**Merger provisions:** No.

**Sectoral regulations:** Not applicable.

**International cooperation agreements containing competition provisions entered into:** None in competition policy.

**Contact details:**

**Ana María Tenenbaum de Reátegui**

Directora general  
areategui@comunidadandina.org

**William Rodríguez**

Defensa Comercial y Competencia

**Comunidad Andina**

Secretaría general  
Tel: +51-1-411.14.00  
Ext:+1393  
Fax: +51-1-221.33.29  
wrodriguez@comunidadandina.org  
www.comunidadandina.org



## Argentina



### **Background information:**

Argentina's current competition Law 25.156 for the Defence of Competition was enacted in 1999. It has a constitutional foundation, because Article 42 of Argentina's constitution, which was adopted in 1994, affirms the right to "a defence of competition against all forms of distortion of the markets".

The two most important innovations in the new law were the introduction of formal merger control and the creation of a new, independent law enforcement body, the Tribunal for the Defence of Competition. The law provided that the tribunal, a fully independent body comprising seven members, would be appointed by the country's president after a competitive process conducted by a special appointed jury.

Although the tribunal has not been constituted, the National Commission for the Defence of Competition (CNDC) continues operating without having independent decision-making authority. CNDC is only an advisory body, within the ministry. Its decisions must be ratified by a secretariat within the Ministry of Economy and Production.

In 2006, the Organization for Economic Cooperation and Development (OECD) report – Peer Review Conclusions and Recommendations – stated that the 1999 competition law is an excellent foundation for competition policy in Argentina. The act articulates the right standards in the substantive areas of competition law enforcement, restrictive agreements, and abuse of dominance and mergers. It creates an independent enforcement authority, and provides it with appropriate legal and administrative tools.

Although in 2005 there was a project aimed to introduce law amendments and to create the National Tribunal for the Defence of

Competition, it could not proceed because all the issues were refused in the Parliament.

Recently, another project currently under negotiations is being analysed in Parliament and the CNDC. The amendment will strengthen the institutional framework and promote competition culture within the country.

**Legislation:** Law 25.156 for the Defence of Competition.

**Date of implementation:** 1999.

**Institutions:** National Commission for the Defence of Competition (CNDC).

**Location:** Buenos Aires.

**Associated ministry:** Ministry of Economy and Production, through the Secretariat of Domestic Commerce.

**Merger regulation:** Formal merger control was introduced in 1999 with the enactment of Law 25.156. Article III, Sections 6 to 16 of the law deal with merger control. The substantive standard is found in Section 7: “Economic concentrations the object or effect of which is to reduce, restrict or distort competition, in a manner which may be prejudicial to the general economic interest are hereby prohibited.”

**Relationship with sector regulators:** Section 16 of Law 25.156 has a special provision that applies to mergers in regulated sectors. In the event that such a merger is proposed, the CNDC “shall require from the relevant State Institution a report and considered opinion on the economic concentration proposal concerning its impact on competition in the respective market or on its compliance with the relevant regulatory framework”.

**International cooperation agreements containing competition provisions entered into:** Southern Common Market (MERCOSUR).



**Contact details:**

**Mercedes Enrico**

Secretaría de la Presidencia de la Comisión

[menric@mecon.gov.ar](mailto:menric@mecon.gov.ar)

[www.mecon.gov.ar/cndc/home](http://www.mecon.gov.ar/cndc/home)



## Armenia



### **Background information:**

The Law of the Republic of Armenia on the Protection of Economic Competition was adopted by the National Assembly on 6 November 2000 and was ratified by the President of Armenia on 5 December 2000. The European Union and Armenia are linked by a partnership and cooperation agreement signed in 1996, which entered into force in 1999. The PCA provides a framework for bilateral relations, including economic cooperation. In Article 43, Armenia committed to support the formation of a more favorable business environment, including promotion of economic competition, business development and protection of consumers' rights.

The primary legal basis for competition legislation in Armenia is the following:

- The partnership and cooperation agreement between Armenia and member States of the European Community, which entered into force on 1 July 1999;
- The Constitution of the Republic of Armenia;
- The Civil Code of the Republic of Armenia;
- The Law “On Protection of Economic Competition”;
- Other legal acts.

The law prohibits concerted practices and abuse of dominant position, regulates merger, and deals with unfair competition and consumer protection. It also deals with rules concerning the conduct of the State Commission for the Protection of Economic Competition of the Republic of Armenia in administrative proceedings, including hearings, and the imposition of fines for violations by legal entities and natural persons. The law also defines key legislative terms concerning (a) economic competition protection; (b) a list and features of

infringements of legislation on economic competition protection; (c) liability for infringements of the legislation on economic competition protection; and (d) the order of execution of the decisions of the commission and appeal of the decision to the court. The commission decision can be appealed directly to the Economic Court of the Republic of Armenia.

**Legislation:** Law of the Republic of Armenia on the Protection of Economic Competition.

**Date of implementation:** 6 November 2006.

**Institutions:** State Commission for the Protection of Economic Competition of the Republic of Armenia.

**Location of the regional institution:** Yerevan, Republic of Armenia.

**Associated ministry or independent institution:** The commission is independent from other governmental structures. It is independent within the scope of its competence (The chair of the commission participates with an advisory vote in government sessions and makes written comments concerning the issues that will be entered into minutes of the sessions).

**Merger provisions:** The Law on Protection of Economic Competition contains provisions (Chapter 4 (8, 9, and 10)) that address concentrations of economic entities. Subjects dealt with include mergers, acquisitions and collusion of economic entities.

**Relationship with sector regulators:** There is no legal bond between the commission and sector regulators. Yet, the commission often requires vital information and comments from another state agency or sector regulator in order to successfully develop a case (e.g. Public Services Regulatory Commission of the Republic of Armenia, Ministry of Transport and Communication, etc).

**Sectoral regulations:**

- Public Services Regulatory Commission of the Republic of Armenia;

- The National Commission of Television and Radio.

**International cooperation agreements containing competition provisions entered into:**

- Agreement on Partnership and Collaboration between the Republic of Armenia and the European Community (entered into force in 1999);
- Contract on “Maintaining Agreed Anticompetitive Policy” between the Commonwealth of Independent States member countries (entered into force in 2000);
- Contract on “Collaboration in the Sphere of Competitive Policy between the Government of the Republic of Armenia and Cabinet of Ministries of Ukraine” (entered into force in 2004).

**Contact details:**

14 Koryun Str.  
Yerevan, 0009  
Republic of Armenia  
Tel: (37410) 545 639, Fax: ((37410) 545 638  
E-mail: [info@competitionpolicy.am](mailto:info@competitionpolicy.am)  
Website: [www.competitionpolicy.am](http://www.competitionpolicy.am)



## Australia



### **Background information:**

The Australian Competition and Consumer Commission (ACCC) is an independent commonwealth law enforcement agency. It was formed in 1995 following a merger of the Trade Practices Commission and the Prices Surveillance Authority to protect the rights of consumers and business. It does this by encouraging vigorous competition in the marketplace and enforcing consumer protection and fair trading laws, in particular the Trade Practices Act 1974 (TPA). The Australian Energy Regulator (AER) is an independent statutory authority and a constituent part of ACCC, and is responsible for the economic regulation of Australian energy markets and compliance with the electricity and gas rules at a national level.

TPA makes certain anticompetitive and unfair conduct illegal. ACCC enforces TPA through instituting legal proceedings in the federal court against businesses that have contravened TPA. In addition to enforcing the law, ACCC provides information and education to businesses and consumers about the laws it administers.

Besides promoting competition and fair trade in the marketplace to benefit consumers, business and the community, ACCC also regulates national infrastructure services. Its primary responsibility is to ensure that individuals and businesses comply with the commonwealth competition, fair trade and consumer protection laws.

ACCC and AER have roles covering competition in network industries: communications, energy, post and transport. Access regulation is used as a means to promote competition.

ACCC is also involved in various forms of monitoring. The products and sectors monitored are diverse. The nature and purpose of the monitoring is different. ACCC is the only national law enforcement

agency with responsibility for administering TPA and related legislation. In fair trade and consumer protection, its role complements that of the state and territory consumer affairs agencies that administer the mirror legislation of their jurisdictions.

**Legislation:** Trade Practices Act 1974 and related legislation.

**Date of implementation:** 1 October 1974.

**Institutions:** ACCC, Australian Competition Tribunal, and National Competition Council.

**Location:** The National Office is in Canberra with state offices in Sydney, Melbourne, Adelaide, Brisbane, Perth, Hobart, Darwin and Townsville.

**Associated ministry:** Department of Treasury.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:** Australian Communications and Media Authority.

**International cooperation agreements containing competition provisions entered into:** For international cooperation agreements please see <http://www.accc.gov.au/content/index.phtml/itemId/255435>.

**Contact details:**

**Mr. Brian Cassidy**  
Chief Executive Officer  
ACCC  
Tel: + 61 2 6243 1111  
Fax: + 61 2 6243 1199  
Website: [www.accc.gov.au](http://www.accc.gov.au)





## Azerbaijan



### **Background information:**

The first authority in the country responsible for the conduct of antimonopoly policy was established in 1992 as the State Committee for Antimonopoly Policy and Support for Entrepreneurship of the Azerbaijan Republic. According to the decree of the president of Azerbaijan of 11 June 2001 about the formation of the Ministry of Economic Development, the committee was reorganized into the Department of Antimonopoly Policy of the Ministry of Economic Development. According to the decree of the president of 28 December 2006, the Department of Antimonopoly Policy of the Ministry of Economic Development was reorganized into the State Antimonopoly Service under the auspices of the Ministry of Economic Development. The activities of the State Antimonopoly Service are guided by antimonopoly and competition legislation. Currently, the new State Antimonopoly Service Competition Code is soon to be adopted by Parliament, having already passed the first review.

### **Legislation:**

- The Law of the Azerbaijan Republic on Antimonopoly Activity, 4 March 1993;
- The Law of the Azerbaijan Republic on Unfair Competition, 2 June 1995;
- The Law of the Azerbaijan Republic on Advertising, 24 November 1997;
- The Law of the Azerbaijan Republic on Natural Monopolies, 15 December 1998.

**Institutions:** State Antimonopoly Service.

**Location:** Azerbaijan.

**Associated ministry:** Ministry of Economic Development.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:** N/A.

**International cooperation agreements containing competition provisions entered into:** Commonwealth of Independent States.

**Contact details:**

**Mr. Samir Dadashov**

Head

State Antimonopoly Service

Under the auspices of the Ministry of Economic Development

Tel: +99412 43737373

Fax: +99412 4372727

Website: [www.antimonopoly.az](http://www.antimonopoly.az)

## Barbados



**Background information:**

The Fair Trading Commission assumed regulatory responsibilities on 2 January 2001 pursuant to the enactment of the Fair Trading Commission Act, CAP. 326B. The Commission is responsible for the enforcement of the provisions of the Fair Competition Act CAP. 326C, the Utilities Regulation Act, CAP. 282, the Telecommunications Act, CAP. 282B, and the Consumer Protection Act, CAP. 326D. The Fair Competition Act is applicable to all sectors of the economy. The Fair Trading Commission's functions include preventing anticompetitive conduct and undertaking competition advocacy to address impediments to competition. The commission also has the power to authorize certain agreements and conduct. The Minister of Commerce, Consumer Affairs and Business Development has powers to exempt certain businesses or activities. All provisions of the act are amenable before the High Court.

**Legislation:** Fair Competition Act CAP. 326C.

**Date of implementation:** 3 January 2003.

**Institution:** Fair Trading Commission.

**Location:** St. Michael.

**Associated ministry:** Ministry of Commerce, Consumer Affairs and Business Development.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Responsible for sector-specific regulation:

- Telecommunications;
- Utilities.

**Sector regulators:**

- Securities commission;
- Central bank;
- Supervisor of insurance.

International cooperation agreements containing competition provisions entered into: CARICOM.

**Contact details:**

**Mr. DeCoursey Eversley,**  
Director Fair Trading Commission  
Manor Lodge  
Lodge Hill  
St. Michael  
Barbados  
Tel: +1 246 424 0260  
Fax: +1 246 424 0300  
Website: [www.ftc.gov.bb](http://www.ftc.gov.bb)  
General enquiries: [info@ftc.gov.bb](mailto:info@ftc.gov.bb)



## Belarus



### **Background information:**

The antimonopoly legislation of Belarus is based on two laws: (a) the law of 1992 (with changes and amendments) on the prevention of monopoly activities and the development of competition; and (b) the law of 2002 on natural monopolies.

The law on the prevention of monopoly activities and the development of competition prohibits the main forms of monopoly activities as well as unfair competition. It contains a system of preventing, restricting and suppressing monopoly activities, and includes different measures of state antimonopoly regulation. In their context, a number of legal acts have been elaborated and are subject to constant improvement. Specific acts dealing with responsibility for the violation of the antimonopoly legislation are included in the civil code, the code on administrative offences and the penal code.

### **Legislation, date of implementation:**

- The law on the prevention of monopoly activities and the development of competition was implemented in 1992 (with changes and amendments).
- The law on natural monopolies was implemented in 2002.

**Institutions:** Ministry of Economy of the Republic of Belarus, Department of Antimonopoly and Price Policy.

**Location:** Minsk, Belarus.

**Merger regulation:** The law on the prevention of monopoly activities and the development of competition establish state antimonopoly control of the creation, reorganization and merger of subjects of economic

activity, including holding companies, unions, associations and other mergers. These measures do not apply to cases of establishment and implementation of state and other legitimate monopoly established in Belarus in accordance with the norms of legislation.

**Relationship with sector regulators:** Concurrent jurisdiction.

**Sectoral regulations:**

- Ministry of Economy: regulation in the area of prices and tariffs for services provided by holders of natural monopoly;
- Sector ministries and concerns: regulation of the activities of holders of natural monopoly.

**International cooperation agreements containing competition provisions entered into:**

- Agreement on conducting a coordinated antimonopoly policy (among members of the Commonwealth of Independent States);
- Bilateral agreements on cooperation in the area of competition policy with countries of the Commonwealth of Independent States, and Central and Eastern Europe.

**Contact details:**

**Department of Antimonopoly and Price Policy,**

Ministry of the Economy.

14, Berson str.

220050 Minsk

BELARUS

Tel/Fax: (375 172) 22 67 77

minec@economy.gov.by

## Belgium



### **Background information:**

A new Law on the Protection of Economic Competition, and a second law, instituting a new Competition Council, were enacted on 10 June 2006, and entered into force on 1 October 2006. These laws replace the original Law on the Protection of Economic Competition, which dated from 5 August 1991 (and entered into force on 1 April 1993) and had been amended several times. The new law primarily contains provisions of an institutional and procedural nature, and puts Belgian law fully in accordance with European Commission Regulation No. 1/2003 and with European Commission Merger Regulation No. 139/2004. The dual structure of the Belgian Competition Authority (Competition Service and Competition Council) is confirmed, albeit in a somewhat different composition.

The members of the Competition Service, who are civil servants with the Belgian Ministry of Economy, still conduct the investigations in cases of cartels, abuses of dominant position and merger control. In performing their duties as case handlers, they are supervised by the auditors (formerly the reporters). A director-general, in a newly created function, heads the Competition Service. Apart from conducting investigations, the Competition Service is also expected to enhance general competition policy in Belgium.

The new Competition Council consists of 12 members who, in three-judge panels, hear cases involving cartels, abuses of dominant position and mergers. The auditors, who belonged to the Competition Service, have now been integrated into the Competition Council. In addition, the chairman of the Competition Council can grant provisional measures. The Competition Council can impose fines and penalties. The new law also provides a legal basis for a leniency programme, which

since June 2004 could only be offered based on a joint notice by the Competition Council and the Body of Reporters.

In addition to deciding cases of restrictive practices and to controlling mergers, the Competition Council will become the appellate court for certain decisions by certain sector regulators (most likely, among others, the Belgian Regulator for Electronic Communications). These decisions of the Competition Council will thereafter only be subject to review by the Belgian Supreme Court.

The aforementioned decisions by the Competition Council or the chairman of the Competition Council can be appealed before the court of appeal in Brussels, which has full jurisdiction.

**Legislation:** Law on the Protection of Economic Competition (2006).

**Date of implementation:** October 1, 2006.

**Institutions:** Competition Council, Body of Auditors, Competition Service.

**Location:** Brussels.

**Associated ministry:** Federal Public Service (Ministry) of Economy.

**Merger regulation:** Yes.

**Relationship with sector regulators:** The aim is a “complementary” relationship. The Competition Council currently exerts the following tasks: (a) gives formal advisory opinions to the Belgian Federal Regulator for Electronic Communications; (b) gives informal opinions to Belgian Regional Regulators for Broadcasting; and (c) has special jurisdiction for disputes between operators of electronic communications and appellate jurisdiction for some decisions of the Belgian Regulator for Electricity and Gas (specifically, the decisions which fall under the cover of “competition-policy-like” matters). Moreover, as far as investigations in cases are concerned, cooperation is possible between the Competition Service and the Body of Auditors on the one hand, and the sector regulators on the other hand.

**List of sector regulators:**



- Belgian Institute for Postal Services and Telecommunications, Flemish Regulator for Broadcasting, and Regulator for Broadcasting in the German-Speaking Community;
- Commission for Regulation of Electricity and Gas and three regional regulators;
- Railway and Aviation Sectors: supervisory body under the supervision of the Transport Minister; and
- Banking, Finance and Insurance Commission.

**International cooperation agreements containing competition provisions entered into:**

- European Competition Network;
- European Competition Authorities.

**Contact details:**

**Mr. Stefaan Raes Steenbergen**

Chairman

Competition Council

Tel. + 32 2 277 52 72

Fax + 32 2 277 53 23

**Mr. Bert Stulens**

Auditor-general

Body of Auditors

Tel. + 32 2 277 81 78

Fax + 32 2 277 52 73

**Mr. Jacques Steenbergen**

Director-general

Competition Service

Tel. + 32 2 277 67 78

Fax + 32 2 277 52 54



## Bhutan



### **Background information:**

At present, the country does not have a competition law in place. Nevertheless, the Ministry of Trade and Industry has taken some steps to increase competition to protect consumer interests under Rule No. 6.3 of the General Guideline for Industrial and Commercial Venture in Bhutan – 1997. Under the de-monopolization scheme, the Government requires any principal company supplying goods to Bhutan to have more than one dealer in the country, in order to bring about greater competitiveness and provide better services for consumers. As a result, the prices of the commodities supplied by these companies have reduced, and consumer choice in products has increased.

As Bhutan strives to integrate itself in the global economy and develop private sectors in the country, protection of the consumers' interest in the complex market needed serious attention. In the absence of a Consumer Protection Act within the country and in the light of Bhutan's accession to the World Trade Organization, it was pertinent to draft relevant laws that are compatible with the country's level of development, and social and cultural background. Therefore, the Ministry of Trade and Industry initiated the drafting of the Consumer Protection Act in order to protect consumer rights and interests from unfair and unscrupulous trade practices in the country.

The country is currently finalizing the legislation (Consumer Protection Bill of the Kingdom of Bhutan – 2007) that would promote competition and consumer welfare.

**Legislation:** Draft Consumer Protection Bill of the Kingdom of Bhutan – 2007.

**Date of implementation:** To be submitted in the National Assembly for ratification.

**Location:** Thimphu.

**Associated ministry:** Ministry of Trade and Industry.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Mr. Sonam P. Wangdi**

Director

Department of Trade

Ministry of Trade and Industry

Thimphu

Bhutan

Tel: +975 2 322108/322407

Fax: + 975 2 321338

Website: [www.economie.fgov.be](http://www.economie.fgov.be) > market regulation > competition

## Bolivia



### **Background information:**

According to the scope of decision 608 of the Andean Community, Bolivia does not have a competition law with restrictive efficacy. Furthermore, at the national level, the plan for the Law in Defense and Promotion of Free Competition (Ley de Defensa y Promoción de la Libre Competencia) has been submitted to the National Congress for discussion. It will then be submitted to the Constituent Assembly. This normative law would harmonize the application of competition regulation in regulated and non-regulated sectors of the Bolivian economy. It would establish a legal framework for public order, create an Agency for Competition and facilitate the strengthening of the regulating supervisors that are responsible for the application and coordination of the development of a culture of competition in the national private sector.

**Draft law:** Proyecto de Ley de Defensa y Promoción de la Libre Competencia.

**Institutions:** Competition Agency and Regulating Bodies.

**Location:** La Paz, Bolivia.

### **Associated ministry or independent institution:**

- Ministerio de Producción y Microempresa.

**Merger provisions:** No.

### **Sectoral regulations:**

- Law No. 1600 del Sistema de Regulación Sectorial;
- Law No. 2427 del Sistema de Regulación Financiera;

- Law No. 1700 del Sistema de Regulación de Recursos Naturales Renovables.

**Sector regulators:**

- Superintendencias Sectoriales y Superintendencia General del Sistema de Regulación Sectorial;
- Superintendencias Sectoriales y Superintendencia General del Sistema de Regulación Financiero;
- Superintendencias Sectoriales y Superintendencia General del Sistema de Regulación de Recursos Naturales Renovables.

**Relationship with sector regulators:** The supervisors are autonomous entities.

**International cooperation agreements containing competition provisions entered into:**

- Decision 608 of the Andean Community.

**Contact details:**

**Luis Valda Aliaga**

Director General de Comercio y Exportaciones  
Ministerio de Producción y Microempresa  
luis.valda@produccion.gob.bo  
Tel./Fax: +591 2 2377222

**Alvaro Pardo Garvizu**

Técnico en Normas Nacionales  
Ministerio de Producción y Microempresa  
apardo@produccion.gov.bo  
Tel./Fax: +591 2 2377222

**Ministerio de Producción y Microempresa**

Av. Mariscal Santa Cruz  
Palacio de Comunicaciones, 16th floor  
La Paz, Bolivia

## Bosnia and Herzegovina



### **Background information:**

The first Act on Competition in Bosnia and Herzegovina was adopted in 2001. This act was not in compliance with the European legislation (*acquis communautaire*). Therefore, the Parliamentary Assembly adopted a completely new Act on Competition in 2005 (Official Gazette No. 48/05). In accordance with the Act on Competition, the Council of Competition is the body responsible for the protection of competition. The Council of Competition is also responsible for deciding whether the Act on Competition has been violated. Decisions of the Council of Competition should contain recommendations and/or sanctions and other measures to be performed by an undertaking. Activities of the Council of Competition include (a) prohibition of anticompetitive agreements, which restrict or distort competition in a relevant market; (b) elimination of any abuse of dominant position in the market; and (c) assessment of the impact of mergers and acquisitions on competition. An intended merger application has to be filed with the Council of Competition and is subject to the approval by the Council of Competition. The council examines whether the combined aggregate worldwide turnover of all undertakings concerned in the preceding financial year is more than KM100 million (approximately €51 million) and at least one undertaking is incorporated in Bosnia and Herzegovina. The turnover of each of at least two undertakings concerned in Bosnia and Herzegovina is of at least KM5 million (approximately €2.6 million), or the combined aggregate share in the relevant market of all undertakings concerned is more than 40 per cent.

**Legislation:** The Act on Competition.

**Date of implementation:** 27 July 2005.

**Institutions:**

- Council of Competition of Bosnia and Herzegovina;
- Court of Bosnia and Herzegovina.

**Location:** Sarajevo.

**Associated ministry:** Ministry of Foreign Trade and Economic Relations.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**Sector regulators:**

- Communications Regulatory Agency;
- State Electricity Regulatory Commission.

**International cooperation agreements containing competition provisions entered into:** European Union.

**Contact details:**

**Council of Competition of Bosnia and Herzegovina**

Radiceva 8  
71000 Sarajevo  
Tel: +387 33 251 406  
Fax: +387 33 251 408  
E-mail: kontakt@bihkonk.gov.ba  
Website: www.bihkonk.gov.ba

**Court of Bosnia and Herzegovina**

Kraljice Jelene 88  
71000 Sarajevo  
Tel: +387 33 707 100  
Fax: +387 33 707 224  
E-mail: pios@registrarbih.gov.ba  
Website: www.sudbih.gov.ba



## Brazil



### **Background information:**

The Brazilian Competition Policy System (BCPS) is composed of the Secretariat for Economic Monitoring (SEAE), the Secretariat of Economic Law (SDE) and the Administrative Council for Economic Defence (CADE). SEAE and SDE have analytical and investigative functions while CADE is an administrative tribunal. CADE's decisions can only be reviewed by the courts. Amongst the several amendments introduced to the Brazilian Antitrust Law, the most relevant took place in 2000, which granted SEAE and SDE substantive investigative powers, including the possibility of organizing search and seizure procedures to collect evidence at firms' premises, as well as entering into leniency agreements. Law No. 8.137 of 1990 establishes that cartels and other anticompetitive conducts can also be prosecuted at the criminal level, separately from the administrative investigation. Congress is currently considering further amendments with respect to the institutional framework and the merger review provisions, as well as some changes on procedures.

**Legislation:** Law No. 8.884/94. (As amended: 1995, 1997, 1999, 2000, 2004, 2006).

**Date of implementation:** 13 June 1994.

### **Institutions (and location):**

- Secretary of Economic Monitoring of the Ministry of Finance, (SEAE/MF) Brasilia, Rio de Janeiro and São Paulo;
- Secretary of Economic Law of the Ministry of Justice (SDE/MJ) Brasilia;
- Council for Economic Defence (CADE) Brasilia.

**Associated ministry or independent institution:**

- SEAE: subordinated to the Ministry of Finance;
- SDE: subordinated to the Ministry of Justice; and
- CADE: associated with the Ministry of Justice.

**Merger provisions:** Yes.

**Sector regulators:** Water Regulator; Civil Aviation Regulator, Telecommunications Regulator, Cinema Regulator, Electric Energy National Regulator, Petrol Regulator, Supplementary Private Health Care Regulator, Aquatic Transports Regulator, Terrestrial Transports Regulator, Sanitary Vigilance Regulator and the Central Bank of Brazil

**International cooperation agreements containing competition provisions entered into:** Regional cooperation agreement: Southern Common Market (MERCOSUR).

**Bilateral agreements:** agreement between Brazil and the United States of America, 1999; agreement between Brazil and the Russian Federation, 2001; agreement between Brazil and Argentina, 2003; protocol between CADE, SDE and SEAE and the Portuguese Antitrust Authority, 2005; cooperation agreement between the Federal Antimonopoly Service of Russia and CADE, SDE and SEAE, 2006.

**Contact details:**

**Mariana Tavares de Araujo**  
Competition Department, Head  
Secretariat of Economic Law,  
Ministry of Justice: SDE  
Tel.: +55 +61 3429-3514  
Fax: +55 +61 3226-5772  
E-mail: mariana.araujo@mj.gov.br  
Website: www.mj.gov.br/sde/

**Eduardo Freitas Alvim**  
Competition Department  
Legal Assistant  
Secretariat of Economic Law,  
Ministry of Justice  
Tel.: +55 +61 3429-3617  
Fax: +55 +61 3226-5772  
Email: eduardo.alvim@mj.gov.br



## Canada



### **Background information:**

The Competition Bureau is an independent law enforcement agency responsible for the administration and enforcement of the Competition Act. Its role is to promote and maintain fair competition so that all Canadians can benefit from competitive prices, product choice and quality services. Headed by the Commissioner of Competition, the organization investigates anticompetitive practices and promotes compliance with the laws under its jurisdiction. The basic operating assumption of the Competition Bureau is that competition is good for both businesses and consumers. Under the Competition Act, the commissioner can launch inquiries, intervene as a competition advocate before federal and provincial bodies, challenge civil and merger matters before the Competition Tribunal (<http://www.ct-tc.gc.ca>) and make recommendations on criminal matters to the Attorney General of Canada. The bureau works with competition agencies around the world to counter anticompetitive practices that cross borders. It also works with other countries through international organizations such as the Organization for Economic Cooperation and Development (OECD) and the International Competition Network (ICN) to develop and promote coordinated competition laws and policies in an increasingly globalized marketplace.

More information on the Competition Bureau and Canadian competition policy can be found on the Bureau's web site at:

<http://www.cb-bc.gc.ca>

### **Legislation:**

- Competition Act (R.S., 1985, c. C-34);
- Consumer Packaging and Labelling Act. 1970–71–72, c. 41, s.1;

- Textile Labelling Act. R.S., c. 46(1st. Supp.), s. 1;
- Precious Metals Marking Act. R.S., c. P-19, s. 1.

**Institution:** Competition Bureau.

**Associated ministry:** Industry Canada.

The Competition Bureau recognizes the importance of international cooperation and coordination. The Bureau has entered into the following cooperation instruments to enhance its ability to combat cross-border anticompetitive practices:

- Canada has entered into formal State-to-State cooperation agreements with the United States, the European Community, Mexico and Japan. In addition, the bureau has entered into agency-to-agency arrangements with the competition authorities in Australia, New Zealand, Chile, the United Kingdom and the Republic of Korea.
- Canada has also included competition provisions in completed free trade agreements with The North American Free Trade Agreement, Israel, Chile and Costa Rica.
- On the consumer enforcement side, the bureau has signed information sharing protocols with the United States Federal Trade Commission, the United Kingdom Office of Fair Trading, and the Australian Competition and Consumer Commission. The bureau is also a member of six regional partnerships designed to combat deceptive cross-border marketing practices.

**Contact:**

**Commissioner of Competition**

scott.sheridan@cb-bc.gc.ca

Tel: 819 997 3301

Fax: 819 953 5013

## Chile



**Background information:**

The **Tribunal de Defensa de la Libre Competencia**, the Competition Tribunal, was created by Law No. 19.911 of 2003. It is a special and independent court of law composed of three lawyers and two economists, and deals exclusively with competition matters. The tribunal assumed its duties on 13 May 2004. These are to prevent, correct and sanction anticompetitive conduct. Its rulings are subject to review by the Supreme Court of Justice.

The **Fiscalía Nacional Económica**, the Enforcement Agency, was created by Decree Law No. 211 of 1973. Its chairman, the National Prosecutor (Fiscal Nacional Económico), is appointed by the President of the Republic. The main duties of the agency are the detection, investigation and prosecution of the infringements to the competition statute, before the Competition Court and the Supreme Court of Justice. The agency also serves as an expert reporter by requirement of the Competition Court in cases not initially prosecuted by the agency. Finally, the agency also has a function in competition advocacy in front of regulators and the community. About 50 civil servants work in the agency.

**Legislation:** DL 211, 1973, as amended (currently reenacted in DFL No. 1, March 2005).

**Date of implementation:** 1973; last reform, Law No. 19.911 of 2003.

**Location of the institutions:** Santiago.

**Associated ministry or independent institution:** Ministry of Economy.

**Merger provisions:** Prior voluntary consultation procedures available.

**Some sector regulators:**

- Superintendencia de Servicios Sanitarios;
- Subsecretaría de Telecomunicaciones;
- Superintendencia de Electricidad y Combustibles;
- Comisión Nacional de Energía;
- Superintendencia de Valores y Seguros;
- Superintendencia de Bancos e Instituciones Financieras.

**International cooperation agreements containing competition provisions entered into:**

Free Trade Agreements with the European Union, United States, Canada, EFTA, Republic of Korea, among others; three cooperation agreements between enforcement agencies (Canada, Mexico, Costa Rica).

**Contact details:**

**Tribunal de Defensa de la Libre Competencia:**

Sr. Eduardo Jara Miranda  
President  
ejara@tdlc.cl



**Fiscalía Nacional Económica:**

Sr. Enrique Vergara Vial  
National Prosecutor  
evergara@fne.cl



**Sra. Mónica Salamanca**

Head of International  
Affairs Department  
msalamanca@fne.cl  
Tel.: + 56-2-7535601  
Fax.: +56-2-7535607  
Web site: www.fne.cl

**Sr. Jaime Barahona Urzúa**

Deputy National prosecutor  
jbarahona@fne.cl

## Colombia



### **Background information:**

The Superintendence of Industry and Trade (SIT) is the main authority in charge of the enforcement of competition law in Colombia. Some other government agencies perform that function in fields such as the financial and insurance markets as well as television and public utilities. Nevertheless, SIT is the government agency responsible for enforcing competition law in all other markets.

SIT exercises two types of powers: repressive and preventive. Regarding the former, the agency investigates and decides cases on abuse of dominant position, cartels and concentrations implemented without notification. As regards the latter, the agency reviews transactions leading to concentrations when they require prior notification and clearance (mergers, acquisitions or any other deal having concentration effects) before they can be implemented.

Regarding the repressive control, the Deputy Superintendent of Competition Promotion is the official in charge of starting and conducting an investigation. He can do that either at his own discretion or because somebody (corporation, natural person or a public agency) files a complaint.

Once the investigation is concluded, the superintendent will decide whether or not the investigated firms should be penalized or if the file should be closed.

In the preventive field, the superintendent will decide whether a deal raises competition concerns. If he finds grounds to object it, he should do so. Alternatively, the superintendent can make a decision subject to conditions. On the other hand, if the transaction under consideration does not pose competition concerns, the superintendent can declare it so that the operation can proceed.

The superintendent has two other legal powers. Firstly, he can impose interim measures after an initial investigation. It may be appropriate in order to restore or maintain competition from the beginning of an investigation. Secondly, he can accept investigated parties offer of commitments regarding their future conduct. If those commitments reasonably appear to be appropriate to restore competition, SIT can finish an investigation earlier.

**Legislation:** The general free competition regime is established by Law 155 of 1959 and Decree 2153 of 1992.

**Date of implementation:** 22 January, 1960.

**Institutions:** Superintendencia de Industria y Comercio; Superintendencia de Servicios Públicos Domiciliarios; Superintendencia Financiera (Sistema Financiero, Asegurador y Valores); Comisión Nacional de Televisión; Departamento Administrativo de la Aeronáutica Civil.

**Location:** Bogotá.

**Associated ministry:** Superintendencia de Industria y Comercio attached to the Ministerio de Comercio, Industria y Turismo; Superintendencia de Servicios Públicos Domiciliarios attached to the Departamento Nacional de Planeación; Superintendencia Financiera attached to the Ministerio de Hacienda y Crédito Público.

**Merger regulation:** Yes.

**Sectoral regulators:** Agencia Nacional de Hidrocarburos; Comisión de Regulación de Energía y Gas; Comisión de Regulación de Agua; Comisión de Regulación de Telecomunicaciones; Comisión Nacional de Televisión; Aeronáutica Civil; Ministry in each sector.

**International cooperation agreements containing competition provisions entered into:** The Andean Community.



**Contact details:**

**Superintendencia de Industria y Comercio**

Carrera 13 No. 27-00 Mezanine

**Mr. Jairo Rubio Escobar**

Superintendente de Industria y Comercio

Teléfono (57 1) 334 20 35

Fax (57 1) 382 26 96

E-mail: [superintendente@sic.gov.co](mailto:superintendente@sic.gov.co)

**Mr. Guillermo Jiménez**

Superintendente Delegado para

Promoción de la Competencia

Teléfono (57 1) 382 26 72

Fax (57 1 ) 382 26 98

Email: [gjimenez@correo.sic.gov.co](mailto:gjimenez@correo.sic.gov.co)

<http://www.sic.gov.co>



## COMESA



### **Background information:**

The Common Market of Eastern and Southern Africa (COMESA) has adopted a regional competition law, the COMESA Competition Regulations, under Article 55 of the treaty establishing the organization. The law will address competition issues of a regional nature – involving or having an impact in more than one COMESA member State. The COMESA Competition Regulations provide for mergers and acquisitions and their notification and control, control of anticompetitive business practices, and have strong consumer protection provisions. The regional law will be implemented by the COMESA Competition Commission to be established as a corporate body with a legal framework. The COMESA Competition Commission will work closely with national competition authorities in the implementation of competition law and policy across the region. As competition law and policy is just beginning to be known as an important economic policy instrument, especially in market economies and in economic integration, the commission will, in its early years, undertake extensive awareness, information and educational campaigns to as many stakeholders as possible in the region.

The Commission will have a secretariat (commission) to undertake investigations and issue initial determinations, and a Board of Commissioners, which will review the initial determinations by the commission. To ensure due process, cases can be determined by the COMESA Court of Justice on appeal of the Board's decision. The Board of Commissioners is expected to be appointed before the end of 2007.

**Legislation:** The COMESA Competition Regulations.

**Date of implementation:** 2007. Nomination of persons for appointment to the Board of Commissioners currently under way.

**Institutions:** COMESA Competition Commission and Board of Commissioners of the COMESA Competition Commission.

**Location (expected seat):** In one of the member States of COMESA.

**Associated institution:** COMESA Court of Justice.

**Merger regulation:** Included, as is consumer protection.

**List of sector regulators:** COMESA-Southern Africa Development Community-East Africa Community Air Transport Regulatory Board.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Mr. Erastus J. O. Mwencha**

Secretary-General

COMESA

Tel: +260-211-229725-32

Fax: +260-211-225107

sg@comesa.int

**Mwansa James Musonda**

Desk Officer

Senior Trade Advisor

jmusonda@comesa.int

## Costa Rica



### **Background information:**

Costa Rica's legislation on competition consists in general of: (a) article 46 of the Constitution and Law No. 7472 of December 20, 1994; and (b) the Law on Promotion of Competition and Effective Defense of Consumers, published in the Official Journal *La Gaceta* on 19 January 1995. The conditions for regulating competition are guaranteed by the Political Constitution of the Republic, Article 46, which prohibits monopolies of a particular type and practices "restricting the freedom of trade, agriculture and industry".

**Legislation:** National Constitution, Section 46; Act No. 7472, 20 December 1994, Law of Promotion of Competition and Effective Defense of Consumers, Implementing Regulation of the Act 7472.

**Law amendments:** Act No. 8343, created the Commission for Deregulation.

**Date of implementation:** 19 January 1995.

### **Institutions:**

- Ministry of Economy; Commission for Promotion of Competition;
- The National Commission for the Consumers;
- The Commission for Deregulation.

**Location:** Moravia, San José de Costa Rica.

**Associated ministry or independent institution:** Body of Maximum Deconcentration under the Ministry of Economy, Industry and Trade.

**Merger provisions:** Yes, section 16.

**Sectoral regulations:** Workers Protection Act No. 7523 for the specific case of pension operator companies mergers and their regulations.

**Sector regulators:** National Authority of Public Services; Superintendence of Banks; Superintendence of Stocks Market; and Superintendence of Pensions.

**Relationship with sector regulators:** None, except for the Workers Protection Act No. 7523 for the specific case of pension operator companies mergers and their regulations.

**International cooperation agreements containing competition provisions entered into:** free trade agreements with the countries of Central America, Chile, Dominican Republic, Mexico, Canada and the Caribbean Community. Recently, Costa Rica has concluded negotiations with the United States to implement a free trade agreement. However, the free trade agreement has not yet been approved by the United States Congress.

**Contact details:**

**Isaura Guillén,**

Executive Director of Technical Support Unit.

Website: [www.coprocom.go.cr](http://www.coprocom.go.cr)



## Croatia



### **Background information:**

Pursuant to the obligations under the Stabilization and Association Agreement (SAA) between the European Union and the Republic of Croatia, competition policy, including antitrust and state aid, is one of the top priorities for the Government of Croatia. Regarding those obligations, a new Competition Act was adopted on 21 July 2003. In April 2004, there followed the adoption of four regulations (Regulation on Notification and Assessment of Concentrations, Regulation on the Definition of Relevant Market, Regulation on Block Exemption Granted to Certain Categories of Vertical Agreements, Regulation on Agreements of Minor Importance). By the end of 2004, three more regulations were adopted (Regulation on Block Exemption Granted to Agreements on Distribution and Servicing of Motor Vehicles, Regulation on Block Exemptions Granted to Certain Categories of Horizontal Agreements and Regulation on Transfer of Technology Agreements, Licensing and Know-how). With the adoption of the last in the package of regulations, Regulation on Block Exemptions Granted to Certain Categories of Insurance Agreements, in April 2005, the legal framework in the field of competition is largely in line with the European Union. For further information, please see the English translation of the Competition Act and the regulations on the Agency's website [www.aztn.hr](http://www.aztn.hr). In 2003, the jurisdiction of state aid was given to the Croatian Competition Authority (CCA) by the Government, and the State Aid Act and the Decree on State Aid were adopted in the same year. In 2004, the council adopted a regulation determining the form, contents and method of collection of data and keeping account of state aid. Following the obligations related to the integration process into the European Union, the Adjustment Programme of the Croatian State Aid System to the European Union State Aid System and the Alignment

Programme of the Existing State Aid Schemes to the Criteria Stipulated in Article 70 (2) of the SAA were adopted. In November 2005, a new State Aid Act was adopted, largely in line with the European Commission *acquis*, and in April 2006, a new Regulation on State Aid was adopted.

**Legislation:** The Competition Act and Relevant Regulations.

**Date of implementation:** 01 October 2003.

**Institutions:** Croatian Competition Agency; Misdemeanour Courts; High Misdemeanour Court; Administrative Court.

**Location:** Zagreb.

**Associated ministry:** CCA is independent from any governmental body; it reports to the Parliament.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**Sector regulators:**

- Croatian Telecommunication Agency (HAT);
- Croatian Energy Regulatory Agency (HERA);
- Croatian National Bank (HNB);
- Croatian Financial Services Supervisory Agency (HANFA);
- Council for Electronic Media, etc.

**International cooperation agreements containing competition provisions entered into:** Stabilization and Association Agreement with the European Union.

**Contact details:**

- **Croatian Competition Agency**  
Savska 41, 10 000 Zagreb, Croatia  
Tel: +385 1 6176 448  
Fax: +385 1 6176 450  
Website: [www.aztn.hr](http://www.aztn.hr)



## Czech Republic



**Background information:**

The Office for the Protection of Competition, established in 1991, is a central body of state administration, independent in its decision-making. The office is headed by a chairman, nominated by the Government and appointed by the President of the Republic. The office is the only administrative body authorized to judge possible infringements of the Protection of Competition Act in all sectors.

There are three main areas of the office's competences. Firstly, it deals with antitrust issues, including protection of competition against distortion by cartel agreements, abuse of dominant position and concentration of undertakings. Secondly, as of 1 January 1995, the office executes surveillance over the public procurement. Thirdly, as of 1 May 2000, the office also provides surveillance over provision of state aid. All final decisions issued by the office can be appealed to the court.

**Legislation:** Act No. 143/2001 Coll. on the Protection of Competition and on Amendment to Certain Acts (Act on the Protection of Competition) as amended.

**Date of implementation:** 4 April 2001.

**Institutions:** Office for the Protection of Competition.

**Location:** Brno.

**Associated ministry:** None.

**Merger regulation:** Yes.

**Relationship with sector regulators:** The cooperation with the Telecommunications Regulator is governed by law and further empowered by the Memorandum of Cooperation. The cooperation with the Energy Regulator is not enacted under the law. The competencies of the Competition Authority and Regulators are clear-cut and no overlap occurs.

**List of sector regulators:**

- The Czech Telecommunication Office (CTU);
- Energy Regulatory Office (ERU).

**International cooperation agreements containing competition provisions entered into:** Czech Republic is a member of the European Union.

**Contact details:**

**Office for the Protection of Competition**

Jostova 8

601 56 Brno

Czech Republic

Phone

+420 542161233

+420 542161288

E-mail: [posta@compet.cz](mailto:posta@compet.cz)

## Denmark



**Background information:**

The Danish Competition Authority is an independent authority responsible for matters related to competition, energy regulation, public procurement and state aid. The authority is the secretariat of the Danish Competition Council and the Danish Energy Regulatory Authority. The Danish Competition Authority performs a number of tasks in cooperation with the Directorate General for Competition of the European Commission. As in many other countries and in the European Union, the Danish Competition Act is based on the principle of prohibition. The act is “full-fledged”, i.e. based on the principle of prohibition, and includes merger control.

**Legislation:** Consolidated Competition Act No. 785 of 8 August 2005.

**Date of implementation:** The act was originally implemented on 1 January 1998 (Competition Act No. 384 of 10 June 1997).

**Institutions:** The Competition Authority, the Competition Council and the Competition Appeals Tribunal.

**Location:** Copenhagen.

**Associated ministry:** Ministry of Economic and Business Affairs.

**Merger regulation:** Yes.

**Relationship with sector regulators:** The Danish Competition Authority is secretariat for the Danish Energy Regulatory Authority.

**List of sector regulators:** Danish Energy Regulatory Authority (DERA).

**International cooperation agreements containing competition provisions entered into:**

- European Commission;
- Nordic Countries.

**Contact details:**

**Mrs. Agnete Gersing**

General Director

The Danish Competition Authority

Tel: +45 7226 8001

Fax: +45 3332 6144

Website: [www.ks.dk/english](http://www.ks.dk/english)

**Mr. Ole Skotner**

Head of Management Secretariat

The Danish Competition Authority

Tel: +45 7226 8006

Fax: +45 3332 6144

## Dominican Republic



**Background information:**

In the Dominican Republic, the right to free competition is enshrined in the constitution. In addition, since the 1990s there exists a group of laws and treaties whose goal is to defend and promote competition. Among these laws is the law that regulates the electric, telecommunications and financial sectors. In addition, there exists antidumping regulation as well as a law on industrial property. However, there is not yet a general competition law, nor is there yet a competition authority.

In April of 2004, the Secretary of State of Industry and Commerce submitted to the Senate a law in defence of competition. It was amended and reintroduced in May of 2006. It is hoped that it will be approved by the new Congress, which meets in late August.

**Legislation:** The proposed law contains clauses to promote a culture of competition, to regulate competition, and to prohibit agreements and other practices that go against free competition. It also would create a regulatory organization, the national commission in defense of competition.

**Date of implementation:** Not yet in effect.

**Institutions:** The new competition law is expected to create La Comisión Nacional de Defensa de la Competencia.

**Location:** Santo Domingo.

**Merger provisions:** No.

**Sector regulators:**

- Instituto Dominicano de las Telecomunicaciones (INDOTEL);
- Comisión Nacional de Energía y Superintendencia de Electricidad;
- Banco Central de la República Dominicana;
- Comisión Reguladora de Prácticas Desleales de Comercio y Medidas de Salvaguarda;
- Oficina Nacional de la Propiedad Industrial (ONAPI);
- Oficina Nacional de Derechos de Autor (ONDA).

**International cooperation agreements containing competition provisions entered into:**

- United States and Central America;
- Caribbean Community (CARICOM).

**Contact details:**



**SECRETARIA DE ESTADO  
DE INDUSTRIA Y COMERCIO**

**Secretaría de Estado de Industria y Comercio**

Lic. Magdalena Gil de Jarp

Tel: 809-685-5171 Ext. 227

E-mail: [magdalena.gil@seic.gov.do](mailto:magdalena.gil@seic.gov.do)

## Egypt



### **Background information:**

The new Competition Law entered into force in February 2005 and sets out rules for businesses in relation to persons conducting economic activities in general. The law applies to natural persons and juristic persons, economic entities, federations and financial leagues. The law also applies to acts committed in other countries if they result in preventing or restricting the freedom of competition or prejudicing it in Egypt, provided that they constitute violations under the Egyptian Competition Law. The Law does not apply to (a) public utilities managed by the State, and (b) agreements concluded by the Government for the purpose of applying sale prices of one or more basic products as determined by a decree of the Cabinet of Ministers. The law does not provide for merger control. However, the Competition Authority is responsible for receiving post-merger notifications. These notifications are to be submitted to the authority within 30 days from the date of concluding the procedures of a merger or an acquisition. The law prohibits restrictive horizontal practices (Article 6), restrictive vertical practices (Article 7) and abuse of a dominant position (Article 8). Any violation of the provisions of Articles 6, 7 or 8 shall attract a fine of not less than 30,000 Egyptian pounds and not more than 10 million Egyptian pounds. The final court decision of conviction is to be published in the *Official Gazette* and two daily newspapers at the expenses of the convicted person. The person in charge of the actual management of the violating firm shall be liable for the same penalties prescribed for the acts perpetrated in violation of the provisions of the law, if it is proved that he/she knew about these acts but did not stop them from happening. The firm will be held jointly responsible for paying the financial penalties if the violation was caused by one of its employees, in the name or in the favour of the firm.

**Legislation:** The Law No. 3 of 2005 Concerning the Protection of Competition and the Prohibition of Monopolistic Practices.

**Date of implementation:** 15 February 2005.

**Institutions:** The Egyptian Competition Authority.

**Location:** Cairo.

**Associated ministry:** The Prime Minister (powers are delegated to the Minister of Trade and Industry).

**Merger regulation:** No merger control, however, the law provides for post-merger notification.

**Relationship with sector regulators:** The law did not provide for ways of coordination. Certain sector regulators have the authority to receive and examine complaints relating to competition matters.

**List of sector regulators:** Not available.

**International cooperation agreements containing competition provisions entered into:**

- The European Union Partnership Agreement;
- The COMESA Agreement.

**Contact details:**

- **Dr. Mona Yassine**  
Commissioner  
Egyptian Competition Agency  
Phone: +202 7617888  
Fax: +202 7619981  
Website: [www.eca.org.eg](http://www.eca.org.eg)





## El Salvador



### **Background information:**

El Salvador's Competition Law discussions in Congress commenced in the early 1990s. Various political parties, private sector associations and civil society groups presented Competition Law proposals to the Congress. It was not until November 2004 that the Competition Law was approved in Congress, sanctioned by the President of the Republic on 22 December 2004 and published in the National Gazette number 524 file number 365 on 23 December 2004. The entry into force of the law was set for 1 January 2006, giving a year to create the Competition Superintendence, the institution that is in charge of applying the law, and adapt the environment for an effective operation of the Competition Law.

The Competition Superintendence is a *publici juris* institution, with a legal status and its own equity as a technical institution with administrative and budgetary autonomy to exercise the attributions and duties set forth in the Competition Law, as well as all other applicable provisions.

The functions of the Competition Superintendence are focused on law enforcement and advocacy. Law enforcement includes investigating anticompetitive conduct such as agreements between competitors, agreements between noncompetitors and abuse of dominance. In addition, it is responsible for assessing the impact of mergers and acquisitions on competition that goes beyond the thresholds set in the law. On the advocacy side, its main objective is to create a competition culture in El Salvador.

**Legislation:** Ley de Competencia.

**Date of implementation:** 1 January 2006.

**Institutions:** Competition Superintendence.

**Location:** Antiguo Cuscatlán, El Salvador.

**Associated ministry:** Independent institution.

**Merger regulation:** Yes, per se authorization.

**Relationship with sector regulators:** Competition issues.

**List of sector regulators:**

- Electricity and Telecommunications Superintendency;
- Financial Sector Superintendency;
- Pension Funds Superintendency;
- Securities Superintendency;
- Maritime Authority;
- Civil Aviation Authority.

**International cooperation agreements containing competition provisions entered into:**

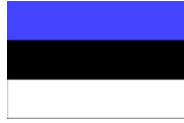
- Tribunal de Defensa de la Competencia de España (February 2007);
- Tribunal de Defensa de la Libre Competencia de Chile (May 2007);
- Fiscalía Nacional Económica de Chile (May 2007).

**Contact details:**

**Celina Escolán**  
Competition Superintendent  
Competition Superintendency  
Tel. +50325236600  
Fax. +50325236625

**Regina Vargas**  
Head of International Relations  
Competition Superintendency  
Tel. + 50325236615  
Fax.+503252336625

## Estonia



**Background information:**

The Estonian Competition Board (ECB) was established on 21 October 1993. It is a governmental agency now within the administrative jurisdiction of the Ministry of Economic Affairs and Communications. The national competition rules as well as the powers and the tasks of ECB are set in the Competition Act. Estonia's first Competition Act came into force in 1993, the second Act in 1998 and the most recent and valid Competition Act entered into force on 1 October 2001. The act has been amended many times since its adoption, the last amendments being in force since 1 July 2006.

ECB's role is to examine the conditions of competition and to investigate restrictions on its own initiative or upon receiving a request or complaint. The main tasks of ECB are: (a) to exercise supervision in respect of compliance with the Competition Act and the corresponding regulations; (b) to investigate the agreements and contracts restricting competition; (c) to process the cases of abuse of dominant position; (d) to examine the competitive situation in different relevant markets and to make proposals to improve the competitive situation; (e) to prepare measures facilitating competition and to make proposals for the adoption or amendment of legal acts; (f) to exercise control in respect of concentrations; (g) to cooperate with competition authorities of other States and alliances of States; and (h) to organize training in competition law issues and disseminate competition related information.

**Legislation:** The Competition Act of 2001, as amended.

**Date of implementation:** 1 October 2001.

**Institutions:** The Estonian Competition Board.

**Location:** Tallinn.

**Associated ministry:** Ministry of Economic Affairs and Communications.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent legislation.

**List of sector regulators:** Energy Market Inspectorate; Railway Inspectorate; Communications Board; Financial Supervision Authority; Civil Aviation Administration.

**International cooperation agreements containing competition provisions entered into:**

- European Union;
- The Competition Authorities of Lithuania and Latvia.

**Contact details:**

**Estonian Competition Board**

Lõkke 4

Tallinn 15184

Estonia

Tel: +372 680 3942

Fax: +372 680 3943

E-mail: [compet@konkurentsiamet.ee](mailto:compet@konkurentsiamet.ee)

Website: [www.konkurentsiamet.ee](http://www.konkurentsiamet.ee)

**Mr. Peeter Tammistu**

Director General

Tel: +372 680 3942

E-mail: [peeter.tammistu@konkurentsiamet.ee](mailto:peeter.tammistu@konkurentsiamet.ee)

**Ms. Aini Proos**

Deputy Director General

Tel: +372 680 3941

E-mail: [aini.proos@konkurentsiamet.ee](mailto:aini.proos@konkurentsiamet.ee)

## Finland



### **Background information:**

The Finnish Competition Authority (FCA) is responsible for competition law enforcement in Finland. It is an independent agency in decision-making, but reports its actions to the Ministry of Trade and Industry. FCA's objective is to protect sound and effective economic competition and to increase economic efficiency by promoting competition and abolishing competition restraints violating the Act on Competition Restrictions (480/1992, incl. amendment 318/2004) and the European Commission competition rules. FCA investigates competition restraints both on its own initiative and based on complaints received. Additionally, FCA controls mergers and attends to the international tasks falling under its jurisdiction.

FCA and its activities are covered in English on the FCA's home page ([www.kilpailuvirasto.fi/english](http://www.kilpailuvirasto.fi/english)). FCA's home page contains e.g. English press releases of all the major cases of international interest.

The other main bodies responsible for competition law enforcement are the Market Court and the Supreme Administrative Court. The Market Court is the first line of appeal against decisions of FCA. It is also the first instance for decisions on imposing fines and prohibiting mergers. The decisions of the Market Court can be appealed in the Supreme Administrative Court.

**Legislation:** Act on Competition Restrictions (480/1992, incl. amendment 318/2004).

**Date of implementation:** The first Competition Act came into force in 1958 and the present one on 1 May 2004 (amendment 318/2004).

**Institutions:**

- Finnish Competition Authority;
- Market Court;
- Supreme Administrative Court.

**Location:** Helsinki.

**Associated ministry:** Ministry of Trade and Industry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** FCA is the only competent authority to enforce the Competition Act in Finland. Some authorities – predominantly the Energy Market Authority and the Finnish Communications Regulatory Authority – have certain obligations to promote competition as such but the statutory basis for this obligation is different from the Competition Act.

**List of sector regulators:**

- Energy Market Authority;
- Finnish Communications Regulatory Authority (FICORA).

**International cooperation agreements containing competition provisions entered into:** As a member of the European Union, international agreements concerning EU member States are applicable in Finland as well.

**Contact details:**

**Mr. Juhani Jokinen**  
Director General  
Finnish Competition Authority  
Tel: +358 9 7314 3389  
Fax: +358 9 7314 3353  
Website: [www.kilpailuvirasto.fi](http://www.kilpailuvirasto.fi)

**Mr. Rainer Lindberg**  
Head of International Affairs  
Finnish Competition Authority  
Tel: +358 9 7314 3334  
Fax: +358 9 7314 3405  
Website: [www.kilpailuvirasto.fi](http://www.kilpailuvirasto.fi)

## Honduras



### **Background information:**

This policy gained force in Honduras with the approval of the Competition Defence and Promotion Policy, according to decree No. 357-2005, dated 4 February 2006. This law regulates economic mergers and acquisitions, and can impede abuses from dominant market position enterprises. In the same way, the law can ease the cooperation and coordination between the Commission for the Defence and Promotion of Competition (CDPC) and the sector regulators such as those for insurance and banking, as well as energy and telecommunications.

With this law, CDPC is created as an autonomous entity in charge of “promoting and defending the exercise of free competition with the means to procure the efficient market and consumer well-being process”, based on a policy to defend and protect conditions that promote market competition as the most adequate way to achieve efficiency objectives. It has, among others, the following functions: (a) to emit law project opinions and recommendations regarding agreements and treaties that have relationship with the law; (b) to investigate the existence of prohibited practices by the law, and to take the consequent measures to cease these, including corresponding sanctions; (c) to verify and investigate economical concentrations; and (d) to realize studies relative to market structure and conduct.

The Commission for the Defence and Promotion of Competition started its operations on 6 December 2006.

**Legislation:** Legislative authority: Decree 357-2005.

**Date of implementation:** 4 February 2006.

**Institutions:** The Commission for the Defence and Promotion of Competition (CDPC).

**Location:** Tegucigalpa, Honduras.

**Associated ministry:** Functional independence with budgetary dependence from Commerce and Industry Ministry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Independent regulations with cooperative and coordination mechanisms.

**List of sector regulators:**

- National Electric Energy Enterprise;
- National Telecommunications Commission;
- Potable Water Service Entity;
- Insurance and Banking National Commission.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Oscar Lanza Rosales**  
President Commissioner  
CDPC  
olanza@yahoo.com



**Rubin Ayes**  
Commissioner  
CDPC  
rubinayes@yahoo.com.ar

**Marlon Pascua Cerrato**  
Vice President Commissioner  
CDPC  
pascuamarlon@yahoo.com  
TEL 232 10 81 Fax 2394429



## India



### **Background information:**

The history of competition law in India can be traced to the Monopolies and Restrictive Trade Practices (MRTP) Act of 1969, which came into force on 1 June 1970. Its objective was to ensure that the economic system does not result in the concentration of economic power to the common detriment. The MRTP Act is to prevent monopolistic, restrictive and unfair trade practices. The economic reforms of 1991 led to a review of this law. A high-powered committee found that the act had become obsolete and there was a need to shift focus from curbing monopolies to promoting competition. A modern competition law was recommended. Consequently, in 2002, the Competition Act was enacted.

The Competition Act of 2002 prohibits anticompetitive agreements and abuse of dominant position. It also regulates combinations of enterprises. (The acquisition of enterprises or a merger or amalgamation of enterprises is considered a combination). Beyond a limit of assets and turnover stipulated in the act, parties may be notified. However, the Competition Act has not yet become fully enforceable following litigation in the Supreme Court.

Presently, the Competition (Amendment) Bill, 2006 is before the Parliament. It is expected that once it is passed, the Competition Law will become enforceable in India. Until then, the Competition Commission of India is engaged in competition advocacy with all stakeholders, such as academia, professionals and government authorities/bodies, regulators, etc. It is also being prepared for readiness as and when the enforcement provisions are notified.

**Legislation:** The Competition Act, 2002, No.12 of 2003.

**Date of implementation:** 13 January 2003 (enforcement provisions not yet notified).

**Institutions:** The Competition Commission of India.

**Location:** New Delhi.

**Associated ministry:** Ministry of Company Affairs.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Provision for receiving references for non-binding opinion of the Commission on Competition Issues.

**List of sector regulators:** Telecom Regulatory Authority of India (TRAI); Securities and Exchange Board of India (SEBI); Central Electricity Regulatory Commission (CERC); Reserve Bank of India (RBI); Insurance Regulatory and Development Authority (IRDA); and Petroleum and Natural Gas Regulatory Board (P&NGRB).

**Contact details:**

**MEMBER**

**Sh. Vinod Dhall,**  
E-mail: cci-vinodhall@nic.in  
Tel.: 91-11-26177175,  
26701605(O) 23381005 (R)  
Fax: 91-11-26169278

2) **Sh. Amitabh Kumar, IRS**  
Director General  
E-mail: cci-amitabh@nic.in  
Tel.: 91-11-26701603  
(O)/26882853(R)  
Fax: 91-11-26103853

**OFFICERS**

1) **Sh. S.L. Bunker, IDAS**  
Secretary  
E-mail: cci-bunker@nic.in  
Tel.: 91-11-26701619  
(O)/26103529(R)  
Fax: 91-11-26103859

3) **Sh. Augustine Peter, IES**  
Adviser (Economics)  
E-mail: paugustine@nic.in  
Tel.: 91-11-26701681  
(O)/25553757(R)  
Fax: 91-11-26107131

## Indonesia



**Background information:**

Law Number 5 concerning prohibition of monopolistic practices and unfair business competition was adopted in 1999. A competition authority, the Commission for the Supervision of Business Competition (KPPU) was established and has taken up work. Law No. 5 prohibits anticompetitive agreements, abuse of dominant positions and other prohibited practices, and contains rules about case handling procedure and sanctions. Law Number 5 provides for merger control (Article 28) but leaves the details for a government regulation that has not yet been adopted.

The objectives of Law No. 5 are, among others, the achievement of social welfare, equal opportunities for all citizens to participate in the process of production and marketing of goods or services in a fair, effective and efficient business environment; and an atmosphere of fair and natural competition with no concentration of economic power in the hands of certain business actors (preamble a.-c. of Law Number 5).

**Legislation:** Law Number 5 Year 1999 concerning prohibition of monopolistic practices and unfair business competition.

**Institutions:** Commission for the Supervision of Business, Competition (KPPU), Republic of Indonesia.

**Location:** Central Jakarta.

**Associated ministry:** Ministry of Trade.

**Merger regulation:** Yes, subject to subsequent government regulation.

**Relationship with sector regulators:** Not available.

**List of sector regulators:**

- Telecommunications Agency;
- Central Bank;
- Capital Market Supervisory Board.

**International cooperation agreements containing competition provisions entered into:** (in process).

**Contact details:**

- **Mr. Moh. Iqbal**  
Chairman  
Commission for the Supervision of Business Competition  
KPPU Building  
Jl. Ir. H. Juanda No. 36, Jakarta, Indonesia 10120  
Tel: +62 21 3507015/16/43  
E-mail: m.iqbal@kppu.go.id
- **Ms. Ani Pudyastuti**  
Director of Communication  
Commission for the Supervision of Business Competition  
KPPU Building  
Jl. Ir. H. Juanda No. 36, Jakarta, Indonesia 10120  
Tel: +62 21 3507015/16/43  
E-mail: anipudyastuti@kppu.go.id

## Jamaica



**Background information:**

Established in 1993, the Fair Trading Commission's functions include investigating anticompetitive conduct, consumer protection and competition advocacy to address impediments to competition. The Fair Competition Act (FCA) is a law of general application. The Minister of Commerce, Science and Technology has powers to exempt businesses or activities and Article 3 of FCA exempts a list of activities from its application. FCA does not contain sector-specific rules or exemptions. All provisions of the act are amenable before the Supreme Court. The Fair Trading Commission has adjudicative powers for selected provisions of the act. In addition to anticompetitive practices, FCA has a number of provisions relating to consumer protection measures such as misleading advertising, double ticketing, bait and switch and sale above advertised price.

**Legislation:** Fair Competition Act 1993, as amended in 2001.

**Date of implementation:** 1993.

**Institution:** Fair Trading Commission.

**Location:** Kingston.

**Associated ministry:** Ministry of Commerce, Science and Technology.

**Merger regulation:** No.

**Relationship with sector regulators:** A regulated industry defence has emerged from the jurisprudence.

**Sector regulators:**

- Securities Commission;
- Office of Utilities Regulation (OUR);
- Consumer Affairs Commission.

**International cooperation agreements containing competition provisions entered into:** Caribbean Community.

**Contact details:**

**Ms. Barbara Lee,**  
Executive Director  
The Fair Trading Commission  
52–60 Grenada Crescent  
Kingston 5  
Jamaica, West Indies  
Tel: +1 876 960 0120-4 / 876 960 2620  
Fax: +1 876 960 0763  
Website: [www.jftc.com](http://www.jftc.com)  
General enquiries: [ftc@cwjamaica.com](mailto:ftc@cwjamaica.com)



## Jordan



### **Background information:**

In 2002, the Ministry of Industry and Trade prepared a draft for the Competition Law, which is the draft that was enacted by the Government and ratified by Royal Decree on 15 August 2002 as the Provisional Competition Law No. (49) of 2002. Competition Law No. (33) was ratified as a permanent law in September 2004.

The Competition Directorate was established at the Ministry of Industry and Trade on 17 December 2002, whereby its major priority is to implement provisions of the Competition Law and provide necessary means for that purpose. It also performs a number of duties, such as working on disseminating competition culture, and conducts necessary investigations on practices that may violate provisions of the Competition Law. It also receives complaints, conducts and follows up the necessary investigations regarding practices that violate Competition Law provisions, applications related to economic concentration and exemptions. In addition, it provides recommendations paving the way for the Minister's decision.

The Committee for Competition Matters was formed in 2003 under the Chair of H.E. the Minister of Industry and Trade as stipulated in article (14/A) of the Competition Law. The committee is charged with an advisory mission to participate in setting the competition policy, and pay advice in competition matters.

The law specified the Court of First Instance as having jurisdiction to adjudicate competition cases, pursuant to Article 16/A, concurrently with the establishment of the directorate, the Judicial Board and the Justice Ministry, were addressed to name the judges and prosecutor who will be charged with adjudication cases of practices that contravene competition.

**Legislation:** The Competition Law No. (33) 2004.

**Date of implementation:** 15 August 2002 – under the provisional law, 17 December 2002 – the establishment of the Competition Directorate.

**Institutions:** The Competition Directorate, the Committee for Competition Matters, and the Judicial Authority.

**Location:** Amman.

**Associated ministry:** Ministry of Industry and Trade.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:** Telecommunication Regulatory Commission (TRC); Insurance Commission (IC); Public Transport Regulatory Commission (PTRC); Electricity Regulatory Commission (ERC).

**International cooperation agreements containing competition provisions entered into:** European Union Association Agreement.

**Contact details:**

**Mrs. Luna Abbadi**

Assistant Secretary General-Director of Competition Directorate  
The Competition Directorate  
Ministry of Industry and Trade  
Tel: +962 6 5629030 – Ext:427  
Fax: +962 6 5603721

**Mr. Liwaa Abu Khait**

Competition Advisor  
The Competition Directorate  
Ministry of Industry and Trade  
Tel: +962 6 5629030 – Ext:208  
Fax: +962 6 5603721  
Website: [www.mit.gov.jo/competition](http://www.mit.gov.jo/competition)



## Kenya



### **Background information:**

Competition law in Kenya was introduced through the Restrictive Trade Practices, Monopolies and Price Control Act of 1988. This law became operational from 1 February 1989. Kenya's competition law covers all the generic areas, namely:

- (a) Control of mergers and takeovers;
- (b) Control of restrictive trade practices; and
- (c) Control of unwarranted concentrations of economic power.

In all three areas, the law requires the commission to recommend appropriate ameliorative measures to the Minister for Finance, who makes germane regulatory orders. Appeals from ministerial orders go to the Restrictive Trade Practices Tribunal, established under Section 64 of the act. Right of appeal is accorded only to affected enterprises. Eventually, the affected enterprises can appeal to the High Court. The decision of the High Court is final. Public interest objectives are only embraced in the area of mergers and takeovers. The Government of Kenya has appointed a task force, which is reviewing Kenya's Competition Law. UNCTAD is offering valuable assistance to the task force.

**Legislation:** The Restrictive Trade Practices, Monopolies and Price Control Act, Chapter 504, Laws of Kenya.

**Date of implementation:** 1 February 1989.

**Institutions:** Monopolies and Prices Commission, Restrictive Trade Practices Tribunal, and the High Court of Kenya.

**Location:** Nairobi.

**Associated ministry:** Ministry of Finance.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Informal.

**List of sector regulators:**

- Capital Markets Authority;
- Central Bank of Kenya;
- Communications Commission of Kenya;
- Electricity Regulatory Board;
- Civil Aviation Authority of Kenya.

**International cooperation agreements containing competition provisions entered into:**

- East African Community;
- Common Market for Eastern and Southern Africa (COMESA).

**Contact details:**

**Mr. Peter Muchoki Njoroge**

Commissioner  
Monopolies and Prices Commission  
+254-20-343834  
+254-20-217275  
<http://www.treasury.go.ke/monopolies.html>



**Mrs. Grace Mbijiwe**

Restrictive Trade Practices Tribunal  
+254-20-252299  
<http://www.treasury.go.ke>

## Madagascar



**Background information:**

The Law on Competition and the Malagasy Commission was promulgated on 17 October 2005. The relevant decrees of application have not been yet prepared. Madagascar is in the process of establishing a Competition Council.

**Legislation:** Law on Competition.

**Date of implementation:** 17 October 2005.

**Institutions:** Ministry of Industry, Trade and Development of the Private Sector/Direction of Legal Affairs.

**Location:** Antananarivo, Madagascar.

**Merger regulation:** Regulation on concentrations is provided for in the Law on Competition.

**International cooperation agreements containing competition provisions entered into:**

- The Southern Africa Development Community (SADC);
- Commission de l'Océan Indien (COI); and
- The Common Market for Eastern and Southern Africa (COMESA).

**Contact details:**

**Mrs. Rasoanorovelo Mainirainy**

Tel.: 261 320 21 43 25

E-mail: mamydaj@yahoo.fr



## Malawi



**Background information:**

The Competition Commission's functions include investigating anticompetitive conduct, assessing the impact of mergers and acquisitions on competition, and playing an advocacy role in addressing any impediments to competition. The commission is the principal decision maker in all cases related to competition, but aggrieved parties can appeal to the High Court of Malawi.

Enforcement is also part of the commission's focus and it has put in place a leniency programme to help bring into compliance those engaging in cartels as well as preventing, detecting and prosecuting cartel activities. Provision is made for concurrent jurisdiction with sector regulators. Certain policy considerations for the granting of exemptions can be found in section 10 of the act. In addition to economic efficiency, the Competition Act includes public interest objectives, specifically employment, the empowerment of historically disadvantaged persons and the promotion of small and medium enterprises (SMEs).

**Legislation:** The competition and Fair Trading Act, Cap 48:08 of 1998.

**Date of implementation:** February 2005.

**Institutions:** The Competition and Fair Trading Commission.

**Location:** Lilongwe.

**Associated ministry:** Ministry of Industry, Trade and Private Sector Development.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:**

- Malawi Communications Regulatory Authority (MACRA);
- Malawi Energy Regulatory Authority (MERA);
- Water Commission.

**International cooperation agreements containing competition provisions entered into:** COMESA, SADC and EU.

**Contact details:**

**Mr. Y.E.B. Kamphale/Ms. Grace Kamvazakazi**  
Malawi Competition and Fair Trading Commission  
Ministry of Industry, Trade and Private Sector Development  
P.O. Box 30366  
Lilongwe 3  
Tel.: (265) 01 770244  
Fax: (265) 01 770680  
E-mail: malawicftc@gmail.com

**Mr. Lloyd Muhara**  
(Chairman)  
Malawi Competition and Fair Trading Commission  
Ministry of Industry, Trade and Private Sector Development  
P.O. Box 30366  
Lilongwe 3  
Tel.: (265) 01 710487  
Fax: (265) 01 710763  
E-mail: lmuhara@lltcmw.com or l-muhara@yahoo.com

## Malta



### **Background information:**

The Commission for Fair Trading was established in 1994 when the small central Mediterranean island State embarked on the process of liberalization of commercial activity. It first met in early 1995, delivering its first judgement in June of that same year. It acts as a tribunal of last instance, deciding matters that are submitted before it after the Office of Fair Competition has already conclusively taken a decision. The commission is composed of a magistrate as its president and two lay members. The latter have to be an economist and an accountant. Whilst the president's term is until retirement from the judiciary, those of the lay members are for a period of three years. The commission has had occasion to consider various fair competition law issues. These include exemptions, prohibited agreements, cartel behaviour, abuse of dominance and interim measures. Since its inception, it has played a pivotal role in leading the commercial community from one performing its activities within a controlled regime to that of one doing so within a liberalized commercial environment, based on a fair level playing field for the benefit of the consumer.

### **Legislation:**

- Act XXXI of 1994, as subsequently amended;
- Chapter 379 of the Laws of Malta.

**Date of commencement:** 1 February 1995.

**Location:** Valletta.

**Associated ministries and departments:**

- Ministry of Justice and Home Affairs;
- Ministry of Competition and Communications;
- Office of Fair Competition.

**Merger regulations:** Legal Notice 294 of 2002 as amended: Control of Concentrations Regulations – 1 January 2003.

**International cooperation agreements:** Cyprus.

**Contact details:**

**Magistrate Dr. Silvio Meli,**  
President,  
Commission for Fair Trading  
Republic Street, Valletta, CMR 02,  
Malta  
Tel.: + 21 245 215.  
Fax: + 21 245 215.



## Mexico



### **Background information:**

Competition policy in Mexico is established in article 28 of the Constitution, placed under the chapter of individual rights. Mexico's current competition law, the Federal Law of Economic Competition, has been in force since June 1993 and was amended in June 2006. Mexico has a unique government agency, the Federal Competition Commission (*Comisión Federal de Competencia* or CFC), a de-concentrated agency of the Ministry of the Economy vested with investigative and decision-making powers in competition matters. CFC is responsible for preventing, investigating and combating monopolies, monopolistic practices and concentrations. Practices typified in the law and punishable when violations are found include hard-core cartels (absolute monopolistic practices), unilateral conduct or abuse of dominant position (relative monopolistic practices) and merger control. CFC also has the faculty to issue opinions – with no legal bearing – on competition conditions and free market access regarding government acts, laws, regulations and agreements.

CFC was created in 1993 and possesses technical and operational autonomy. Its decision-making body is the Plenum, comprised of five commissioners, including the President. All are appointed by the President of the Republic and ratified by the Senate for 10-year terms, and can only be removed due to “grave and justified cause”.

**Legislation:** Article 28 of the Mexican Constitution, Federal Law of Economic Competition, and the Regulations of the Federal Law of Economic Competition.

**Date of implementation:** 22 June 1993.

**Institutions:** Federal Competition Commission.

**Location:** Mexico City.

**Associated ministry:** Ministry of the Economy.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Common objective of promoting competition and efficiency in regulated sectors.

**List of sector regulators:**

- Federal Telecommunications Commission;
- Energy Regulatory Commission.

**International cooperation agreements containing competition provisions entered into:**

- Free trade agreements with the United States and Canada (North American Free Trade Agreement), Japan, European Union Uruguay and Israel;
- Cooperation agreements regarding the application of competition laws with the United States, Canada the Republic of Korea and Chile.

**Contact details:**

**Mr. Eduardo Pérez Motta**

President of the Federal Competition Commission

+52 (55) 27896500

+52 (55) 27896672

Website: [www.cfc.gob.mx](http://www.cfc.gob.mx)

## Montenegro



**Background information:**

In Montenegro, enforcement of competition law is conducted by the Department for Internal Trade and Competition within the Ministry of the Economy. The Law on Protection of Competition came into force on 1 January 2006, and prescribes the acts considered as distortions of competition, which can be made in the form of restrictive agreements, abuse of dominant position and concentrations.

The competition law and secondary legislation are the basis for the functioning of a competent authority. The Ministry of the Economy makes decisions in first instance proceedings. In second instance proceedings, the court shall issue orders in concrete cases relying on the same legal decisions specified in competition law and secondary legislation. There is subsidiary application of general administrative procedure law.

The final target is to fully harmonize competition and state rules with the *acquis* of the European Union and to efficiently implement such rules through functionally independent authorities. Such an approach should grant an efficient economic policy leading the general welfare, economic growth and jobs, as defined in the Lisbon strategy.

**Legislation:** Competition Law, adopted November 2005.

**Date of implementation:** 1 January 2006.

**Institutions:** Ministry of the Economy, Department for Internal Trade and Competition.

**Location:** Podgorica.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**Sector regulators:**

- Agency for Telecommunications;
- Energy Sector Regulator;
- Agency for Broadcasting.

**International cooperation agreements containing competition provisions entered into:**

- European Union.

**Contact details:**

**Ministry of the Economy**

Department for Internal Trade and Competition

Tel: +381 81 230 890

Fax: +381 81 230 890

Website: [www.minekon.vlada.cg.yu](http://www.minekon.vlada.cg.yu)

## Mozambique



**Background information:**

Mozambique currently does not have a competition policy or related law, except certain aspects in particular sectors (e.g. telecommunication, aviation and energy). Mozambique is in the process of strengthening the national dialogue on competition policy, with the view of creating a competition policy, related law and institutions. Currently, Mozambique has almost finalized its draft competition policy.

**Legislation:** Aspects in Nation Telecom Act CHXI.

**Date of implementation:** N/A.

**Institutions:** Ministry of Industry and Trade.

**Location:** Maputo.

**Associated ministries:**

- Ministry of Justice;
- Ministry of Telecommunication.

**Merger regulation:** None.

**Relationship with sector regulators:** None.

**Sector regulators:**

- Telecommunications;
- Energy;
- Aviation.

**International cooperation agreements containing competition provisions entered into:** United States Agency for International Development.

**Contact details:**

**Ms. Odete Tsamba**

Deputy National Director of Trade

Praça 25 de Junho, 300 – 2º floor

Cell: +258 82 317 98 20

Tel: +258 2135 2606

Fax: +258 2130 0664/5

E-mail: [otsamba@mic.gov.mz](mailto:otsamba@mic.gov.mz)

## Namibia



**Background information:**

The act makes certain restrictive business practices illegal. For instance, restrictive horizontal practices – i.e. agreements between firms that are operating at the same level in the product chain producing competing goods and services – are *per se* prohibited. However, the prohibition of vertical restrictive practices – i.e. agreements between firms at different levels in the product chain such as between a manufacturer and a distributor – are prohibited according to the “rule of the thumb” or on a case-by-case basis. Vertical acquisitions may also entail a number of adverse effects. For example, a supplying enterprise, which merges or acquires a customer enterprise, can extend its control over the market by foreclosing an actual or potential outlet for the products of its competitors. By acquiring a supplier, a customer can similarly limit access to supplies of its competitors.

**Legislation:** Competition Act, 2003 (Act No. 2 of 2003).

**Date of implementation:** Still to be determined.

**Institution:** Namibian Competition Commission.

**Location:** Windhoek.

**Associated ministry:** Ministry of Trade and Industry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** To be formalized by a Memorandum of Understanding but where the competition law conflicts with other statutory sector regulation in purely competition matters, the competition law prevails.

**Sector regulators:**

- Bank of Namibia;
- Telecom Namibia;
- NamPower;
- NamWater;
- Electricity Control Board;
- Road Fund Administration.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

P/B13340,  
Windhoek,  
Namibia



## Nepal



### **Background information:**

Nepal promulgated the Competition Act for the first time in 2006. This was followed by the Consumer Protection Act of 1997, which features most of the provisions that the Competition Law contains except for the provision relating to mergers and acquisitions. The Competition Board's functions include formulating the policy concerning the creation of a healthy competitive environment; creating awareness among consumers and business people about the positive and negative impact of a healthy and impaired competitive environment on the economy, investigating anticompetitive conduct and playing an advocacy role in addressing any impediments to competition. The board is the principal decision maker with regard to the extent and nature of mergers, and files cases to the commercial bench of the prescribed court if the board deems it fit. The Ministry of Industry, Commerce and Supplies has been developing the Competition Regulation in order to make the Competition Law operational. The law includes a leniency provision as well as considerations for granting exemptions to certain subsectors and activities relating to small industries, export business, research and development, raw materials purchase, and other matters relating to public welfare and efficiency of the national economy.

**Legislation:** Competition Act, 2006.

**Date of implementation:** 14 January 2006.

### **Institutions:**

- The Competition Board;
- The Commercial Bench of the prescribed court.

**Location:** Kathmandu.

**Associated ministry:** Ministry of Industry, Commerce and Supplies.

**Merger regulation:** No.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:**

- Civil Aviation Authority of Nepal;
- Telecommunication Authority;
- Nepal Electricity Authority;
- Department of Quality and Metrology;
- Department of Food Technology and Quality Control;
- Department of Transportation.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Mr. Bharat B. Thapa**  
Chairman of the Board  
Ministry of Industry, Commerce and Supplies  
Tel: +977 1 422 6686  
Fax: +977 1 422 0319  
E-mail: moc@wlink.com.np  
Website: www.moics.gov.np

**Mr. Prem Kumar Rai**  
Member-Secretary of the Board  
Department of Commerce  
Tel: +977 1 424 7912  
Fax: +977 1 424 9603  
E-mail: docom@wlink.com.np

## Netherlands



### **Background information:**

The Netherlands Competition Authority (NMa) aims to safeguard effective competition in the Dutch market. Its mission is “making markets work”. Through a well-balanced enforcement policy and careful monitoring of market operations, NMa helps create and maintain a competitive environment. The Dutch Competition Act came into force in 1998. Pursuant to this act, NMa was established as the prime governmental body responsible for enforcing competition legislation in the Netherlands. Section 6 of the Competition Act prohibits agreements between undertakings, decisions by associations of undertakings and concerted practices that have as their object or effect the prevention, restriction or distortion of competition within the Dutch market or a part thereof. Section 24 of the Competition Act prohibits the abuse of a dominant position within the Dutch market or a part thereof. The Competition Act further provides the legal framework for NMa’s assessment of mergers and acquisitions. The key terms in Sections 6 and 24 are defined in concordance with European Commission competition law. NMa explicitly follows case law promulgated by European Commission courts and decisions of the European Commission.

In the event of an infringement of competition legislation, NMa may impose a fine of up to €450,000 or 10 per cent of the undertaking’s turnover in the preceding year (in case this figure is in excess of the aforementioned amount). The NMa may also impose periodic penalty payments. By virtue of European Commission Regulation 1/2003, NMa is obliged to apply European Commission competition law in its consideration of conduct that may affect trade between European Union member States.

NMa operates as an autonomous administrative authority; this position was formalized in 2005. The authority acts independently in

enforcing competition law, though the Minister of Economic Affairs remains politically responsible for competition policy. NMa houses two sector-specific regulatory chambers: the Office of Energy Regulation (*Directie Toezicht Energie*), which enforces the Electricity Act of 1998 and the Gas Act; and the Office of Transport Regulation (*Vervoerkamer*), which enforces the Railway Act, the Aviation Act and the Passenger Transport Act of 2000. The effects of NMa policy are of both a quantitative and qualitative nature. At NMa, the Office of the Chief Economist analyses such policy outcomes.

**Legislation:** Dutch Competition Act 1998, as amended.

**Date of implementation:** 1 January 1998.

**Institutions:**

- The Netherlands Competition Authority;
- The Rotterdam District Court;
- Trade and Industry Appeals Tribunal.

**Associated ministry:** Ministry of Economic Affairs.

**Location:** The Hague.

**Merger regulation:** Yes.

**Relationship with sector regulators:** NMa has overall enforcement competence, while sector regulators have limited tasks and powers for their respective sectors.

**List of sector regulators:**

- DTe (Office of Energy Regulation);
- Vervoerkamer (Office of Transport Regulation);
- OPTA (Independent Post and Telecommunications Authority);
- Dutch Healthcare Authority (NZa);
- Consumer Authority (CA).

**International Cooperation:**

- European Union;
- EEA.

**Contact details:**

**Netherlands Competition Authority**  
(Nederlandse Mededingingsautoriteit – NMa)

**Pieter Kalbfleisch,**  
Chairman

**René Jansen,**  
Member of the Board

**Gert Zijl,**  
Member of the Board

Muzenstraat 81 2511 WB  
The Hague  
P.O. Box 16326  
2500 BH The Hague.  
Tel: +31 70 330 3330  
Fax: +31 70 330 3370  
Website: [www.nmanet.nl](http://www.nmanet.nl)



## Nicaragua



### Background information:

Just like many countries of Latin America, Nicaragua started the discussion on the need to enact legislation on competition policy in the decade of the 1990s facing the clear advantages for the national economy and to the consumers by regulating and sanctioning the anticompetitive practices. This allowed the Ministry of Development, Industry and Trade (MIFIC) to create in 1998 the General Direction on Competition and Market Transparency (DGCTM), with the aim of promoting competition in the internal markets and enforcing the competition legislation once it was adopted. Since its inception, the direction has been carrying out a continuous programme of enhancing capacities, dissemination and training targeting both the public and private sectors. This has endowed the various economic agents with tools that help to increase the importance of the Competition Law.

MIFIC through DGCTM carried out efforts for more than 10 years to achieve the approval and implementation of this legislation in Nicaragua. Finally, in 2006, the National Assembly passed the Law of Promotion of Competition, published in No. 206 of the official journal *La Gaceta*, 24 October 2006. In addition, MIFIC, in coordination with private unions and the Programme MIPYMES, which supports small and medium enterprises, published the Regulation of the Law of Promotion Competition by means of the Decree No. 79-2006, published in *La Gaceta*, official journal No. 10 on Monday, 15 January 2007. The latter has allowed Nicaragua to join the group of countries that have a competition law.

The main topics included in the law are:

- (a) Establishment of an independent authority to manage the Law of Promotion of Competition (PROCOMPETENCIA);

- (b) Prohibition of horizontal and vertical anticompetitive practices and unfair competition;
- (c) Previous control of economic concentrations; and
- (d) Promotion of Competition Advocacy.

**Legislation:** Law of Promotion of Competition.

**Date of implementation:** Entered into force on 24 June 2007.

**Institution:** Instituto Nacional de Promoción de la Competencia (PROCOMPETENCIA).

**Location:** Managua.

**Associated ministry:** Independent institution.

**Merger provisions:** Yes.

**Sector regulators:** There are sectoral regulators in infrastructure markets (telecommunications, energy, aqueduct and sewerage, bank services, insurance services, transports, etc).

**Relationship with sectoral regulators:** Concurrent jurisdiction. The law includes the mandatory coordination between PROCOMPETENCIA and the various sectoral regulators in order to solve issues on anticompetitive practice in these markets. The regulators are forced by the law to consider a decision from PROCOMPETENCIA, before solving cases related to competition.

**List of sector regulators:** Instituto Nicaragüense de Telecomunicaciones (TELCOR); Instituto Nicaragüense de Energía (INE); Instituto Nicaragüense de Acueductos y Alcantarillados (INAA), etc.

**Contact details:**

**Julio Cesar Bendaña**

General Director of Market Transparency

Tel.: (505) 267-2363.

E-mail: julio.bendana@mific.gob.ni



## Pakistan



**Background information:**

Competition legislation has been framed in view of the fundamental right of fair trade enshrined in the constitution of Pakistan. The authority consists of several members, one of whom is the chairman. It is a quasi-judicial body having administrative and judicial independence. The authority can sanction abuse of dominance and restrictive trade practices and can also disallow harmful mergers and acquisitions. The authority can tender advice to federal, provincial and local Governments on law and regulations.

**Legislation:** Monopolies and Restrictive Trade Practices Ordinance 1970.

**Date of implementation:** 1 August 1971.

**Institution:** Monopoly Control Authority.

**Location:** Islamabad.

**Associated ministry:** Ministry of Finance.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction, but three sector regulators are excluded.

**Sector Regulators:** PTA, NEPRA, OGRA, PEMRA, PPRA, State Bank, Intellectual Property Authority, SECP, Civil Aviation Authority, Drug Control Authority, Shipping and Ports Authority, and Road Transport Authorities.

**International cooperation agreements containing competition provisions entered into:** Nil.

**Contact details:**

**Mr. Khalid A. Mirza**  
Chairman  
Tel: (92 51) 926-7601

**Mr. Abdul Ghaffar**  
Member  
Tel: (92 51) 926-7606

**Mr. Raja Raza Arshad**  
Member  
Tel: (92 51) 926-7604  
Website: [www.mca.gov.pk](http://www.mca.gov.pk)

## Panama



### **Background information:**

The Constitution of the Republic of Panama establishes free competition as an economic principle in articles 295 and 298. This principle is defined by Law 29 of 1996, as amended by Law Decree No. 9 of 2006. It establishes three generic types of free competition restrictions that are against the law: (a) absolute monopolistic practices (horizontal restrictions); (b) relative monopolistic practices (basically, vertical restrictions); and (c) prohibited economic mergers (those that are unreasonable). It is a prosecutorial system in which the judiciary branch decides if the law has been broken. Affected parties can sue directly for damages and the Consumer Protection and Competition Defense Authority can investigate and sue to impose fines, afterwards. Regulated Public Services are subject to free competition enforcement by the authority when sector legislation does not establish otherwise. This is a recent development due to the new law. Previously, the Public Services Regulation Entity was in charge of enforcing competition principles in any given regulated sector.

**Legislation:** Law No. 29 of 1996, published in the official report No. 22,966.

**Regulations:** Executive Decree No. 31 of 1998, published in the official report No. 23,626. Law Amendments: Modified by art. 285 of Law No. 23 of 1997, published in the official report No. 23,340; modified by Law No. 10 of 2005, published in the official report No. 25,278; modified by Law Decree No. 9 of 2006, published in the official report No. 25,493.

**Date of implementation:** 3 November 1996 (antitrust chapter).

**Institutions:** Consumer Protection and Competition Defence Authority (Investigation and SANCTIONS), Judicial Branch (Decision).

**Location:** Panama City.

**Associated ministry or independent institution:** Independent.

**Merger provisions:** Yes.

**Sectoral regulations:** Yes.

**Sector regulators:** Public Services National Authority.

**Relationship with sector regulators:** The Public Services National Authority takes into consideration free competition principles and obtains approval from the authority before enacting a rule bound to affect a regulated market. (It has no jurisdiction on antitrust matters).

**Law enforcement:** The authority can emit cease and desist orders, subject to judicial review.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Mr. Pedro Meilàn**  
General Administrator  
Tel.: (507) 229-6951  
Fax: (507) 229-6958

**Mr. Pedro Luis Prados**  
Director of Competition  
Tel.: (507)229-6946  
Fax: (507) 229-6958

Website: [www.autoridaddelconsumidor.gob.pa](http://www.autoridaddelconsumidor.gob.pa).



## Papua New Guinea



### **Background information:**

The need to ensure a workable market and the regulation of monopolies prompted the enactment of the Independent Consumer and Competition Act, and thus the subsequent establishment of the Independent Consumer and Competition Commission (ICCC). It is also part of the efforts of the Government of Papua New Guinea to undertake structural changes aimed at fostering the competition necessary for growth and development. The act is a competition statute similar to competition statutes in other jurisdictions, but with provisions to cater to the particular circumstances in Papua New Guinea. The act established ICCC as the successor in law for all matters relating to the former Consumer Affairs Council and the Price Control functions of the Department of Treasury in the country. ICCC, being the principal Economic Regulator, has also taken over the economic regulatory functions of Pangtel, the radio and telecommunications regulator of Papua New Guinea, as well as taking on the new functions of promotion and protection of competition and fair trading in the market. ICCC's functions under the act include the protection of consumers' interest, promotion of competition and fair trade, and the regulation of declared goods, services and industries. In brief, ICCC undertakes its functions by (a) investigating anticompetitive conducts; (b) assessing the impact of mergers and acquisition on competition in the market; (c) monitoring prices and controlling declared goods and services; (d) price reviews of declared goods and services; (e) review of regulatory contracts of utility providers; (f) regulation of services standards of utility providers; and (g) investigation of consumer complaints and education and awareness to achieve compliance of the act.

**Legislation:** Independent Consumer and Competition Act of 2002.

**Date of implementation:** 16 May 2002; Part VI of the Act came into effect on 16 May 2003.

**Institution:** Independent Consumer and Competition Commission (ICCC).

**Location:** Port Moresby (headquarters).

**Associated ministry:** Department of Treasury.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:**

- Papua New Guinea Radio and Telecommunication Authority (Pangtel);
- National Institute for Standards, Industry and Technology (NISIT);
- National Lands Transport Board (NLTB).

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Mr. Thomas Abe**  
Commissioner and CEO  
Independent Consumer and  
Competition Commission  
Tel.: + (675) 325 2144  
Fax: + (675) 325 3980  
E-mail: [tabe@iccc.gov.pg](mailto:tabe@iccc.gov.pg)  
Website: [www.iccc.gov.pg](http://www.iccc.gov.pg)



## Paraguay



**Background information:**

In this moment, Paraguay does not have specific legislation on defense of competition. The only existent legal mark until now is Article No. 107 of the National Constitution that guarantees the free competition in the market in the entire national territory, and forbids monopolies and the artificial raising or lowering of prices in the market. Paraguay has a draft law on defense of competition that was concluded at the technical level in June 2002 and was approved by the Economic Team of the Executive Power in 2003. From December 2003 until May 2007, the draft law has stagnated in the Parliament (Cámara de Senadores) waiting for the Senator's review. It must receive three positive judgements of different Commissions to be able to be discussed in the Plenary of the Chamber of the Congress and then pass to the Chamber of Deputies.

**Legislation:** Art. 107 of the National Constitution. Paraguay does not have a specific competition law in place.

**Date of implementation:** N/A.

**Institutions:** Competition policy is coordinated by the Ministry of Industry and Trade.

**Location:** Asunción.

**Associated ministry:** Ministry of Industry and Trade.

**Merger regulation:** N/A.

**Relationship with sector regulators:** N/A.

**List of sector regulators:**

- CONATEL, National Counsel of Telecommunication;
- ERSAN, Sanitary Service (water);
- SIB, Superintendence of the Banking System;
- SIS, Superintendence of the Insurance System;
- SIS, Superintendence of Health System;
- INCOOP, Superintendence of the Cooperative System.

**International cooperation agreements containing competition provisions entered into: MERCOSUR.**

**Contact details:**

**Mr. Bruno Hug de Belmont**

Director General de Comercio Exterior

Ministerio de Industria y Comercio

Asuncion, Paraguay

Tel.: 595-21-616-3113

Fax: 595-21-616-3084

E-mail: [bbelmont@mic.gov.py](mailto:bbelmont@mic.gov.py)

Website: [www.mic.gov.py](http://www.mic.gov.py)



## Peru



### **Background information:**

Since 1992, the National Institute for the Defence of Competition and for the Protection of Intellectual Property (Indecopi) has been the competition authority in Peru. Indecopi is not only the competition agency in Peru; it also embraces a number of other roles: (a) it is the national authority for the protection of consumer rights and for the protection of intellectual property rights; (b) it is the national standardization organization and the national accreditation organization; (c) it investigates and sanctions unfair competition conduct; (d) it identifies and enhances the abolition of technical barriers to trade and bureaucratic barriers to access to markets; (e) it investigates dumping and subsidies practices related to foreign trade; and (f) it enforces specific legislation intended to facilitate corporate market exit.

Within the organizational structure of Indecopi, there are two quasi-jurisdictional bodies directly related to the enforcement of competition legislation: the Free Competition Commission (CLC), which is the first administrative instance; and the Defence of Competition Chamber (SDC), which is the second administrative instance in charge of handling appeals from CLC and from other first-instance commissions whose activities have competition-related implications. These include the Bureaucratic Barriers Surveillance Commission, the Repression of Unfair Competition Commission, the Consumer Protection Commission, the Technical and Commercial Regulations Commission, and the Antidumping and Countervailing Measures Commission.

### **Legislation (date of implementation):**

- Legislative Decree No. 701 – Competition Law (November 1992);
- Law Decree No. 25868 – Indecopi's Organization and Functions Law (Nov 1992).

**Institutions:** National Institute for the Defense of Competition and for the Protection of Intellectual Property of Peru – INDECOPI (all sectors except telecommunications for the enforcement of LD No. 701).

**Location:** Lima (headquarters) and in 10 provinces: Arequipa, Cajamarca, Cusco, Junín, La Libertad, Lambayeque, Loreto, Piura, Puno and Tacna.

**Associated ministry or independent institution:** Presidency of the Council of Ministers (PCM).

**Merger provisions:** None, except for the electrical sector under separate legislation.

**Sector regulations:** Yes.

**Sector regulators:**

- Organismo Supervisor de Inversión Privada en Telecomunicaciones (OSIPTEL);
- Organismo Supervisor de la Inversión en Energía (OSINERG);
- Organismo Supervisor de la Inversión en Infraestructura (OSITRAN);
- Superintendencia Nacional de Servicios de Saneamiento (SUNASS).

**Relationship with sector regulators:** Concurrent jurisdiction.

**International cooperation agreements containing competition provisions entered into:**

- Regional Agreements: Andean Community – Decision 608;
- Bilateral Agreements: Trade Promotion Agreement with the United States (pending approval by the United States Congress);
- Acuerdo de Complementación Económica (ACE) with Chile (includes a chapter on competition policy);
- Free Trade Agreement with Singapore (includes a chapter on competition policy, overall negotiation in progress).

**Contact details:**

**Odette Herbozo,**  
Head, International Relations  
INDECOPI  
oherbozo@indecopi.gob.pe  
www.indecopi.gob.pe



Phone (511) 224 7800 Ext. 1290  
Fax (511) 224 0348



## Philippines



**Background information:**

Republic Act No. 7581, or the Price Act, aims to ensure the availability of prime commodities at reasonable prices at all times. It also aims to provide effective and sufficient protection to consumers against hoarding, profiteering and cartels with respect to the supply, distribution, marketing and pricing of said goods, especially during periods of calamity, emergency, widespread illegal price manipulation and other similar situations.

**Legislation:** The Price Act, Republic Act No. 7581.

**Date of implementation:** 3 February 1992.

**Institutions:** Department of Trade and Industry, as Chairman; Department of Agriculture; Department of Health; Department of Interior and Local Government; Department of Transportation and Communications; Department of Justice; National Economic and Development Authority; Consumer's Sector; Agricultural Producer's Sector; Trading Sector; Manufacturer's Sector.

**Location:** Philippines.

**Associated ministries:**

- Department of Agriculture;
- Department of Health;
- Department of Environment and Natural Resources.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:** Department of Energy, Energy Regulatory Board, National Telecommunication Commission, Securities and Exchange Commission, Local Water Utilities Administration, Bangko Sentral ng Pilipinas, Insurance Commission, National Power Corporation, Land Transportation Franchising and Regulatory Board, Maritime Industry Authority, Civil Aeronautics Board, Philippine Ports Authority and Toll Regulatory Board.

**International cooperation agreements containing competition provisions entered into:** Japan–Philippines Economic Partnership, agreement signed 9 September 2006.

**Contact detail:**

**Director Victorio Mario A. Dimagiba**

Department of Trade and Industry

Bureau of Trade Regulation and Consumer Protection

2F Trade and Industry Building, 361 Senator Gil J. Puyat Avenue

Makati City

Tel.: (632) 751-3288

Fax: (632) 890-4949

Website: [www.business.gov.ph](http://www.business.gov.ph)

## Poland



### **Background information:**

The President of the Office of Competition and Consumer Protection (OCCP) is a central agency of state administration responsible for competition and consumer protection. He is selected for a five-year term and reports directly to the Prime Minister. The Office of Competition and Consumer Protection provides administrative support to the President of the Office.

OCCP was established as the Antimonopoly Office (AO) by the Act on Counteracting Monopolistic Practices, 24 February 1990. It commenced its operation in May. Its first regional offices started work in the same year. Counteracting anticompetitive agreements and practices consisting of the abuse of dominant market position in the control of mergers is the main task of the office. In 1996, after the reform of the central administration, the AO received its present name of OCCP (*Urząd Ochrony Konkurencji i Konsumentów* (UOKiK) in Polish). From that time, its activities included consumer protection. At the same time, the Chief Inspector of the Trade Inspection was assigned to the President of the Office. In December 2000, a new complex act on competition and consumer protection was implemented.

Since Poland's accession to the European Union in May 2004, the President of the OCCP can directly apply provisions of the European Community Treaty. The President may initiate antimonopoly proceedings under the European Union law and impose fines on European entrepreneurs violating these regulations if the illegal practices affect trade between Member States. The amendment of the Act on Competition and Consumer Protection in 2004 (parallel to the accession to the European Union) included e.g. introducing the leniency programme into the Polish legal system. Other competencies of OCCP are market surveillance and monitoring state aid granted to the entrepreneurs.

**Legislation:** Act of 16 February 2007 on Competition and Consumer Protection.

**Date of implementation:** Came into force on 21 April 2007.

**Institutions:**

- Office of Competition and Consumer Protection (OCCP);
- Court of Competition and Consumer Protection (District Court in Warsaw) as the appeal court.

**Location:** Warsaw.

**Associated ministry:** N/A.

**Merger regulation:** Yes.

**Relationship with sector regulators:**

The role of OCCP is to enforce competition law. The office takes its actions *ex post* (stating the infringement of competition law). It is not responsible for liberalization of markets or for opening them to competition. It is the regulators' task to enhance the liberalization process occurring in their respective sectors. The regulators are also responsible for supplementing the market mechanisms with their regulatory powers, whenever the need for such support arises due to the natural discrepancies of the markets within their sectors.

**List of sector regulators:**

- President of the Office of Electronic Communications;
- President of the Energy Regulatory Office;
- President of the Office for Railway Transport.

**International cooperation agreements containing competition provisions entered into:**

- Bilateral cooperation: Russian Federation, Ukraine, Germany.
- Multilateral cooperation: Organization for Economic Cooperation and Development (OECD), World Trade



Organization (WTO), UNCTAD, International Competition Network (ICN).

**Contact details:**

**Ms Elzbieta Anders**

Director

Department of International  
Relations and Social Communication

Tel.: +48 22 55 60 387

Fax: +48 22 826 11 86

**Ms Olga Jabłonowska**

Head

International Relations Unit

Tel.: +48 22 55 60 452

Fax: +48 22 826 11 86

Website: [www.uokik.gov.pl/en/](http://www.uokik.gov.pl/en/)



## Portugal



### **Background Information:**

Portugal has a long tradition of competition law enforcement. However, the system went through a major reform in 2003. A new independent Competition Authority was created by Decree-Law 10/2003, of 18 January, and a new Competition Act was enacted by Law 18/2003, of 11 June. As a result, the authority is both entrusted with case instruction and decision, with first-instance appeals lodged before a specialized court. An innovative financing mechanism, through direct transfers from charges levied by sector regulators on regulated undertakings, further ensures the required autonomy through a sustainable finance mechanism. This financing arrangement was enacted by Decree-Law 30/2004 of 6 February.

The main functions of the Competition Authority include merger review and antitrust enforcement. As a member of the European Competition Network, the authority is also entrusted with the decentralized application of Articles 81 and 82 of the European Community Treaty, as per Regulation 1/2003. Further powers cover issuing recommendations to Government, advocacy and research on competition policy.

In its first three years of activity (2003–2005), the authority (a) reviewed 174 mergers, of which two were blocked and nine approved with remedies; (b) reached 13 major restrictive practice decisions, leading to € 30 million of fines levied on undertakings; (c) issued 10 recommendations to Government, of which four are already adopted into legislation; (d) concluded 15 major economic studies in priority markets; and (e) developed simulation methodologies for merger analysis and for econometric assessment of anticompetitive conduct. In addition, regular monitoring activities covered the motor fuel and gas markets, as well as electronic communications. In 2005, its website received 16,000 visits,

with 62,000 pages consulted. Media coverage included 180 articles in the printed press, 360 news items in national websites, 17 mentions in prime television time and 14 on radio stations (monthly average values). The authority monthly newsletter, *e-concorrenca*, reached an audience of 1,400 subscribers spread over 18 countries.

Sectors of special concern are the network industries, banking, insurance, payment cards, retail distribution, as well as public procurement, pharmacies and the liberal professions. Activities in the regulated markets are carried out in consultation with the interested sector regulators, with the authority being solely responsible for the economy-wide application of the Competition Law. In discharging its mandate, the authority follows strict technical criteria, with a view to fostering economic efficiency and enhancing consumer welfare.

In order to strengthen anti-cartel capabilities, the Government has recently enacted a leniency programme by Law 39/2006, of 25 August 25, as recommended by the authority. Although it is still too early to evaluate its impact, the programme is expected to contribute to improved prevention, detection and prosecution of cartel activities.

**Legislation:** Decree-Law 10/2003 of 18 January; creation of the Competition Authority, Law 18/2003, of 11 June; Competition Law, Decree-Law 30/2004, of 6 February; financing of the Competition Authority, Law 39/2006, of 25 August 25; Leniency programme.

**Institutions:** Autoridade da Concorrência, Lisbon Commerce Court, First-Instance Court of Appeal.

**Location:** Lisbon.

**Associated ministry:** Ministry of Economy and Innovation.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Mutual consultation.

**List of sector regulators:** Banco de Portugal (Portuguese central bank); Instituto de Seguros de Portugal (insurance and pension funds); Comissão

do Mercado de Valores Mobiliários (capital markets); Entidade Reguladora dos Serviços Energéticos (energy); ICP-Autoridade Nacional de Comunicações (communications); Instituto Regulador das Águas e Resíduos (water and waste); Instituto Nacional do Transporte Ferroviário (railways); Instituto Nacional de Aviação Civil (civil aviation); Instituto dos Mercados de Obras Públicas e Particulares e do Imobiliário (construction).

**International cooperation agreements containing competition provisions:** Portugal is a member of the European Union.

**Contact details**

**Prof. Abel M. Mateus**

President of the Board

Autoridade da Concorrência

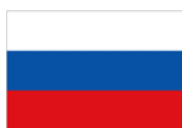
Tel.: +351-21-790 2053

Fax: +351-21-790 2098

Website: [www.autoridadedaconcorrencia.pt](http://www.autoridadedaconcorrencia.pt)



## Russian Federation



### **Background information:**

In May 2004, in accordance with the Decree of the President of the Russian Federation of March 9 2004 No. 314 “On System and Structure of Executive Power Bodies”, the Federal Antimonopoly Service (FAS Russia) was established. FAS Russia is an authorized federal executive body responsible for the supervision of the Federal Law “On Competition and Limitation of Monopolistic Activity in Commodity Markets”, the Federal Law “On Natural Monopolies”, the Federal Law “On Protection of Competition in Financial Services Markets”, the Federal Law “On Advertising” and the Federal Law No. 94-FZ “On Placing Orders for Delivery of Commodities, Accomplishment of Works, Rendering of Services for State and Municipal Needs”. FAS Russia executes the functions of developing and introducing legal acts and drafting federal laws of its competence, controlling and supervising competition in commodity markets, protecting competition in financial markets, controlling the activity of all natural monopolies and supervising advertising.

At present, FAS Russia faces several ambitious projects aimed at enhancing the effectiveness of competition enforcement in the Russian Federation. FAS Russia has worked out some new drafts, specifying brand new features of competition legislation in the Russian Federation.

### **Legislation:**

- Federal Law “On Competition and Limitation of Monopolistic Activity on Commodity Markets”;
- Federal Law “On Natural Monopolies”;
- Federal Law “On Advertisement”;

- Federal Law “On Placing Orders for Delivery of Commodities Accomplishment of Works, Rendering of Services for State and Municipal Needs”.

**Institutions:** Federal Antimonopoly Service of the Russian Federation.

**Location:** Moscow.

**Associated ministry or independent institution:** FAS Russia is independent from any governmental body; it reports to the Prime Minister directly.

**Merger regulation:** Yes.

**Sector regulators:** The Ministry of Economic Development and Trade of the Russian Federation; The Federal Service on Financial Markets; The Ministry of Agriculture of the Russian Federation; The Ministry for Communications and Informatization of the Russian Federation; The Ministry of Industry and Energy of the Russian Federation; Federal Tariff Service of the Russian Federation; Ministry of Transport of the Russian Federation.

**Relationship with sector regulators:** Concurrent jurisdiction.

**International cooperation agreements containing competition provisions entered into:** Korea Fair Trade Commission; Competition Council of Latvia; Hungary Competition Authority; The Office for the Protection of Competition of the Czech Republic; The Commission for the Protection of Competition of Bulgaria; Ministry of Industry and Trade of the Bolivarian Republic of Venezuela; Ministry of Economy of Mexico; The Ministry of Economy and Reforms of Moldova; Competition Authority of Finland; The Antimonopoly Office of the Slovak Republic; Directorate General for Competition, Consumer Policy and Repressions of Fraud of France; Competition Authority of Sweden; Office of Competition and Consumer Protection of Poland; The Government of the Federative Republic of Brazil; Commonwealth of Independent States member States.



**Contact details:**

**Federal Antimonopoly Service**

11 Sadovaya Kudrinskaya Str.,  
123995, D-242, SP-5  
Moscow  
Russian Federation

Tel.: (7 495) 254 70 48,  
Fax: (7 495) 254 75 21  
Website: [www.fas.gov.ru](http://www.fas.gov.ru)  
E-mail: [international@fas.gov.ru](mailto:international@fas.gov.ru)



## Saudi Arabia



**Background information:**

In harmony with the economic policy built on the principle of competition followed by the Kingdom of Saudi Arabia and the great developments in the economic field and wishing to enhance and ensure the competition climate in the business sector, the Royal decree No. (M/25) dated 4/5/1425H (21 June 2004) was issued to approve the competition law. This law aims at protecting and promoting fair competition and fighting monopolistic practices affecting legitimate competition.

**Legislation:** Competition Law of Saudi Arabia (Law number M25 dated 4/5/ 1425 (21 June 2004)).

**Date of implementation:** 3 January 2005.

**Institutions:** Council of Competition Protection (CCP).

**Location:** Riyadh.

**Associated ministry:** Ministry of Commerce and Industry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:**

- Saudi Arabian Monetary Agency;
- Communications and Information Technology Commission;
- Capital Market Authority;
- Electricity and CO-Generation Regulatory Authority;
- Saudi Organization for Ind. Estates and Tech. zones;
- General Authority of Civil Aviation;
- Saudi Post.

**International cooperation agreements containing competition provisions entered into: N/A.**

**Contact details:**

**Mr. Mohammed Ameen Sendi**  
**Secretary-General**

Riyadh 11127

Saudi Arabia

Tel.: 0096614775312

Fax: 0096614776939

E-mail: masendi@hotmail.com

## Senegal



### **Background information:**

The Competition Commission or the National Competition Commission is the body in charge of the management and control of competition in Senegal. It was created by the Law on Prices, Competition and Economic Disputes (Law No. 94-63 of 22 August 1994).

Decree No. 96-343 concerning the application of certain provisions of this law was adopted on 2 May 1996. These legal texts confer competence upon the Competition Commission to prevent, detect and sanction anticompetitive practices. The law of 1994 distinguishes collective anticompetitive practices (illicit restraints) and individual anticompetitive practices (abuse of dominant position, abuse of economic dependence, refusal to sell, discriminatory practices, etc.). This law does not regulate concentrations.

Since 2003, the Community Competition Legislation is applied in Senegal as well as in all States members of the Union Economique et Monétaire Ouest Africaine (UEMOA). The Community Competition Legislation envisages different forms of cooperation with national competition authorities, in particular in the decision making. Within this framework, owing to its experience, the National Competition Commission could play an important role.

The National Competition Commission also has an advisory role and, in pursuance of the powers that it has been granted, it intends to fulfill its mission of the protection of competition and the promotion of competition. It maintains good relations with sectoral regulatory bodies of Senegal, such as the Agency of Regulation of Telecommunications and the Commission of Regulation of the Electricity Sector. In addition, together with these two bodies, it is a member of Regulation Forum of Senegal. This is the first step of a much wider Forum at African level.

**Legislation:** Law on Prices, Competition and Economic Disputes (Law No. 94-63 of 22 August 22 1994).

**Date of implementation:** 1996.

**Institutions:** The Competition Commission or the National Competition Commission.

**Location:** The commission has a secretariat at the Ministry of Trade.

**Merger regulation:** The law of 1994 does not include provisions dealing with concentrations.

**Relationship with sector regulators:** The commission maintains good relations with sectoral regulatory bodies of regulation with which it collaborates within the framework of the Regulation Forum of Senegal.

**List of sector regulators:** The Agency of Regulation of Telecommunications and the Commission of Regulation of the Electricity Sector.

**International cooperation agreements containing competition provisions entered into:** Senegal is a member of UEMOA and the Competition Commission is subject to provisions of the Community Competition Legislation.

**Contact details:**

**Mr. Mouhamadou Diawara**

President of the National Competition Commission

Tel.: 221 538 43 54

Fax: 221 842 41 11

E-mail: dwra19@yahoo.fr

## Serbia



### **Background information:**

Serbia is among a small number of countries that, at the beginning of 19th century, had already introduced legislation regulating specific aspects of competition. Regulations concerning competition issues were passed within the Kingdom of Serbs, Croats and Slovenians (1922) and later, during the existence of Yugoslavia (1974 and 1996). At present, competition is regulated in Serbia by the Law on Protection of Competition adopted by the Parliament of the Republic of Serbia on 16 September 2005. Pursuant to that law, the Commission for Protection of Competition has been set up, consisting of the council, a decision-making body and the Technical Service.

The commission is responsible for reviewing all submissions made under the law and the issuance of approvals. The law gives the commission the function of enforcing the law against the abuse of dominant market position, restrictive agreements that significantly prevent, restrict or distort market competition. It is also in charge of the control of concentrations.

The Commission for Protection of Competition is an independent and autonomous authority responsible to the Parliament. The law provides a base for the development of modern competition policy, compatible with the European Union, whose objective is to provide identical conditions for undertakings with the aim of improving economic efficiency and accomplishing economic welfare for the society as a whole, in particular to benefit consumers and ensure the awareness of competition rules.

In respect of competition legislation, the commission's decisions are final and are not subject to appeal. However, a complaint may be lodged to the Supreme Court.

**Legislation:** The Law on Protection of Competition, adopted on 16 September 2005.

**Date of implementation:** 24 September 2005.

**Institution:** Commission for Protection of Competition.

**Location:** Belgrade.

**Associated ministry:** None.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Informal cooperation, establishment of formal cooperation expected soon.

**Sector regulators:**

- Broadcasting Agency of the Republic of Serbia;
- Telecommunications Agency of the Republic of Serbia;
- Commission for Securities of the Republic of Serbia;
- Energy Power Agency of the Republic of Serbia.

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

**Prof. Radovan Vukadinovic, Ph.D.**

President of the Commission for Protection of Competition

E-mail: radevuk@jura.kg.ac.yu

Tel.: + 381 11 3117307

Fax: + 381 11 3117308

Website: www.minttu.sr.gov.yu (soon to be changed)



## Singapore



### **Background information:**

The mission of the Competition Commission of Singapore (CCS) is to promote healthy competitive markets that will benefit the Singaporean economy. Its approach is based on sound economic principles applied objectively and consistently. Under the Competition Act, the functions and duties of CCS are to:

- Maintain and enhance efficient market conduct and promote overall productivity, innovation and competitiveness of markets in Singapore;
- Eliminate or control practices having adverse effect on competition in Singapore;
- Promote and sustain competition in markets in Singapore;
- Promote a strong competitive culture and environment throughout the economy in Singapore;
- Act internationally as the national body representative of Singapore in respect of competition matters; and
- Advise the Government or other public authorities on national needs and policies in respect of competition matters generally.

CCS has powers to investigate and adjudicate anticompetitive activities, as well as the powers to impose sanctions.

**Legislation:** The Competition Act (50B).

### **Date of implementation:**

- 1 January 2006: Section 34 (against anticompetitive agreements) and Section 47 (against abuse of dominance), as well as the provisions on investigation powers, appeals processes and other miscellaneous areas, came into force;

- 1 July 2007: Section 54 (against mergers and acquisitions that substantially lessen competition) will come into force.

**Institutions:**

- Competition Commission of Singapore (CCS);
- Competition Appeal Board.

**Location:** Singapore.

**Associated ministry:** Ministry of Trade and Industry.

**Merger regulation:** Yes (under section 54 of the Competition Act).

**Relationship with sector regulators:** Goods and services regulated by sector-specific competition laws are excluded from the scope of the Competition Act. CCS works closely with sectoral regulators through the Inter-Agency Competition Forum.

**List of sector regulators:** Infocomm Development Authority; Energy Market Authority; Media Development Authority; Ministry of Home Affairs.

**International cooperation agreements containing competition provisions entered into:** Singapore has competition chapters in free trade agreements with:

- Australia;
- European Free Trade Association States;
- Japan;
- New Zealand;
- Panama;
- Republic of Korea;
- Trans-Pacific Strategic Economic Partnership Agreement comprising partners Brunei Darussalam, Chile and New Zealand; and
- The United States.

**Contact details:**

**Competition Commission of Singapore**

5 Maxwell Road

#13-01, Tower Block

MDN Complex Singapore 069110

E-mail: [CCS\\_feedback@ccs.gov.sg](mailto:CCS_feedback@ccs.gov.sg)

Website: [www.ccs.gov.sg](http://www.ccs.gov.sg)

Tel.: 6325 8200/8217

Fax: 6224 6929



## Slovakia



### **Background information:**

The first legal adjustment dealing with the issue of competition protection in Slovakia was Act No. 63/1991 on Protection of Competition, adopted in 1991. This act was replaced by a new one in 1994. The latest Act on Protection of Competition was adopted in 2001. It determines the position of the Antimonopoly Office of the Slovak Republic as a central state administration body, which protects competition. It also specifies the forms of competition restrictions, namely antitrust (abuse of a dominant position and agreements restricting competition); the Slovak legal adjustment is of a similar nature as the European one (Articles 81 and 82 of European Community Treaty), and deals with the approvals of mergers. The act determines the procedures of the office, as well as fines imposed for breaching individual provisions of the act. In 2004, an important amendment of the act (Act No. 204/2004 Coll.) was adopted, reflecting the new Regulations of the European Council No. 1/2003 and No. 139/2004, as well as the accession of Slovakia to European Union. Amendment of the act introduced some new institutes, namely the possibility to issue the so-called commitment decisions, while several other institutes have been amended – inspections, leniency programme, etc. The Antimonopoly Office plays a significant role in terms of competition advocacy, since it is empowered to comment on the draft legislation of other ministries or to evoke discussion on the need for introducing changes into legislation. The office contributes to training of judges on competition issues and propagates competition among entrepreneurs.

**Institutions:** The Antimonopoly Office of the Slovak Republic.

**Location:** Bratislava.

**Associated ministry:** Ministry of Economy of the Slovak Republic.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**Sector regulators:**

- Office for Regulation of Network Industries;
- Telecommunications Office of the Slovak Republic.

**International cooperation agreements containing competition provisions entered into:** Slovakia is a member of the European Union and follows its competition provisions.

**Contact details:**

**Antimonopoly Office of the Slovak Republic**

Drienova 24

826 03 Bratislava

Slovak Republic

Tel.: +421 2 4829 7111

Fax: +421 2 4333 3572

Website: [www. antimon.gov.sk](http://www.antimon.gov.sk)

## South Africa



**Background information:**

The origins of competition policy in South Africa lie with the Regulation of Monopolistic Conditions Act of 1955, which was followed by the Maintenance and Promotion of Competition Act of 1979 and ultimately the Competition Act of 1998. The Competition Commission's functions include investigating anticompetitive conduct, assessing the impact of mergers and acquisitions on competition, and playing an advocacy role in addressing any impediments to competition. The commission is the principal decision maker with regard to small and intermediate mergers, while large mergers have to be referred to the Competition Tribunal and reported to the Minister of Trade and Industry. The commission has increasingly focused on enforcement and has developed a corporate leniency policy to help prevent, detect and prosecute cartel activities. Provision is made for concurrent jurisdiction with sector regulators. Certain policy considerations for the granting of exemptions can be found in Section 10 of the act. In addition to economic efficiency, the Competition Act includes public interest objectives (specifically employment), the empowerment of historically disadvantaged persons and the promotion of small and medium enterprises (SMEs).

**Legislation:** The Competition Act, Act 89 of 1998, as amended.

**Date of implementation:** 1 September 1999.

**Institutions:** The Competition Commission, the Competition Tribunal and the Competition Appeal Court.

**Location:** Pretoria.

**Associated ministry:** Department of Trade and Industry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**List of sector regulators:**

- Independent Communications Authority South Africa (ICASA);
- National Energy Regulator (NER).

**International cooperation agreements containing competition provisions entered into:**

- European Union;
- Southern African Customs Union (SACU).

**Contact details:**

**Mr. Shan Ramburuth**

Acting Commissioner  
The Competition Commission  
Tel.: +27 12 394-3200  
Fax: +27 12 394 0166  
Website: [www.compcom.co.za](http://www.compcom.co.za)



**Mr. Dave Lewis**

Chairman  
The Competition Tribunal  
Tel.: +27 12 394 3300  
Fax: +27 12 394 0169  
Website: [www.comptrib.co.za](http://www.comptrib.co.za)





## Trinidad and Tobago



**Background information:**

The introduction of competition law and policy was initially proposed in the 1990s as part of the Government of Trinidad and Tobago's Economic Reform Programme. At that time, the Government was embarked on the liberalization of the economy, and it was thought that such legislation would assist in the creation of a favourable environment for competition. It was also felt that the competition legislation was a necessary complement to other existing policies, a complement to other policies geared towards promoting competition such as those on antidumping and unfair trade practices.

The objectives of the Trinidad and Tobago Fair Trading Act are (a) to promote and maintain effective competition in the economy; (b) to ensure that competition within the domestic market is not distorted, restricted or prevented to the detriment of the local community; (c) to provide for the removal of privately created barriers to competition; and (d) to establish a Fair Trading Commission by which the other objectives could be achieved. The act covers mergers, anticompetitive agreements and monopolies. Trinidad and Tobago is actively working towards the establishment of its Fair Trading Commission.

**Legislation:** The Fair Trading Act, 2006, Act 13 of 2006.

**Date of implementation:** It has not yet been proclaimed and implemented.

**Institutions:** No institution has yet been established.

**Location:** N/A.

**Associated ministry:** Ministry of Trade and Industry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Consultative.

**List of sector regulators:**

- The Regulated Industries Commission (RIC);
- The Telecommunications Authority of Trinidad and Tobago (TATT);
- The Securities and Exchange Commission (SEC);
- The Central Bank of Trinidad and Tobago.

**International cooperation agreements containing competition provisions entered into:** Colombia and Cuba.

**Contact details:**

**Fair Trading Unit**

Ministry of Trade and Industry  
Riverside Plaza  
Besson Street  
Port of Spain  
Trinidad  
Tel.: (868) 627 9501  
Fax: (868) 625 6233

**Ms. Stacy Cummings**

Legal Executive  
Ministry of Trade and Industry  
Tel.: 1-868-627-1912 00  
Fax: 1-868-625-6233

## Tunisia



### **Background information:**

Competition policy is based on the Law on Competition and Prices (Law No. 1991-64 of 29 July 1991), which was several times amended, in particular by Law No. 2005-60 of 18 July 2005. The authority in charge of competition issues was created in 1991 by the above-mentioned law, with the title of “Competition Commission”, which became the Council of Competition in 1995. The Council of Competition is an independent authority in charge of control of the strict respect of the principles of competition on the market as well as of the control of the anticompetitive practices. It is not authorized to control trade practices considered to be unfair. The Council of Competition has a dual mission.

#### (a) Advisory mission:

**Mandatory consultation:** It is mandatory that the Government consult the council on drafts of legal texts aiming to impose particular conditions for the exercise of an economic activity or a profession, or to establish restrictions that could prevent access to market. It must be also consulted by the minister in charge of trade in respect of projects of economic concentrations subjected to preliminary authorization, as well as exemptions.

**Optional consultation:** The council may be consulted by professional and trade union organizations, organizations or groups of consumers, as well as chambers of commerce and industry on the questions of competition in the appropriate sectors. The sectoral regulation authorities may submit to the consideration of the council the questions related with the field of competition. Its opinion can also be required on all questions relevant to competition.

(b) Judicial function:

The council takes decisions on complaints related to anticompetitive practices stipulated in the new article 5 of the law on competition and prices, i.e. illicit restraints, the abuses of dominant positions and the abuse economic dependence, as well as practices of abusively low prices. It can also assert competence over anticompetitive practices on its own initiative and take urgent provisional measures.

**Legislation:** Law No. 1991-64 of 29 July 1991 on competition and prices, amended several times, in particular by Law No. 2005-60 of 18 July 2005.

**Date of implementation:** 29 July 1991.

**Institutions:** The Council of Competition/General Direction of Competition and Economic Investigations (Ministry of Trade).

**Location:** Tunis.

**Merger regulation:** The decision is taken by the minister in charge of trade, but the opinion of the competition council is required.

**Relationship with sector regulators:** Complementarity is provided for by the Law on Competition and Prices (Law No. 1991-64 of 29 July 1991).

**List of sector regulators:**

- National Authority of Telecommunications;
- Authority of the Financial Market.

**International cooperation agreements containing competition provisions entered into:**

- European Union: Association agreement;
- France: Partnership Agreement with the Council of Competition of France.

**Contact details:**

**Mr. Ghazi Jeribi**

President of the Council of Competition

Rue du lac biwa;

Les Berges du lac – 1053

Tunis

Tunisia

Tel.: 00216 71 961902

Fax: 00216 71 962237

E-mail: [ghazi.jeribi@email.ati.tn](mailto:ghazi.jeribi@email.ati.tn)



## Turkey



### **Background Information:**

Act no: 4054 on the Protection of Competition (Competition Act) was adopted by the Parliament in 1994. The Turkish Competition Authority (TCA) has started its activities in 1997 upon the appointment of a Competition Board, which is the decision making body in charge of resolving cases and setting up of a competition policy. Like its modern counterparts, Competition Act composes of three main enforcement areas which are namely anti-competitive agreements, concerted practices and association decisions in restraint of competition, abuse of dominant position and merger control. Merger control covers privatisation cases too. The Turkish competition law has an exemption system for certain restrictive practices.

While enforcing the law, the TCA is equipped with necessary tools such as request for information and on the spot investigation, the power to impose fine for procedural and substantive infringements as well as periodical fines, and the power to ask for terminating the infringement. The investigated parties are given right to defense (three written, one oral hearing) and right to access to file during the investigation period, as well as right to appeal to the decisions before the Council of State. The TCA has an obligation to respect for business secrets.

In addition to its enforcement role, the TCA has an advocacy role. In this regard,, the TCA has strived for increasing awareness of competition among other governmental agencies, business society and the citizens.

Being a relatively young agency with its ten-year experience, the TCA is already playing an increasing role in the development and growth of the Turkish economy.

**Legislation:** Act no 4054 on the Protection of Competition

**Date of Entry into Force:** 13.12.1994

**Institutions:** Turkish Competition Authority

**Location:** Ankara

**Related Ministry:** Ministry of Industry and Trade

**Merger Regulation:** Yes

**Relationship with Sector Regulators:** Complementary Jurisdiction

**List of Sector Regulators:**

- Energy Market Regulatory Authority
- Telecommunications Authority
- Banking Regulation and Supervision Agency

**International Co-operation Agreements containing Competition provisions entered into with:**

- European Union in the form of a Customs Union (Association Council Decision No. 1/95)
- Various countries in the form of FTAs

**Contact Details:**

- **Mr. Yaşar TEKDEMİR**  
Acting Director of International Relations Department  
Turkish Competition Authority  
Tel: +90 312 291 43 10  
Fax: +90 312 266 01 17
- **Ms. Lerzan KAYIHAN ÜNAL**  
Competition Expert  
International Relations Department  
Turkish Competition Authority  
Tel: + 90 312 291 43 26  
Fax: + 90 312 266 01 17
- **Mr. Yüksel KAYA**



Competition Expert  
International Relations Department  
Turkish Competition Authority  
Tel: + 90 312 291 43 23  
Fax: + 90 312 266 01 17

Website: [www.rekabet.gov.tr](http://www.rekabet.gov.tr)





## Uganda



**Background information:**

Uganda has a draft competition law and the cabinet has had a first review of the document. This was after a series of stakeholders' consultations with the technical and financial support of the Common Market for Eastern and Southern Africa (COMESA). This was to ensure as much harmonization as possible with the East African Community (EAC) and COMESA. While the draft competition law is expected to address anticompetitive practices within Uganda, the East African Competition Law is expected to address anticompetitive practices within EAC, composed of Uganda, Kenya, the United Republic of Tanzania, Rwanda and Burundi. The COMESA competition rules and regulation, to which Uganda is signatory, is expected to address anticompetitive practices beyond EAC. The draft law will not address the interest of consumers. A separate draft consumer protection bill is in the making to address consumers' interest.

**Legislation:** The draft Uganda competition bill.

**Date of implementation:** In the making.

**Institutions: expected:** Uganda Competition Commission.

**Location: expected:** Kampala.

**Associated ministry:** Ministry of Tourism, Trade and Industry (Department of Trade).

**Merger regulation:** Inclusive.

**List of sector regulators: (selected list)**

- Uganda Communication Commission;
- Uganda Insurance Commission;
- Energy Regulatory Authority;
- Capital Market Authority.

**International cooperation agreements containing competition provisions entered into:**

- Common Market for Eastern and Southern Africa (COMESA);
- East African Community (EAC).

**Contact details:**

**Dr. Sam G. Nahamya**

Permanent Secretary

Ministry of Tourism, Trade and Industry

Tel.: +256-410314230

Fax: +256-41-341247

E-mail: ps@mtti.go.ug

comesadesk\_uganda@ yahoo.com



## Ukraine



### **Background information:**

The Ukrainian Competition legislation consists of three main texts:

(a) The Law of 1993 (with amendments) on the Antimonopoly Committee of Ukraine (AMCU), which lays down provisions concerning the AMCU organizational structure and powers as well as its reporting obligations to the Ukrainian Parliament (“Verkhovna Rada”);

(b) The Law of 2001 (with amendments) on the Protection of Economic Competition, which contains the main provisions concerning the investigation and prosecution of anticompetitive practices; and

(c) The Law of 1996 (with amendments) on the Protection against Unfair Competition.

Ukrainian competition law closely resembles the relevant European Union and national legislations of the European Union member States. The Law on the Protection of Economic Competition contains provisions dealing with the investigation and prosecution of restrictive agreements and abuses of dominant position, similar to those contained in articles 81 and 82 of the Treaty Establishing the European Community as well as in the national competition legislations of European Union member States.

Ukraine’s Law on Protection against Unfair Competition aims at protecting consumers and ensuring a fair competitive environment free from unlawful use of trademarks, misleading advertising and packaging, as well as unfair hindrance of business through other unlawful and unfair advantages.

### **Legislation, date of implementation:**

- The Law on the Antimonopoly Committee of Ukraine, 1993, with amendments;
- The Law on the Protection Against Unfair Competition, 1996, with amendments;
- The Law on the Protection of Economic Competition, 2001, with amendments.

**Institutions:** Antimonopoly Committee of Ukraine (AMCU).

**Location:** Kiev, Ukraine.

**Associated ministry:** AMCU is an independent body with special status and executive powers. It cooperates closely with the Cabinet of Ministers of Ukraine, the Ministry of Economy and the Ministry of Justice.

**Merger regulation:** The Law on the Protection of Economic Competition contains provisions to control concentrations of economic entities (including mergers and acquisitions). The Cabinet of Ministers of Ukraine may authorize concentrations not authorized by the Antimonopoly Committee of Ukraine in case participants involved in a concentration prove that its positive effect in the area of public interest outweighs negative consequences in the form of restrictions on competition.

**Sectoral regulations:**

- National Regulation Commission for Electricity;
- National Regulation Commission for Communications (Telecommunications and Post).

**Relationship with sector regulators:** Concurrent jurisdiction.

**International cooperation agreements containing competition provisions entered into:**

- The Partnership and Cooperation Agreement between the European Community and their Members States, and Ukraine;

- The Multilateral Intergovernmental Treaty on the Implementation of a Coordinated Competition Policy of the countries;
- A number of bilateral intergovernmental agreements on cooperation in the sphere of competition policy concluded with Commonwealth of Independent States countries, and Central and East Europe countries.

**Contact details:**

**The Antimonopoly Committee of Ukraine**

45 Uryts'kogo str, 03035  
Kiev, Ukraine

Tel.: +38 044 25136262

Fax: +38 044 428 1325

E-mail: [ir@amc.gov.ua](mailto:ir@amc.gov.ua)





## United Republic of Tanzania



### **Background information:**

The prompting cause for the initiation of Competition Policy and Law in Tanzania was a parliamentary demand in 1993, when the Government was presenting a Bill to Repeal the Price Control Act, which had been central in the previous planned economy regime. The demand was that the executive branch of Government should seek means and ways for overseeing economic operations in a market-based economy. The Trade Practices Act of 1994 was passed by Parliament but during its implementation proved to be flawed in many aspects, and therefore was repealed and replaced by the Fair Competition Act of 2003, which also necessitated the enactment of parallel sector regulatory laws as enumerated here. The act is a modern one aimed at promoting and protecting competition in the economy in order to enhance efficiency, subject to the usual generic competition-enforcing requirements of independence, accountability, transparency and due process. The act deals with all issues of anticompetitive conduct, abuse of dominance and curtailing mergers and acquisitions if the outcome is likely to create dominance in the market or lead to uncompetitive behaviour. The act also carries the consumer protection regime administered by a department, within the commission but at arms length with the competition law administration. The adjudications of consumer-related cases are done in the normal courts.

**Legislation:** The Fair Competition Act, 2003 (Act No. 8 of 2003).

**Date of implementation:** 12 May 2004.

### **Institutions:**

- Fair Competition Commission (institution of first instance);
- Fair Competition Tribunal (appellate body).

**Location:** Dar es Salaam.

**Associated ministry:** Industry, Trade and Marketing.

**Merger regulation:** Yes.

**Relationship with sector regulators:** The fair Competition Commission is exempted from intervening in the regulated sectors.

**List of sector regulators:**

- Energy and Water Utilities Regulatory Authority Act, 2001;
- Surface & Maritime Transport Regulatory Authority Act, 2001;
- Civil Aviation Regulatory Authority Act, 2003;
- Communication Regulatory Authority Act, 2003.

**International cooperation agreement containing competition provisions entered into:** Member countries of EAC.

**Contact details:**

**Director General**

Fair Competition Commission  
CRDB Head Office Building Floor 7,  
Azikiwe Street, P.O. Box 7883,  
Dar es Salaam.

Tel.: +255222122479

+255222122489

Fax: +255222122449



**Chairman**

The Fair Competition Tribunal

Tel.: +255 2 461 173

P.O. Box 79650

## United States of America



**Background information:**

The United States Department of Justice and the Federal Trade Commission share antitrust enforcement authority. In addition, private persons may bring antitrust actions for treble damages and/or injunctive relief. United States antitrust policy originated with the 1890 Sherman Antitrust Act, which was joined in 1914 by the Clayton Antitrust Act and the Federal Trade Commission Act. These basic federal laws have been amended and augmented a number of times over the years, and most states have their own antitrust laws. The Antitrust Division of the Department of Justice investigates and, as appropriate, brings enforcement actions against cartels, mergers, monopolies and other forms of anticompetitive entities and conduct. The division enforces antitrust laws through both criminal and civil litigation. The Federal Trade Commission (FTC) is an independent regulatory agency headed by five commissioners, one of whom is designated by the president as chairman. FTC has both prosecutorial and adjudicative powers to enforce the Clayton and FTC Acts. In its prosecutorial role, FTC, like the Department of Justice, investigates and, as appropriate, brings enforcement actions against mergers, monopolization, and other forms of anticompetitive conduct, through civil litigation in federal courts. In its adjudicative role, FTC's administrative law judges resolve complaints filed by FTC against individuals or organizations alleging anticompetitive conduct.

**Legislation:** The Sherman and Clayton Antitrust Acts, and the Federal Trade Commission Act.

**Dates of introduction:** The Sherman Act was enacted in 1890, and the Clayton Act and the Federal Trade Commission Act in 1914.

**Institutions:**

- The Antitrust Division of the Department of Justice: Thomas O. Barnett is the Assistant Attorney General for Antitrust and Gerald F. Masoudi is the Deputy Assistant Attorney General for International Enforcement.
- The Federal Trade Commission: Deborah Platt Majoras is the Chairman of the FTC and Randolph W. Tritell is the Director of the Office of International Affairs.

**Location:**

- Department of Justice: Washington, D.C. and seven field offices, see <http://www.usdoj.gov/atr>.
- Federal Trade Commission: Washington, D.C. and seven regional offices, see <http://www.ftc.gov/ftc/orgdirectory.pdf>.

**Merger regulation:** Yes.

**International competition cooperation agreements:** The Department of Justice and the Federal Trade Commission cooperate with foreign competition agencies through formal and informal agreements and arrangements, although cooperation also takes place in their absence. One important informal mechanism is the Recommendation of the Organization for Economic Cooperation and Development (OECD) on international competition cooperation. For a list of formal agreements, see:

[http://www.usdoj.gov/atr/public/international/int\\_arrangements.htm](http://www.usdoj.gov/atr/public/international/int_arrangements.htm) or  
<http://www.ftc.gov/bc/international/coopagree.htm>.

**Contact details:**

**Ms. Anne Purcell White,**  
Assistant Chief  
Foreign Commerce Section  
Department of Justice  
Tel.: +1 202-514-5803  
Fax: +1 202-514-4508  
[Anne.Purcell@usdoj.gov](mailto:Anne.Purcell@usdoj.gov)

**Ms. Maria Coppola Tineo,**  
Counsel for International Antitrust  
Office of International Affairs  
Federal Trade Commission  
Tel.: +1 202 326 2482  
Fax: +1 202 326 2873  
[mtineo@ftc.gov](mailto:mtineo@ftc.gov)

## Uruguay



### Background information:

The Uruguayan legislation prohibits anticompetitive practices by undertakings (abuse of dominance and agreements between undertakings). However, there is no merger control. The antitrust offices are:

- General Directorate of Commerce (Dirección General de Comercio, DGC) – Ministry of Economy and Finance (Ministerio de Economía y Finanzas, MEF);
- The Communication Services Regulatory Agency (Unidad Reguladora de los Servicios de Comunicación, URSEC) is in charge of controlling the Communications and Postal Services;
- The Energy and Water Services Regulatory Agency (Unidad Reguladora de los Servicios de Energía y Agua, URSEA) controls the energy and water sectors.

### Legislation:

- Arts. 13, 14 and 15 of the Law number 17.243;
- 157 and 158 of the Law number 17.296;
- 89 of the Law number 17.556; and
- 14 literal of the Law number 17.598.

**Date of implementation:** 28 February 2001.

### Institutions:

- General Directorate of Commerce (DGC);
- The Communication Services Regulatory Agency (URSEC);
- The Energy and Water Services Regulatory Agency (URSEA).

**Location:** Montevideo.

**Associated ministry or independent institution:**

- DGC is a branch of the Ministry of Economy and Finance;
- URSEA and URSEC are independent regulators.

**Merger provisions:** No.

**Sectoral regulations:** In Energy (Oil, Gas, Electricity, etc.), Water, and Communications.

**Sector regulators:** URSEC, URSEA.

**International cooperation agreements containing competition provisions entered into:** MERCOSUR.

**Contact details:**

**Ec. Fernando Antía**

General Directorate of Commerce  
Ministry of Economy and Finance  
Tel.: 5982-1712 2918  
Montevideo - Uruguay

**Ec. Leandro Zipitria, Economic**

Advisor  
General Directorate of Commerce  
Ministry of Economy and Finance  
Tel.: 5982-908 6596  
E-mail: lzipitria@dgc-mef.gub.uy  
Montevideo, Uruguay

## Venezuela, Bolivarian Republic of



### **Background information:**

The origins of competition law in Venezuela dates to 1 January 1992. In order to develop the right to economic freedom of all economic agents (as consecrated in the Constitution of the Republic of 1961), the Law to Promote and Protect the Free Competition (LPPLC) was passed. From this law, the National Superintendence to Protect and Promote the Free Competition (“Pro-Competencia”) was created.

The Superintendence personnel consist of more than 50 technicians, lawyers and economists, including administrative and service personnel. The main areas of focus include acquisitions and mergers, abuse of dominant position, cartels, vertical restraint or even unfair competition (product simulation, false advertising, counterfeiting)

Currently, a draft competition bill is in its final discussion at the National Assembly. The new law is expected to enhance the acting power of the superintendence, increase the staff number and change the social aspects of the law in order to better protect the small competitor. This law would be an antimonopoly, oligopoly and unfair competition law.

**Legislation:** Law to Promote and Protect the Free Competition.

**Date of implementation:** 1 January 1992.

**Institutions:** “Pro-Competencia”.

**Location:** Caracas.

**Associated ministry:** Ministry of Light Industries and Commerce.

**Merger provisions:** Yes.

**Sectoral regulations:** Yes.

**Sector regulators:**

- Conatel – Telecommunications Industry;
- Sudeban – Financial Sector;
- Sudesec – Insurance Industry;
- Comisión Energía Eléctrica – Electric Energy Industry;
- Ente Nacional del Gas – Gas Energy Industry;
- Inac – National Civil Aeronautic Institute.

**Relationship with sector regulators:** Bilateral Assistance – depending on the case.

**National cooperation:** CONATEL – Telecommunication Regulatory Body.

**Contact details:**

Mr. Milton Ladera Jiménez  
Superintendent  
“Pro-Competencia”  
Tel./Fax: +58 212 5763960  
Website: [www.procompetencia.gob.ve](http://www.procompetencia.gob.ve)





## Viet Nam



**Background information:**

The Competition Law was passed by the National Assembly on 3 December 2004, and came into effect on 1 July 2005, opening a new phase for building up a fair competition environment for all enterprises. Consisting of six chapters and 123 articles, the Competition Law governs unfair competition and competition-restricting acts, including mergers, cartels, abuse of market power, multi-level sales and the like. The law also provides procedures for settling competition cases and measures against violations of competition legislation.

The objectives of the Competition Law are to create an equal competition environment, strengthen fair competition, eliminate competition-restrictive acts and to protect consumers' interests. Five decrees and one circular have been introduced as guidelines to enforce the Competition Law.

**Legislation:** The Competition Law of 3 December 2004.

**Date of implementation:** 1 July 2005.

**Institutions:**

- Viet Nam Competition Administration Department (VCAD) is a central administrative organization under the authority of the Ministry of Trade;
- Viet Nam Competition Council is an independent body.

**Location:** Hanoi.

**Associated ministry:** Ministry of Trade.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Yes.

**List of sector regulators:**

- Viet Nam Maritime Administration;
- Electricity Regulatory of Viet Nam;
- Civil Aviation Administration of Viet Nam;
- National Office of Intellectual Property of Viet Nam;
- Viet Nam Food Administration.

**International cooperation agreements containing competition provisions entered into:** Not Available.

**Contact details:**

**Competition Administration Department**

Ministry of Trade  
No. 21, Ngo Quyen St.,  
Hoan Kiem Dist.,  
Hanoi  
Viet Nam  
Tel.: 84-4-8262551  
Fax: 84-4-9360385  
E-mail: qlct@mot.gov.vn  
Website: www.vcad.gov.vn

## Zambia



### **Background information:**

The Zambia Competition Commission (ZCC) was established in 1997 as a corporate statutory body with perpetual succession. The core function of ZCC is to monitor, control and prohibit acts or behaviour that are likely to adversely affect competition and fair trading in Zambia. The introduction of competition policy and law in Zambia, like in other transition market countries, was adopted in an environment where economic activity was changing from a government-controlled socialist economy, to a liberalized market economy. The commission secretariat is the investigating organ, while a 13-member Board of Commissioners is the adjudicating body. Parties dissatisfied with a decision of the board can appeal to the High Court of Zambia within 30 days after the decision has been made by the board, with a further and final appeal to the Supreme Court of Zambia. The Zambian competition legislation has adopted the pre-merger notification approach. Section 8 of the act is the principal merger control provision in Zambia. ZCC is mandated under Section 8 of the act to enquire into all horizontal mergers and acquisitions before they take effect in the Zambian economy. No merger or takeover made without the Commission's authorization shall have any legal effect and no rights or obligations imposed on the participating parties by any agreement in respect of the merger or takeover shall be legally enforceable in Zambia.

### **Legislation:**

- The Competition and Fair Trading Act, 1994;
- Chapter 417 of the Laws of Zambia.

**Date of implementation:** 15 February 1995.

**Institution:** The Fair Trading Commission.

**Location:** Lusaka.

**Associated ministry:** The Ministry of Commerce, Trade and Industry.

**Merger regulation:** Yes.

**Relationship with sector regulators:** Concurrent jurisdiction.

**Sector regulators:**

- Energy Regulation Board (ERB);
- Communications Authority of Zambia (CAZ);
- Zambia Bureau of Standards (ZABS);
- Zambia Investment Centre (ZIC);
- Zambia Privatization Agency (ZPA);
- Securities and Exchange Commission (SEC);
- Pensions and Insurance Authority (PIA);
- Bank of Zambia (BOZ);
- National Water and Sanitation Council (NWASCO);
- Environmental Council of Zambia (ECZ);
- National Airports Corporation Limited (NACL);
- Department of Civil Aviation (DCA);
- Pharmacy, Medicines and Poisons Board (PMPB);
- Road Safety and Transport Authority (RSTA);
- Zambia Wildlife Authority (ZAWA);
- Patents and Companies Registration Office (PACRO).

**International cooperation agreements containing competition provisions entered into:** None.

**Contact details:**

Mr. George Lipimile  
Executive Director

E-mail:  
zcomp@zamtel.zm



Zambia Competition Commission  
Tel.: +260-1-222775, 222787  
Fax: +260-1-222789

Website:  
www.zcc.com.zm

## Zimbabwe



### **Background information:**

Zimbabwe's Competition Act was enacted in 1996 against a background of growing concern within the business community that there was lack of competition in Zimbabwe domestically and that the country's industries were not competitive internationally. A 1992 study on monopolies and competition policy in Zimbabwe confirmed that restrictive business practices were extensive in the country. The act covers the three main elements of competition law of anticompetitive agreements, abuse of dominance and anticompetitive mergers. The Competition Act of 1996 was amended in 2001 to merge the Competition Commission with the Tariff Commission to form the present Competition and Tariff Commission, and to strengthen its other competition provisions. The merged Commission therefore, in addition to having the competition functions of investigating restrictive and unfair business practices and regulating mergers and acquisitions, also has the trade policy functions of investigating unfair trade practices and providing assistance or protection to local industry using the country's trade tariffs regime. The implementation of the country's competition policy and trade (tariffs) policy under one authority has had the effect of maximizing the complementarities of the two sets of policy and minimizing their conflicts. In its competition operations, the commission has full decision-making autonomy. The Competition Act of 1996 applies to all economic activities within or having effect within Zimbabwe, and binds the State to the extent that the State is concerned in the manufacture and distribution of commodities. The Commission promotes competition in regulated sectors in consultation with the relevant sector regulators. However, final authorization of mergers in regulated sectors rests with the commission in terms of section 3(3) of the act.

**Legislation:** Competition Act, 1996 (No. 7 of 1996) as amended by the Competition Amendment Act, 2001 (No. 29 of 2001).

**Date of implementation:** 9 February 1998.

**Institutions:** Competition and Tariff Commission.

**Location:** Harare.

**Associated ministry:** Ministry of Industry and International Trade.

**Merger regulations:** Yes.

**Relationship with sector regulators:** Consultative.

**List of sector regulators:**

- Postal and Telecommunications Regulatory Authority (POTRAZ);
- Registrar of Banks and Financial Institutions;
- Insurance Regulatory Authority;
- Broadcasting Authority of Zimbabwe (BAZ);
- Zimbabwe Electricity Regulatory Commission (ZERC);
- Medicines Control Authority of Zimbabwe (MCAZ);
- Media and Information Commission (MIC).

**International cooperation agreement containing competition provisions entered into:**

- Common Market for Eastern and Southern Africa (COMESA).

**Contact details:**

**Mr Alexander J Kububa**

Director Competition and Tariff Commission

Tel.: 263-4-775040/1/2/3/4/5

Fax: 263-4-770175

E-mail: compcomm@mweb.co.zw

