

UNCTAD GUIDEBOOK ON COMPETITION SYSTEMS

Albania



Background Information:

The origin of 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 after 1991, it was necessary to replace this law with a new law that reflect best the changes in our economy. Now we have a new law which is compatible with EU Competition Policy. The Competition Authority (C.A.) functions include investigating the abuse of dominant position, control of mergers and concentration. The C.A. is the only institution that has control over market conduct and it has the enforcement power. As it is a new institution, it deals with small cases.

To increase the effectiveness of C.A. we have defined some objectives:

- The strengthening of relationship with regulators in different sectors;
- To promote competition culture for consumers and firms and to advocate competition.

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

Date of Implementation: July 28, 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 (E.R.T);
- Ent. of Energy (E.R.E);
- The Financial Survey Agency (A.F.S).

International Co-operation Agreements Containing Competition Provisions entered into with: None in competition policy.

Contact Details:

Lindita Milo

Chairwoman

Cel: (355) 69 209 1186

Fax: (355) 4 234 505

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

Servete Gruda

Commissioner

Cel: (355) 68 209 1410

E-mail: servetergruda@yahoo.com

Kolo Broka

Commissioner

E-mail: kolobroka@hotmail.com

Andean Community

**COMUNIDAD
ANDINA**

SECRETARIA GENERAL



Background Information:

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

Its functions include managing the sub regional integration process; providing solutions to issues submitted for its consideration; ensuring that the commitments established by the Community are fully fulfilled; and ensuring relations with member States as well as the executive bodies of other regional integration and cooperation organizations.

The AC General Secretariat can also make proposals based on the fact that 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 AC approved in March 28, 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 (25 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 apply temporarily 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 it deploys effects in another (or more) country of the CAN. The law is also applicable when an anti-competitive practice is not taking place in the 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 the sub-regional and the designated national authorities under the leadership of the SG CAN. The authorities in the relevant member States carry out investigations upon request,

however the SG CAN may undertake its own investigations in parallel or after the requested investigation by the national authorities is reported to the SG CAN.

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

Date of Implementation: April 4th, 2005.

Institutions:

- Andean Community General Secretariat;
- Competition Agencies of the Member Countries;
- Andean Committee of Defence of Competition.

Member Countries. Bolivia, Colombia, Ecuador, Perú.

Location of the Regional Institution: Lima, Peru.

Associated Ministry or Independent Institution: Independent Institution – International Organization.

Merger Provisions: No.

Sectoral Regulations: Not applicable.

International Co-operation Agreements Containing Competition Provisions entered into with: 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
Anx:+1393
Fax: +51-1-221.33.29
wrodriguez@comunidadandina.org
www.comunidadandina.org

Argentina



Background Information:

Argentina's current competition law, law 25.156 for the Defence of Competition, was enacted in 1999, and 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 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.

2006 OECD - Peer Review Conclusions and Recommendations reports that competition policy in Argentina has an excellent foundation: the 1999 competition law. The Act articulates the right standards in the three substantive areas of competition law enforcement - restrictive agreements, 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 is being analysed in the Parliament and the CNDC which is currently under negotiations. 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 with the enactment of Law 25.156, in 1999. 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 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 Co-operation Agreements Containing Competition Provisions entered into with:

MERCOSUR

Contact Details:

Mercedes Enrico
Secretaría de la Presidencia de la Comisión
menric@mecon.gov.ar
www.mecon.gov.ar/cndc/home

Armenia



Background Information:

The Law of the Republic of Armenia on the Protection of Economic Competition (hereinafter the Law) is adopted by the National Assembly on November 6, 2000 and was ratified by the President of Armenia on December 5, 2000. The EU and Armenia are linked by a Partnership and Cooperation Agreement (PCA) 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 more favorable business environment, including promotion of economic competition, business development and protection of consumer's rights. The primary legal basis for competition legislation in Armenia is the following:

- The Partnership and Cooperation Agreement (PCA) between Armenia and Member States of European Community (EC), 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, abuse of dominant position; regulates merger, and deals with unfair competition and consumer protection. The Law also deals with rules concerning the State Commission for the Protection of Economic Competition of the Republic of Armenia (hereinafter the Commission) conduct in administrative proceedings, including hearings; imposition of fines for the Law violations to legal entities and natural persons. The Law also states the determination of key legislative terms on the economic competition protection, list and features of infringements of legislation on the economic competition protection, liability for infringements of the legislation on economic competition protection, order of execution of the decisions of the Commission and appeal against 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: November 6, 2006.

Institutions: State Commission for the Protection of Economic Competition of 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 chairman of the Commission participates with an advisory vote in Government Sessions and makes written comments concerning the issues which will be entered into minutes of the sessions).

Merger provisions: The Law on Protection of Economic Competition contains provisions which address concentrations of economic entities (including mergers, acquisitions and collusion of economic entities). The law Chapter 4 (8, 9, 10).

Relationship with Sector Regulators: There is no legal bending between the Commission and sector regulators. Yet, the Commission often requires vital information and comments from another State Agency and Sector Regulators in order to successfully develop a case (such as Public Services Regulatory Commission of RA, 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 Co-operation Agreements Containing Competition Provisions entered into with:

- Agreement on Partnership and Collaboration on the one side between the Republic of Armenia and European Communities and on the other side their member Countries (entered into force in 1999);
- Contract on "Maintaining Agreed Anticompetitive Policy" between Independent States Cooperation 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,

email: info@competitionpolicy.am

website: www.competitionpolicy.am

Azerbaijan



Background Information:

The first authority responsible for the conduct of antimonopoly policy was established in 1992 as the State Committee for Antimonopoly Policy and Support for Entrepreneurship of Azerbaijan Republic. According to the decree of the President of Azerbaijan Republic as of June 11, 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 Decree of the President of Azerbaijan Republic as of December 28, 2006 Department of Antimonopoly Policy of the Ministry of Economic Development was reorganized into State Antimonopoly Service under auspices of Ministry of Economic Development. The activity of State Antimonopoly Service is guided by antimonopoly and competition legislations. Currently the new act of State Antimonopoly Service - new Competition Code is at the stage of adoption by the National Parliament of Azerbaijan Republic and it already passed the first review at the parliament.

Legislation:

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

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 Co-operation Agreements Containing Competition Provisions entered into with:

- CIS - Council of Independent States.

Contact Details:

- **Mr. Samir Dadashov**
Head
State Antimonopoly Service
under auspices of the Ministry of Economic Development
Tel: +99412 43737373
Fax: +99412 4372727
Website: www.antimonopoly.az

Australia



Background Information:

The 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 the ACCC and is responsible for the economic regulation of Australian energy markets and compliance with the electricity and gas rules at a national level.

The TPA makes certain anti-competitive and unfair conduct illegal. The ACCC enforces the TPA through instituting legal proceedings in the Federal Court against businesses that have contravened the TPA. As well as enforcing the law, the ACCC provides information and education to businesses and consumers about the laws it administers.

In addition to promoting competition and fair trading in the market place to benefit consumers, business and the community, the ACCC also regulates national infrastructure services. Its primary responsibility is to ensure that individuals and businesses comply with the Commonwealth competition, fair trading and consumer protection laws.

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

The 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. The ACCC is the only national law enforcement agency with responsibility for administering the TPA and related legislation. In fair trading and consumer protection its role complements that of the state and territory consumer affairs agencies which administer the mirror legislation of their jurisdictions.

Legislation:	<i>Trade Practices Act 1974</i> and related legislation.
Date of Implementation:	1 October 1974.
Institutions:	Australian Competition & Consumer Commission (ACCC); Australian Competition Tribunal; National Competition Council (NCC).
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 & Media Authority (ACMA).

International Co-operation Agreements Containing Competition Provisions entered into with:

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



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 anti-competitive conduct, and undertaking competition advocacy to address impediments to competition. The Commission also has the power to authorise certain agreements and conduct. The Minister of Commerce, Consumer Affairs and Business Development has powers to exempt business or activities. All provisions of the Act are amenable before the High Court.

Legislation: Fair Competition Act CAP. 326C.

Date of Implementation: 03 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 Co-operation Agreements Containing Competition Provisions entered into with:

- 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
General enquiries: info@ftc.gov.bb



Belgium



Background Information:

A new Law on the Protection of Economic Competition, and a second Law, instituting a new Competition Council, were enacted on June 10, 2006, and entered into force on October 1, 2006. These Laws (hereafter: "the new Law") replace the original Law on the Protection of Economic Competition, which dated from August 5, 1991 (and entered into force on April 1, 1993) and had been amended several times. The new Law primarily contains provisions of an institutional and of a procedural nature, and also puts Belgian law fully in accordance with EC Regulation n° 1/2003 and with EC Merger Regulation n° 139/2004. The dual structure of the Belgian Competition Authority (Competition Service and Competition Council) is confirmed, be it 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, a newly created function, heads the Competition Service. Apart from conducting investigations, the Competition Service is also expected to enhance competition policy in Belgium in general.

The new Competition Council consists of twelve members who hear cases involving cartels, abuses of dominant position and mergers in panels of three judges each. 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 program, which could since June 2004 only be offered on the basis of 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: formal advisory opinions to the Belgian Federal Regulator for Electronic Communications and informal opinions to Belgian Regional Regulators for Broadcasting, 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, 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.
- Banking, Finance and Insurance Commission

International Co-operation Agreements Containing Competition Provisions entered into with:

European Competition Network (ECN), European Competition Authorities (ECA)

Contact Details:

Mr. Stefaan Raes Chairman	Mr. Bert Stulens Auditor-general Body of Auditors	Mr. Jacques Steenbergen Director-general Competition Service
Competition Council Tel. + 32 2 277 52 72 Fax + 32 2 277 53 23	Tel. + 32 2 277 81 78 Fax + 32 2 277 52 73	Tel. + 32 2 277 67 78 Fax + 32 2 277 52 54

Website : www.economie.fgov.be > market regulation > competition

Bhutan



Background Information:

At present, the country does not have a competition law in place. Nevertheless, the Ministry of Trade and Industry (MTI) has taken some steps to increase competition to protect consumer interests under Rule No.6.3 of General Guideline for Industrial and Commercial Venture in Bhutan -1997. Under the demonopolization 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 our accession to the World Trade Organization it was pertinent to draft relevant laws that are compatible with our level of development, social and cultural background. Therefore, the Ministry of Trade & Industry initiated the drafting of Consumer Protection Act in order to protect the consumer rights and interests from unfair and unscrupulous trade practices in the country.

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

Legislation: Draft Consumer Protection Bill of Kingdom of Bhutan -2007.

Date of Implementation: To be submitted in National Assembly for ratification of Bill.

Location: Thimphu.

Associated Ministry: Ministry of Trade and Industry.

International Co-operation Agreements Containing Competition Provisions entered into with: Nil.

Contact Details:

Mr.Sonam P.Wangdi
Director
Department of Trade
Ministry of Trade & Industry
Thimphu,
Bhutan.
Tel: +975 2 322108/322407
Fax: + 975 2 321338

Bolivia



Background Information:

According to the scope of decision 608 of the Andean Community, Bolivia does have a competition law but with restrictive efficacy. Furthermore, at 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. The law would establish a legal framework for public order, create an Agency for Competition and facilitate the strengthening of the regulating Superintendencies that are responsible for the application and coordination in the development of a culture of competition in the national private sector.

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

Institutions: Competition Agency and Regulating Superintendencies.

Location: La Paz, Bolivia.

Associated Ministry or independent institution:
Ministerio de Producción y Microempresa.

Merger provisions: No.

Sectoral regulations:

Law N° 1600 del Sistema de Regulación Sectorial;

Law N° 2427 del Sistema de Regulación Financiera;

Law N° 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 Superintendencies are autonomous entities.

International Co-operation Agreements Containing Competition Provisions entered into with:

- Decision 608 of the Andean Community.

Contact Details:

Luis Valda Aliaga
Director General de Comercio y
Exportaciones
Ministerio de Producción y Microempresa
mcampos@produccion.gov.bo
Tel./Fax: +591 2 2377222
Av. Mariscal Santa Cruz,
Palacio de Comunicaciones, 16th floor
La Paz, Bolivia

Alvaro Pardo Garvizu
Técnico en Normas Nacionales
Ministerio de Producción y
Microempresa
apardo@produccion.gov.bo
Tel./Fax: +591 2 2377222
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 on Competition was not in compliance with the European legislation (acquis communautaire). Therefore, the Parliamentary Assembly of 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. Decision 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 prohibition of anti-competitive agreements, which restrict or distort competition in a relevant market; elimination of any abuse of dominant position in the market; 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 €1 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 (CRA);
- State Electricity Regulatory Commission (SERC).

International Co-operation Agreements Containing Competition Provisions entered into with:

- 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 n° 8.137, of 1990, establishes that cartels and other anticompetitive conducts can also be prosecuted in 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 n° 8.884/94. (As amended: 1995, 1997, 1999, 2000, 2004 ,2006)

Date of Implementation: 13rd 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 to 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, Central Bank of Brazil

International Co-operation Agreements Containing Competition Provisions entered into with:

Regional co-operation Agreement: South Common Market - Mercosur

Bilateral agreements:

- Agreement between Brazil and United States of America, of 1999; Agreement between Brazil and Russian Federation, of 2001; Agreement between Brazil and Argentina, of 2003; Protocol between CADE, SDE and SEAE and 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 anti-competitive 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 anti-competitive 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 anti-competitive 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 Korea.
- Canada has also included competition provisions in completed free trade agreements with NAFTA, 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's 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 N° 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 May 13th, 2004 and its duties 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 N° 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 has also a function in competition advocacy in front of regulators and the community. About fifty civil servants work in the agency.

Legislation: DL 211, 1973, as amended (currently reenacted in DFL N° 1, March 2005).

Date of Implementation: 1973; last reform, Law N° 19.911 of 2003.

Location of the Institutions: Santiago.

Associated Ministry or Independent Institution: Ministry of Economy.

Merger provisions: Prior voluntary consultation procedures are 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 Co-operation Agreements Containing Competition Provisions entered into with: Free Trade Agreements with EU, USA, Canada, EFTA, Korea, among others; 3 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



Sr. Jaime Barahona Urzúa
Deputy National prosecutor
jbarahona@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

Colombia



Background Information:

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

The SIT can exercise two types of powers: repressive and preventive ones. 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 because somebody (corporation, natural person or a public agency) files a complaint or at his own discretion.

Once the investigation is concluded, 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 or not 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, the SIT can finish an investigation earlier.

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

Date of Implementation: 22 of 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 Co-operation Agreements Containing Competition Provisions entered into with: 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

Mr. Guillermo Jiménez

Superintendente Delegado para la Promoción De la Competencia
Teléfono (57 1) 382 26 72
Fax (57 1) 382 26 98
E mail: gjimenez@correo.sic.gov.co

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

Costa Rica



Background Information:

Costa Rica's legislation on competition consists in general of: (i) article 46 of the Constitution and Law No. 7472 of December 20, 1994 and (ii) the Law on Promotion of Competition and Effective Defense of Consumers, published in the Official Journal La Gaceta on January 19, 1995. The conditions for regulating the 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 N° 7472. December 20th, 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: January 19th, 1995.

Institutions:

Ministry of Economy; Commission for Promotion of Competition (COPROCOM); 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 the case Workers Protection Act No. 7523 for the specific case of pension operator companies mergers and their regulations.

International Co-operation Agreements Containing Competition Provisions entered into with:

FTA's with the countries of Central America, Chile, Dominican Republic, Mexico, Canada and CARICOM.

Recently, Costa Rica has concluded negotiations with USA to implement a FTA. However, the FTA has not yet been approved by the US congress.

Contact Details: Isaura Guillén,
Executive Director of Technical Support Unit.

Web site: www.coprocom.go.cr



Croatia



Background Information:

Pursuant to the obligations under the Stabilisation 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 the Republic of Croatia. Regarding those obligations, a new Competition Act was adopted on July 21, 2003. In April 2004 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, legal framework in the field of competition is largely in line with the EU. For further information, please see English translation of CA and the regulations on the Agency's website www.aztn.hr. In year 2003, the jurisdiction of State Aid was given to the CCA by the Croatian Government, and the State Aid Act and the Decree on State Aid were adopted in the same year, whereas in 2004 Council adopted a Regulation determining the form and contents, and the method of collection of data and keeping the register on state aid. Following the obligations related to the integration process into the EU, the Adjustment Programme of the Croatian State Aid System to the EU 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 EC 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 is reporting 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.

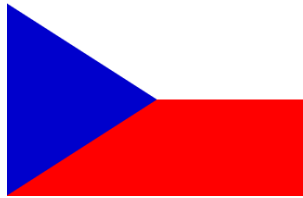
International Co-operation Agreements Containing Competition Provisions entered into with:

- Stabilisation and Association Agreement with the EU.

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

Czech Republic



Background Information:

The Office for the Protection of competition, established in 1991 is in a position of 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 eventual Protection of Competition Act infringement in all sectors.

There are three main areas of the Office's competences. First, it deals with the antitrust issues, which includes protection of competition against its distortion by cartel agreements, abuse of dominant position and concentration of undertakings. Second, as of 1 January 1995, the Office executes surveillance over the public procurement and third, as of 1 May 2000, also the 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 Telecommunications Regulator is governed by law and further empowered by The Memorandum of Cooperation.

The cooperation with Energetic Regulator is not enacted under the law.

The competence of the Competition Authority and Regulators are clear-cut and no superposition occurs.

List of Sector Regulators:

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

International Co-operation Agreements Containing Competition Provisions entered into with:

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

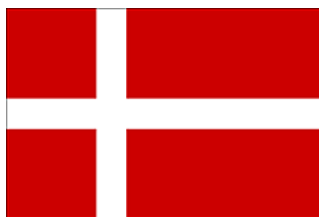
+420 542161233

+420 542161288

e-mail

posta@compet.cz

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 co-operation with the Directorate General for Competition of the European Commission. As in many other countries and in the EU, 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;
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 Co-operation Agreements Containing Competition Provisions entered into with:**
- 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
 - **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 1990`s 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 lectric, 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 deference of competition. It was amended and reintroduced in May of 2006. It is hoped that it will be approved by the new congress who meets in late august.

Legislation:

The proposed law contains clauses to promote a culture of competition, to regulate competition, 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 Co-operation Agreements Containing Competition Provisions entered into with:

United States, and Central America (US-DR-CAFTA), Caribbean Community (CARICOM).

Contact:



**SECRETARIA DE ESTADO
DE INDUSTRIA Y COMERCIO**

Secretaría de Estado de Industria y Comercio
Lic. Magdalena Gil de Jarp
Telephone: 809-685-5171 Ext. 227
Email: magdalena.gil@seic.gov.do

El Salvador



Background Information:

El Salvador's Competition Law discussions in Congress commenced in the early 90's. Various political parties, private sector association and civil society groups presented Competition Law proposal to the Congress. It was until November 2004 that the Competition Law was approved in Congress, sanctioned by the President of the Republic on December 22, 2004 and published on the National Gazette number 524 file number 365 on December 23, 2004. The entry into force of the law was set for January 1st, 2006, giving a year to create the Competition Superintendence, 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 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 anti-competitive conduct such as agreement between competitors, agreements among non competitor and abuse of dominance. Also, 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:	January 1 st , 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 Superintendancy;
- Financial Sector Superintendancy;
- Pension Fundas Superintendancy;
- Securities Superintendancy;
- Maritime Authority;
- Civil Aviation Authority.

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

- 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 Superintendancy
Tel. +50325236600
Fax. +50325236625

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

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, 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 product 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 thirty 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 thirty thousand Egyptian pounds and not more than ten 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 to 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 Co-operation Agreements Containing Competition Provisions entered into with:

- The EU 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



Estonia



Background Information:

Estonian Competition Board (the ECB) was established on October 21, 1993 and 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 the 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 October 1, 2001. The Act has been amended many times since its adoption, the last amendments being in force since July 1, 2006.

The 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 the ECB are: to exercise supervision in respect of compliance with the Competition Act and the corresponding regulations; to investigate the agreements and contracts restricting competition; to process the cases of abuse of dominant position; to examine the competitive situation in different relevant markets and to make proposals to improve the competitive situation; to prepare measures facilitating competition and to make proposals for the adoption or amendment of legal acts; to exercise control in respect of concentrations; to co-operate with competition authorities of other states and alliances of states; to organise training in competition law issues and disseminate competition related information.

Legislation: The Competition Act of 2001, as amended.

Date of Implementation: 01 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:

- The Energy Market Inspectorate;
- The Railway Inspectorate;
- The Communications Board;
- The Financial Supervision Authority;
- The Civil Aviation Administration.

International Co-operation Agreements Containing Competition Provisions entered into with:

- 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

Website: www.konkurentsiamet.ee

Mr. Peeter Tammistu

Director General

Tel: +372 680 3942

E-mail: peeter.tammistu@konkurentsiamet.ee

Ms. Aini Proos

Deputy Director General

Tel: +372 680 3941

E-mail: aini.proos@konkurentsiamet.ee

Finland



Background Information:

The Finnish Competition Authority (hereinafter the FCA) is responsible for competition law enforcement in Finland. It is an independent agency in the decision-making but reports of its actions to the Ministry of Trade and Industry. The 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 EC competition rules. The FCA investigates competition restraints both on its own initiative and on the basis of complaints received. Additionally, the FCA controls mergers and attends to the international tasks falling under its jurisdiction.

The FCA and its activities are covered in English on the FCA's home pages at www.kilpailuvirasto.fi/english. The FCA's home pages contain 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 instance of appeal when appealing against decisions made by the FCA. It is also the first instance for decisions on imposing fines and prohibiting mergers. The decisions of the Market Court can be appealed against 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:

The 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 other than the Competition Act.

List of Sector Regulators:

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

International Co-operation Agreements Containing Competition Provisions entered into with:

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
- **Mr. Rainer Lindberg**
Head of International Affairs
Finnish Competition Authority
Tel: +358 9 7314 3334
Fax: +358 9 7314 3405
Website: www.kilpailuvirasto.fi

India



Background Information:

The History of Competition Law in India can be traced to the Monopolies and Restrictive Trade Practices Act (MRTP Act) 1969, which came into force on June 1st 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 MRTP Act had become obsolete and there was 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 2002 prohibits anti-competitive 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 to be a combination). Beyond a limit of assets and turnover, stipulated in the Act, parties may notify. 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 would become enforceable in India. Until then, the Competition Commission of India is engaged in Competition Advocacy with all the stakeholders such as academia, professionals, and government authorities/bodies, regulators etc. and also in preparatory work to be in readiness as and when the enforcement provisions are notified.

Legislation:	The Competition Act, 2002, No.12 of 2003.
Date of Implementation:	13th 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:

- 1) Telecom Regulatory Authority of India (TRAI);
- 2) Securities and Exchange Board of India (SEBI);
- 3) Central Electricity Regulatory Commission (CERC);
- 4) Reserve Bank of India (RBI);
- 5) Insurance Regulatory & Development Authority (IRDA);
- 6) Petroleum & Natural Gas Regulatory Board (P&NGRB).

Contact Details:

MEMBER

Sh. Vinod Dhall,
E-mail: cci-vinoddhall@nic.in
Tel No: 91-11-26177175,
26701605(O) 23381005 (R)
Fax No. 91-11-26169278

2) Sh. Amitabh Kumar, IRS
Director General
E-mail – cci-amitabh@nic.in
Tel No. 91-11-26701603
(O)/26882853(R)
Fax No. 91-11-26103853

OFFICERS

1) Sh. S.L. Bunker, IDAS
Secretary
Email – cci-bunker@nic.in
Tel No. 91-11-26701619
(O)/26103529(R)
Fax No: 91-11-26103859

3) Sh. Augustine Peter, IES
Adviser (Economics)
Email: paugustine@nic.in
Tel No. 91-11-26701681
(O)/25553757(R)
Fax No. 91-11-26107131

Jamaica



Background Information:

Established in 1993, the Fair Trading Commission's functions include investigating anti-competitive conduct, consumer protection and competition advocacy to address impediments to competition. The Fair Competition Act (FCA) is a general law of general application. The Minister of Commerce, Science and Technology has powers to exempt business or activities and Article 3 of the FCA exempts a list of activities from its application. The 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, the 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: The 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 so far.

Sector Regulators:

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

International Co-operation Agreements Containing Competition Provisions entered into with:

- CARICOM.

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

General enquiries: ftc@cwjamaica.com



Jordan



Background Information:

The Ministry of Industry and Trade, during 2002, 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, the 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 to 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, and it also 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) for the year of 2004.

Date of Implementation: 15 August 2002 – under the provisional law, 17/12/2002 the establishment of Competition Directorate.

Institutions: The Competition Directorate;
The Committee for Competition Matters;
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);
- The Insurance Commission (IC);
- The Public Transport Regulatory Commission (PTRC);
- Electricity Regulatory Commission (ERC).

International Co-operation Agreements Containing Competition Provisions entered into with:

- 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
Website: www.mit.gov.jo/competition
- **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

Kenya



Background Information:

Competition law in Kenya was introduced through the Restrictive Trade Practices, Monopolies and Price Control Act of 1988 ("the Act"). This law became operational from 1st 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 the three areas, the law requires the Commission to recommend apposite 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: 1st February, 1989.

Institutions: The Monopolies and Prices Commission;
The Restrictive Trade Practices Tribunal;
The High Court of Kenya.

Location: Nairobi.

Associated Ministry: Ministry of Finance.

Merger Regulation: Yes.

Relationship with Sector Regulators: Informal.

List of Sector Regulators:

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

International Co-operation Agreements Containing Competition Provisions entered into with:

- 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



Mrs. Grace Mbijiwe
The 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 October 17, 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: October 17, 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 Co-operation Agreements Containing Competition Provisions entered into with:
COMESA, COI, SADC.

Contact Details:

Mrs. Rasoanorovel Maininirainy
Tel.: 261 320 21 43 25
Email: mamydaj@yahoo.fr

Malawi



Background Information:

The Competition Commission's functions include investigating anti-competitive 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 has put in place a Leniency Programme to help in bringing into compliance those engaging in cartels as well as 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 (SME's).

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 Co-operation Agreements Containing Competition Provisions

entered into with: COMESA, SADC, 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
Email: 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
Email: lmuhara@lftcmw.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 and these range from 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 doing so within a liberalized commercial environment and based on a fair level playing field obviously, for the benefit of the consumer.

Legislation: Act XXXI of 1994, as subsequently amended, Chapter 379 of the Laws of Malta.

Date of Commencement: 1st 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 – 1st January, 2003.

International Co-operation Agreements: With Cyprus.

Contact Details: Magistrate Dr. Silvio Meli,
President,
Commission for Fair Trading,
Republic Street, Valletta, CMR 02,
Malta.
Tel. No.: + 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 (FLEC), 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 deconcentrated agency of the Ministry of the Economy vested with investigative and decision-making powers in competition matters. The CFC is responsible for preventing, investigating and combating monopolies, monopolistic practices and concentrations. Practices typified in the Law and punishable when found in violation of the law include hard core cartels (absolute monopolistic practices), unilateral conduct or abuse of dominant position (relative monopolistic practices) and merger control. The CFC has also the faculty to issue opinions –with no legal effects- on competition conditions and free market access regarding government acts, laws, regulations and agreements.

The CFC was created in 1993 and possesses technical and operational autonomy. The CFC's 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 a 10 year term, 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: June 22, 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 Co-operation Agreements Containing Competition Provisions entered into with:

Free Trade Agreements with:

- United States of America and Canada (NAFTA);
- Japan;
- European Union;
- Uruguay;
- Israel.

Cooperation Agreements regarding the application of competition laws with:

- United States of America;
- Canada;
- Republic of Korea;
- Chile.

Contact Details:

- **Mr. Eduardo Pérez Motta**
President of the Federal Competition Commission
+52 (55) 27896500
+52 (55) 27896672
Website: www.cfc.gob.mx

Montenegro



Background Information:

In Montenegro enforcement of Competition Law is conducted by Department for Internal Trade and Competition within the Ministry of Economy. The Law on Protection of Competition came into force on 1 January 2006, and prescribes the acts considered as distortion 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. Ministry of Economy makes decisions in first instance proceedings. Considering that in second instance proceedings alludes proceedings in front of court, the court shall issue orders in concrete cases relaying on 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 EU and to efficiently implement such rules through functionally independent authorities. Such approach should grant an efficient economic policy leading the general welfare, economic growth and jobs, as defined in the Lisbon strategy.

Legislation: The Competition Law, adopted November 2005.

Date of Implementation: 1. January 2006.

Institutions: Ministry of 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 Co-operation Agreements Containing Competition Provisions entered into with:

- European Union.

Contact Details:

- Ministry of Economy, Department for Internal Trade and Competition
Tel: +381 81 230 890
Fax: +381 81 230 890
Website: 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, 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 Ministry: Ministry of Justice, Ministry of Telecommunication.

Merger Regulation: None.

Relationship with Sector Regulators: None.

Sector Regulators:

- Telecommunications;
- Energy;
- Aviation.

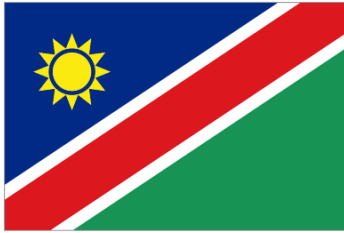
International Co-operation Agreements Containing Competition Provisions entered into with:

- USAID.

Contact Details:

Ms. Odete Tsamba
Deputy National Director of Trade
Praça 25 de Junho, 300 – 2º floor
Cel: +258 82 317 98 20
Tel: +258 2135 2606
Fax: +258 21 300664/5
Email: 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: 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 formalised 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 Co-operation Agreements Containing Competition Provisions entered into with:

- None.

Contact Details:

P/B13340,
Windhoek,
Namibia

Nepal



Background Information:

Nepal promulgated the Competition Act for the first time in the year 2006, which is entailed by the Consumer Protection Act of 1997, which features most of the provisions that the Competition Law contains except for the provision relating to Merger and Acquisition. The Competition Board's functions include formulating the policy concerning the creation of healthy competitive environment; creating awareness among consumers and business people about the positive and negative impact of healthy and impaired competitive environment on the economy; investigating anti-competitive 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 file 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 sub-sectors and activities relating to small industries, export business, R&D, raw materials purchase and other matters relating to public welfare and efficiency of the national economy.

Legislation:	The 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 & 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 Co-operation Agreements Containing Competition Provisions entered into with: None.

Contact Details:

- **Mr. Bharat B. Thapa**
Chairman of the Board
Ministry of Industry, Commerce & 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
Email: 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, the NMa helps create and maintain a competitive environment. The Dutch Competition Act came into force in 1998. Pursuant to this Act, the NMa was established as the prime government 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 which 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 the NMa’s assessment of mergers and acquisitions. The key terms in Sections 6 and 24 are defined in concordance with EC competition law. The NMa explicitly follows case law promulgated by EC courts and decisions of the European Commission.

In the event of an infringement of competition legislation, the NMa may impose a fine of up to €450,000 or 10% 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 EC Regulation 1/2003, the NMa is obliged to apply EC competition law in its consideration of conduct that may affect trade between EU Member States.

The NMa operates as an autonomous administrative authority; this position was formalised in 2005. The authority acts independently in enforcing competition law, though the Minister of Economic Affairs remains politically responsible for competition policy. The NMa houses two sector-specific regulatory chambers: the Office of Energy Regulation (*Directie Toezicht Energie*), which enforces the Electricity Act 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 2000. The effects of NMa policy are both of a quantitative and qualitative nature. At the NMa, the Office of the Chief Economist analyses such policy outcome.

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;
Ministry of Economic Affairs.

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, René Jansen and Gert Zijl, Chairman and members 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

Nicaragua



Background Information:

Just like many countries of Latin America, Nicaragua started the discussion on the need to enact a legislation on competition policy in the decade of the 90's 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 as per its Spanish title) to create in 1998 the General Direction on Competition and Market Transparency (DGCTM, as per its Spanish title), with the aim of promoting competition in the internal markets and to enforce 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 the private sector. 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 La Gaceta, official journal Nr. 206 dated Tuesday, 24 October 2006. Also, 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 Nr. 79-2006, published in La Gaceta, official journal Nr. 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 these:

1. Establishment of an independent authority to manage the Law of Promotion of Competition (PROCOMPETENCIA).
2. Prohibition of horizontal and vertical anticompetitive practices and unfair competition.
3. Previous control of economic concentrations.
4. 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: Yes. There are Sectoral Regulators in infrastructure markets (telecommunications, energy, aqueduct and sewerage, and 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
(505) 267-2363. julio.bendana@mific.gob.ni

Pakistan



Background Information:

Competition legislation has been framed keeping in view the importance of freely operating markets in promoting economic efficiency and for making Pakistan a more competitive economy in the years ahead. The Competition Commission of Pakistan is a quasi-judicial body having both administrative and operational independence. The Commission can penalize abuse of dominance and restrictive trade practices and can also disallow harmful mergers and acquisitions. It seeks to apply the rule of reason in protecting and enhancing competition in the economy and discourage anti-competitive conduct such as price fixing, tied selling and the formation of cartels. The Commission can tender advice to the federal, provincial and local governments on the law and regulations pertaining to competition. The Commission carries out research and advocacy to promote understanding of competition issues in the economy. It consists of five members, one of whom is the Chairman.

Legislation: Competition Ordinance 2007

Institution: Competition Commission of Pakistan (www.cc.gov.pk)

Location: Islamabad.

Associated Ministry: Ministry of Finance.

Merger Regulation: Yes.

Relationship with Sector Regulators:

Concurrent jurisdiction, but three Sector Regulators are excluded.

Sector Regulators: P.T.A. (Pakistan Telecommunications Authority)
N.E.P.R.A. (National Electric Power Regulatory Authority)

O.G.R.A. (Oil and Gas Regulatory Authority)
P.E.M.R.A. (Pakistan Electronic Media Regulatory Authority)
P.P.R.A. (Public Procurement Regulatory Authority)
State Bank of Pakistan (central bank)
I.P.O. (Intellectual Property Organisation)
S.E.C.P. (Securities and Exchange Commission of Pakistan)
C.A.A. (Civil Aviation Authority)
N.H.A. (National Highway Authority)

International Co-operation Agreements Containing Competition Provisions entered into with: Nil.

Contact details:

- **Mr. Khalid Aziz Mirza**
Chairman, Competition Commission of Pakistan,
4-C, Diplomatic Enclave, G-5, Islamabad, Pakistan
Tel: +9251-9247545
Fax: +9251-9247559
Email: kmirza@cc.gov.pk
- **Mr. Abdul Ghaffar**
Member (C&M), Competition Commission of Pakistan
Tel: +9251-9247534
Fax: +9251-9247547
Email: aghaffar@cc.gov.pk
- **Ms Rahat Kaunain Hassan**
Member (Legal), Competition Commission of Pakistan
Tel: +9251-9247535
Fax: +9251-9247547
Email: rhassan@cc.gov.pk
- **Dr. Joseph Wilson**
Member (M&TA), Competition Commission of Pakistan
Tel: +9251-9247567
Fax: +9251-9247555
Email: jwilson@cc.gov.pk
- **Ms Maleeha Mimi Bangash**
Member (A&R)
Competition Commission of Pakistan
Tel: +9251-9247568, Fax: +9251-9247559
Email: mbangash@cc.gov.pk

Panama



Background Information:

The Constitution of the Republic of Panama establishes Free Competition as an economic principle on articles 295 y 298. This principle is defined by Law 29 of 1996, as amended by Law Decree N° 9 of 2006. It establishes three generic types of free competition restrictions that are against the law: absolute monopolistic practices (horizontal restrictions), relative monopolistic practices (basically, vertical restrictions) and prohibited economic mergers (those which 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 (the 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 establishes 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 N° 29 of 1996, published in the official report N° 22,966.

Regulations : Executive Decree N° 31 of 1998, published in the official report N° 23,626.

Law Amendments: Modified by art. 285 of Law N° 23 of 1997, published in the official report N° 23,340; modified by Law N° 10 of 2005, published in the official report N° 25,278; modified by Law Decree N° 9 of 2006, published in the official report N° 25,493.

Date of Implementation : November 3rd , 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. (No jurisdiction on Antitrust matters).

Law enforcement: The “Authority” can emit cease and desist orders, subject to judicial review.

International Co-operation Agreements Containing Competition Provisions entered into with: none.

Contact Details:

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

Mr. Pedro Luis Prados
Director of Competition
Tel: (507)229-6946
Fax: (507) 229-6958
Website:
www.autoridaddelconsumidor.gob.pa



Paraguay



Background Information:

In this moment, Paraguay does not have specific legislation on Defense of the Competition. The only existent legal mark until this moment is the Article Nr 107 of the National Constitution that guarantees the free concurrence in the market in the whole national territory and forbid monopolies and the artificial rise or low of prices in the Market. Paraguay has a draft of law on Defense of the Competition that was concluded at 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 of law is stagnated in the Parliament (Cámara de Senadores) waiting for the Senator's review, where it should receive three positive judgments of different Commissions to be able to be discussed in the Plenary of the Chamber of the Congress and then to pass to the Chamber of Deputies with the same purpose.

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 Co-operation Agreements Containing Competition Provisions entered into with:

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
Website: www.mic.gov.py

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 (“the Act”), and thus the subsequent establishment of the Independent Consumer and Competition Commission (ICCC). It is also part of the efforts of the PNG Government to undertake structural changes aimed at fostering competition which is necessary for growth and development. The Act is a competition statute similar to competition statutes in other jurisdictions, but with provisions to cater for the particular circumstances in PNG. The Act established the 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 PNG. The ICCC being the principal Economic Regulator has also taken over the economic regulatory functions of Pangtel, the Radio and Telecommunications Regulator of PNG as well as taking on the new functions of promotion and protection of competition and fair trading in the market. The ICCC’s functions under the Act include the protection of consumers’ interest, promotion of competition and fair trade and the regulation of declared goods and services and industries. In brief, the ICCC undertakes its functions by investigating anti-competitive conducts; assessing the impact of mergers and acquisition on competition in the market; price monitoring and controlling of declared goods and services; price reviews of declared goods and services; review of regulatory contracts of utility providers; regulation of services standards of utility providers; investigation of consumer complaints and education and awareness to achieve compliance of the Act.

Legislation: Independent Consumer and Competition Act 2002.

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

Institution: Independent Consumer and Competition Commission (ICCC).

Location: Port Moresby (Head Quarters).

Associated Ministry: Department of Treasury.

Merger Regulation: Yes.

Relationship with Sector Regulators: Concurrent Jurisdiction.

List of Sector Regulators:

PNG Radio & Telecommunication Authority (Pangtel);
National Institute for Standards, Industry and Technology (NISIT);
National Lands Transport Board (NLTB).

International Co-operation Agreements Containing Competition Provisions entered into with:

None.

Contact Details:

- Mr. Thomas Abe
Commissioner & CEO
Independent Consumer &
Competition Commission
Tel: + (675) 325 2144
Fax: + (675) 325 3980
Email: tabe@iccc.gov.pg
Website: www.iccc.gov.pg



Peru



Background Information:

Since 1992 the National Institute for the Defence of Competition and for the Protection of Intellectual Property – Indecopi, is the competition authority in Peru. Indecopi is not only the competition agency in Peru; it also embraces a number of other roles: it is the national authority for the protection of consumer rights, and for the protection of intellectual property rights; it is the national standardization organization and the national accreditation organization; investigates and sanctions unfair competition conducts; identifies and enhances the abolition of technical barriers to trade and bureaucratic barriers to access to markets; investigates dumping and subsidies practices related to foreign trade; and 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, namely: Bureaucratic Barriers Surveillance Commission, Repression of Unfair Competition Commission, Consumer Protection Commission, Technical and Commercial Regulations Commission, and Antidumping and Countervailing Measures Commission.

Legislation (date of implementation):

Legislative Decree N° 701 - Competition Law (November 1992);
Law Decree N° 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 N° 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: No, 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 Co-operation Agreements Containing Competition Provisions entered into with:

Regional Agreements: Andean Community – Decision 608.

Bilateral Agreements:

Trade Promotion Agreement with USA (pending approval by the US Congress).

Acuerdo de Complementación Económica - ACE with Chile (includes a Chapter on Competition Policy).

Free Trade Agreement – FTA 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 Ministry:

- 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; Toll Regulatory Board.

International Co-operation Agreements Containing Competition Provisions entered into with:

Japan-Philippines Economic Partnership Agreement signed on 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

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.

The OCCP was established in 1990 as the Antimonopoly Office - AO (by the Act on counteracting monopolistic practices from 24 February 1990). It commenced its operation in May. Its first regional offices started to work in the same year. Counteracting anti-competitive agreements and practices consisting in the abuse of the dominant position in the market and control of mergers have been set as the main tasks of the Office. In 1996, after the reform of the central administration, the AO received its present name – the Office of Competition and Consumer Protection – OCCP (*Urząd Ochrony Konkurencji i Konsumentów – UOKiK*). From that moment 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, May 2004, the President of the OCCP can directly apply provisions of the EC Treaty. The President may initiate antimonopoly proceedings under the EU 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 EU) included i.e. introducing the leniency programme into the Polish legal system. Other competences of the 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: Comes 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: -

Merger Regulation: Yes

Relationship with Sector Regulators:

The role of the 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 neither for opening them to competition. It is the regulators' task to enhance the liberalization process occurring in their respective sectors. Furthermore, 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 Co-operation Agreements Containing Competition Provisions entered into with:

- Bilateral cooperation: Russian Federation, Ukraine, Germany.
- Multilateral cooperation: Organisation for Economic Co-operation and Development (OECD), World Trade Organisation (WTO), United Nations Conference on Trade and Development (UNCTAD), International Competition Network (ICN).

Contact Details:

Ms Elżbieta Anders

Director

Department of International

Relations and Social Communication

Tel: +48 22 55 60 387

Fax: +48 22 826 11 86

Website: www.uokik.gov.pl/en/

Ms Olga Jablonowska

Head of the International Relations Unit

Tel: +48 22 55 60 452

Fax: +48 22 826 11 86

Website: 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. Basically, a new independent Competition Authority was created by Decree-Law 10/2003, of January 18, and a new Competition Act was enacted by Law 18/2003, of June 11. 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 February 6.

The Competition Authority main functions include merger review and anti-trust 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 EC 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 has reviewed 174 mergers, of which two were blocked and nine approved with remedies; reached 13 major restrictive practice decisions leading to € 30 million of fines levied on undertakings; issued 10 recommendations to Government, of which four are already adopted into legislation; concluded 15 major economic studies in priority markets; and developed simulation methodologies for merger analysis and for econometric assessment of anti-competitive conduct. In addition, regular monitoring activities covered the motor-fuel and gas markets, as well as electronic communications. In 2005, its Web Site received 16,000 visits, with 62,000 pages consulted; media coverage reached 180 articles in the printed press, 360 news in national Web Sites, 17 mentions in prime TV time and 14 in 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 foster economic efficiency and to enhance consumer welfare.

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

Legislation:

Decree-Law 10/2003, of January 18. Creation of the Competition Authority; Law 18/2003, of June 11. Competition Law; Decree-Law 30/2004, of February 6. Financing of the Competition Authority; Law 39/2006, of August 25. Leniency program.

Institutions:

Autoridade da Concorrência; Lisbon Commerce Court; First-Instance Court of Appeal.

Location: Lisboa.

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 Co-operation Agreements Containing Competition Provisions:

Portugal is a member of the European Union.

Contact Details

Prof. Abel M. Mateus

The President of the Board

Autoridade da Concorrência

Tel: +351-21-790 2053

Fax: +351-21-790 2098

Website: www.autoridadedaconcorrenca.pt

Russian Federation



Background Information:

In May 2004 in accordance with the Decree of the President of the Russian Federation of March 9 2004 N°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 N°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 Russia. FAS Russia has worked out some new Drafts, specifying brand new features of competition legislation in Russia.

Legislation:

- Federal Law “On Competition and Limitation of Monopolistic Activity on Commodity Markets”;
- Federal Law “On Natural Monopolies”;
- Federal Law “On Advertising”;
- 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 is reporting 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 Co-operation Agreements Containing Competition Provisions entered into with:

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 the 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; CIS member states

Contact Details:

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

Phone (7 495) 254 70 48,
Fax (7 495) 254 75 21
www.fas.gob.ru
E-mail: international@fas.gov.ru

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 August 22, 1994).

A decree No 96-343 concerning the application of certain provisions of this Law was adopted on May 2, 1996. These legal texts confer competence upon the Competition Commission to prevent, detect and sanction anti-competitive practices. The Law of 1994 distinguishes collective anti-competitive practices (illicit restraints) and individual anti-competitive 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 UEMOA. The Community Competition Legislation envisages different forms of co-operation 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 has also an advisory role and, in pursuance of the powers which it has been granted, it intends to fulfil 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. Also, 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 August 22, 1994).

Date of Implementation: 1996.

Institutions: The Competition Commission or the National Competition Commission.

Location: The Commission has, at the moment, 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 maintain 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 Co-operation Agreements Containing Competition Provisions entered into with:

Senegal is a member of the 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
Email: dwra19@yahoo.fr

Serbia



Background Information:

Serbia is among a small number of countries, which already at the beginning of 19th century initiated the introduction of legislation regulating specific competition aspects. Regulations concerning competition issues were passed within the Kingdom of Serbs, Croats and Slovenians (1922) and later on, 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 September 16, 2005. Pursuant to that Law, 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 position on the market, 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 for its activities to the Parliament. The Law provides a base for the development of modern competition policy, compatible with the EU, whose objective is to provide identical conditions for undertakings with the aim to improve economic efficiency and accomplish economic welfare for the society as a whole, in particular to benefit the consumers and to ensure the awareness of competition rules.

In respect to 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 September 16, 2005.

Date of implementation: September 24, 2005.

Institution: Commission for Protection of Competition.

Location: Beograd.

Associated Ministry: None.

Merger Regulation: Yes.

Relationship with Sector Regulators: Unformal 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 Co-operation Agreements Containing Competition Provisions entered into with: None.

Contact details:

Commission for Protection of Competition

Phone: + 381 11 3117307

Fax: + 381 11 3117308

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

President of the Commission for Protection of Competition:

Prof. Radovan Vukadinovic, Ph.D.

radevuk@jura.kg.ac.yu

Singapore



Background Information:

The Competition Commission of Singapore (CCS)' mission is to promote healthy competitive markets that will benefit the Singapore economy. Its approach will be based on sound economic principles applied objectively and consistently. Under the Competition Act, the functions and duties of the CCS are destined 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 authority on national needs and policies in respect of competition matters generally.

The CCS has powers to investigate and adjudicate anti-competitive activities, as well as the powers to impose sanctions.

Legislation: The Competition Act (50B).

Date of Implementation:

1 January 2006 - Section 34 (against anti-competitive 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. The 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 Co-operation Agreements Containing Competition Provisions entered into with:

Singapore has competition chapters in Free Trade Agreements with:

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

Contact Details:

Competition Commission of Singapore
5 Maxwell Road
#13-01, Tower Block
MDN Complex Singapore 069110

Tel.: 6325 8200/8217

Fax.: 6224 6929

E-mail:

CCS_feedback@ccs.gov.sg

Website: www.ccs.gov.sg

Slovak Republic



Background Information:

First legal adjustment dealing with the issue of competition protection in Slovakia was the Act No. 63/1991 on Protection of Competition, adopted in 1991. This Act has been 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 the similar nature as the European one (Articles 81 and 82 of EC 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.) has been adopted, which reflects the new Regulations of European Council – No. 1/2003 and No. 139/2004, as well as the accession of the Slovak Republic 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 the draft legislation of other ministries or to evoke the discussion on the need of introducing changes into legislation. The Office contributes to training of judges on competition issues and it 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, etc.

International Co-operation Agreements Containing Competition Provisions entered into with:

Slovak Republic is a member of the EU; it follows the competition provisions of the EU.

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, 1955 which was followed by the Maintenance and Promotion of Competition Act, 1979 and ultimately the Competition Act of 1998. The Competition Commission's functions include investigating anti-competitive 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 notified 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:	01 September 1999.
Institutions:	The Competition Commission; The Competition Tribunal; 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 Co-operation Agreements Containing Competition Provisions entered into with:

- 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
- **Mr. Dave Lewis**
Chairman
The Competition Tribunal
Tel: +27 12 394 3300
Fax: +27 12 394 0169
Website: www.comptrib.co.za



Trinidad and Tobago



Background Information:

The introduction of competition law and policy was initially proposed in the 1990's 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 anti-dumping and unfair trade practices.

The objectives of the Trinidad and Tobago Fair Trading Act are to promote and maintain effective competition in the economy, to ensure that competition within the domestic market is not distorted, restricted or prevented to the detriment of the local community, to provide for the removal of privately created barriers to competition and to establish a Fair Trading Commission by which the other objectives could be achieved. The Act covers mergers, anti-competitive 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:	N/A No institution has as 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 Co-operation Agreements Containing Competition Provisions entered into with:

- Colombia;
- 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 July 29, 1991), which was several times amended, in particular by the Law No 2005-60 of July 18, 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 Competition Council 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 anti-competitive practices. It is not authorised to control the trade practices considered to be unfair. The Council of Competition has a dual mission:

- Advisory mission:

Mandatory consultation: The Council is mandatorily consulted by the government on drafts of legal texts envisaging to impose particular conditions for the exercise of an economic activity or a profession or to establish restrictions which could prevent the 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 the exemptions.

Optional consultation: The Council may be consulted by professional and trade-union organizations, the 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.

- Judicial function:

The Council takes decisions on complaints related to anti-competitive practices stipulated in 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 anti-competitive practices on its own initiative and take urgent provisional measures.

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

Date of Implementation: July 29, 1991.

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

Location: *Rue du lac biwa ; Les Berges du lac – 1053 Tunis - TUNISIA.*

Merger Regulation: The decision is taken by the Minister in charge of trade, but the opinion of the Competition Council is mandatorily required.

Relationship with Sector Regulators: Complementarity is provided for by the Law on competition and prices (Law No 1991-64 of July 29, 1991).

List of Sector Regulators:

National Authority of Telecommunications;
Authority of the Financial Market.

International Co-operation Agreements Containing Competition Provisions entered into with:

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

Contact Details:

PRESIDENT OF THE COUNCIL OF COMPETITION: Mr. Ghazi JERIBI
ADDRESS: *Rue du lac biwa ; Les Berges du lac – 1053 Tunis - TUNISIA*
TEL: 00216 71 961902
FAXES: 00216 71 962237
EMAIL: ghazi.jeribi@email.ati.tn

Ukraine



Background Information:

The Ukrainian Competition legislation consists of three main texts:

(i) 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”); (ii) The Law of 2001 (with amendments) on the Protection of Economic Competition, which contains the main provisions concerning the investigation and prosecution of anti-competitive practices; and (iii) The Law of 1996 (with amendments) on the Protection Against Unfair Competition”.

Ukrainian competition law closely resembles the relevant EU and national legislations of the EU 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 (“the EC Treaty”) as well in the national competition legislations of the EU 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 Antimonopoly Committee of Ukraine; 1993, with amendments;
The Law Protection Against Unfair Competition; 1996, with amendments;
The Law Protection of Economic Competition; 2001, with amendments.

Institutions: Antimonopoly Committee of Ukraine (AMCU).

Location: Kyiv, 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 if participants involved in a concentration prove that its positive effect in the area of public interests 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 Co-operation Agreements Containing Competition Provisions entered into with:

- The Partnership and Cooperation Agreement between the European Communities and their Members States, and Ukraine;
- The Multilateral Intergovernmental Treaty on the Implementation of a Coordinated Competition Policy of the CIS countries;
- A number of bilateral intergovernmental agreements on cooperation in the sphere of competition policy concluded with CIS countries and Central and East Europe countries.

Contact Details:

The Antimonopoly Committee of Ukraine
45 Uryts’kogo str, 03035
Kyiv, Ukraine

Tel: +38 044 25136262
Fax: +38 044 428 1325
E-mail: ir@amc.gov.ua

United States of America



Background Information:

The U.S. 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. U.S. 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 U.S. states also have their own antitrust laws. The Antitrust Division of the Department of Justice investigates, and as appropriate, brings enforcement actions against cartels, mergers, monopolization and other forms of anticompetitive conduct. The Division enforces U.S. antitrust laws through both criminal and civil litigation. The Federal Trade Commission (FTC) is an independent regulatory agency headed by five commissioners, one of which is designated by the president as chairman. The FTC has both prosecutorial and adjudicative powers to enforce the Clayton and FTC Acts. In its prosecutorial role, the 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 U.S. courts. In its adjudicative role, the FTC's administrative law judges resolve complaints filed by the FTC against individuals or organizations alleging anticompetitive conduct.

Legislation:

The Sherman and Clayton Antitrust Acts, and the Federal Trade Commission Act (FTC only).

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 U.S. 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 or <http://www.ftc.gov/bc/international/coopagree.htm>.

Contact Details:

Ms. Anne Purcell White,
Assistant Chief
Foreign Commerce Section
Department of Justice
202-514-5803 tel./
202-514-4508 fax
Anne.Purcell@usdoj.gov



Ms. Maria Coppola Tineo,
Counsel for International Antitrust
Office of International Affairs
Federal Trade Commission
+1 202 326 2482 tel./
+1 202 326 2873 fax
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: February 28, 2001.

Institutions:

DGC: General Directorate of Commerce;

URSEC: The Communication Services Regulatory Agency;

URSEA: The Energy and Water Services Regulatory Agency.

Location: Montevideo

Associated Ministry or Independent Institution: The 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/ Reguladores sectoriales:

- URSEC;
- URSEA.

International Co-operation Agreements Containing Competition Provisions entered into with: Mercosur.

Contact Details:

Ec. Fernando Antía, General Directorate of Commerce
Ministry of Economy and Finance
5982-1712 2918
Montevideo - Uruguay

Ec. Leandro Zipitría, Economic Advisor
General Directorate of Commerce
Ministry of Economy and Finance
5982-908 6596
Email: lzipitria@dgc-mef.gub.uy
Montevideo - Uruguay

Venezuela



Background Information:

The origins of competition law in Venezuela dates back 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 consists of more the 50 technicians, lawyers and economists, administrative and service personnel. The main areas of focus include acquisitions and mergers, abuse of dominant position, cartels, vertical restraint or even unfair competition (products 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, as well as 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: January 1st 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;

Sudesecc – 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 Co-operation:

CONATEL – Telecommunication Regulatory Body.

Contact Details:

Mr. Milton Ladera Jimenez

Superintendent

“Pro-Competencia”

Tel/Fax: +58 212 5763960

Website: www.procompetencia.gob.ve



Zambia



Background Information:

The Zambia Competition Commission was established in 1997 as a statutory body corporate with perpetual succession. The core function of ZCC is to monitor, control and prohibit acts or behaviour which 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 liberalised 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. The Zambia Competition Commission 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 authorisation 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, (the Act) Chapter 417 of the Laws of Zambia.

Date of Implementation: 15th 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 Privatisation Agency (ZPA);
- Securities and Exchange Commission (SEC);
- Pensions and Insurance Authority (PIA);
- Bank of Zambia (BOZ);
- National Water & 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 & Companies Registration Office (PACRO).

International Co-operation Agreements Containing Competition Provisions entered into with:

None.

Contact Details:

Mr George Lipimile
Executive Director
Zambia Competition Commission
Tel: +260-1-222775, 222787
Fax: +260-1-222789

Email: zcomp@zamtel.zm
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 anti-competitive agreements, abuse of dominance and anti-competitive 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 maximising the complementarities of the two sets of policy and minimising their conflicts. In its competition operations, the Commission has full decision making autonomy. The Competition Act, 1996 applies to all economic activities within or having effect within the Republic of 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 authorisation 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: 9th 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), etc.

International Co-operation Agreement containing Competition provisions entered into with:

- 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
Email: compcomm@mweb.co.zw