

<b>ALGERIA*</b>		
<b>COMPETITION FRAMEWORK</b>		
Competition Law	Ordinance no. 03-03 of July 19, 2003 on competition (“Ordinance”), modifying the Ordinance no. 95-06 of January 25, 1995 on competition, abrogating the Price Act of 1988.	
Competition Authority	The Competition Council, which was established in July 2011, is currently in place yet “frozen.” <b>Website:</b> <a href="http://www.mincommerce.gov.dz/?mincom=rectextesregl">http://www.mincommerce.gov.dz/?mincom=rectextesregl</a>	
<b>STATUS OF THE COMPETITION AUTHORITY</b>		
<b>Accountability</b>		
Does the Competition Authority have obligations before the executive?	Yes	√ Obligations to report to the executive on on-going investigations upon request. <i>See generally</i> Ordinance, Chapter III.
		√ The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch. <i>See</i> Ordinance, article 21.
		√ The Competition Authority has to report on an annual basis to the executive. <i>See</i> Ordinance, article 27.
Does the Competition Authority have obligations before the legislature?	Yes	√ Obligation to publish an annual report on its activities. <i>See</i> Ordinance, article 27.
		X Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	Yes	√ Decisions of the Competition Authority are subject to judicial review. <i>See</i> Ordinance, article 63.
<b>Independence</b>		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See generally</i> Ordinance, Part III. <i>See also</i> the Ordinance, article 25.
Does the executive have powers to decide on specific cases based on public interest?	Yes	<i>See</i> Ordinance, article 21.
Does the executive retain decision-making powers over the Competition Authority?	Yes	<i>See</i> Ordinance, article 21.
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<i>See</i> Ordinance, article 33.
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>See</i> Ordinance, article 71.
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Single chairman	The “president” of the Competition Council.
Does a minister appoint the heads?	Yes	<i>See</i> Ordinance, article 25.
Do representatives of more than one government branch appoint the heads?	No	
Is there a fixed period during which removal is prohibited?	No	
Is the tenure of the heads renewable?	Yes	<i>See</i> Ordinance, article 25.
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No	<i>But see</i> Ordinance, article 24, stating that 1-2 members must be lawyers/judges.
<b>ARCHITECTURE</b>		
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a minister?	Stand-alone agency.	
<b>POLICY-MAKING AGENTS -DIVERSIFICATION-</b>		
How many agencies are responsible for competition enforcement?	One agency.	
Do sector regulators have competition policy enforcement mandate?	Yes	
	Horizontal Agreements	No
	Vertical Restraints	No
	Abuse of Dominance	The energy sector has been regulated by parliament/Presidential decrees—Ended state-owned Sonelgaz’s monopoly and implemented Independent Power Projects (IPPs) to privatize the industry.
Merger Control	No	

Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	<i>See Ordinance, article 39, explicitly requiring the Council to enter into agreements with other regulatory agencies when necessary.</i>		
	Telecommunications regulator	No	
	Energy regulator	No	
	Transport regulator	No	
	Other	N/A	
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		<b>Other mandates: Yes.</b>	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See Ordinance, article 6.</i>	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See Ordinance, article 51.</i>	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See Ordinance, article 18.</i>	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to seek criminal punishment?	No		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See Ordinance, article 35. Opinions are not binding</i>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	<i>See Ordinance, article 36.</i>	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	No	X	Guidelines on the calculation of fines. <i>See Ordinance, article 60, providing that the Competition Council can reduce fines in case of leniency applications.</i>
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes	<i>See Ordinance, article 35.</i>	
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No		
Can the Competition Authority's decisions be appealed to a court?	Yes		
<b>Disaggregated Functions—Prosecutorial Model</b>			
Are there different authorities that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		
* Data based on public sources.			