

EGYPT			
COMPETITION FRAMEWORK			
Competition Law	The executive Regulations on Protection of Competition and Prohibition of Monopolistic Practice Law no. 3 of 2005 (“Competition Law”).		
Competition Authority	The Authority for the Protection of Competition and the Prohibition of Monopolistic Prices started to function on August 2005 by Prime Ministerial Decree no. 1316 of 2005. Website: http://www.eca.org.eg/ECA/default.aspx		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		√	The executive has to report on an annual basis to the minister. <i>See</i> Competition Law, article 11(9), “[p]reparing an annual report . . . to be submitted to the competent minister upon its approval by the Board of Directors. A copy thereof shall be sent to the People’s Assembly and the Shura Council.”
Does the Competition Authority have obligations before the legislature?	No	X	Obligation to publish an annual report on its activities.
		X	Obligation to stand before parliament and respond to congressmen on an annual basis.
		X	An independent auditor or oversight committees monitor its activities.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authorities are subject to judicial review. <i>See</i> Competition Act, article 15 providing for an “executive director” whose duties require, among others: “The executive director shall represent the Authority before courts and third parties.”
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes		<i>See</i> Competition Law, article 12.
Does the executive have powers to decide on specific cases based on public interest?	No		
Does the executive retain decision-making powers over the Competition Authority?	Yes		<i>See</i> Decree no. 571/2006, “whereby [the Prime Minister] assigned his powers as stipulated in the Competition Law to the Minister of Trade and Industry.”
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes		<i>See</i> Competition Law, article 11(8), “[i]ssuing periodicals containing decisions, recommendations, procedures and measures adopted and pursued by the Authority as well as other matters relating to the Authority.”
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		<i>See</i> Competition Law, article 14(1), “[t]he resources of the Authority consist of the following . . . [a]ppropriations designated to the Authority in the State General Budget.”
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes		<i>See</i> Competition Law, article 14(3), “[t]he resources of the Authority consist of the following . . . [r]evenues from the fees provided for in this Law.”
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman		<i>See</i> Competition Law, article 12(1).
Does a minister appoint the heads?	Yes		<i>See</i> Competition Law, article 12 providing that “[t]he Authority shall be managed by a Board of Directors the composition of which shall be formulated by virtue of a decree of the Competent Minister.”
Do representatives of more than one government branch appoint the heads?	No		<i>See</i> Competition Law, article 12.
Is there a fixed period during which removal is prohibited?	No		
Is the tenure of the heads renewable?	Yes		<i>See</i> Competition Law, article 12, “[the chairperson is] appointed for four years which may be renewed for another term.”
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No		<i>But see</i> Competition Law, article 12(1).
ARCHITECTURE			
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		B19, 1st Floor, Smart Village, KM28 Alexandria desert.
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for	One agency.		

competition enforcement?			
Do sector regulators have competition policy enforcement mandate?	Yes. The National Telecommunication Regulator Authority has competition mandate in merger control.		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
POLICY DUTIES			
Does the Competition Authority have exclusive mandate or multiple mandates on competition related matters?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Non.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Law, article 6.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Law, article 17.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Law, article 4.	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to seek criminal punishment?	No	<i>But see</i> Competition Law, article 21.	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> Competition Law, article 11(5). The opinions are not binding.	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>See</i> Competition Law, article 10.	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines. <i>See</i> Competition Law, article 22 (note that range of fines defined in the statute).
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases. <i>See</i> Prime Ministerial Decree no. 1316 of 2005, article 7(1).
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> http://www.eca.org.eg/ECA/Resolution/List.aspx?CategoryID=2 ; <i>see also</i> http://www.eca.org.eg/ECA/Publication/List.aspx?CategoryID=1 .	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	The ECA has published many studies on their own, and by other agency's initiative.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes	<i>See</i> Competition Law, article 20.	
Does the Competition Authority impose punishments?	Yes	<i>See</i> Competition Law, article 22.	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes	<i>See</i> Competition Law, article 12.	
Can the Competition Authority's decisions be appealed to a court?	Yes		
Disaggregated Functions—Prosecutorial Model			
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		