

MAURITIUS			
COMPETITION FRAMEWORK			
Competition Law	The Competition Act, no. 25 of 2007 (“Competition Act”) was enacted on December 20, 2007.		
Competition Authority	The Competition Commission of Mauritius started functioning on November 25, 2009. Website: http://www.gov.mu/portal/sites/ccm/index.htm		
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 Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: According to article 37 of the Competition Act, the minister may give written directions of a general character to the Commission relating to any additional public policy factors to which he wishes the Commission to have regard in reaching its determinations. Also, the annual report to the Parliament is first tabled to the minister in charge of competition matters, who has the responsibility of laying said report at the National Assembly.	
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		X	Obligation to stand before Parliament and respond to congressmen on an annual basis.
		√	Its activities are monitored by an independent auditor or by oversight committees.
		Other obligations/comments: According to article 34 of the Competition Act, the “Commission shall, not later than 3 months before the end of each financial year, make and submit to the minister for approval, estimates of the income and expenditure of the Commission for the ensuing year . . . and within 3 months of the end of the preceding financial year, submit to the Director of Audit for auditing, its statements of accounts for that year. The audited accounts of the Commission together with the report of the Director of Audit shall be submitted to the minister not later than 9 months after the end of the financial year. Upon receipt of the audited accounts and the report referred to in subsection (4), the minister shall, as soon as practicable, lay a copy of the accounts and the report before the National Assembly.”	
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: According to article 67 of the Competition Act, the decision of the Commission may be appealed to the Supreme Court.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See Competition Act, articles 7, 11 and 19.	
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?	No		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	See Competition Act, article 18.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	Current fiscal budget for 2012: Rs. 36 million. According to article 34 of the Competition Act, budget is proposed by the Commission and approved by the minister.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	According to article 34 of the Competition Act, the Commission “shall establish a General Fund and . . . the Commission shall derive its income from (a) any sum appropriated from the Consolidated Fund; and (b) any such source as may be approved by the minister.”	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	The Commission has four additional members. According to the Competition Act, section 7 “[t]he Commission shall consist of a chairperson, a vice-chairperson and three other commissioners who shall be appointed by the president on the advice of the prime minister given after consultation with the leader of the opposition.”	
Does a minister appoint the heads?	Yes	By the president on advice of the prime minister.	
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is	Yes	Five years.	

prohibited?			
Is the tenure of the heads renewable?	Yes	Only once.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	According to article 7 of the Competition Act, the Commissioners “shall be persons from the public sector, private sector and academia, appointed by virtue of their qualifications and experience in law, economics, accountancy, or commerce. Subject to the provisions of this Act, the chairperson, vice-chairperson and every other commissioner shall be appointed on such terms and conditions as the president, on the advice of the prime minister, may determine.”	
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	1st Floor GM Tower 7, Maupin Street, Port-Louis.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency	The Competition Act extends across almost all sectors of the economy, including those sectors for which there is a sector-specific regulator. The Competition Commission of Mauritius is the sole body empowered to enforce this Act. In parallel, the Information and Communication Technologies Authority (“ICTA”), the regulators for the telecoms sectors, has some competition powers under the ICT Act, and the Bank of Mauritius can take competition matters into account when regulating banks.	
Do sector regulators have competition policy enforcement mandate?	Central Bank	Horizontal agreements, vertical restraints, abuse of dominance and merger control. <i>See</i> articles 79, 31 and 32 of the Banking Act.	
	ICTA	Horizontal agreements, vertical restraints, and abuse of dominance. <i>See</i> articles 18 and 30 of the ICT Act.	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications regulator	Yes, on March 18, 2010.	
	Energy regulator	Yes, on March 26, 2010.	
	Transport regulator	No	
	Other	Yes, with the following entities: 1) Independent Commission Against Corruption, on July 27, 2009; 2) Bank of Mauritius, on August 26, 2010; 3) Procurement Policy Office, on August 24, 2011; and 4) Financial Service Commission, on November 11, 2011. Also, the Competition Commission of Mauritius is currently in the process of signing MoUs with the Independent Broadcasting Authority, the Mauritius Police Force, the Gambling Regulatory Authority, and the Mauritius Revenue Authority.	
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 Act, Part III.	
Does the Competition Authority have powers to conduct dawn raid at premises?	Yes	<i>See</i> Competition Act, article 53.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, article 46.	
Does the Competition Authority have powers to accept leniency applications?	Yes	Competition Commission Guidelines on Collusive Agreements.	
Does the Competition Authority have powers to seek criminal punishment?	No	However, under article 71 of the Competition Act, “a magistrate shall have jurisdiction to try an offence under this Act or any regulations made there under and may impose any penalty provided under this Act.”	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> Competition Act, article 19. 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		
Rulemaking			

Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Act, article 30.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
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		
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	<i>See</i> Competition Act, section 51.	
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		