

SENEGAL			
COMPETITION FRAMEWORK			
Competition Law	Law no. 94-63 ("Competition Law").		
Competition Authority	National Competition Commission ("NCC").		
STATUS OF THE COMPETITION AUTHORITY			
<b>Accountability</b>			
Does the Competition Authority have obligations before the executive?	No	X	Obligations to report to the executive on on-going investigations upon request. <i>See</i> the Competition Law, article 14.
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		X	The Competition Authority has to report on an annual basis to the executive.
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 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?	No	X	Decisions of the Competition Authority are subject to judicial review.
<b>Independence</b>			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, article 3.	
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> Competition Law, article 14.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No	<i>See</i> Competition Law, article 21.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
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 3.	
Does a minister appoint the heads?	Yes		
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	No		
The tenure of the heads is renewable	Yes		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Competition Law, article 3.	
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.		
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
POLICY DUTIES			

Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	√	Concurrent consumer protection mandate. <i>See</i> Competition Law, article 32.
		X	Concurrent IP mandate.
		Other mandates: N/A	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	N/A		
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes		<i>See</i> Competition Law, article 55.
Can the Competition Authority investigate <i>ex officio</i> cases?	N/A		
Does the Competition Authority have powers to accept leniency applications?	N/A		
Does the Competition Authority have powers to seek criminal punishment?	N/A		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes		<i>See</i> Competition Law, article 9.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	N/A		
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	No	X	Guidelines on the calculation of fines.
		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?	N/A		
Can the Competition Authority report to the legislature on the results of market studies?	N/A		
<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?	Yes		
Can the Competition Authority's decisions be appealed to a court?	Yes		
<b>Disaggregated Functions—Prosecutorial Model</b>			
Are there different institutions that make the decision to investigate and to prosecute cases?	No		
Are disputes presented for decision to a separate entity/tribunal?	No		