

<b>TUNISIA*</b>			
<b>COMPETITION FRAMEWORK</b>			
Competition Law	The Competition Act no. 91-64 ("Competition Act") was enacted on July 29, 1991.		
Competition Authority	The Competition Council was created together with the introduction of the first competition act in 1991. <b>Website:</b> <a href="http://www.commerce.gov.tn/Fr/repercussion-des-taxes-et-reductions_11_143">http://www.commerce.gov.tn/Fr/repercussion-des-taxes-et-reductions_11_143</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</i> Competition Act, article 8.
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch. <i>See</i> Competition Act, articles 8, 9, and 11.
		√	The Competition Authority has to report on an annual basis to the executive.
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 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 from the Competition Authority are subject to judicial review. <i>See</i> Competition Act, article 11.
<b>Independence</b>			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Act, article 10.	
Does the executive have powers to decide on specific cases based on public interest?	Yes	<i>See</i> Competition Act, articles 8 and 9.	
Does the executive retain decision-making powers over the Competition Authority?	Yes	<i>See</i> Competition Act, article 8.	
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		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes		
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<i>See</i> Competition Act, article 10, providing that the Authority is governed by thirteen members.	
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?	Yes		
Is the tenure of the heads renewable?	Yes		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes		
<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?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	No		
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive	Multiple mandates	√	Concurrent consumer protection mandate.

mandate on competition or multiple mandates?		X	Concurrent IP mandate.
		Other mandates: Non.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes		
Does the Competition Authority have powers to conduct dawn raids at premises?	No		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to seek criminal punishments?	Yes		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	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		
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	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?	Yes		
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?	Yes		
Can the Competition Authority's decisions be appealed to a court?	Yes	Subject to the executive's authorization.	
<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		
* Data based on public sources.			