

ARGENTINA*			
COMPETITION FRAMEWORK			
Competition Law	The first antitrust act was passed in 1923, but the first legislation introducing administrative agencies focused on the antitrust enforcement was enacted on August 6, 1980 with the Law no. 22,262 for the Defense of Competition. Following the amendment of the Argentine Constitution in 1994, the Law no. 25,156 for the Defense of Competition was enacted on September 16, 1999, and later regulated by Presidential Decree no. 89/2001 and other decrees and regulations (collectively, the “Antitrust Law”).		
Competition Authority	Law 22,262 introduced a dual authority vested upon the National Commission for the Defense of Competition (“CNDC”), acting as an advisory administrative body intended to submit non-binding recommendations to the Trade Secretariat of the Ministry of Economy and Production (“Secretariat”). The CNDC started functioning in 1999. Also note that the Antitrust Law provides for the creation of the National Tribunal for the Defense of Competition (“TNDC”), a new decentralized and fully independent enforcement body. To date, the establishment of the TNDC is still pending. Website: http://www.cndc.gov.ar/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	Yes	√	Obligations to report to the executive on on-going investigations upon request.
		√	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.
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?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: The Antitrust Law provides that all the administrative decisions concerning the antitrust enforcement may be appealed before federal courts. Note that there have been uncertainties as to which federal courts are competent to review antitrust decisions. To date, federal courts with jurisdiction on civil and commercial matters, the ones competent on economic crimes and the administrative federal courts may all hear antitrust appeals.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes		
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		<i>See article 44 of the Antitrust Law.</i>
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?	Collegiate body		The CNDC is composed of five members, a chairman and four commissioners appointed by the President of Argentina.
Are the heads appointed by a minister?	Yes		The Argentinean president appoints the commissioners.
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	Yes		Only for very exceptional circumstances (crimes) commissioners can be removed.
Is the tenure of the heads renewable?	Yes		Four years tenure renewable.
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes		Two commissioners must be economists and two lawyers, older than 30 years. The CNDC chairman is appointed by the Argentinean president without a fixed term.
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?	Part of a bigger entity. As said, the CNDC is an administrative body that submits recommendations to the Secretariat that is an office of the federal government competent to enact antitrust ruling. The constitution of the TNDC, a fully independent antitrust enforcement body, is still pending.		

POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	To date, the only agency responsible is the Secretariat that decides upon non-binding recommendations by the CNDC.		
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	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Not applicable.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	No		
Does the Competition Authority have powers to conduct dawn raids at premises?	No		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> article 24 of the Antitrust Law.	
Does the Competition Authority have powers to accept leniency applications?	No		
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Advocacy			
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		
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	X	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
Other comments: <i>See</i> article 24 of the Antitrust Law.			
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> article 24 of the Antitrust Law.	
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		
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		
* Data based on public sources.			