

| BARBADOS | | | |
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| COMPETITION FRAMEWORK | | | |
| Competition Law | The Fair Trading Commission Act, CAP 326 B, L.R.O. 2004 (“FTC Act”) created the Fair Trading Commission, but it is the Fair Competition Act (“Competition Act”), enacted on January 02, 2001, that regulates competition policy. | | |
| Competition Authority | The Fair Trading Commission (“Commission”) was established on January 02, 2001. Website: http://www.ftc.gov.bb/ | | |
| 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 20 of the Competition Act, the Commission shall inform the minister for the approval of a plan with objectives, strategies, and policies of the Commission. Article 22 of the Competition Act mandates the Commission to report to the minister on the activities and operations throughout the preceding financial year. According to article 17 of the Competition Act, the minister may, after consultation with the chairman, give the Commission directions of a general nature in respect of the policy to be followed by the Commission. | |
| Does the Competition Authority have obligations before the legislature? | Yes | √ | Obligation to publish an annual report on its activities. <i>See</i> article 22 of the Competition Act. |
| | | X | Obligation to stand before Parliament and 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. <i>See</i> part V, article 37 of the FTC Act. |
| Independence | | | |
| Are the criteria for appointment and removal of the head/board members clear and transparent? | No | | |
| Does the executive have powers to decide on specific cases based on public interest? | No | But the minister can instruct the Commission on its mission. | |
| 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? | No | | |
| Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning? | Yes | <i>See</i> article 19 of the FTC Act. | |
| Can the Competition Authority be financed by its own means (notification fees, fines, etc.)? | Yes | <i>See</i> article 19 of the FTC Act. | |
| GOVERNANCE OF THE COMPETITION AUTHORITY | | | |
| Is the Competition Authority governed by a single chairman or by a collegiate body? | Single chairman | <i>See</i> Part I of the FTC Act. | |
| Are the heads appointed by a minister? | Yes | <i>See</i> Part I of the FTC Act. | |
| Are the heads appointed by representatives of more than one government branch? | No | | |
| Is there a fixed period during which removal is prohibited? | No | | |
| Is the tenure of the heads renewable? | No | | |
| Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)? | Yes | <i>See</i> Part I of the FTC Act. | |
| 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 | <i>See</i> article 3 of the FTC Act. | |
| POLICY-MAKING AGENTS -DIVERSIFICATION- | | | |
| How many agencies are responsible for | One agency. | | |

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| competition enforcement? | N/A | | |
| Have the Competition Authority and other agencies signed protocols or memoranda of understanding? | N/A | | |
| POLICY DUTIES | | | |
| Does the Competition Authority have exclusive mandate on competition or multiple mandates? | Multiple mandates | √ | Concurrent Consumer Protection mandate. Article 4 of the FTC Act establishes that the Commission is also responsible for enforcing the Utilities Regulation Act. Article 4 also grants responsibility for the enforcement of any law relating to consumer protection and fair competition |
| | | X | Concurrent IP mandate. |
| | | Other mandates: Non. | |
| PORTFOLIO INSTRUMENTS | | | |
| Law Enforcement | | | |
| Does the Competition Authority have powers to investigate cartels? | Yes | According to article 5(6) of the FTC Act, the FTC may, on its own initiative, carry out any necessary investigation. | |
| Does the Competition Authority have powers to conduct dawn raids at premises? | Yes | | |
| Can the Competition Authority investigate <i>ex officio</i> cases? | Yes | According to article 5(6) of the FTC Act, the FTC may, on its own initiative, carry out any necessary investigation. | |
| Does the Competition Authority have powers to accept leniency applications? | Yes | | |
| Does the Competition Authority have powers to accept leniency applications? | No | | |
| Advocacy | | | |
| Can the Competition Authority issue opinions on draft legislation? | Yes | <i>See</i> article 5 of the FTC Act. 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? | No | X | Guidelines on the calculation of fines. |
| | | X | Guidelines on merger control. |
| | | X | Guidelines on the economic analysis of abuse of dominance cases. |
| Research & Reporting | | | |
| Can the Competition Authority carry out market studies? | Yes | <i>See</i> article 5 of the FTC Act. | |
| Can the Competition Authority report to the legislature on the results of market studies? | No | | |
| 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 | | |