

AFGHANISTAN			
COMPETITION FRAMEWORK			
Competition Law	Competition Law for Afghanistan (Competition Act, 2011).		
Competition Authority	Competition Promotion and Consumer Protection Directorate (CPCPD).		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the Executive?	N/A	N/A	Obligations to report to the Executive on on-going investigations upon request.
		N/A	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		N/A	The Competition Authority has to report on an annual basis to the Executive.
		Other obligations/comments: None.	
Does the Competition Authority have obligations before the Legislature?	N/A	N/A	Obligation to publish an annual report on its activities.
		N/A	Obligation to stand before Parliament and to respond to Congressmen on an annual basis.
		N/A	Its activities are monitored by an independent auditor or by oversight committees.
		Other obligations/comments: None.	
Does the Competition Authority have obligations before the Judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: None.	
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?	N/A		
Does the Executive retain decision-making powers over the Competition Authority?	N/A		
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	N/A		
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?	Single Chairman	Head of the Consumer and Competition Authority Secretariat	
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		
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		
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 the Ministry of Commerce and Industry (MOCI)		
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	No		
Do sector regulators have competition policy enforcement mandate?	N/A		

Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications Regulator	No	
	Energy Regulator	No	
	Transport Regulator	No	
	Other	They can with prior approval of the Minister of Commerce and Industry	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	No	√	Concurrent consumer protection mandate.
		x	Concurrent IP mandate.
	Other mandates: None.		
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes		
Does the Competition Authority have powers to conduct dawn raids at premises?	N/A		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		
Does the Competition Authority have powers to accept leniency applications?	N/A		
Does the Competition Authority have powers to seek criminal punishment?	N/A		
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?	Yes		
Rulemaking			
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.
Research & Reporting			
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		
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	N/A		
Does the Competition Authority make guilty findings?	N/A		
Does the Competition Authority impose punishments?	N/A		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	N/A		
Can the Competition Authority's decisions be appealed to a court?	N/A		
Disaggregated Functions—Prosecutorial Model			
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		