

BANGLADESH*			
COMPETITION FRAMEWORK			
Competition Law	The Competition Act of 2010. Note that the only version available is the draft version of 2010 (“Draft Competition Act”).		
Competition Authority	No, however there will be one. The Bangladesh Parliament just passed a bill establishing it (<i>See</i> June 17, 2012, https://www.competitionpolicyinternational.com/parliament-passes-bill-creating-bangladesh-competition-commission/). <i>See</i> Chapter III of the Draft Competition Act.		
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
		√	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.
Other obligations/comments: <i>See</i> Draft Competition Act, Chapter IX.			
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.
Other obligations/comments: <i>See</i> Draft Competition Act, Chapter IX.			
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: <i>See</i> Draft Competition Act, Chapter VIII.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Draft Competition Act, Chapter III	
Does the executive have powers to decide on specific cases based on public interest?	No	<i>See</i> Chapter III of the Draft Competition Act.	
Does the executive retain decision-making powers over the Competition Authority?	Yes	Note that the NCA needs prior approval of the Government to enter into any memorandum or arrangement.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No	Nothing is outlined in the Draft Competition Act.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<i>See</i> Draft Competition Act, Chapters III and VII.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>See</i> Draft Competition Act, Chapters III and V.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	<i>See</i> Draft Competition Act, Chapter III.	
Are the heads appointed by a minister?	No		
Are the heads appointed by representatives of more than one government branch?	Yes		
Is there a fixed period during which removal is prohibited?	No		
Is the tenure of the heads renewable?	Yes	There is an age limit of 67 years.	
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?	Stand-alone agency	<i>See</i> Draft Competition Act, Chapter III.	
POLICY-MAKING AGENTS DIVERSIFICATION			
How many agencies are responsible for competition enforcement?	<i>See</i> Chapter IV (17) of the Draft Competition Act.		
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	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Non.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See Draft Competition Act, Chapter II (Prohibition of Certain Agreements, Abuse of Dominant Position, and Regulations of Combinations).	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See Draft Competition Act, Chapter IV (24).	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Draft Competition Act, Chapter IV (24).	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to accept leniency applications?	No	Nothing is outlined in the Draft Competition Act.	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	See Draft Competition Act, Chapters IV and VI. 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.
		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?	No	See Draft Competition Act, Chapter IX.	
Can the Competition Authority report to the legislature on the results of market studies?	No	See Draft Competition Act, Chapter IX.	
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?	Yes		
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.			