

DENMARK*			
COMPETITION FRAMEWORK			
Competition Law	The Consolidated Act no. 1027 was enacted on August 21, 2007, as amended.		
Competition Authority	Danish Competition and Consumer Authority ("DCA"). Website: http://www.kfst.dk/en/		
STATUS OF THE COMPETITION AUTHORITY			
Accountability			
Does the Competition Authority have obligations before the executive?	No	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.
		X	The Competition Authority has to report on an annual basis to the executive.
		Other obligations/comments: Note however that article 13(3) of the Competition Act provides that "[t]he Competition Council may publish information concerning its activity as well as general reports."	
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 decisions and case handling of the Council and the Authority are not influenced by the ministry/minister, but are subject to appeals before the Competition Appeals Tribunal and then the ordinary courts.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	The director of the DCA is formally appointed by the Queen and nominated by the Government. The Danish Competition Council is composed of a chairman and seventeen members appointed by the Minister of Economic and Business Affairs on the basis of personal and professional qualifications.	
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</i> Competition Act, article 13(2).	
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 DCA is the secretariat of the Competition Council. The Competition Council is composed of a chairman and seventeen members appointed by the minister of Economic and Business Affairs on the basis of personal and professional qualifications.	
Are the heads appointed by a minister?	Yes		
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	No	The members of the Council are appointed for four years, but the Minister for Economic and Business Affairs might establish rules on the dismissal of Council members upon recommendation from the chairman of the Council prior to the expiry of their term.	
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> Competition Act, article 15(1).	
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	The DCA is an agency under the Ministry of Economic and Business Affairs, but is independent when it comes to enforcing the Competition Act.	

POLICY-MAKING AGENTS -DIVERSIFICATION-			
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 with sector regulators?	No		
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multi-functional agency	√	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: The DCA is also responsible for public procurement, state aid, and regulation of payment cards and plays a supervisory role in regard to energy and water regulation.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	See Competition Act, article 6.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See Competition Act, article 18.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See Competition Act, article 14.	
Does the Competition Authority have powers to accept leniency applications?	Yes	See Competition Act, article 22	
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	See Competition Act, article 2(5). This opinion is not binding, but the corresponding minister is obliged to respond to the Competition Council's opinion not later than four months after his receipt of the opinion submitted.	
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.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	See Competition Act, article 15(d)(1).	
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.			

