

CHILE			
COMPETITION FRAMEWORK			
Competition Law	Decree with force of Law no. 1 that fixes the consolidated, coordinated and systematized Law Decree no. 211 of 1973, enacted on October 7, 2005 (“Competition Law”).		
Competition Authority	There are two entities: 1) the National Economic Prosecutors (Fiscalía Nacional Económica – “FNE”), which started functioning in 1973 and the Competition Tribunal (Tribunal de Defensa de la Competencia – “TDLC”), which started functioning in 2003. FNE Website: http://www.fne.cl/ TDLC Website: http://www.tdlc.cl/		
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: Report obligations are limited to budgetary issues and compliance with performance indicators associated with budgetary issues.	
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: As a general practice, reports issued periodically are available since 2004 in the case of the TDLC and since 2006 in the case of the FNE.	
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: The Competition Tribunal is part of the court system. Its rulings and decisions, if challenged, are subject to review only by the Supreme Court.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, articles 6 and 12.	
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	Only on budgetary matters.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	No	No obligation, but they do publish. In the case of the FNE, as member of the Administration, it is subject to the Transparency Act (Freedom of Information Act), which mandates the publication of every administrative relevant action.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	The budget is discussed with the Finance Minister each year.	
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?	Chairman	As for the FNE there is only a chairman. As for the TDLC, besides the president (chairman) there are three lawyers (one of whom is the president) and two economists.	
Are the heads appointed by a minister?	Yes	By the president of the republic of Chile. <i>See</i> Competition Law, articles 6 and 33.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	No for the TDLC Yes for the FNE	In the case of the TDLC, although the members are appointed for a term of six years, it is partially renewed every two years. For the FNE, the Prosecutor’s term is of four years. <i>See</i> Competition Law, articles 7 and 33.	
Is the tenure of the heads renewable?	Yes	Although not usual, the term is renewable only once for both the case of the TDLC and the FNE.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	The head of the TDLC has to be a lawyer with a minimum experience of ten years. The head of the FNE has to be selected according to the procedures applicable to senior public servants.	
ARCHITECTURE			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part	Stand-alone Agency.	The TDLC is subject to the Supreme Court. The FNE is subject to the Ministry of Economy, Development, and Reconstruction.	

of a bigger entity such as a minister?			
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	Multiple agencies.		
Do sector regulators have competition policy enforcement mandate?	TDLC	The TDLC is a judicial body in charge of adjudicating in competition law issues and issuing decisions on competition matters in non-adversarial proceedings.	
	FNE	The FNE, which is in charge of detection, investigation, prosecution in conduct and merger cases and of issuing technical reports in some cases.	
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	Telecommunications Regulator	No	
	Energy Regulator	No	
	Transport Regulator	No	
	Other	The FNE has signed several agreements with government entities, including the Ministry of Agriculture and the Ministry of Public Works, among others.	
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?	Yes		
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	The FNE can dawn raid premises, previous approval of the TDLC, with the authorization of the corresponding Court of Appeals. <i>See</i> Competition Law, article 39(1).	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	The FNE can investigate <i>ex officio</i> . <i>See</i> Competition Law, article 39(1).	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> Competition Law, article 39bis.	
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	The TDLC can propose to the president of the republic, through the corresponding Ministry, the modification or issuance of a legal precept or other rule. These opinions are not binding. <i>See</i> Competition Law, article 18.	
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	The FNE carries out market studies that are published on their website: http://www.fne.gob.cl/promocion-de-la-libre-competencia/estudios-de-mercado/	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	They are available in the website for everyone.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?	No	The TDLC is a judicial body in charge of adjudicating in competition law issues and issuing decisions on competition matters in non-adversarial proceedings.	
Does the Competition Authority make guilty findings?	No		
Does the Competition Authority impose punishments?	No		
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	No		

appealed to a court?		
Disaggregated Functions—Prosecutorial Model		
Are there different authorities that make the decision to investigate and to prosecute cases?	Yes	The FNE is in charge of detection, investigation, prosecution in conduct and merger cases and of issuing technical reports in some cases.
Are disputes presented for decision to a separate entity/tribunal?	Yes	