

COSTA RICA		
COMPETITION FRAMEWORK		
Competition Law	The Act no. 7472 for the Promotion of Competition and Effective Defense of Consumers was enacted in January 1995.	
Competition Authority	The Commission for Promotion of Competition ("COPROCOM") started functioning in 1996. Website: http://www.coprocom.go.cr/	
STATUS OF THE COMPETITION AUTHORITY		
Accountability		
Does the Competition Authority have obligations before the executive?	No	<p>X Obligations to report to the executive on on-going investigations upon request.</p> <p>X The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.</p> <p>X The Competition Authority has to report on an annual basis to the executive.</p>
Does the Competition Authority have obligations before the legislature?	No	<p>X Obligation to publish an annual report on its activities.</p> <p>X Obligation to stand before parliament and to respond to Congressmen on an annual basis.</p> <p>X Its activities are monitored by an independent auditor or by oversight committees.</p>
Does the Competition Authority have obligations before the judiciary?	Yes	<p>√ Decisions of the Competition Authority are subject to judicial review. See articles 21 and 64 of the Act.</p>
Independence		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See article 22 of the Act.
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?	No	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	Current fiscal year budget for 2012: 324,952,691 colones.
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	
Are the heads appointed by a minister?	Yes	According to article 22 of the Act, they are appointed by the Economy Minister.
Are the heads appointed by representatives of more than one government branch?	No	
Is there a fixed period during which removal is prohibited?	Yes	
Is the tenure of the heads renewable?	Yes	According to article 22, they can be re-elected how many times the executive stipulates.
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	See article 22 of the 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	COPROCOM is an agency of maximum independence under the Ministry of Economy, Industry and Trade. Its office is located in the Economy Ministry building.
POLICY-MAKING AGENTS -DIVERSIFICATION-		
How many agencies are responsible for competition enforcement?	One agency	The Competition Commission mandate includes handling horizontal agreements (article 11), vertical restraints (article 12), abuse of dominance, and merger control (article 16).
Do sector regulators have competition policy enforcement mandate?	Yes	In Costa Rica, only the telecommunications regulator has competition powers concerning anticompetitive practices and merger control, referred to entities under his control. Although, prior to open a produce and making a final decision on it, the Superintendencia de Telecomunicaciones ("SUTEL") must consult

		COPROCOM. In the Financial, Securities and Exchange, Pensions and Insurances sectors, all of the Superintendence's can revise mergers between entities under their supervision, but they must also consult this agency prior to making a final decision.	
	Horizontal Agreements	SUTEL	
	Vertical Restraints	SUTEL	
	Abuse of Dominance	SUTEL	
	Merger Control	SUTEL and the Financial, Securities and Exchange, Pensions and Insurances regulator	
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?	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	<i>See article 27 of the Act.</i>	
Does the Competition Authority have powers to conduct dawn raids at premises?	No		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See article 27 of the Act.</i>	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See article 27 of the Act.</i> 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?	Yes	<i>See article 8 of the Act.</i>	
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		