

DOMINICAN REPUBLIC			
COMPETITION FRAMEWORK			
Competition Law	The General Act for the Defense of Competition (“Competition Act”), no. 42-08, was enacted on January 16, 2008.		
Competition Authority	La Comisión Nacional de Defensa de la Competencia (“Pro-Competencia”) started functioning on January 16, 2008. <i>See</i> Competition Act, article 16. Website: http://procompetencia.gov.do/es/		
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. <i>See</i> Competition Act, article 31.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities. <i>See</i> Competition Act, article 31.
		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. <i>See</i> Competition Act, article 31.
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?	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 40.
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		<i>See</i> Competition Act, article 21.
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes		<i>See</i> Competition Act, article 21.
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body		<i>See</i> Competition Act, article 26.
Are the heads appointed by a minister?	No		
Are the heads appointed by representatives of more than one government branch?	No		Commissioners are proposed by the executive, but appointed by the legislature.
Is there a fixed period during which removal is prohibited?	Yes		There is a fixed period of five years.
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 27.
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> Competition Act, article 16.
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	Yes. Articles 20 and 21 of the Competition Act establish coordinating mechanisms between ProCompetencia and other sector regulators.		
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?	Multiple mandates	√	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: N/A	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Act, article 31.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Act, article 31.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, articles 31 and 36.	
Does the Competition Authority have powers to accept leniency applications?	Yes		
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</i> Competition Act, article 31. 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. Article 62 of the Competition Act introduces proportionality principles.
		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</i> Competition Act, article 31.	
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	<i>See</i> Competition Act, article 25.	
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		