

<b>ECUADOR</b>			
<b>COMPETITION FRAMEWORK</b>			
Competition Law	The Competition Law (Organic Law for the Regulation and Control of Market Power) was enacted on October 13, 2011.		
Competition Authority	The Superintendence for the Control of Market Power (Superintendencia de Control de Poder del Mercado) started functioning on September 1, 2012. <b>Website:</b> <a href="http://scpm.gob.ec">http://scpm.gob.ec</a>		
<b>STATUS OF THE COMPETITION AUTHORITY</b>			
<b>Accountability</b>			
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.
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.
		√	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.
<b>Independence</b>			
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		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes		<b>Fiscal year budget for 2012:</b> US\$ 12,197,014.18.
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman		Called the "Superintendente."
Are the heads appointed by a minister?	No		
Are the heads appointed by representatives of more than one government branch?	Yes		The president of the Republic selects the candidates and the Council for Citizen's Participation and Social Control (an autonomous body) makes the appointment. <i>See</i> Competition Law, article 43.
Is there a fixed period during which removal is prohibited?	Yes		According to article 5 of the Competition Law, five years.
Is the tenure of the heads renewable?	Yes		Only once. <i>See</i> Competition Law, article 43.
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes		<i>See</i> Competition Law, article 43.
<b>ARCHITECTURE</b>			
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.		
<b>POLICY-MAKING AGENTS -DIVERSIFICATION-</b>			
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		
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	√	Concurrent consumer protection mandate.
		√	Concurrent IP mandate.
		<b>Other mandates:</b> Unfair competition.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Law, article 78.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Law, article 49(3).	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Law, article 53.	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> Competition Law, article 83.	
Does the Competition Authority have powers to accept seek criminal punishment?	No		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	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		
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Law, article 38(1).	
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
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		
<b>Disaggregated Functions—Prosecutorial Model</b>			
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		