

EL SALVADOR			
COMPETITION FRAMEWORK			
Competition Law	The Decree no. 528 was enacted on December 22, 2004.		
Competition Authority	Superintendencia de Competencia started functioning on January 1, 2006. Website: http://www.sc.gob.sv/english/index.php		
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.
Does the Competition Authority have obligations before the legislature?	Yes	√	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 Supreme Court of Justice is competent to review antitrust decisions. In case of a contentious procedure against one of its decisions before the Supreme Court of Justice, the Competition Authority is obliged, as any other governmental institution, to be part in the procedure and to comply with the court decision.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> articles 10 and 11 of the Decree.	
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> article 51 of the Decree.	
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: Approximately US\$ 1,908,950. <i>See</i> article 20 of the Decree.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	Article 20 of the Decree states the type of activities that the Competition Authority can charge to finance its own means. Merger notifications cannot be charged and fines from cases go directly to the central government accounts.	
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	Appointed by the president of El Salvador. <i>See</i> article 6 of the Decree.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	Yes	Five years. <i>See</i> article 8 of the Decree. They can be removed but there is a procedure to be followed, <i>see</i> article 11 of the Decree.	
Is the tenure of the heads renewable?	Yes	Article 8 of the Decree states that there is no maximum stipulated years.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> article 9 of the Decree.	
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> article 8 of the Decree.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	Yes		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	Telecommunications regulator	Yes	
	Energy regulator	Yes	
	Transport regulator	Yes	

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	See article 13 of the Decree.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See article 44 of the Decree.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See article 40 of the Decree.	
Does the Competition Authority have powers to accept leniency applications?	Yes	See article 39 of the Decree.	
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	See article 14 of the Decree. The opinions of the Competition Authority are not binding (article 15 of the Decree).	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	Under article 13 of the Decree the executive/Legislative may request the national competition's authority although there is no specific obligation to do it.	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes, under article 13 of the Decree.	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 article 13 of the Decree.	
Can the Competition Authority report to the legislature on the results of market studies?	No	The results are published for everyone to see, and there are meetings conducted with the regulator or governmental institution involved in the sector, but there is no official report to be made.	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and to prosecute cases?			
Does the Competition Authority make guilty findings?			
Does the Competition Authority impose punishments?			
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?			
Can the Competition Authority's decisions be appealed to a court?			
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		