

GUYANA			
COMPETITION FRAMEWORK			
Competition Law	The Competition and Fair Trading Act no. 11 (“CFTA”) was enacted in 2006.		
Competition Authority	The Fair Trading Commission (“FTC”), established by article 5 of the Act, started functioning in 2006.		
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. Article 6 of the CFTA does state that the Authority advises the minister with regards to competition and consumer protection.
		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. Article 11 of the CFTA states that the Competition Authority needs to report on an annual basis to the minister
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities. <i>See</i> Article 11 of the CFTA.
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis. Article 14 of the CFTA states that the minister tables the Parliament with respect to the annual activities of the FTC.
		X	Its activities are monitored by an independent auditor or by oversight committees.
Does the Competition Authority have obligations before the judiciary?	No	X	Decisions of the Competition Authority are subject to judicial review.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Schedule 1 of the CFTA.	
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: the budget was 26 million GYD (+ a grant of 76 million GYD as a grant from the Caribbean Development Bank). <i>See</i> Article 9 of the CFTA.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>See</i> Article 9 of the CFTA.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	According to Schedule 1 of the CFTA the Competition Authority will have between 3 and 5 commissioners.	
Are the heads appointed by a minister?	Yes	<i>See</i> Schedule of the CFTA.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	Yes	Three years. <i>See</i> article 12 of the CFTA.	
Is the tenure of the heads renewable?	Yes	It is renewable once for a maximum duration of another three years. <i>See</i> article 12 of the CFTA.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Schedule 1 of the CFTA.	
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.		
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		

Do sector regulators have competition policy enforcement mandate?	The Public Utilities Commission (“PUC”), mandated by the Public Utilities Commission Act, applies to every public utility engaged in providing service in Guyana. These services being electricity, telephone, wireless telephony, telegraphy, satellites, cable television, telecom service providers, internet, and other telecom services, etc. <i>See</i> section 4(1) of the Public Utilities Commission Act.		
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: Non.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> article 5 of the CFTA.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> article 14 of the CFTA.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> article 5 of the CFTA.	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<i>See</i> article 15 of the CFTA.	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> article 5 of the CFTA.	
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.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
		Other comment/note: <i>See</i> article 56 of the CFTA.	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> article 5 of the CFTA. The opinions are not binding.	
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?	Yes		
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		