

<b>HONDURAS</b>			
<b>COMPETITION FRAMEWORK</b>			
Competition Law	The Decree no. 357/2005 was enacted on December 29, 2005.		
Competition Authority	Comisión para la Defensa y Promoción de la Competencia ("CDPC") started functioning in August 2006. Website: <a href="http://www.cdpc.hn/">http://www.cdpc.hn/</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?	No	X	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.
<b>Independence</b>			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> articles 24, 26, 27, and 29 of the Decree.	
Does the executive have powers to decide on specific cases based on public interest?	Yes	<i>See</i> article 4 of the Decree.	
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 56 of the Decree.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<i>See</i> article 63 of the Decree.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>See</i> article 63 of the Decree. <b>Current fiscal year budget for 2012:</b> US\$ 1 million.	
<b>GOVERNANCE OF THE COMPETITION AUTHORITY</b>			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body.		
Are the heads appointed by a minister?	No		
Are the heads appointed by representatives of more than one government branch?	No	The chairman and the commissioners are appointed by the National Assembly for seven years. <i>See</i> article 24 of the Decree.	
Is there a fixed period during which removal is prohibited?	Yes	According to article 24 of the Decree the period is of seven years.	
Is the tenure of the heads renewable?	Yes		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> article 26 of the Decree.	
<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?	Yes, the telecommunications, bank and insurances sector has mandates on competition besides the CDPC.		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	Telecommunications regulator	Yes	
	Energy regulator	No	
	Transport regulator	No	

	Bank and insurances	Yes	
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		<b>Other mandates:</b> Telecommunications.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	Accordinging article 34 of the Decree, the CDPC has administrative faculties only.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> article 47 of the Decree.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> article 34 of the Decree.	
Does the Competition Authority have powers to accept leniency applications?	No		
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	<i>See</i> article 34 of the Decree. 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	X	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
		<b>Other comments/notes:</b> <i>See</i> article 22 of the Decree.	
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes		
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		