

NICARAGUA			
COMPETITION FRAMEWORK			
Competition Law	Law no. 601 for the promotion of Competition (“Competition Law”) was enacted on October 19, 2006.		
Competition Authority	Instituto Nacional de Promoción de Competencia (“Procompetencia”) started functioning on July 2007. Website: http://www.procompetencianic.org/		
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.
		√	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 from the Competition Authority are subject to judicial review. <i>See</i> Competition Law, articles 13 and 39.
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, articles 11, 13 and 23.	
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 Law, article 14.	
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 Law, article 6	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<i>See</i> Competition Law, article 6.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	<i>See</i> Competition Law, article 7.	
Are the heads appointed by a minister?	No		
Are the heads appointed by representatives of more than one government branch?	Yes		
Is there a fixed period during which removal is prohibited?	Yes	<i>See</i> Competition Law, article 50.	
Is the tenure of the heads renewable?	Yes	<i>See</i> Competition Law, article 8.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Competition Law, article 8.	
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 Law, article 5.	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
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?	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	<i>See</i> Competition Law, article 16.	
Does the Competition Authority have powers to conduct dawn raids at premises?	No		
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Law, article 14.	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> Competition Law, article 48.	
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 Law, article 14. 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.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of dominant cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Law, articles 13 and 14.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<i>See</i> Competition Law, articles 13 and 14.	
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		