

<b>TRINIDAD &amp; TOBAGO</b>			
<b>COMPETITION FRAMEWORK</b>			
Competition Law	The Fair Competition Act no. 13 of 2006 (“FCA”), was enacted on May 16 2006.		
Competition Authority	The Fair Trading Commission of Trinidad & Tobago (“FTC”), established in April 2007, is not yet functional.		
<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. Article 5 of FCA does state that the Authority advises the minister on matters of interest from the Fair Trading Act perspective.
		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. Article 14 of FCA 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?	Yes	√	Decisions of the Competition Authority are subject to judicial review. <i>See</i> FCA, article 44.
<b>Independence</b>			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> FCA, articles 26, 27, and 28.	
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	<i>See</i> FCA, article 42.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<i>See</i> article 42 of the FCA.	
<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	The commissioners are appointed by the president. <i>See</i> FCA, article 26.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	Yes	A period of five years, according to article 27 of FCA.	
Is the tenure of the heads renewable?	No		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> FCA, article 26.	
<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	<i>See</i> FCA, article 4.	
<b>POLICY-MAKING AGENTS -DIVERSIFICATION-</b>			
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	See FCA, article 5.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	See FCA, article 9.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	See FCA, article 5.	
Does the Competition Authority have powers to accept leniency applications?	No		
Does the Competition Authority have powers to accept seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	See FCA, article 5. 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 abuse of dominance cases.
		Other comments/notes: See FCA, article 5.	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	See FCA, article 5.	
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		