

ARMENIA			
COMPETITION FRAMEWORK			
Competition Law	The Law of the Republic of Armenia on Protection of Economic Competition (“PEC Law”), was adopted on November 6, 2000 and verified by the President of the Republic of Armenia on December 5, 2000.		
Competition Authority	The State Commission for the Protection of Economic Competition of the Republic of Armenia (“SCPEC”) was created under Article 17 of PEC Law, and established on January 13, 2001. <b>Website:</b> <a href="http://www.competition.am/?lng=2">http://www.competition.am/?lng=2</a>		
STATUS OF THE COMPETITION AUTHORITY			
<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.
		<b>Other obligations/comments:</b> Under article 19(2) of PEC Law, the Commission is independent of other state bodies in fulfilling the tasks and functions provided by law.	
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 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> article 20 of PEC Law.	
Does the executive have powers to decide on specific cases based on public interest?	No	<i>See</i> article 19(2) of PEC Law.	
Does the executive retain decision-making powers over the Competition Authority?	No	<i>See</i> article 19(2) of PEC Law.	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> article 27 of PEC Law.	
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 29 of PEC Law.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<i>See</i> article 29 of PEC Law.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	According to article 20(1) of PEC Law, the SCPEC is composed of seven members: the chairman, deputy, and five members.	
Are the heads appointed by a minister?	No	According to article 20, section 2 of PEC Law, the members of the SCPEC are appointed by the President of the Republic of Armenia. The members of the Commission, except for the first membership composition, shall be appointed for a period of five years.	
Are the heads appointed by representatives of more than one government branch?	No		
Is there a fixed period during which removal is prohibited?	No		
Is the tenure of the heads renewable?	Yes	There is no limitation for assigning SCPEC members after expiration of the five year period.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes		
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?	No. However, article 19, Section 13 of PEC Law states that in case of discussion of the issue on the boundaries of product markets within the electronic communications sector and existence of dominant positions of economic entities on these markets, the SCPEC shall consult with the Public Services Regulation Commission of the Republic of Armenia.		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Yes. The SCPEC has signed memoranda of understanding with Public Services Regulation Commission of the Republic of Armenia and with the Central Bank of the Republic of Armenia.		
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	√	Concurrent consumer protection mandate.
		√	Concurrent IP mandate.
		<b>Other mandates</b> None.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	Under article 19 of PEC Law, the SCPEC has the right to carry out inspection, study (including test purchase) and (or) monitoring for determination of the reliability of information presented by an economic entities, detection of actual activity of an economic entity, or control over the execution of the decision of the SCPEC.	
Does the Competition Authority have powers to conduct dawn raids at premises?	No	The SCPEC has power to carry out inspection for determination of the reliability of information presented by an economic entity, detection of actual activity of an economic entity, or control over the execution of the decision of the SCPEC. However, no functions and tasks assigned to the SCPEC by PEC Law, provide that the SCPEC may conduct search and seizure in the buildings, premises or means of transport belonging to the economic entity or its representatives or persons otherwise interrelated with the economic entity, for finding and taking necessary items or documents.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> article 36, Section 2 of PEC Law.	
Does the Competition Authority have powers to accept leniency applications?	No		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> article 19 of PEC Law. 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	<i>But see</i> article 19(1)(a) of PEC Law.	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	Yes	√	Guidelines on the calculation of fines.
		√	Guidelines on merger control.
		√	Guidelines on the economic analysis of abuse of dominance cases.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> article 19 of PEC Law.	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	The SCPEC can inform the legislature and other authorities as well as Prosecutor Office about the results of market studies.	
<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?	Yes		
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		



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