

NEPAL			
COMPETITION FRAMEWORK			
Competition Law	Act number 35 of the year 2063 (2006/07) (Competition Promotion and Market Protection Act, 2063), enacted on June 23, 2006, modified by The Act Amending Some Nepal Acts, 2064, enacted on August 26, 2007.		
Competition Authority	The Competition Promotion and Market Protection Board.		
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.
		√	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.
		Other obligations/comments: See Competition Act, art. 30.	
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.
		Other obligations/comments: The Government of Nepal may decide to publish the annual report.	
Does the Competition Authority have obligations before the Judiciary?	Yes	Yes	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: Cases are decided by the Courts.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes		
Does the Executive have powers to decide on specific cases based on public interest?	Yes		See Competition Act, art. 30.
Does the Executive retain decision-making powers over the Competition Authority?	Yes		See Competition Act, art. 30.
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	N/A		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	N/A		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	N/A		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate Body		
Does a minister appoint the heads?	Yes		Competition Act, art. 12.
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	No		Members of the Board are assigned for two years, but they can be removed at any time by the Government of Nepal if performance is not satisfactory.
Is the tenure of the heads renewable?	Yes		
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	No		
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?	Yes. See Competition Act, art. 12.		
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One.		
Do sector regulators have competition policy enforcement mandate?	N/A		

Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications Regulator	N/A	
	Energy Regulator	N/A	
	Transport Regulator	N/A	
	Other	N/A	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	✓	Concurrent consumer protection mandate.
		✓	Concurrent IP mandate.
	Other mandates: None.		
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Act, chapter 5.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Act, chapter 5.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Act, chapter 5.	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> Competition Act, art. 21. The Commission of the officer can request a lesser punishment, but the Court is the one who finally decides.	
Does the Competition Authority have powers to seek criminal punishment?	No	<i>See</i> Competition Act, art. 18.	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> Competition Act, art. 14. 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>See</i> Competition Act, art. 14.	
Rulemaking			
Can the Competition Authority issue guidelines or other type of secondary legislation?	N/A	N/A	Guidelines on the calculation of fines.
		N/A	Guidelines on merger control.
		N/A	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<i>See</i> Competition Act, art. 14.	
Can the Competition Authority report to the Legislature on the results of market studies?	Yes	<i>See</i> Competition Act, art. 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?	No		
Does the Competition Authority impose punishments?	No		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	<i>See</i> Competition Act, art. 22. The Government of Nepal assigns market protector officers for investigation.	
Can the Competition Authority's decisions be appealed to a court?	N/A		
Disaggregated Functions—Prosecutorial Model			
Are there different institutions that make the decision to investigate and to prosecute cases?	Yes	<i>See</i> Competition Act, art. 24. The Board can decide the investigation and the market protector officer is the one who files the case.	
Are disputes presented for decision to a separate entity/tribunal?	Yes	<i>See</i> Competition Act, art. 24. Cases are presented to Court.	