

LATVIA			
COMPETITION FRAMEWORK			
Competition Law	The Competition Law no. 151 (2538) was enacted on October 4, 2001 and entered into force in January 1, 2002, as amended.		
Competition Authority	The Latvia Competition Council ("CC") started functioning in January 1998. <b>Website:</b> <a href="http://www.kp.gov.lv/">http://www.kp.gov.lv/</a>		
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.
		X	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.
<b>Other obligations/comments:</b> Sections 4 and 6 of the Competition Law state that the Council is subordinated and Supervised by the Ministry of Economics.			
Does the Competition Authority have obligations before the legislature?	Yes	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.
		√	Its activities are monitored by an independent auditor or by oversight committees.
<b>Other obligations/comments:</b> The annual report is not addressed to the legislator specifically, but rather to the executive branch and the public in general. The CC is audited by the State Auditor (an independent state body).			
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		<b>Other obligations/comments:</b> Judicial review is conducted by Administrative Appellate Court (first instance) and the Supreme Court Senate (cassation).	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>See</i> Competition Law, Chapter II, section 5(4).	
Does the executive have powers to decide on specific cases based on public interest?	No	<i>See</i> Competition Law, Chapter II, section 8(6).	
Does the executive retain decision-making powers over the Competition Authority?	No	<i>See</i> Competition Law, Chapter II, section 8(6).	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition Law, Chapter II, section 6(2).	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<b>Fiscal year budget for 2012:</b> Approximately 1,096,000 USD. State budget does not foresee a separate allocation. Funds are allocated to the CC as a part of the budget of the Ministry of Economics.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No		
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Collegiate body	The CC has three members, one chairman and two members. The Cabinet of Ministers appoints the chairman.	
Does a minister appoint the heads?	Yes	<i>See</i> Competition Law, Chapter II, section 5(2), "The Cabinet, upon the recommendation of the Minister for Economics, shall appoint in office the Chair and members of the Competition Council."	
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	Yes	Tenure is five years. However, the chairman and the members of the CC can be removed or transferred within the executive branch similar to other civil servants.	
Is the tenure of the heads renewable?	Yes	<i>See</i> Competition Law, Chapter II, section 5(2). No limit is specified.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Competition Law, Chapter II, section 5(4), "The Chair and members of the Competition Council shall be civil servants whose professional qualifications give them the capability of taking decisions in competition matters."	
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?	Part of a bigger entity	The CC performs its activities as a public (state) body, under supervision of the Ministry of Economics. <i>See</i> Competition Law, Chapter II, section 4(1) "The Cabinet shall establish the Competition Council and it shall be subordinate of the Ministry of Economics, which shall be realized in the form of supervision." Both entities are located in the same building: Brīvības iela 55, Rīga.  Accounting and IT infrastructure are provided by the ministry.	
POLICY-MAKING AGENTS			

-DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
What is the scope of the mandate on competition policy enforcement for each of the agencies?	Latvian Competition Council	Horizontal agreements, vertical restraints, abuse of dominance and merger control.	
Sector regulators have competition policy enforcement mandate	No	Although promotion of competition is stipulated in the mandate of two sector regulators, the CC is the only governmental body, which can apply the Competition Law.	
The Competition Authority and other agencies have signed protocols or memoranda of understanding with sector regulators	Public Utilities Commission (Telecommunications, Energy, Rail transport)	Yes	
	Other	No	
POLICY DUTIES			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Multiple mandates	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		<b>Other mandates:</b> The CC is also responsible of enforcing the Advertising Law (B2B misleading and comparative advertisement, if the violation may cause significant harm to competition) and dominant position in the retail trade. <i>See</i> Competition Law, section 13(2).	
PORTFOLIO INSTRUMENTS			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes	<i>See</i> Competition Law, section 11.	
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<i>See</i> Competition Law, section 9(5) 4.-5.	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<i>See</i> Competition Law, Chapter VII, section 22(2).	
Does the Competition Authority have powers to accept leniency applications?	Yes	<i>See</i> Competition Law, sections 12(5) and 29. <i>See</i> Cabinet of Ministers 29.09.2008, Regulation no. 796, "Procedures for the Determination of Fines for the Violations Provided for in Section 11, Paragraph one and Section 13 of the Competition Law" Chapter III ( <a href="http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_796_-_Determination_of_Fines_for_the_Violations..._of_the_Competition_Law.doc">http://www.vvc.gov.lv/export/sites/default/docs/LRTA/MK_Noteikumi/Cab_Reg_No_796_-_Determination_of_Fines_for_the_Violations..._of_the_Competition_Law.doc</a> )	
Does the Competition Authority have powers to seek criminal punishment?	No		
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes	<i>See</i> Competition Law, Chapter II, section 6(3). 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?	Yes	<i>See</i> 07.04.2009. Regulation of Cabinet of Ministers no.300 "Rules of procedure of Cabinet of Ministers," section 63 and 91 ( <a href="http://www.mk.gov.lv/en/mk/darbibu-reglamentejosie-dokumenti/kartibas-rullis/">http://www.mk.gov.lv/en/mk/darbibu-reglamentejosie-dokumenti/kartibas-rullis/</a> ).	
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	No	X	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		X	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> Competition Law, Chapter II, Section 7(1).	
Can the Competition Authority report to the legislature on the results of market studies?	No	There is no formal restriction or duty to report.	
DECISION-MAKING FUNCTIONS			
<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	Competition Law, Section 5 (1) and 9 (1), (3), (5)	
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	