

MONTENEGRO*			
COMPETITION FRAMEWORK			
Competition Law	The Law on Protection of Competition, published in the Official Gazette of the Republic of Montenegro, was enacted in 2012.		
Competition Authority	The Agency for the Protection of Competition (“APC”) started functioning in November 24, 2007. Website: http://www.uzzk.gov.me/en/director		
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.
		Other obligations/comments: See Competition Law, article 20, “[t]he Agency shall be accountable for its operation to the Government.”	
Does the Competition Authority have obligations before the legislature?	Yes	√	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.
Does the Competition Authority have obligations before the judiciary?	Yes	√	Decisions of the Competition Authority are subject to judicial review.
		Other obligations/comments: Decisions can be reviewed as administrative disputes. See Competition Law, article 64.	
Independence			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	See Competition Law, articles 21 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	See Competition Law, article 61.	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	See Competition Law, articles 24 and 25.	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	See Competition Law, article 24.	
GOVERNANCE OF THE COMPETITION AUTHORITY			
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman		
Does a minister appoint the heads?	Yes	According to the Competition Law, article 21, the Government upon proposal of the ministry appoints the director.	
Do representatives of more than one government branch appoint the heads?	No		
Is there a fixed period during which removal is prohibited?	Yes	Under article 21 of the Competition Law, four years.	
Is the tenure of the heads renewable?	Yes	Under article 21 of the Competition Law, only once.	
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	See Competition Law, article 21.	
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	See Competition Law, articles 19 and 20 stating that “[t]he seat of the Agency shall be in Podgorica.”	
POLICY-MAKING AGENTS -DIVERSIFICATION-			
How many agencies are responsible for competition enforcement?	One agency.		
Do sector regulators have competition policy enforcement mandate?	No		

Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	N/A		
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: Non.	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes		
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes		See Competition Law, article 32.
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		See Competition Law, article 28.
Does the Competition Authority have powers to accept leniency applications?	N/A		
Does the Competition Authority have powers to seek criminal punishment?	No		
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes		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.
		√	Guidelines on the economic analysis of abuse of dominance cases.
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes		See Competition Law, article 40.
Can the Competition Authority report to the legislature on the results of market studies?	Yes		See Competition Law, article 40.
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?	N/A		
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		
* Data based on public source.			