

Egypt	
COMPETITION FRAMEWORK	
Competition Law	<p>The legal regime for competition in Egypt is governed by Egyptian Competition Law No. 3 of 2005 (“ECL”) and its Executive Regulation foreseen in Decree No. 1316 of 2005, issued by the Prime Minister (the “Executive Regulations”).</p> <p>[Please Introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</p>
Competition Authority	<p>The Egyptian Competition Authority (“ECA”) is the primary competition law regulator in Egypt. ECL dictated the establishment of the ECA. The ECA was established on the 16th of May 2005.</p> <p>The ECA is affiliated to the Prime Minister and managed by a Board of Directors. ECA’s first Board of Directors was formed in August 2005, and it started its actual operations in January 2006.</p> <p>Website: http://www.eca.org.eg/ECA/StaticContent/View.aspx?ID=1</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>
POLICY-MAKING AGENTS	
-DIVERSIFICATION-	
How many agencies are responsible for competition enforcement?	<p>ECA is the primary agency responsible for competition enforcement in Egypt. The ECA has broad enforcement powers. These include, inter alia, investigating complaints of violations of the ECL, initiating ex-officio investigations of practices that may threaten free competition or result in violation of the Competition Law, assessing ex-ante notifications of economic concentration, providing advisory opinions on draft laws and decrees that may harm competition, promulgating periodic reports on ECA’s activities and actions, and organizing training programs to raise awareness of the law and regulations.</p> <p>When a violation is established, ECA can take administrative actions against the violator. For example, ECA may issue a cease-and-desist order to temporarily suspend any practice that would constitute a violation of ECL. In addition to the administrative actions, ECA may decide to incriminate a violation of the ECL by requesting the initiation of criminal proceedings against the violators and then referring the case to the Public Prosecution (as further explained below). ECA cannot directly file a criminal lawsuit or impose sanctions on the violators.</p> <p>Also, ECA is the sole authority that has the power to settle any violation whether before it requests the initiation of criminal proceedings or after a criminal lawsuit is filed regarding such violation. If a violation is settled, such settlement shall be considered a waiver of any request to file a criminal lawsuit and shall result in the lapse of the criminal lawsuit relevant to the same case subject of suing.</p> <p><u>The Jurisdiction of the Public Prosecution:</u></p> <p>Pursuant to Article 1 of the Criminal Procedures Law No. 150 of 1950, the Public Prosecution shall, except in cases where the law provides otherwise, solely have the jurisdiction to file criminal lawsuits and handle all criminal proceedings related to criminal cases before competent criminal courts. Therefore, the Public Prosecution has the jurisdiction to investigate any violation of the ECL and file a criminal lawsuit against the violator. However, such jurisdiction is conditioned upon a request from ECA’s Chairperson.</p> <p>According to Article 21 of ECL, no proceedings for filing a criminal lawsuit shall be initiated against any ECL violation except upon a request issued by ECA’s Chairperson. If any case is reported or referred to the Public Prosecution and the above-mentioned request is issued by ECA’s Chairperson, the Public Prosecution shall then start its criminal proceedings and conduct its own investigations into the reported violation. In this case, the criminal process of the Public Prosecution is independent and separate from any investigations that may have been conducted by ECA. After completion of the investigations, the Public</p>

	<p>Prosecution may decide to either dismiss the case or file a criminal lawsuit before the Economic Courts if the investigations reveal that the reported violation constitutes a crime under the ECL.</p> <p>Note: Economic courts are specialized courts established by Law No.120 of 2008. ECL is one of the laws that fall under the jurisdiction of the economic courts. Thus, cases concerning violations of ECL are referred to and adjudicated by the economic courts.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<p>In general, the sector regulators do not have competition enforcement powers; with the exception of the regulators of the following sectors that are excluded, fully or partially, from the scope of ECL:</p> <p>Banks and other Institutions licensed by the Central Banks of Egypt: Article 221 of the Central Bank Law No. 194 of 2020 excludes the banks and other institutions that are licensed by the Central Bank and subject to its jurisdiction (including, foreign exchange companies, money transfer companies, and credit rating companies) from the scope of the ECL. The Central Bank of Egypt is the authority that regulates the entire banking sector in Egypt and it is responsible for protecting and enhancing competition and preventing anti-competitive practices in the banking sector. According to Article 222 of the Central Bank Law, the Central Bank shall establish a special division responsible for receiving, handling, and investigating all complaints related to any anti-competitive practices within the banking sector. In this regard, the Central Bank's Board of Directors is broadly empowered to take several actions against any violator. These actions include imposing financial penalties on the violators.</p> <p>The Activities that Fall under the jurisdiction of the Financial Regulatory Authority ("FRA"): The ECL introduces a special regime for reviewing the Economic Concentration transactions in activities that fall under the jurisdiction of the FRA. Article 19 bis (e) of the ECL excluded the activities that are subject to the supervision of the FRA from the jurisdiction of ECA. The parties to such transactions are obliged to report FRA, not ECA, the proposed transaction to obtain a pre-closing clearance. However, FRA must seek the opinion of the ECA prior to granting its approval as per Article 19 bis of the ECL. Thus, the Competition Authority's role in such transactions is ancillary. Upon the reception of notification from FRA, ECA will have 30 days to review the transaction and issue its non-binding opinion of either lack of jurisdiction, dismissal, approval or rejection.</p> <p>Note: "Economic Concentration" is defined as any change of control or material influence in one or more persons that results from: (a) a merger; (b) acquisition, directly or indirectly, of control or material influence in another person; or (c) the establishment of a joint venture or the acquisition of an existing entity for the purpose of establishing a joint venture engaging in an economic activity independently and continuously.</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?	<p>The ECA has different forms of arrangements for cooperation and coordination with various sector regulators in Egypt to effectively enforce the competition law. According to Article 11 (10) of ECL, the ECA shall coordinate with sectoral regulators on matters of common concern. Therefore, ECA has adopted protocols and MoUs with the following sector regulators:</p> <ul style="list-style-type: none"> • The General Organization for Export and Import Control (6th of May 2010). • The Central Agency for Public Mobilization & Statistics ("CAPMAS") (16th of December 2010). • Medium, Small, and Micro Enterprise Development Agency ("MSMEDA") (2021). • The Egyptian Tax Authority ("ETA") (April 2021). • National Telecom Regulatory Authority ("NTRA") (12th of June 2011). Another MoU was signed between ECA and NTRA in 2021; whereby ECA and NTRA agreed to establish a joint committee to be responsible for the development of a framework for protecting free competition in the telecom market. • Gas Regulatory Authority ("GASREG") (March 2020). ECA also has been a board member in GASREG's Board of Directors since the establishment of the latter to ensure the adoption of necessary policies and rules in the gas market that reinforce the freedom of competition. <p>Other Forms of Cooperation: <u>Electricity sector:</u> According to the Electricity Law No. 87 of 2015, the Board of Directors of the</p>

	<p>Egyptian Electric Utility and Consumer Protection Regulatory Agency (“EgyptERA”) shall include a representative from ECA as a board member.</p> <ul style="list-style-type: none">• <u>Media sector:</u> ECA has been a board member in the Supreme Council for Media Regulation since its establishment by law no. 180 of 2018.• <u>Healthcare sector:</u> According to Article 2 of the Minister of Health’s decree No. 497 of 2014, the Ministry of Health (“MoH”) has the jurisdiction to ex-ante approve any transaction for the sale of private hospitals and pharmaceutical factories. Also, the Egyptian Drug Authority (“EDA”) shall be pre-notified of any transaction for the sale of any factory for pharmaceutical or medical supply manufacturing as provided in Article 2 of the decision of EDA’s Chairman No 99 of 2021. Based on the above, MoH and EDA seek ECA’s opinion regarding any Economic Concentration transaction in the pharma and healthcare sector before they issue their own decisions.• <u>Public Procurement Sector:</u> According to Article 33 of the Public Procurement Law No. 182 of 2018, it is prohibited for any bidder, whether on its own or in partnership with third parties, to submit more than one bid for the same transaction. In addition, the relevant public entities are obliged to notify ECA of any anti-competitive practices, including bid rigging, or any other violations of ECL’s provisions that take place. ECA and the General Authority for Government Services (“GAGS”) have issued a joint circular regarding the application of competition-related provisions included in the Public Procurement Law. <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>	
DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL		
Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	<p>Yes</p> <p><i>[Answer: Yes or No]</i></p>	<p>Only in cases where ECA decides to incriminate a case, the Public Prosecution has jurisdiction to conduct its investigations into the case, handle all criminal proceedings, and may file a criminal lawsuit before the Economic Courts.</p> <p>As mentioned above, ECA is the agency that makes the decision to investigate any violation of the ECL. In this regard, ECA may decide to follow the criminal route by issuing a request to initiate criminal proceedings regarding the violation in question. Once a case is reported or referred to the Public Prosecution and the above-mentioned request is issued by ECA’s Chairperson, the Public Prosecution starts its criminal proceedings and conducts its own investigations into the reported violation. After completion of the investigations, the Public Prosecution may decide to either dismiss the case or refer it to the Economic Court if the investigations reveal that the reported violation constitutes a crime under the ECL. If a criminal lawsuit is filed before the Economic Court, the case is then judicially adjudicated and a final ruling, whether of conviction or acquittal, is issued by the court.</p> <p>Notwithstanding the above, there is only one violation against which the Public Prosecution can initiate its criminal proceedings without a request from ECA’s Chairperson. This is the violation of Article 10 of ECL. Article 10 provides that Egypt’s Cabinet (i.e., the Council of Ministers) may, after consultation with ECA, issue a decision for determining a compulsory selling price for one or more essential products for a period of time. Therefore, the criminal proceedings related to a violation of any compulsory pricing decision that the Cabinet of Egypt may issue according to Article 10 can be initiated without a request from ECA’s Chairperson.</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i></p>
Are disputes presented for decision to judiciary authorities?	<p>Yes</p> <p><i>[Answer: Yes or No]</i></p>	<p>Only in cases where a criminal lawsuit is filed. The cases that are referred to the Public Prosecution, as explained above, can be eventually referred to and adjudicated by the Economic Court.</p> <p><i>[If the answer to your question is “yes”, please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i></p>
Do private rights of action to challenge competition law infringements exist in	<p>Yes</p>	<p>According to the principles of civil law, any person has the right to seek damages for any harm sustained. In other words, any person who committed a fault is liable to</p>

your jurisdiction?	<i>[Answer: Yes or No]</i>	<p>compensate for it. Therefore, any person who suffered damages as a result of infringement of ECL has the right to file a civil action to claim for compensation.</p> <p>The civil claims for compensation can be filed as a direct action before the criminal court, to be heard and decided alongside the criminal action filed regarding the same violation, or file a separate civil action before the civil courts. However, due to the fact that criminal cases arising from the ECL cannot be initiated without a prior request from the Chairperson of ECA, there is a limitation on bringing civil actions before criminal courts.</p> <p>Article 20 of the ECL provides that ECA's decisions regarding infringements of the ECL are issued without prejudice to other liabilities arising from those infringements. This means that filing a civil claim is not conditioned upon filing a criminal action or proving a crime.</p> <p>The legal basis for bringing a private civil action for breach of the ECL is tort law. Therefore, the private rights of action arising from an ECL violation should be based upon suffering damages from such violation.</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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*** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

THE EGYPTIAN COMPETITION AUTHORITY (ECA)				
STATUS OF THE COMPETITION AUTHORITY				
Accountability	Please, answer “Yes” in the boxes of this line if any of the duties on the right column apply to the authority, and “No” if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	Yes	X	Obligations to report to the executive on on-going investigations upon request.	Article 16 of the ECL prohibits ECA’s Chairperson, Board members, and its employees from disclosing deliberations of the Board of Directors or any information, data, or documents relating to any competition cases concerning the application of the ECL, which are presented to ECA during the examination of these cases and taking actions and issuing decisions thereon. Article 16 only permits disclosure of the aforementioned information and data to the investigating authorities and judiciary. <i>[Introduce the relevant provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Introduce the relevant provisions]</i>

		✓	The executive has to report on an annual basis to the executive.	<p>According to Article 11 (9) of the ECL, ECA is responsible for submitting an annual report on its activities, future plans, and recommendations to the Prime Minister. A copy of such annual report shall be sent to the parliament and the Senate.</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the legislature?	Yes	✓	Obligation to publish/submit an annual report on its activities.	<p>According to Article 11 (9) of the ECL, ECA is only responsible for sending a copy of its annual report to the parliament and the Senate. However, no obligation on ECA to publish its annual report.</p> <p>Notwithstanding the above, Article 11 (8) of the ECL explicitly imposes an obligation on ECA to publish, on a periodic basis, a circular on the decisions and recommendations issued by ECA, and the measures and procedures undertaken by it.</p> <p><i>[Introduce the relevant provisions]</i></p>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<p>Nothing in the ECL or its Executive Regulations imposes an obligation on ECA to stand before the parliament on an annual basis.</p> <p>However, it is argued that the reason for ECA's affiliation to the Prime Minister is to make its actions politically accountable before the parliament. This is because only the Prime Minister and, his/her deputies, the ministers, and their deputies are responsible before the parliament.</p> <p><i>[Introduce the relevant provisions]</i></p>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Introduce the relevant provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	✓	Decisions of the Competition Authority are subject to judicial review.	<p>The decisions of ECA can be challenged before competent administrative courts.</p> <p>Administrative courts in Egypt</p>

			<p>have jurisdiction over all administrative decisions issued by administrative bodies (including ECA). Pursuant to Article 10 of the Egyptian Law No. 47 of 1972 on State Council, individuals and entities may file a lawsuit before the administrative courts to request the court to annul final administrative decisions.</p> <p><i>[Aside from the relevant provisions please mention the judicial authority charged with the review]</i></p>
		X	<p>Decisions of the Competition Authority are subject to review or control of an independent authority different than the judiciary?</p> <p><i>[Aside from the relevant provisions, please mention the authority charged with the review]</i></p>
		<p>Other obligations/comments: Please introduce any other obligation or comment that you consider relevant.</p> <p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]</i></p>	
Independence	Please, answer “Yes” or “No”		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent]</i>	
Does the executive have powers to decide on specific cases based on public interest?	No	<i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i>	
Does the executive retain decision-making powers over the Competition Authority?	Yes	<p>Only in merger control cases, the executive retains decision-making powers over ECA. According to Articles 19 bis and 19 bis (a) of the ECL, there is a strict obligation on the merging parties to obtain a pre-closing clearance from ECA when the transaction constitutes an “Economic Concentration” that exceeds the turnover thresholds prescribed in the ECL for notifiable concentration.</p> <p>ECA is responsible for reviewing and examining the reported transactions that constitute Economic Concentration and issuing its decision in this regard. Upon completion of the examination process, ECA may authorize the execution of an Economic Concentration transaction if the transaction will not result in the exclusion of players from the relevant market, or if the transaction will yield economic efficiencies that outweigh its harmful effects on competition, or if it achieves objectives related to national security. However, ECA shall obtain the approval of the Egyptian Cabinet before it authorizes any Economic Concentration transaction as provided in Article 19 bis (b) of the ECL.</p> <p>It is worth mentioning that there are many aspects related to the implementation of the new merger control regime under ECL are left to the Executive Regulations which were not amended yet to reflect the recent amendments of the ECL that were enacted in 2022.</p>	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	<p>The Administrative Law in Egypt differentiates between the formal requirements for the issuance of an administrative decision and the elements required for the validity of the decisions substantively. With respect to the requirements for the formal structure of the decision, the administration is not, generally, obliged to issue reasoned decisions (i.e., lists the reasons for its decision) as a formality required; unless there is an explicit provision under the applicable law that imposes such obligation.</p> <p>Therefore, only in cases where the ECL provides that ECA’s decision shall be reasoned, ECA is obliged to include in the text of such decision the reasons behind its issuance of</p>	

		<p>it. The provisions of the ECL and its Executive Regulations explicitly provide that the following decisions shall be reasoned:</p> <ul style="list-style-type: none"> • Upon completion of the examination and investigation of any complaint submitted to ECA, the concerned department at ECA presents the case to ECA's Board of Directors to decide on whether to dismiss the case or request further investigations thereon. Pursuant to Article 40 of the Executive Regulations, the Board's decision in this respect must be resonated. • According to Article 9 of the ECL, ECA may, upon request of the concerned parties, exempt some public utilities that are indirectly managed by the state (through public or private companies, federations, or unions) from the scope of ECL. If ECA decides to reject any exemption request submitted to it, ECA's rejection decision must be reasoned. <p>As mentioned above, the Executive Regulations are expected to be amended in the upcoming period. Therefore, more details about the form and structure of ECA's decisions in merger control cases will be provided.</p> <p><i>[Please introduce the relevant provisions]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<p>According to Article 14 of the ECL, ECA shall have an independent budget. The funds of ECA's budget are generated from different sources including the funds that are allocated directly from the State's general budget.</p> <p>The budget allocated to ECA for the fiscal year 2022/2023 was an amount of EGP 50,515,000 (Approximately 1,640,000 USD).</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	Yes	<p>Pursuant to Article 14 of the ECL, the funds of ECA's budget are generated from the following sources:</p> <p>The funds that are allocated directly from the State's general budget;</p> <p>Grants, donations, and other financial sources accepted by ECA's Board of Directors and that not contradict with its goals; and;</p> <p>The revenues earned from the fees paid to ECA in accordance with the ECL provisions.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	<p>ECA is managed by a Board of Directors. Currently, the ECA's Board of Directors is composed of the following members:</p> <ol style="list-style-type: none"> 1- a full-time Chairperson; 2- a counselor from the Egyptian State Council; 3- three specialists and experts in the fields of economy and law; 4- two members representing the concerned ministries; 5- a member representing the Federation of Egyptian Chambers of Commerce; 6- a member representing the Federation of Egyptian Industries; and 7- A member representing the Federation of Consumer Protection. <p>In addition, the ECA should have a full-time executive director. The executive director attends all the meetings of the Board of Directors; however, the executive director does not have voting rights in the Board meetings.</p> <p><i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i></p>	

How are the members of the Authority's directive organ chosen?	<p>ECA's Board members are elected in the following manner:</p> <ol style="list-style-type: none"> 1- The Prime Minister appoints ECA's Chairperson. 2- The President of the State Council elects the counselor who is going to be a Board member at ECA. 3- ECA's Chairperson nominates a number of three specialists and experts in the fields of economy and law to be Board members. 4- The Prime Minister nominates the two members representing the concerned ministries in ECA's Board of Directors. 5- Each of the three remaining members, who represent specific federations in ECA's Board of Directors, is chosen by the federation he/she represents. <p>In addition, the executive director is appointed by ECA's Chairperson.</p> <p><i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i></p>	
Is there a fixed period during which removal is prohibited?	No	<p>According to Article 12 of the ECL, the members of ECA's Board of Directors are appointed for a four-year term.</p> <p>There is no specific period during which removal or dismissal of any of ECA's Board members is prohibited. Article 12 of the ECL provides that no Board member shall be removed or dismissed except only if:</p> <ol style="list-style-type: none"> 1- the Board member submits his/her resignation; 2- for the Board members who are appointed in ECA's Board of Directors as representatives of ministries, federations, or other bodies, their appointment at ECA's Board of Directors shall cease automatically upon expiry or termination of their legal affiliation to the ministry or federation they represent; or 3- A final court judgment is issued against a Board member in a felony or misdemeanor that adversely affects his/her reputation. <p><i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i></p>
Is the tenure of the heads renewable?	Yes	<p>ECA's Board of Directors is appointed for a four-year term. This term of appointment can be renewed for one more term.</p> <p>With respect to the appointment of the ECA's executive director, Article 15 of the ECL provides that ECA's executive director shall be appointed for a two-year term; subject to renewal.</p>
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<p>According to Article 12 of the ECL, the following qualifications and specifications shall be considered in electing ECA's Board members:</p> <ul style="list-style-type: none"> • The Chairperson of ECA is appointed by the Prime Minister, and he/she shall have distinguished experience. • ECA's Board of Directors shall include a counselor from the Egyptian State Council who shall hold the judicial rank of vice-president at the State Council. • Three members of the Board of Directors shall be specialists and experts in the fields of economy and law. They are appointed in their personal capacity and nominated based on their experience and qualifications. • The remaining five members of ECA's Board of Directors are appointed in their occupational capacity to represent concerned ministries and some federations in ECA's Board of Directors. <p><i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions]</i></p>
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 ministry?	Stand-alone	<i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i>

POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<p style="text-align: center;">X</p> <p style="text-align: center;"><i>[Answer with X/✓ as it applies]</i></p>	Concurrent consumer protection mandate.
		<p style="text-align: center;">X</p> <p style="text-align: center;"><i>[Answer with X/✓ as it applies]</i></p>	Concurrent IP mandate.
	Other mandates: Include any other mandates entrusted to the Competition Authority		
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	Yes	<p>Article 6 of the ECL prohibits horizontal agreements among competitors in any relevant market (Cartels) if they involve: (a) increasing, decreasing, or fixing prices of sale or purchase of underlying products; (b) market division or consumer allocation; (c) bid-rigging; or d) restricting the production, distribution or marketing operations of any relevant product.</p> <p>ECA is empowered to investigate any complaints it receives regarding any violation of the ECL (including the violation of Article 6). Also, it has the authority to commence investigations on any suspected practice on its own initiative. Upon completion of the investigation process and if a cartel violation is established, ECA may take administrative actions against the violator. For example, ECA may issue a cease-and-desist order to temporarily suspend any practice that would constitute a violation of ECL. In addition to the administrative actions, ECA may decide to incriminate a cartel violation by requesting the initiation of criminal proceedings against the violators and then referring the case to the Public Prosecution (as explained above). ECA cannot directly file a criminal lawsuit or impose sanctions on the violators.</p> <p>If a criminal lawsuit is filed regarding a cartel violation, the Economic Court adjudicating the case may finally issue its judgment of conviction and impose the criminal sanctions provided under Article 22 of the ECL. According to Article 22, cartel violations are punishable by a fine of not less than 2 percent and not more than 12 percent of the total revenues of the product that is the subject of the violation. If total revenues cannot be determined, the fine shall be no less than EGP 500,000 (approximately 16,000 USD) and no more than EGP 500 million (approximately 16,180,000 USD).</p> <p>Settlement: Also, ECA is the sole authority that has the power to settle any violation whether before it requests the initiation of criminal proceedings or after filing a criminal lawsuit regarding such violation. If a violation is settled, such settlement shall be considered a waiver of any request to file a criminal lawsuit and shall result in the lapse of the criminal lawsuit relevant to the same case subject of suing.</p> <p>In case of settlement, the following settlement fees apply:</p> <ol style="list-style-type: none"> 1- In case the settlement occurs before initiating criminal proceedings regarding the relevant violation, an amount not exceeding the minimum penalty imposed by ECL for the relevant violation shall be paid. 2- In case the settlement occurs after filing a criminal action and before issuance of a final court judgment, an amount not less than triple the minimum penalty imposed by ECL for the relevant violation and not exceeding half the maximum penalty imposed. <p>It is worth noting that according to Article 6 of the ECL, ECA may exempt a horizontal agreement from the prohibition provided under Article 6 of the ECL. This is allowed in case an agreement aims to achieve economic efficiency by creating economic benefits to consumers that outweigh the effects of restriction of competition.</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seeks: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed]</i></p>	
Does the Competition Authority have powers to investigate unilateral	Yes		

Conduct?		<p>A dominant position is defined under Article 4 of the ECL as the ability of the person holding a share of more than 25 percent of the relevant market to make an effective impact on the prices or the volume of supplied products without its competitor being able to limit this power. Article 8 of the Executive Regulations further explains the factors that the ECA should consider when deciding if a person has an effective impact over a product or service in a market without competitors having the ability to limit such impact. Those factors are:</p> <ul style="list-style-type: none"> • the person's position and share in the market in comparison to other competitors; • the person's behavior in the market prior to acquiring such impact on the prices or the volume of supplied products in the market; • the number of competitors and their relative effect on the market structure; • the ability of the person as well as competitors in reaching raw material and distribution channels in the market; and • The effect of legal or actual constraints imposed on existing or new competitors to enter or expand in the market. <p>The ECL does not prohibit having a dominant position. However, a person holding a dominant position in a relevant market is prohibited from undertaking certain acts listed exhaustively under Articles 13 of the Executive Regulations.</p> <p>With respect to the enforcement powers that ECA has regarding unilateral conducts (i.e., the abuse of dominant position in the relevant market), please refer to the same exact powers mentioned above with regard to the cartel violations. Thus, ECA may take administrative actions against the violators, incriminate the unilateral conduct, or decide to settle the case (as explained above in more details).</p> <p>If a criminal lawsuit is filed regarding violations of Article 8, the Economic Court may impose the sanctions set out under Article 22 of the ECL. Article 22 of the ECL provides that the violations of Article 8 are punishable by a fine of not less than 1 percent and not more than 10 percent of the total revenues of the product that is the subject of the violation. If total revenues cannot be determined, the fine shall be no less than EGP 100,000 (approximately 3,200 USD) and no more than EGP 300 million (approximately 9,700,000 USD).</p> <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p>
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	<p>According to Articles 19 bis and 19 bis (a), there is a strict obligation on the merging parties to obtain a pre-closing clearance form ECA when the transaction constitutes an "Economic Concentration" that exceeds the turnover thresholds prescribed in the ECL for notifiable concentration (the "Filing Obligation").</p> <p><u>ECA's Review Process of the Economic Concentration</u></p> <p>ECA's review process of an Economic Concentration includes two phases. First, upon receipt of proper notification of a transaction, the agency will start an initial review period of 30 working days to decide whether the proposed transaction would result in limiting, restricting, or harming the competition. This initial term is subject to extension by 15 working days.</p> <p>After this review, ECA's designated committees will issue one of the following decisions:</p> <ul style="list-style-type: none"> • ECA's lack of jurisdiction; • dismissal of the notification (if the concerned parties decide not to cancel the transaction); • conditional approval; • unconditional approval; or • Referral to the second phase of review (in case the initial review concluded that the transaction raises serious doubts as to limiting, restricting, or harming competition). <p>If the transaction is referred to a second phase review, ECA will have 60 working days from the referral decision to continue the assessment process. This period is also subject to extension by 15 working days.</p>

		<p>Following the authority's second phase review, it will either dismiss the notification (if the concerned parties decide not to cancel the transaction), approve the transaction subject to some conditions, approve the transaction unconditionally, or reject the transaction.</p> <p>It is worth noting that if ECA fails to issue any decisions within the timelines mentioned above, the merging parties have the clearance to go on and close the transaction.</p> <p><i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	Yes	<p>Under Article 19 bis of the ECL, the duty to report is triggered when the transaction, that constitutes an "Economic Concentration", exceeds any of the following thresholds ("Notifiable Transaction"):</p> <ul style="list-style-type: none"> the combined annual turnover or consolidated assets of all concerned parties in Egypt exceeds 900 million Egyptian Pounds (approximately 29 million and 121 thousand USD) in the most recent fiscal year, and the turnover of at least two of the concerned parties exceeds 200 million Egyptian Pounds (approximately 6 million and 472 thousand USD) each in Egypt during the most recent fiscal year; or The combined turnover or consolidated assets of all parties worldwide exceeds 7.5 billion Egyptian Pounds (approximately 242 million and 722 thousand USD) in the most recent fiscal year, and the turnover in Egypt of at least one party exceeds 200 million Egyptian Pounds during the most recent fiscal year. <p>Once the Executive Regulations are amended, they will provide a detailed explanation of how to calculate the combined turnover and consolidated assets of the concerned parties.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>Article 19 bis (a) of the ECL imposes an obligation on the merging parties to comply with the Filing Obligation and to obtain a clearance from ECA before the execution of any Notifiable Transaction. Nothing under the ECL allows the merging parties to close the transaction before ECA issues its final decision in this respect. Also, ECA does not have the power under the ECL to permit the closing of a transaction prior to the competition of its review and assessment process according to the procedures prescribed in the ECL.</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>In case any person violates the Filing Obligation under Articles 19 bis and 19 bis (a) of the ECL and closes a Notifiable Transaction without obtaining ECA's clearance, ECA has the power to investigate the violation and take action against the violator. In this regard, ECA can take administrative actions against the violator and/or incriminate the violation and refer the case to the Public Prosecution. Also, ECA may decide to settle the case. If a criminal lawsuit is finally filed before the Economic Courts regarding such violation, the court may impose any of the gun jumping penalties provided under Article 22 bis (d) of the ECL (further details about the penalties are mentioned below).</p> <p>Aside from the Notifiable Transactions, Article 19 bis of the ECL grants ECA the power to examine, <i>ex-post</i>, any Economic Concentration transaction that falls below the notifiable turnover thresholds if there is enough evidence that such transaction would restrict or harm competition. Such post-merger examination shall be initiated upon approval of ECA's Board of Directors, within one year from the closing date of the transaction. If a transaction is proven to harm or restrict competition, ECA has the authority to obligate the concerned party to undertake any of the following measures:</p> <ul style="list-style-type: none"> Refrain from undertaking any act that limits the distribution in the market to a

		<p>specific product leading to the exclusion of other products.</p> <ul style="list-style-type: none"> • Permit the use of its utilities and services by competitors. • Refrain from discriminating in its agreements or contracts concluded with suppliers or clients having similar commercial positions, whether in prices, product type, or in other terms of the transaction. • Refrain from conditioning the conclusion of an agreement related to a certain product upon the acceptance of other obligations or products that are unrelated by their nature or their commercial use to the main transaction or agreement (i.e., tying arrangements). <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>Gun Jumping Penalties</p> <p>As clarified above, ECA does not have the authority to impose criminal penalties or sanctions. However, the ECL sets out the criminal penalties that are applicable to various violations of the provisions of the ECL. The Economic Court is the sole body that can issue judgment imposing such penalties.</p> <p>According to Article 22 bis (d), the parties who fail to comply with Filing Obligation would be subject to a fine of at least 10% of either (a) the total annual turnover or consolidated assets; or (b) the value of the notifiable transaction (whichever is higher). If it is not possible to calculate the total annual turnover, consolidated assets or the value of the transaction, the fine will be a fixed amount of not less than 30 million Egyptian Pounds (approximately 971 thousand USD) and not more than 500 million Egyptian Pounds (approximately 16 million and 180 thousand USD). These fines also apply to any person who commits any following violations:</p> <ul style="list-style-type: none"> • failure to comply with ECA's decision that conditionally approve a transaction; • violating ECA's decision of rejecting the execution of an Economic Concentration transaction; and • Obtaining a clearance from ECA, whether in the initial or second phase, upon knowingly submitting false information or documents. <p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>According to Article 11 of the ECL and Article 38 of the Executive Regulations, ECA's employees, who are empowered with judicial police power, have the authority to visit governmental and non-governmental entities, inspect books and documents, and request all information they may need for the purpose of the investigation process. Further, ECA's employees may carry out dawn raids on the premises of the suspected entities and obtain all documents and data they may deem necessary.</p> <p>According to Article 17 of the ECL, ECA's employees who are empowered with judicial police power are specified by virtue of a decree issued by the Minister of Justice, in an agreement with the Prime Minister, based upon the recommendation of ECA's Board of Directors.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>As per Article 33 of the Executive Regulations, ECA is empowered to investigate any complaints it receives regarding any violation of the ECL. Also, it has the authority to commence investigations on any suspected practice on its own initiative.</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>According to Article 26 of the ECL and ECA's leniency policy issued in 2020, the first whistleblower to report a cartel violation and meet the criteria for successful leniency application shall be granted full amnesty from criminal prosecution with respect to the cartel violation in question.</p> <p>The successful applicant (i.e., the first whistleblower) shall be fully exempted from criminal liability. In this respect, ECA shall not list the name of the first whistleblower, whose leniency application is accepted, among other accused persons with respect to</p>

		<p>the cartel violation in question. Accordingly, the first whistleblower will not be criminally prosecuted, and no criminal penalty will be imposed on him/her.</p> <p>Subsequent whistleblowers, with no maximum number, who report the same cartel violation may benefit from partial amnesty. In particular, if other persons involved in same cartel violation decide to voluntarily cooperate with the ECA after the initial whistleblower reports it, they will still face criminal prosecution and their names will be listed among other persons who are accused of the violation. However, if the subsequent whistleblowers are finally convicted by virtue of a court judgement, the court may grant them partial amnesty by imposing only 50% of the applicable penalty on them. This reduced penalty is only given if the court decides, subject to its own discretion, that the testimony of a subsequent whistleblower was helpful in exposing the details of the cartel violation or proving the conduct in question.</p> <p>It is worth mentioning that the leniency shields the successful applicant only from criminal liability. As a result, the whistleblowers who successfully received full or partial amnesty, may still face civil claims filed by third parties alleging damages from the harmful effect of the conduct of the cartel violation.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>	
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<p>ECA can seek criminal punishment through requesting the initiation of criminal proceedings against the violators by the Public Prosecution. Thus, ECA cannot impose any criminal penalties on its own. Instead, ECA's Chairperson can only issue a decision to request initiating criminal proceedings with regard to the violation in question. Then, the case is referred to the Public Prosecution to investigate the violation and issue its decision as to whether to dismiss the case or refer the case to the Economic Court. The final judgment of conviction and the penalty that is to be imposed on the violators are then left to the court judgment.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>According to Article 11 (5) of the ECL, one of ECA's mandates is to issue opinions on draft laws, decrees and policies that may have harmful impacts on competition. In this regard, ECA can issue its opinions whether ex-officio or based upon a request from Cabinet, any ministry, or any other concerned bodies.</p> <p><i>[if the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	Yes	<p>Article 11 (5) of the ECL obligates all concerned bodies to obtain ECA's opinion on drafts of laws and regulations relating to competition.</p> <p><i>[if the answer is yes, include relevant provisions]</i></p>	
Rulemaking			
Can the Competition Authority issue guidelines?	Yes	<div>X</div> <div><i>[Answer with X/ ✓ as it applies]</i></div>	Guidelines on the calculation of fines.
		<div>X</div> <div><i>[Answer with X/ ✓ as it applies]</i></div>	Guidelines on merger control.
		<div>X</div> <div><i>[Answer with X/ ✓ as it applies]</i></div>	Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on			

competition?		<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	<p>According to Article 11 (3) of the ECL, ECA is responsible for creating a comprehensive database related to economic activity and works constantly on updating and developing such a database in a manner that helps ECA carry out its responsibilities with regard to the protection of competition. In addition, ECA is responsible for conducting all market studies and research that it deems necessary to detect anti-competitive practices in the market.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<p>ECA can, but is not obliged to, report to the legislature on results of its market studies. ECL does not prohibit ECA from reporting to the legislature any of its market studies.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	<p>As per Article 33 of the Executive Regulations, ECA is empowered to investigate any act or violation whether ex-officio or based upon the complaints it receives. Upon completion of the investigation process, ECA makes its decision of whether the investigated act constitutes a violation of the ECL or not (i.e., guilty finding). However, ECA cannot impose criminal sanctions on the violator. It may either take administrative action, decide to settle the case (whether before or after a criminal lawsuit is filed), or request initiating criminal proceedings against the violator(s).</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
Does the Competition Authority impose punishments?	No	<p>ECA cannot impose any penalties on violators of the ECL because violations of the ECL are considered to be of criminal nature. Therefore, the ECA as an administrative body cannot impose criminal penalties on violators of the law. Penalties can only be imposed by virtue of a court judgment.</p> <p>Note: According to Article 11 of the Egyptian Penal Code, "misdemeanors" are those crimes that are penalized by prison or by a fine exceeding EGP 100. As per the ECL, no sanction is below the EGP 100 threshold. Therefore, all ECL's punishable violations are deemed crimes.</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	<p>Articles 35 to 40 of the Executive Regulations set forth the steps of examining a complaint by ECA. These steps are as follows:</p> <ul style="list-style-type: none"> • Upon its submission, the complaint shall be registered in a specially held record, and the complainant shall be given a receipt with the number and the date of registration of the complaint. Also, the cases that are investigated ex-officio are registered in a different record. • Complaints shall be presented to ECA's executive director to ensure their fulfillment of the data and documents required under Article 32 of the Executive Regulations. Then, the executive director refers the complying complaints to the competent department and notifies the ECA's Chairperson of this referral. • Within a period not exceeding ninety days from the date of referral of the complaint, the competent department shall carry out the procedures necessary for inspection, investigation, and data and evidence collection regarding that complaint. The competent department shall take the same procedures regarding

		<p>the cases that ECA decides to investigate ex-officio.</p> <ul style="list-style-type: none"> • For the purpose of the investigation process, ECA's employees who have the judicial police power shall be entitled to take the following measures: <ul style="list-style-type: none"> ◦ Reviewing records and documents, as well as obtaining any information or data from any governmental or non-governmental entities. ◦ Conducting dawn raids at the premises of the entities subject to investigation. ◦ Questioning any person regarding any violation and collecting any evidence related to such violation. • Subsequent to the competition of the above-mentioned procedures, the competent department shall draft a report with its findings and opinion to be presented to ECA's executive director. The executive director shall then submit such opinion to ECA's Board of Directors accompanied by his/her own opinion. • ECA's Board of Directors may issue a reasoned decision for the dismissal of the case, or it may request further investigation into the case. • Once a violation is established, ECA shall issue an order to the violator to readjust its position and rectify the violation either promptly or within a period of time. • The Board of Directors may decide to incriminate the violation. A request from ECA's Chairperson shall be issued in this regard to refer the case to the Public Prosecution to initiate criminal proceedings. • ECA's executive director shall notify the concerned person(s) of the decision taken by the Board regarding the complaint. <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent from the decision-making body]</i></p>
Can the Competition Authority's decisions be appealed to a court?	Yes	<p>The decisions of ECA can be challenged before competent administrative courts.</p> <p>Administrative courts in Egypt have jurisdiction over all final administrative decisions issued by administrative bodies (including ECA). They are competent in reviewing the decisions made by an administrative entity.</p> <p>According to Articles 10 and 13 of the of the Egyptian Law No. 47 of 1972 on State Council, individuals and entities may file a lawsuit before the administrative courts to request the court to annul final administrative decisions if such a request is based on any of the following grounds: (a) lack of jurisdiction of the administrative body that issued the decision, (b) violation of laws and regulations, (c) misapplication or misinterpretation of the law, (d) the decision is defective in terms of formalities required for its issuance; or (e) abuse of power.</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		