

UNITED STATES OF AMERICA	
COMPETITION FRAMEWORK	
Competition Law	<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> <p>United States' ("U.S.") first federal competition law is the Sherman Act of 1890 ("Sherman Act"), which is still in force.</p> <p>In addition, the most relevant federal competition statutes include the FTC Act of 1914 ("FTC Act"), and the Clayton Act of 1914 ("Clayton Act"). The Clayton Act was amended by the Robinson-Patman Act of 1936, Celler-Kefauver Act of 1950, and Hart-Scott-Rodino Antitrust Improvements Act of 1976 ("HSR Act").</p>
Competition Authority	<p>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]</p> <p>The United States Federal Trade Commission ("FTC") and the United States Department of Justice ("DOJ") Antitrust Division are the authorities with power to enforce federal competition laws in the entire U.S. territory.</p> <p>The FTC was created by the 1914 FTC Act. The DOJ Antitrust Division was created in 1919. Before that, the Sherman Act of 1890 was initially enforced by the U.S. attorneys and the Attorney General ("AG"). Later, it was enforced by the Assistant to the AG in charge of handling antitrust matters until the creation of the DOJ's Antitrust Division in 1919.</p> <p>Whenever the FTC finds that a person or company has violated the law or that a proposed merger may violate the law, and no consent agreement is reached, the FTC may issue (i) an administrative complaint; and/or (ii) seek injunctive relief before federal courts (e.g., preliminary injunctions, used for order issued after a judicial hearing has already occurred and that can remain in effect until the case is solved; Temporary Restraining Orders - "TRO" to prevent a party to adopt a conduct until a hearing on a preliminary injunction occurs). The administrative complaints initiate a formal internal proceeding at the FTC which leads to the decision of an Administrative Law Judge ("ALJ") and, if appealed, to a decision of the Commission itself. Final decisions issued by the Commission may be appealed to a U.S. Court of Appeals and, ultimately, to the U.S. Supreme Court.</p> <p>Similarly, the DOJ also seeks judicial relief before federal courts whenever it understands that a person or company has violated the Sherman Act or the Clayton Act.</p> <p>In addition, State Attorneys General have jurisdiction to enforce state competition laws. State Attorneys General have also the power to bring federal antitrust lawsuits on behalf of individuals residing within their specific states.</p> <p>FTC's website: https://www.ftc.gov/. DOJ's website: https://www.justice.gov/atr.</p>
POLICY-MAKING AGENTS	
-DIVERSIFICATION-	
How many agencies are responsible for competition enforcement?	<p>As informed above, the FTC and DOJ have the mandate to enforce competition laws at a federal level. With respect to competition law enforcement, while the FTC has only civil authority, the DOJ has powers to prosecute both on civil and criminal grounds. The FTC has also consumer protection powers, protecting consumers against "unfair or deceptive acts or practices in or affecting commerce", pursuant to Section 5 of the FTC Act.</p> <p>In this sense, for some antitrust enforcement activities, such as prosecuting anticompetitive conduct also deemed as a criminal behavior under U.S. law, the DOJ has exclusive mandate. For others, including merger control, pursuant to the Clayton Act, and tackling</p>

	<p>anticompetitive practices, both the FTC and the DOJ have enforcement powers, pursuant - notably - to Sections 1 (declares as illegal “[e]very contract, combination in the form or trust or otherwise, or conspiracy, in restraint of trade or commerce”) and 2 (deems guilty of a felony “[e]very person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons, to monopolize any part of the trade or commerce”) of the Sherman Act, and Section 5 of the FTC Act (“unfair methods of competition in or affecting commerce”).</p> <p>For these activities which the FTC and DOJ's powers overlap, while there is no legal statute distinguishing the authorities’ roles, in practice over the years each agency has developed expertise in particular sectors that help them decide on investigatory initiatives and avoid duplicative efforts.</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>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p>Yes. Even though the FTC and DOJ have jurisdiction to enforce the competition laws across all industries, in some circumstances sector regulators have concurrent, non-excludent competition policy mandate with respect to their specific sector.</p> <p>For instance, the Federal Communications Commission (“FCC”) has authority under the Communications Act of 1934 to review transactions that require transfer of an FCC license, which often occurs in mergers involving broadcast and cable television, radio broadcast, and telecommunications. The FCC's review takes into account the competitive effects of the transaction, among other elements, including whether the transaction serves the public interest, convenience and necessity.</p> <p>Another example is the Federal Energy Regulatory Commission (“FERC”), which reviews mergers involving electricity markets under Section 203 of the Federal Power Act. According to the Federal Power Act, the FERC can approve a merger if it is consistent with the public interest.</p> <p>In the airline industry, until 1988, initially, the Civil Aeronautics Board's (“CAB”), and, later, the Department of Transportation's (“DOT”) regulatory powers include the authority to regulate mergers, acquisitions, and agreements between carriers. In 1988, the U.S. Congress transferred the authority for reviewing mergers in the airline industry from the DOT to the DOJ. However, the DOT remains with the authority to review international airline joint ventures and to grant them immunity from U.S. competition laws, based on competitive effects and public interest considerations.</p> <p>The FTC and the DOJ often promote competition among regulated sectors through their competition advocacy role, whereby they collaborate with sector regulators to inform about potential competition concerns arising from sector regulation.</p> <p>The U.S. Congress has already enacted statutory exemptions that refrain the full application of competition laws in certain regulated sectors, such as the Ocean Shipping Act of 1984, as amended by the Ocean Shipping Reform Act of 1998, and the McCarran-Ferguson Act, amended by the Competitive Health Insurance Reform Act of 2020.</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>														
Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?			<p>Yes. Examples include, among others:</p> <ul style="list-style-type: none">- Memorandum of Understanding (“MoU”) between the U.S. Department of Labor (“DOL”) and the FTC, executed in September 2023.- MoU between the DOJ, the FTC, the Federal Trade Commission (FTC), the DOL, and the National Labor Relations Board (“NLRB”), executed on August 28, 2024. Aims to enhance the ability of the FTC and DOJ to investigate the impact of mergers and acquisitions on labor markets.- MoU between the DOJ and the Securities and Exchange Commission (“SEC”), executed on June 22, 2020. Fosters exchange of information, joint review of law enforcement and regulatory matters affecting competition in the securities industry, including provisions to establish periodic meetings among the respective agencies’ officials.- MoU between the DOJ and the U.S. Department of Agriculture (“USDA”), executed on February 3, 2022. Aimed at enhancing initiatives to enforce violations against the Packers & Stockyards Act of 1921, which prohibits anticompetitive practices in agricultural markets.- MoU between the Federal Maritime Commission and the DOJ, executed on July 12, 2021. Promotes information sharing and enforcement cooperation.- MoU between the DOJ and the Consumer Financial Protection Bureau (“CFPB”) on November 1, 2023. Strengthens agencies coordination in information sharing, coordinated, investigations and enforcement activity, market monitoring, training, education, and outreach.- MoU between the DOJ, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency, executed on December 9, 2021. Related to the Executive Order 14036 on Promoting Competition in the American Economy.- MoU between the FTC and the FCC, executed on December 11, 2017. Agencies committed to discuss potential investigations against Internet service providers that could arise under each agency’s jurisdiction, and coordinate such activities to promote consistency in law enforcement and to prevent duplicative or conflicting actions, to the extent appropriate and consistent with law. <p>For more information, see:</p> <table><tr><td>DOJ’s</td><td>Interagency</td><td>Memoranda,</td></tr><tr><td colspan="3">https://www.justice.gov/atr/interagency-memoranda-understanding.</td></tr><tr><td>FTC’s</td><td>Cooperation</td><td>Agreements:</td></tr><tr><td colspan="3">https://www.ftc.gov/legal-library/browse/cooperation-agreements.</td></tr></table> <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>			DOJ’s	Interagency	Memoranda,	https://www.justice.gov/atr/interagency-memoranda-understanding .			FTC’s	Cooperation	Agreements:	https://www.ftc.gov/legal-library/browse/cooperation-agreements .		
DOJ’s	Interagency	Memoranda,															
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FTC’s	Cooperation	Agreements:															
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DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL																	
Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?	No	<p>Both the FTC and the DOJ have powers to initiate and to decide on investigations, including both anticompetitive practices and merger cases.</p> <p>FTC’s investigative powers are defined, among others, in: (i) Sections 5, 6, 9, and 20 of the FTC Act; (ii) Sections 7, and 11 of the Clayton Act; and (iii) in the HSR Act - i.e., Section 18(a) of the Clayton Act.</p> <p>The DOJ’s powers to investigate and decide on antitrust cases</p>															

		<p>are primarily derived from the following statutes and provisions: (i) Sections 1, 2, and 4, of the Sherman Act; (ii) Sections 4, and 7, of the Clayton Act; (iii) HSR Act; (iv) Antitrust Procedures and Penalties Act of 1974 (Tunney Act); (v) United States Code Title 15 (Commerce and Trade).</p> <p>Anyhow, as detailed below, the agencies must seek judicial aid to enforce their decisions.</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?	Yes	<p>Federal courts in the U.S. are in charge of ruling on the FTC's or the DOJ's motions to prevent or to stop the violation of the antitrust laws.</p> <p>With respect to mergers, as informed, final decisions issued by the FTC in its administrative adjudication proceedings may be appealed to a U.S. Court of Appeals and, ultimately, to the U.S. Supreme Court.</p> <p>Even where the FTC determines through adjudication that a practice violates consumer protection or competition law, the FTC must still seek the aid of a court to obtain civil penalties or consumer redress for violations of its orders to cease and desist or trade regulation rules.</p> <p>The FTC can also challenge a practice directly in court, without first making a final agency determination that the challenged conduct is unlawful. Section 13(b) of the FTC Act, 15 U.S.C. Sec. 53(b), authorizes the Commission to seek preliminary and permanent injunctions to remedy "any provision of law enforced by the Federal Trade Commission." Whenever the FTC has "reason to believe" that any party "is violating, or is about to violate" a provision of law enforced by the FTC, the FTC may ask the district court to enjoin the allegedly unlawful conduct, pending completion of an FTC administrative proceeding to determine whether the conduct is unlawful. Further, "in proper cases," the FTC may seek, and the court may grant, a permanent injunction.</p> <p>When exercising its competition law enforcement mandate, the FTC has used Section 13(b) primarily to obtain preliminary injunctive relief against mergers pending completion of an FTC administrative proceeding. In addition, in some circumstances, the FTC may obtain permanent injunctive relief.</p> <p>With respect to the DOJ, although the Antitrust Division has discretion whether or not to take enforcement action in a specific case, the DOJ must file a lawsuit in a federal court to enforce the antitrust laws, either in a civil or in a criminal manner. The judiciary will ultimately decide on whether the laws were violated or not, and what remedies will be ordered.</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	Yes	Private antitrust claims can be brought both under state and

infringements exist in your jurisdiction?		<p>federal antitrust laws. Pursuant to Section 4 of the Clayton Act, “any person who shall be injured in his business or property by reason of anything forbidden in the antitrust laws may sue therefor in any district court of the United States” where the defendant resides or has a representation. This same provision states that injured persons are entitled to recover threefold the damages they suffered.</p> <p>Any plaintiff bringing a federal antitrust lawsuit may seek to pursue their claim on behalf of a collectivity of persons with similar claims. In these circumstances, if certain requirements are met, the lawsuit will be certified as a “class action”, pursuant to Rule 23 of the Federal Rules of Civil Procedure.</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>		
<p><i>* Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators</i></p>				
<p align="center">FEDERAL TRADE COMMISSION ("FTC")</p>				
<p align="center">STATUS OF THE COMPETITION AUTHORITY</p>				
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.	<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 Competition Authority has to report on an annual basis to the executive.	<p>Chief Financial Officers Act of 1990 (amended by the Reports Consolidation Act of 2000), the Government Management Reform Act of 1994, the Accountability of Tax Dollars Act of 2002, and the Annual Management Reports under Chapter 91 of title 31, United States Code.</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	In accordance with 5 U.S.C. §

				<p>552(e), as amended by the Electronic Freedom of Information Act Amendments of 1996, Pub. L. No. 104-231, 110 Stat. 3048, the Federal Trade Commission must submit annual reports to Congress describing its Freedom of Information Act activities for the fiscal year. The FTC also publishes (i) Annual Performance Reports; (ii) Annual Performance Plan; (iii) Annual Financial Report; and (iv) submits to Congress its Budget Justification for the upcoming fiscal year.</p> <p><i>[Introduce the relevant provisions]</i></p>
		X (not necessarily on an annual basis, but rather upon request.)	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		✓ (e.g., House of Representatives' Committee on Oversight and Accountability)	Its activities are monitored by an independent auditor or by oversight committees.	<p>Article I, Section 8, Clause 18, of the U.S. Constitution.</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	✓	Decisions of the Competition Authority are subject to judicial review.	FTC's decisions are subject to federal courts'

			review, pursuant to Sections 5 and 13 of the FTC Act. <i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary? <i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i>
		Other obligations/comments: <i>[Please introduce any other obligation or comment that you consider relevant.</i> <i>Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i>	
Independence	Please, answer “Yes” or “No”		
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	<p>According to 15 USC 41, FTC's Commissioners shall be appointed by the president of the United States, with the advice and consent of the Senate. Pursuant to the same provision, not more than three Commissioners can belong to the same political party.</p> <p>Apparently, the law does not specify objective requirements that a member of the Commission must meet to be appointed, including legal expertise, minimum experience in public policy or law enforcement (e.g, minimum of “x” years, as seen in other jurisdictions), among other relevant skills for the position. The President has full discretion to choose whoever they prefer, and the President can remove a Commissioner due to “inefficiency, neglect of duty, or malfeasance in office.”</p> <p><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></p>	
Does the executive have powers to decide on specific cases based on public interest?	No	<p><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></p>	
Does the executive retain decision-making powers over the Competition Authority?	No	<p><i>[Please introduce the relevant provisions.]</i></p>	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	<p>The FTC must publish or make available to public inspection “all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules, pursuant to Section 3(b) of the Administrative Procedure Act.</p> <p>However, there is no obligation to publish reasoned decisions about not taking or dismissing cases.</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?	No	<p>Instead of having a pre-set budget (e.g., amount or percentage of the national budget), every year the FTC requests an annual budget to Congress to fulfill its mandate (documents entitled “Budget Justification”). The FTC also issues annual reports about its finances and performance results. In FY 2024, FTC’s budget was US\$ 425.7 million. For FY 2025, the FTC estimates its expenses to amount US\$ 535 million, being US\$ \$273.4 related to its competition policy mandate, and US\$ 261.6 million related to its consumer protection mandate.</p> <p>The FTC estimates that it will collect US\$ 354.9 million from HSR Act filing form fees, and US\$ 13 million from “Do Not Call” fees (fees charged to telemarketers that want to access data a governmental registry containing a database of consumers’ telephone numbers, including numbers that cannot received telemarketing because of consumers’ will) in FY 2025. Thus, in its most recent Budget Justification, the FTC requests Congress US\$ 180 million via direct appropriation to be able to fund its expenses.</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.)?	No	<p>Not entirely. See comment above. The funds collected by the FTC are usually insufficient to finance the Authority entirely.</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>
<p align="center">GOVERNANCE OF THE COMPETITION AUTHORITY</p>		
Is the Competition Authority governed by a single chairman or by a collegiate body?	<p>The FTC’s board (commonly referred as the “Commission”) is composed of five Commissioners, being one of them the Chair of the agency.</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>The FTC’s Commissioners, including the Chair, are directly appointed by the President of the United States, and confirmed by the Senate. 15 U.S.C. 41. Until 1950, the Chair was selected by the Commissioners. Since May 1950, the Chair has been designated by the President of the United States, pursuant to Section 3 of the Reorganization Act of 1950.</p> <p><i>[Please describe the election 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?	Yes	<p>Each one of the Commissioners and Chair serve seven-year terms. 15 U.S.C. 41. Under their terms, they can only be removed by the President for “inefficiency, neglect of duty, or malfeasance in office.” Id.</p> <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>There is no statute restricting the Commissioners’ terms to be renewed. 15 U.S.C. 41, which deals with their nomination and appointment, does not preclude that possibility.</p> <p><i>[Please introduce the relevant provisions]</i></p>

Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	<p>As informed above, the law does not specify minimum qualifications. The only restriction is that not more than three Commissioners can belong to the same political party.</p> <p>The President has full discretion to choose whoever they prefer, and the President can remove a Commissioner due to “inefficiency, neglect of duty, or malfeasance in office.” (as per the <i>Humphrey Executor</i> case of 1935).</p> <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	<p><i>[If your answer is “part of a bigger entity”, please explain briefly how the bigger entity is organized.]</i></p>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Multiple mandates	<p>✓</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Concurrent consumer protection mandate.
		<p>X</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Concurrent IP mandate.
		<p>Other mandates:</p> <p><i>[Include any other mandates entrusted to the Competition Authority]</i></p>	
PORTFOLIO INSTRUMENTS			
Law Enforcement			
Does the Competition Authority have powers to investigate cartels?	No	<p><i>[If the answer is “yes”, please mention the type of liability that the actions of the agency seek: 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 Conduct?	Yes	<p>Pursuant to Section 5 of the FTC Act, the FTC has powers to investigate “unfair methods of competition in or affecting commerce”. Under the Clayton Act, the FTC can also investigate price discrimination. Courts have already acknowledged that the Section 5 of the FTC Act encompasses a broader range of conducts compared to Sections 1 and 2 of the Sherman Act.</p> <p>The FTC can issue administrative decisions to (i) block mergers from occurring; (ii) require companies to adopt remedies (e.g., divest assets) as a condition to implement mergers; (iii) require companies to unwind a merger; and (iv) administrative orders requiring a company or individual to stop engaging in anticompetitive practices; pursuant to Section 5 of the FTC Act and Section 7 of the Clayton Act.</p>	

		<p>The FTC can seek judicial penalties in federal courts for violations of FTC's orders.</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 reviews?	Yes	<p>Under the HSR Act, parties of mergers that meet certain requirements are required to notify the FTC and to obtain the agency's approval before implementing the transaction. The FTC can impose both structural and behavioral remedies as a condition to approve a merger. Section 7 of the Clayton Act is the main provision governing merger review by the FTC.</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>Only the transactions that meet certain requirements must be notified. Under the HSR Act, US law adopts the "size-of-person" and "size-of-transaction" tests. The FTC annually reviews and adjusts the turnover criteria that determine when transactions must be notified, considering the change of the country's gross national product, according to Section 7(A)(a)(2) HSR Act. In 2024, mergers with value below US\$ 119.5 million do not need to be notified, as long as (i) one of the parties did not have annual net sales above US\$ 239 million; and, cumulatively, (ii) the other party did not have annual net sales above US\$ 23.9 million; in the year preceding the deal (i.e., 2023). Mergers with value above US\$ 478 million must be notified, regardless of the size (i.e., annual net sales) of the parties.</p> <p>For those mergers that must be notified, parties must observe a waiting period to allow the FTC (or the DOJ) to conduct its investigation, assess the competitive effects that might arise with the transaction, and, if necessary, to seek injunction to prevent the parties from consummating the merger. This initial waiting period is 30 days, counted upon the notification. By the end of these 30 days, the FTC can conclude that the merger does not raise competition concerns, and, thus, can be implemented, or it can request the merging parties to submit an additional round of information about the transaction and affected markets (commonly referred to as the "second request"). After the parties comply with and submit the information requested, then the FTC has additional 30 days to conclude its investigation and determine whether to authorize or to seek to block the deal (or impose remedies).</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>Implementing mergers that are subject to mandatory notification before the waiting period mentioned above are illegal in the United States, under Section 7A of the Clayton Act. According to Section 7A(g)(1) of the same statute, firms that commit "gun jumping" are liable for civil penalties.</p> <p><i>[Please mention the relevant provisions and add any explanation that]</i></p>

		<i>[you deem necessary]</i>	
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	Yes. Under Section 7A of the Clayton Act, the FTC has power to reassess a transaction. <i>[Please mention relevant provisions]</i>	
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	Yes, pursuant to Sections 5 and 13(b) of the FTC Act, and Section 7 of the Clayton Act. <i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i>	
Does the Competition Authority have powers to conduct dawn raids at premises?	No	<i>[If the answer is “yes”, please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i>	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	Yes, under Section 6 of the FTC Act. <i>[Please, mention the relevant provisions]</i>	
Does the Competition Authority have powers to accept leniency applications?	No	<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>	
Does the Competition Authority have powers to seek criminal punishment?	No	<i>[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]</i>	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	Yes, under 15 USC 46 (Section 6 of the FTC Act). <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>	
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>[If the answer is yes, include relevant provisions]</i>	
Rulemaking			
Can the Competition Authority issue guidelines?	Non-Binding	X <i>[Answer with X/√ as it applies]</i>	Guidelines on the calculation of fines.
		√ <i>[Answer with X/√ as it applies]</i>	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.

		<i>[Answer with X/√ as it applies]</i>	
Can the Competition Authority issue binding regulation on competition?	Controversial topic.	<p>FTC's ability to use its authority under Section 5(b) of the FTC Act to issue substantive rulemaking (e.g., prohibiting practices) is a pressing topic in US antitrust law. The FTC has issued in 2023 a rule prohibiting the adoption of non-compete rules by employers. This rule gave rise to significant controversy, including a number of lawsuits across the country.</p> <p><i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i></p>	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<p>Yes, under 15 USC 46.</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>Yes, under 15 USC 46.</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>Yes, pursuant to Section 5 (power to issue complaints and orders), 6 (investigatory powers) and 9 (evidence-gathering powers) of the FTC Act, and Section 11 of the Clayton Act (grants power to the FTC to issue complaints and orders against mergers and other practices).</p> <p>See comment below with opinion about this aggregated function.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	
Does the Competition Authority impose punishments?	Yes	<p>Yes. The FTC can issue administrative decisions to (i) block mergers from occurring; (ii) require companies to adopt remedies (e.g., divest assets) as a condition to implement mergers; (iii) require companies to unwind a merger; and (iv) administrative orders requiring a company or individual to stop engaging in anticompetitive practices; pursuant to Section 5 of the FTC Act and Section 7 of the Clayton Act. The FTC can seek judicial penalties in federal courts for violations of FTC's orders.</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?	Yes	<p>Yes. Investigations are conducted by FTC's staff, divided into mergers divisions and anticompetitive conduct (or "antitrust") divisions. Each division is focused on covering specific industry(ies)). In case staff concludes that there is evidence of potential violations to the FTC Act, Clayton Act, among other federal antitrust statutes under the jurisdiction of the FTC, it recommends further action to the Director of the Bureau of Competition, and to the</p>	

		<p>Commissioners. 16 CFR 0.16. The matter is put to a vote by the Commission, having each of the Commissioners the right to one vote, and the majority will determine whether to issue or not an administrative complaint before the ALJ and/or to file a lawsuit before federal courts.</p> <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>Yes, as informed previously, FTC's decisions are subject to review by federal courts, pursuant to Sections 5 and 13 of the FTC Act.</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.	<p>The fact that the FTC is in charge of both conducting investigations and giving the final ruling often raises controversy in the U.S. competition law community. Parties in many cases have filed claims arguing that this characteristic of the agency violates due process rights. See, for instance, the following administrative proceedings: Express Scripts, Inc. et al v. Federal Trade Commission et al (2024); and Tempur Sealy International, Inc. et al v. The Federal Trade Commission et al (2024).</p>	

DEPARTMENT OF JUSTICE ("DOJ") ANTITRUST DIVISION				
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	√	Obligations to report to the executive on on-going investigations upon request.	The DOJ is an executive department under the authority of the President of the U.S., pursuant to 31 U.S.C. § 301 & 28 U.S.C. § 501. It is, thus, part of the executive branch.
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<p>The DOJ is an executive department under the authority of the President of the U.S., pursuant to 31 U.S.C. § 301 & 28 U.S.C. § 501. It is, thus, part of the executive branch.</p> <p><i>[Introduce the relevant provisions]</i></p>
		√	The Competition Authority has to report on an annual basis to the executive.	The DOJ, as other federal agencies, is required to provide reports on its financial management and

				<p>performance. See Chief Financial Officers Act of 1990 (amended by the Reports Consolidation Act of 2000), the Government Management Reform Act of 1994, the Accountability of Tax Dollars Act of 2002, and the Annual Management Reports under Chapter 91 of title 31, United States Code.</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	<p>28 U.S. Code § 522 establishes the duty for the DOJ to report to Congress on an annual basis about the activities of the division.</p> <p>Moreover, in accordance with 5 U.S.C. § 552(e), as amended by the Electronic Freedom of Information Act Amendments of 1996, Pub. L. No. 104-231, 110 Stat. 3048, the DOJ must submit annual reports to Congress describing its Freedom of Information Act activities for the fiscal year. For more information, see: https://www.justice.gov/atr/antitrust-foia.</p> <p><i>[Introduce the relevant provisions]</i></p>
		X (not necessarily on an annual basis, but rather upon request.)	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Introduce the relevant provisions]</i>
		√ (e.g., House of Representatives' Committee on Oversight and Accountability)	Its activities are monitored by an independent auditor or by oversight committees.	<p>Article I, Section 8, Clause 18, of the U.S. Constitution.</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	<p>As mentioned previously, DOJ's decisions are subject to federal courts' review.</p> <p><i>[Aside from the relevant provisions please mention the</i></p>

				<i>judicial authority charged with the review.</i>
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<i>[Aside from the relevant provisions please mention the judicial authority charged with the review.]</i>
		Other obligations/comments: Differently from the FTC - which can be considered as an independent agency with competition policy mandate -, the DOJ is part of the executive branch of the U.S. federal government. It is an executive department with the mandate to enforce competition laws. <i>[Please introduce any other obligation or comment that you consider relevant. Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority.]</i>		
Independence	Please, answer "Yes" or "No"			
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	The head of the DOJ's Antitrust Division (Assistant Attorney General - "AAG") is appointed by the President of the U.S., who has discretion to choose who he/she would like to run the agency. It is a political nomination and there is no specific statutory criteria governing the removal of the AAG. <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	As mentioned above, the DOJ is part of the executive branch.		
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	No	The DOJ is not subject to the FTC's requirement to publish final orders under APA Section 3(b). Unlike the FTC, the DOJ does not issue final orders in antitrust cases (although the FTC's decisions are subject to judicial review, as mentioned previously)—it files lawsuits in federal courts, and courts issue final decisions. Judicial decisions are public records, but the DOJ itself is not required to publish its reasoning for bringing or dismissing a case. <i>[Please introduce the relevant provisions.]</i>		
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	DOJ's funding is governed mainly by 28 U.S. Code Chapter 31. As per 28 U.S. Code § 527, the DOJ is financed by a fund, as approved by the Office of Management and Budget, composed of appropriation bills passed by Congress and also DOJ's revenue sources, such as HSR Act merger filing fees. <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>		
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	See above. <i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i>		
GOVERNANCE OF THE COMPETITION AUTHORITY				

Is the Competition Authority governed by a single chairman or by a collegiate body?	<p>Single Chairman.</p> <p>The Division is supervised by an Assistant Attorney General, who is nominated by the President and confirmed by the Senate, pursuant to 28 U.S.C. § 506. The AAG is assisted by six Deputy Assistant Attorneys General (DAAGs) who may be either career or non-career employees. These DAAGs assist the AAG by supervising enforcement matters and advising on enforcement decisions and policy matters. The Director of Civil Enforcement, the Director of Criminal Enforcement, the Director of Litigation, and the Economics Director of Enforcement have additional supervisory authority for their respective programs and are career employees. The Assistant Attorney General may be assisted by several special counsel.</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>See above.</p> <p><i>[Please describe the election 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><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?	No	<p><i>[Please introduce the relevant provisions]</i></p>	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	<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	<p>As mentioned above, the DOJ is an executive department within the U.S. Federal Government (executive branch). It is not part of a specific Ministry, but rather acts as a stand-alone agency. The DOJ's Antitrust Division is headquartered in Washington, D.C. (950 Pennsylvania Avenue NW, 20530)</p> <p><i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized..]</i></p>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Multiple mandates (DOJ as a whole) and exclusive mandate (DOJ Antitrust Division).	<p>✓</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Concurrent consumer protection mandate.
		<p>X</p> <p><i>[Answer with X/✓ as it applies]</i></p>	Concurrent IP mandate.
		Other mandates:	

		<p>While the DOJ has multiple mandates, the DOJ Antitrust Division itself has exclusive mandate on competition issues only.</p> <p><i>[Include any other mandates entrusted to the Competition Authority]</i></p>
PORTFOLIO INSTRUMENTS		
Law Enforcement		
Does the Competition Authority have powers to investigate cartels?	Yes	<p>The DOJ has an exclusive mandate to enforce the competition laws against cartels at the federal level, given that the FTC has no authority to investigate cartels.</p> <p>Under US law, cartels are illegal pursuant to Section 1 of the Sherman Act of 1890. The DOJ has power to investigate and prosecute wrongdoers from a civil and/or criminal perspective, who are subject to a fine of up to \$100,000,000 (if a corporation) or \$1,000,000 (if a person), and/or to imprisonment not exceeding 10 years.</p> <p><i>[If the answer is “yes”, please mention the type of liability that the actions of the agency seek: 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 Conduct?	Yes	<p>Akin to the FTC, the DOJ also has powers to investigate unilateral conduct, pursuant mainly to Section 2 of the Sherman Act of 1890. The Clayton Act, including its amendments, are also the legal foundation for the DOJ to investigate certain types of unilateral conduct.</p> <p>As per Section 2 of the Sherman Act, monopolization or attempts to monopolize can be punished by a fine of up to \$100,000,000 (if a corporation) or \$1,000,000 (if a person), and/or to imprisonment not exceeding 10 years.</p> <p>Moreover, while prosecuting unilateral conducts, the DOJ can propose the imposition of remedies to correct anticompetitive behavior before federal courts. The Sherman Act allows broad discretion to the DOJ when designing and proposing remedies. Remedies can include forcing wrongdoers to (i) cease the anticompetitive conduct (e.g., preventing exclusive agreements with suppliers or retailers); (ii) spin-off and/or sell parts of their business; (iii) forcing defendants to share infrastructure or other assets; among others.</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</i></p>

		<i>of sanctions can be imposed.]</i>
Does the Competition Authority have the powers to conduct <i>ex ante</i> merger reviews?	Yes	<p>Akin to the FTC, the DOJ also has powers to conduct <i>ex ante</i> merger reviews, pursuant to Section 7 of the Clayton Act.</p> <p>The Clayton Act allows broad discretion to the DOJ when designing and proposing remedies, which can include structural and/or behavioral remedies.</p> <p>The Antitrust Procedures and Penalties Act, 15 U.S.C. § 16. (also called the “Tunney Act”), enacted in 1974, governs the procedures for the DOJ to impose remedies (through consent decrees).</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>Same as the FTC. Under the HSR Act, parties of mergers that meet certain requirements are required to notify the DOJ and to obtain the agency's approval before implementing the transaction. The DOJ can impose both structural and behavioral remedies as a condition to approve a merger. Section 7 of the Clayton Act is the main provision governing merger review by the DOJ.</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>Implementing mergers that are subject to mandatory notification before the waiting period mentioned above are illegal in the United States, under Section 7A of the Clayton Act. According to Section 7A(g)(1) of the same statute, firms that commit “gun jumping” are liable for civil penalties.</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>Yes. Under Section 7A of the Clayton Act, the DOJ has power to reassess a transaction.</p> <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>Yes, under Section 7A of the Clayton Act.</p> <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>The DOJ can conduct dawn raids (unannounced inspections of business premises) whenever it obtains a search warrant from a court, pursuant to the Fourth</p>

		Amendment of the U.S. Constitution. Such searches are allowed when there is probable cause to believe that evidence of an antitrust violation exists. <i>[If the answer is “yes”, please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i>	
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	When investigating potential infringements of Section 1 or 2 of the Sherman Act, or Section of the 7 Clayton Act, DOJ is allowed to initiate the investigations <i>ex officio</i> , pursuant to those same statutes. <i>[Please mention the relevant provisions]</i>	
Does the Competition Authority have powers to accept leniency applications?	Yes	The DOJ has a policy of according leniency to organizations or individuals that self-report their participation in a criminal conspiracy in violation of Section 1 or 3(a) of the Sherman Antitrust Act, 15 U.S.C. §§ 1, 3(a), and meet certain conditions. As used in this policy, an organization or individual that meets the criteria for leniency will not be charged criminally for the illegal activity. Title 7, notably provisions 7-3.310 to 7-3.320 of the DOJ's Justice Manual, sets forth the agency's policies and procedures governing the leniency program. <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>	
Does the Competition Authority have powers to seek criminal punishment?	Yes	See comment below about the criminal prosecutions of anticompetitive conducts under the Sherman Act. <i>[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]</i>	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	No	<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>	
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>[If the answer is yes, include relevant provisions]</i>	
Rulemaking			
Can the Competition Authority issue guidelines?	Non-Binding	X <i>[Answer with X/✓ as it applies]</i>	Guidelines on the calculation of fines.

		<div>✓</div> <div>[Answer with X/✓ as it applies]</div>	Guidelines on merger control.
		<div>X</div> <div>[Answer with X/✓ as it applies]</div>	Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	No	[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]	
Research & Reporting			
Can the Competition Authority carry out market studies?	No	[If the answer is "yes", include relevant provisions]	
Can the Competition Authority report to the legislature on the results of market studies?	No	[If the answer is "yes", include relevant provisions]	
DECISION-MAKING FUNCTIONS			
Aggregated Functions			
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	<p>The DOJ has powers to decide whether to investigate and bring lawsuits against companies and individuals when enforcing the antitrust laws, pursuant to the Sherman Act and the Clayton Act.</p> <p>[If the answer is "yes", include relevant provisions]</p>	
Does the Competition Authority impose punishments?	Yes	<p>As mentioned above, rather than imposing fines directly, the DOJ has powers to investigate and prosecute wrongdoers as a means of seeking punishment for anticompetitive infringements, pursuant to the Sherman Act, and Clayton Act. Sanctions include fines and imprisonment (in the case of criminal prosecutions prescribed in the Sherman Act). Also, as mentioned above, the DOJ can seek the imposition of remedies.</p> <p>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</p>	
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	<p>As mentioned above, the leader of the DOJ's Antitrust Division (Assistant Attorney General) has the final word in deciding whether the DOJ will be filing lawsuits against individuals or companies for infringements of the antitrust laws. There is not a separate structure within the DOJ formalizing two instances of decision-making, such as a separate, independent investigative unit from a separate, independent decision-making unit.</p> <p>The Assistant Attorney General is nominated and can be removed by the President of the U.S. only.</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>
Can the Competition Authority's decisions be appealed to a court?	Yes	As mentioned above, the DOJ decides whether to investigate and whether to prosecute or not. Liability decisions themselves are then given by federal courts as a result of the lawsuits brought by the DOJ before them. <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>
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		

USEFUL LINKS:

DOJ Antitrust Division's website: <https://www.justice.gov/atr/about-division>.

DOJ Antitrust Division's website: <https://www.justice.gov/atr/about-division>.

DOJ's Interagency Memoranda, <https://www.justice.gov/atr/interagency-memoranda-understanding>.

FTC's website: <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/enforcers>.

FTC, statutes under the agency's jurisdiction:
https://www.ftc.gov/legal-library/browse/statutes?sort_by=created&items_per_page=20&field_mission%5B30%5D=30&search=&field_competition_topics=All&field_consumer_protection_topics=All&field_federal_court=All&field_industry=All&field_case_status=All&field_enforcement_type=All&search_matter_number=&search_civil_action_number=&start_date=&end_date=.

FTC's MoU with the U.S. Department of Labor, (September 2023),
<https://www.ftc.gov/legal-library/browse/cooperation-agreements/memorandum-understanding-between-us-department-labor-federal-trade-commission>.

FTC's Cooperation Agreements: <https://www.ftc.gov/legal-library/browse/cooperation-agreements>.

United States, “Competition Enforcement and Regulatory Alternatives: Note by the United States”, OECD's Working Party No. 2 on Competition and Regulation, (June 7, 2021),
<https://www.justice.gov/atr/media/1347631/dl?inline#:~:text=Introduction-1.beneficial%20regulations%20with%20competition%20principles>.

United States, “The Standard of Review by Courts in Competition Cases: Note by the United States”, OECD's Working Party No. 3 on Co-operation and Enforcement, (June 4, 2019),
<https://www.justice.gov/atr/page/file/1314171/dl?inline#:~:text=The%20U.S.%20federal%20courts%20play%20an%20important%20role>.

United States, “Independent Sector Regulators: Note by the United States”, OECD's Working Party No. 2 on Competition and Regulation, (December 2019, 2), [https://one.oecd.org/document/DAF/COMP/WP2/WD\(2019\)18/en/pdf](https://one.oecd.org/document/DAF/COMP/WP2/WD(2019)18/en/pdf).

United States, “Interactions between Competition Authorities and Sector Regulators: Contribution from the United States”, (December 1-2, 2022), <https://www.justice.gov/atr/media/1347646/dl?inline>.

United States Congress, 1890 Sherman Act, <https://www.govinfo.gov/content/pkg/COMPS-3055/pdf/COMPS-3055.pdf>.

United States Congress, 1914 FTC Act,
https://www.ftc.gov/sites/default/files/documents/statutes/federal-trade-commission-act/ftc_act_incorporatingus_safe_web_act.pdf.

United States Congress, 1914 Clayton Act, <https://www.govinfo.gov/content/pkg/COMPS-3049/pdf/COMPS-3049.pdf>.

United States Congress, 1974 Antitrust Procedures and Penalties Act of 1974 (Tunney Act),

<https://www.govinfo.gov/content/pkg/STATUTE-88/pdf/STATUTE-88-Pg1706.pdf>.

United States Congress, 15 U.S.C. (United States Code Title 15 - Commerce and Trade),

<https://uscode.house.gov/browse/prelim@title15/chapter1&edition=prelim>.