

BANGLADESH	
[THE PEOPLE’S REPUBLIC OF BANGLADESH]	
COMPETITION FRAMEWORK	
Competition Law	<p><i>[Please Introduce the Name of the Laws Constituting the National Competition Law Regime. Include the Year of Enactment and the Corresponding Amendments as Well]</i></p> <p style="text-align: center;">The Competition Act, 2012. (Act No. XXIII of 2012) No Amendment.</p>
Competition Authority	<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> <p>Bangladesh Competition Commission (BCC).</p> <p>By gazette notification, BCC was established on Dec. 17, 2012, but started its operation in April 2016.</p> <p>The Commission is solely empowered by the ACT to inquire, investigate, and adjudicate complaints. And appeal against the Commission’s order lies the Government. In the absence of a separate tribunal or entity for investigation, the Commission has its own inquiry and wing.</p> <p>www.ccb.gov.bd</p>
POLICY-MAKING AGENTS	
-DIVERSIFICATION-	
How many agencies are responsible for competition enforcement?	<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>The authority to enforce the general mandates of competition under the Competition Act is vested to the Bangladesh Competition Commission.</p> <p>Bangladesh Competition Commission (BCC)</p> <ul style="list-style-type: none"> ▪ Bangladesh Competition Commission, an autonomous statutory organization empowered with judicial adjudication, was established under section 5 of the Competition Act in order to promote, ensure and sustain congenial atmosphere for the competition in trade, and to prevent, control and eradicate collusion, monopoly and oligopoly, combination or abuse of dominant position or activities adverse to the competition. <i>See</i> Preamble. ▪ It is empowered to conduct inquiry, investigation, and adjudication of a complaint. <i>See</i> §§17-20. It can also issue orders to direct a person or entity to refrain from anti-competitive practices (i.e., agreements, abusing dominant position or preventing merger). <i>See</i> §§20-21. Moreover, it can impose administrative financial penalties for involvement with anti-competitive agreements or abuse of dominant position. <i>See</i> §20. fine for

<p>Do sector regulators have a competition policy enforcement mandate?</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> <p>Yes, following sectoral regulators are also mandated by their laws to deal with competition issues:</p> <p>A. Telecommunication Sectors:</p> <ul style="list-style-type: none"> ▪ The Bangladesh Telecommunication Regulatory Act, 2001 (Act No. XVIII of 2001) is the principal law that regulates the telecommunication sector of the country. This statute established the “Bangladesh Telecommunication Regulatory Commission” for the purpose of development and efficient regulation of telecommunication system and services. See Preamble & §6. ▪ Bangladesh Telecommunication Regulatory Commission is the primary agency responsible for the promotion of competition in the sector, as it has specialized knowledge of technical aspects of the sector. ▪ One of the functions of the Commission, as articulated in the Act, is to maintain and promote competition among the service providers in order to ensure high-quality telecommunication services. See §30 (e). ▪ However, the Bangladesh Competition Commission has the power under the Competition Act to approve or forbid mergers and acquisitions in the telecommunications sectors. See §21. <p>B. Energy Sector:</p> <ul style="list-style-type: none"> ▪ The principal law regulating the energy sector is the Bangladesh Energy Regulatory Commission Act, 2003 (Act No. XIII of 2003). It established the Bangladesh Energy Regulatory Commission to promote the goals of the Act (i.e., creating a competitive market). See §4. ▪ The Commission is vested with the duty to encourage in creating a congenial atmosphere to promote competition amongst the licensees. See §22(h). It has the responsibility to evaluate the merger of the energy companies. <p>C. Securities & Exchange Commission:</p> <ul style="list-style-type: none"> ▪ The Bangladesh Securities Exchange Commission - established under the Bangladesh Securities Exchange Commission Act, 2003 (Act No. XV of 1993) – is primarily responsible for securing the interest of investors in securities and taking initiatives for promoting and regulating the securities’ market. See §8(1). Moreover, the Commission has the authority to regulate the holding of shares of stocks, takeovers, and acquisitions of companies. See §8(2)(h).
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p><i>[Please mention here any provision or inter-institutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p> <p>The Competition Act articulates the process for the exchange of opinions between the Bangladesh Competition Commission and other sector regulators. If any person raises any objection that any course of proceeding of any statutory body or any decision of such body is contrary to the provision of this Act, such statutory body (sector regulator) may refer the issue to the Commission for taking proper action. See §14(1).</p> <p>[Note: The Commission prepared a draft Bangladesh Competition Commission (Meetings and Miscellaneous Activities) Regulation to utilize this regulation to co-ordinate and share information among different ministries and regulatory bodies in Bangladesh.]</p>

**DISAGGREGATED FUNCTIONS
PROSECUTORIAL MODEL**

<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p align="center">No</p>	<p><i>[If the answer is yes, please briefly explain 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> <p>No agency other than the Bangladesh Competition Commission has been empowered to investigate by the Act. <i>See</i> Chapter II & IV of the Competition Act, 2012.</p>
<p>Are disputes presented for decision to judicial authorities?</p>	<p align="center">No</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> <p>Exceptions: The general norm is to present all competition disputes to the Commission but the disputes that are the subject matter of a specific sector regulator can be presented to the regulating authority of that sector. A dispute can only be presented to a judicial authority (Court of First-Class Magistrate or Metropolitan Magistrate) when a person or an entity commits an offence (contravenes an order of the Commission), and the Commission filed a complaint. <i>See</i> §§24-25, the Competition Act, 2012. Any party aggrieved by the decision of Govt. in an appeal may approach the High Court Division of the Supreme Court of Bangladesh. <i>See</i> Article 102 of the Constitution of the People’s Republic Bangladesh.</p>
<p>Do private rights of action to challenge competition law infringement exist in your jurisdiction?</p>	<p align="center">No</p>	<p><i>[If the answer is “yes”, please briefly explain the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p> <ul style="list-style-type: none"> ▪ No option to bring private actions under the Competition Act, 2012. The only authority that can act against prohibited practices is the Commission. The Commission can act by its own motion or upon the receipt of a complaint. If the Commission does not act upon a request, the applicant can bring a writ petition before the High Court Division forcing the Commission to respect its statutory obligations. <i>See</i> Art. 102 of the Constitution. ▪ However, if a personal injury is caused by anti-competitive practices, the injured can bring a private suit against the entity.

**BANGLADESH COMPETITION COMMISSION
(BCC)**

**STATUS OF
BANGLADESH COMPETITION COMMISSION**

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	N/A	
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	N/A	
		√	The Competition Authority has to report on an annual basis to the executive.	See §39 & §§33-34 of the Competition Act, 2012.	
Does the Competition Authority have obligations before the legislature?	No	√	Obligation to publish an annual report on its activities.	See §39 of the Competition Act of 2012.	
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	N/A	
		X	Its activities are monitored by an independent auditor or by oversight committees.	N/A	
Does the Competition Authority have obligations before the judiciary or independent agencies?	No	X	Decisions of the Competition Authority are subject to judicial review.	[Note: No statutory right of judicial review but an aggrieved party may challenge the Commission's decision by lodging a writ petition before the High Court Division of the Supreme Court of Bangladesh. See Art. 102 of the Constitution of People's Republic Bangladesh.]	
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different than the judiciary.	N/A	
		Other Obligations/ Comments			
		The Competition Act of 2012 granted legal immunity to the Commission, its members, officers and employees, and to its publication, report, or activity if such actions were taken in good faith. See §41 of the Competition Act, 2012.			

Independence	Yes/ No Answer	Description with Legal Provisions
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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> See §7(3) & §9 of the Competition Act, 2012.
Does the executive have powers to decide 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> N/A
Does the executive retain decision-making powers over the competition authority?	No	N/A
Is the competition authority obliged to publish reasoned decisions to ensure transparency?	Yes	<i>[Please introduce the relevant provisions]</i> See §§20-21 of the Competition Act, 2012. [The Commission, if is of opinion after an inquiry that any person has entered into an anti-competition agreement or misused or a combination causes or likely to cause an adverse effect on competition in the market of goods or services, shall restrict such activities`.]
Is there a provision of the national budget allocated by law to the competition authority to ensure its proper functioning?	Yes	<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> See §§31-32 of the Competition Act, 2012. [There shall be a fund of the Commission to be called the Competition Fund. The salary, allowances and other sums payable shall be paid, and other necessary expenses of the commission shall be met by the Fund. The Government shall allocate a specific amount of money for expenses to the Commission for every financial year.]
Can the competition authority be financed by its own means (notification fees, fines etc.)?	Yes	<i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i> See §31(3) of the Competition Act, 2012. [The Commission can finance itself by the money received as fees, charges, or interests of the money deposited in the bank or any other non-prohibited sources.]

**GOVERNANCE OF THE COMPETITION
AUTHORITY**

Is the Competition Authority governed by a single chairman or by a collegiate body?	<i>[Answer “single chairman” if the directive organ of the authority is composed of one person]</i> <i>[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]</i>
	Collegiate Body The Commission shall consist of one Chairperson and not more than four (4) members appointed by the Government. The Chairperson shall be the Chief Executive of the Commission. See §7 of the Competition Act, 2012.
How are the members of the Authority’s directive organ chosen?	<i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch of the government involved in this process]</i>

		<p>The members of the Commission shall be appointed by the Government. See §7(2) of the Competition Act, 2012.</p> <p>The Government shall, in appointing members, consider the recommendation of selection committee. <i>See</i> Rule 3 of Bangladesh Competition Commission (Chairperson & Members) Appointment Rules, 2015.</p> <p>In order to recommend the appointment of members, the Selection Committee shall recommend the name of two persons against each vacant seat by the vote of majority members presented in the meeting. Id. Rule 5(4).</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> <p>Removal Criteria [§9 of the Competition Act] The Government may remove the Chairperson or any member of the Commission from his office on any or more of the following grounds if he:</p> <ol style="list-style-type: none"> is declared by competent court to be insolvent; is engaged in any post extraneous to his own duties in consideration of remuneration; is declared by competent court to be unsound; is convicted of an offence involving moral turpitude; becomes physically or mentally incapable of discharging his duties; abuses his position as to render his continuance in office in the opinion of the Government is prejudicial to the public interest. <p style="text-align: right;">See §9 (1)(a) - (f).</p>
Is the tenure of the heads renewable?	Yes	<p><i>[Please, introduce the relevant provisions]</i></p> <p style="text-align: center;">See §7(6) of the Competition Act, 2012</p>
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<p><i>[If your answer is "yes", please refer to the qualifications required by law and the relevant provisions]</i></p> <p>Appointment Criteria</p> <p>The person having practical experience of not less than 15 years in economics, matters relating to market, or public administration or similar subjects or legal profession or legal affairs activities in different public- private institutions or in any other subject, in the opinion of the Government, appropriate for the Commission, (fifteen) years, shall be deemed to be eligible for appointment as the Chairperson or the Member of the Commission:</p> <p>Provided that more than one person experienced in same subject shall not be appointed as Member. <i>See</i> §7(3) of the Competition Act, 2012.</p> <p>The Chairperson and the members shall be eligible for re-appointment of another three years term. Provided that the person who attained the age of 65 (sixty-five) years shall not be eligible for appointment or hold office as Chairperson or Member. Id. §7(6).</p>

ARCHITECTURE		
	Separate Entity	<i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i>

<p>Is the Competition Authority a stand-alone agency with an independent physical location or is it a part of a bigger entity such as a ministry?</p>		<p>The Commission shall be a statutory body having perpetual succession and subject to the provisions of this Act, with power, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued. See § 5(2), the Competition Act, 2012.</p> <p>The Commission shall have a common seal, which shall be in such size and with such description as may be determined by the Commission; it shall be in the custody of the Chairperson and shall be used in such cases as may be determined by the Commission. Id. §5(3).</p> <p>The Head office of the Commission shall be in Dhaka and the Commission may, if necessary, with prior approval of the Government, establish its branch offices at any place in Bangladesh. Id. §6.</p>
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POLICY DUTIES

Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive Mandate	Answer with X /√ as it applies	Mandates
		X	Concurrent consumer protection mandate
X	Concurrent IP mandate		

PORTFOLIO INSTRUMENTS

Law Enforcement

<p>Does the Competition Authority have powers to investigate cartels?</p>	<p>Yes</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>
		<p>The power of the Bangladesh Competition Commission is not limited to certain types of cartels because the Commission can inquire into any agreement if it has reason to believe that such agreement is harmful to the relevant market. <i>See</i> §18 of the Competition Act, 2012. It means the Commission has power to investigate horizontal and vertical cartels.</p> <p>The Commission after inquiry if finds that cartel occurs may issue order directing any person involved in that cartels:</p> <ol style="list-style-type: none"> a. to discontinue such activities and not to get involved in such activities again; and b. to impose upon ever person involved in that cartel an administrative financial penalty; and c. to impose fine when fails to pay financial penalty; and d. any order for the preservation of competition. Id. §20. <p>The contravention of the Commission’s order without reasonable cause is an offence and the Commission can file a criminal complaint for such contravention to the Magistrate of First Class or Metropolitan Magistrate Court. Id. §§24-25.</p>

<p>Does the Competition Authority have powers to investigate unilateral conduct?</p>	<p>Yes</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 refer to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p> <p>Anti-competitive unilateral conduct generally involves conduct by an enterprise that has substantial power in a market. If the Commission has reason to believe that any enterprise has misused its dominant position which is harmful to the relevant market, the Commission may inquire into the matter. See §18 of the Competition Act, 2012.</p> <p>The Act prohibits that no enterprise shall abuse its dominant position. It shall be deemed to be an abuse of dominant position if an enterprise (a) imposes directly or indirectly unfair or discriminatory conditions in the purchase or sale of goods or service or discriminatory price or predatory price in the purchase or sale of goods or service; (b) limits or restricts the production of goods or provision of services or market thereof or technical or scientific development relating to goods or services to the prejudice of consumers; (c) indulges in practice or continues to conduct practices which deny the market access of others; (d) makes the conclusion of contracts subject to acceptance by other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts; or (e) uses its dominant position in one relevant market to enter into or protect another relevant market. Id. §16 (1) & (2).</p> <p>The Commission after inquiry if finds that abuse of dominant position occurs may issue order directing any person involved in that abuse:</p> <ol style="list-style-type: none"> a. to discontinue such activities and not to get involved in such activities again; and b. to impose upon every person involved in that cartel an administrative financial penalty; and c. to impose fine when fails to pay financial penalty; and d. any order for the preservation of competition. Id. §20. <p>The contravention of the Commission’s order without reasonable cause is an offence and the Commission can file a criminal complaint for such contravention to the Magistrate of First Class or Metropolitan Magistrate Court. Id. §§24-25.</p>
<p>Does the Competition Authority have the powers to conduct ex-ante merger review?</p>	<p>Silent</p>	<p><i>[If the answer is “yes”, please briefly explain the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p> <p style="text-align: center;">Comment</p> <p>The Competition Act, 2012, is silent as to the nature of the notification regime, that is, whether it is voluntary or mandatory and pre- or post-merger. To date, the Bangladesh Competition Commission has not reviewed nor prohibited any mergers, nor it has acted against non-compliance.</p>
<p>Is the notification of merger transactions mandatory?</p>	<p>Silent</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>

		<p style="text-align: center;">Comment</p> <p>The Act is silent on the regulations of notifications. However, the Commission is considering to include a binding notification requirement in the draft Mergers & Acquisitions Regulation.</p>
Can the parties close the transaction before the final decision of the authority (suspensory effect of merger notification)?	Silent	<p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p> <p style="text-align: center;">Comment</p> <p>Regulations on the notification and review process, including the criteria and thresholds for notification, local nexus rules, deadlines for review, applicable special investigative processes, and sanctions for non-compliance, are under way.</p>
Does the Competition Authority have the power to carry out ex-post-merger investigation?	Yes	<p><i>[Please mention relevant provisions]</i></p> <p>The Commission after conducting an inquiry may approve or disapprove a merger. See §21 of the Competition Act, 2012.</p>
Does the Competition Authority have power to impose remedies on ex-post-merger investigation?	Yes	<p><i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i></p> <p style="text-align: center;">Disapprove Merger.</p> <p>If the Commission after inquiry is satisfied that a combination shall cause or is likely to cause an adverse effect on competition, the Commission shall not approve such combination. See §21(2)(b) of the Competition Act, 2012.</p>
Does the Competition Authority have powers to conduct dawn raids at premises?	Silent	<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> <p>No express or clear provision in this regard. Moreover, there is no case law on this point as well.</p>
Can the Competition Authority investigate ex officio cases?	Silent	<p><i>[Please, mention the relevant provisions]</i></p> <p>No express or clear provision in this regard. Moreover, there is no case law on this point as well.</p>
Does the Competition Authority have powers to accept leniency application?		<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> <p>No express or clear provision in this regard. Moreover, there is no case law on this point as well.</p>
Does the Competition Authority have powers to impose 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	<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> <p>The Commission has the power to make rules, policy, instructions of notifications or administrative directions relating to competition, and to give advice and to assist the Government for implementation thereof. See §8(e) of the Competition Act, 2012.</p> <p>Moreover, it has the power to give recommendations to the Government for their effective implementation. Id. §8(h).</p> <p>Thus, the above-mentioned powers of the Commission can be interpreted to include the power to</p>

		render opinion on a draft legislation on competition or any aspect of competition.
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 issue guidelines?	Binding	x Guidelines on the calculation of fines.
		√ Guidelines on merger control.
		√ Guidelines on the economic analysis of abuse of dominance cases.
Can the Competition Authority issue binding regulation on competition?	Yes	<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i> See §8 (e) of the Competition Act, 2012. [The Commission has the powers to make rules, policy, instruction of notifications or administrative directions relating to competition....]
Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	<i>[If the answer is "yes", include relevant provisions]</i> The Commission has the power to develop mass awareness by way of conducting research, seminars, symposiums, workshops, and other similar activities and to publish and disseminate the result of such research. Thus, the Commission has the power to conduct research on the market and take appropriate actions accordingly. See §8(h) of the Competition Act, 2012.
Can the Competition Authority report to the legislature on the results of market studies?	Silent	<i>[If the answer is "yes", include relevant provisions]</i> No explicit provision. However, the Commission shall, within 90 days after the end of every financial year, submit to the President a report on the conduct of its affairs for that year. The President shall cause the report to be laid before the Parliament. See §39 of the Competition Act, 2019.
DECISION MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	Yes	<i>[If the answer is "yes", include relevant provisions]</i> See §§18-20 of the Competition Act, 2012.
Does the Competition Authority impose punishment?	Yes	<i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i> Punishment that the Commission can impose are: 1. Order to refrain from anti-competitive activities; 2. Administrative penalty; 3. Fine; 4. Any other necessary orders. See §20 of the Competition Act, 2012.

<p>Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?</p>	<p>No</p>	<p><i>[Regardless of the answer please briefly explain 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> <p>Any person or entity along with necessary documents can file, either directly, or by mail or via online, a complaint to the Commission. See Rule 3(1) of the Bangladesh Competition Commission (Inquiry, Investigation, Review and Appeal) Rules, 2022.</p> <p>If the complaint has substance, it will be sent for inquiry to the inquiry and investigation wing. Id. Rule 6. The inquiry and investigation shall be completed within 15 days. Id. Rule 8(1). An additional period of 10 days will be granted if the investigation cannot be completed within 15 days. Id. Rule 8(2). Upon the completion of inquiry, the report shall be submitted to the inquiry and investigation wing. Id. Rule 11. If the allegation is proved, the complaint will be adjudicated by conducting a hearing. Id. Rule 12. The Commission can impose any penalty specified in section 20 or file a complaint under section 8(1)(c).</p>
<p>Can the Competition Authority’s decision be appealed to a court?</p>	<p>No</p>	<p>Comment</p> <p>Under the Competition Act, no option of appeal before the Court against the Commission’s decision. However, the Commission’s decision can be challenged by writ petition before the High Court Division of the Supreme Court of Bangladesh. See Article 102 of the Constitution of the People’s Republic Bangladesh.</p>
<p>Miscellaneous</p>		
<p>Offences Committed by Companies, Directors, Mangers, or Employees.</p>	<p>Offences under the Competition Act mean any contravention of orders passed by the Commission or the Government. If any offence is committed by any company, the owner, director, manager, secretary or any other officer or employee or agent of the company shall be deemed to have committed the offence, unless he proves that the offence was committed beyond his knowledge or that he exercised all due diligence to prevent the commission of such offence. <i>See</i> §35(1).</p>	
<p>Accountability of Employees & Delegation of Powers</p>	<p>The Member of the Commission shall discharge their duties under the guidance and control of the Chairperson and the Members shall be accountable to the Chairperson for discharging their duties. <i>See</i> §38(1). The Commission may, subject to such conditions as may be specified by it, delegate any of its power to any of its officer. <i>See</i> §38(2).</p>	