

Argentina	
Competition Framework	
Competition Law	Ley de Defensa de la Competencia – Ley 27442 (Competition Act).
Competition Authority	<p>National Commission for The Defense Of Competition. (CNDC). Website: https://www.argentina.gob.ar/defensadelacompetencia Domestic Trade Secretariat (The Secretariat). Website: https://www.argentina.gob.ar/economia/comercio/secretaria-de-comercio</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>
POLICY-MAKING AGENTS	
-DIVERSIFICATION-	
How many agencies are responsible for competition enforcement?	<p>The Argentinian Competition Act established a new competition agency called the National Competition Authority, which is divided into three autonomous bodies. One is tasked with investigating anticompetitive conduct, a second oversees the assessment of economic concentrations, and a third performs as a decision body.</p> <p>However, the Argentine Government, in practice, has not started the process of creating the Agency. In that sense, until the National Competition Authority has not been set up, according to Article 80 of the Competition Act, The Secretariat and the CNDC, which were the prior competition agencies, will have to perform as enforcement bodies.</p> <p>Thus, currently, Argentine has two Competition Authorities: Domestic Trade Secretariat (The Secretariat): is a unipersonal body tasked with decision-making authority in antitrust cases. According to Article 80 of the Competition Act, it has all powers of the National Authority until the new agency is put to work. National Commission For The Defense Of Competition. (CNDC): Is a collegiate and technic body that conducts the investigation and issues a recommendation to The Secretariat on whether to sanction the alleged offenders. Pursuant to Competition Act Article 80, the investigation powers are invested in the Secretariat; however, the latter delegated to the CNDC the investigation power through Resolution 359 of 2018.</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
Do sector regulators have a competition policy enforcement mandate?	<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?	No

[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law.]

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>Yes</p>	<p>The procedure shall be initiated ex officio or upon a complaint made by any person or legal entity, public or private. Competition Act, Article 34). If the Authority deems, in his sound discretion, that the complaint is pertinent, he shall refer the matter for 15 days to the alleged offender so that he may provide the explanations he deems appropriate. In the event that the proceeding is initiated ex officio, the report of the facts and the grounds that motivated it shall be forwarded. (Competition Act Article 38). Once the explanations have been filed or upon expiration of the said term, the Authority shall decide whether the investigation of the case is appropriate. (Competition Act Article 39).</p> <p>After the preliminary investigation has been concluded or the term of 180 days for such purpose has expired, the Authority, shall decide on the notification to the alleged responsible parties so that within a term of twenty (20) days they may present their defense and offer the evidence they deem pertinent (Competition Act, Article 41)</p> <p>At the end of a ninety (90) day evidentiary period, which may be extended for an equal period, the parties 6 days on the merits of the same. The Authority shall issue a decision within a maximum term of sixty (60) days (Competition Act, Article 43).</p> <p>According to Article 80 of the Competition Act, the Secretariat will act as the competition authority until the new agency is set up by the government.</p> <p>Therefore throughout Resolution 359 of 2018, Article 1, the Secretariat delegated on the CNDC the power to investigate and conduct the enforcement procedure. Thus, in practice the Secretariat is only in charge to issue the final decision and impose the sanctions, after the CNDC has submitted its recommendation on whether to condemn and sanction the conduct (Article 3 (j), Resolution 359). The CNDC is also authorized to collect any type of evidence and conduct hearings (annex paragraphs 16 and 20, Resolution 359)</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>
<p>Are disputes presented for decision to judiciary authorities?</p>	<p>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>Do private rights of action to challenge competition law infringements exist in your jurisdiction</p>	<p>Yes</p>	<p>Pursuant to Articles 62 and 63 of the Competition Act, any moral or natural person injured by competition infringements may bring an action for damages in accordance with the Civil Code rules before the courts.</p>

		<p>The court, in ruling on the reparation of damages, shall base his decision on the conducts, facts and legal qualification thereof, established in the resolution of the Competition Authority.</p> <p><i>[If the answer is “yes”, please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators*

DOMESTIC TRADE SECRETARIAT

(THE SECRETARIAT):

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.	<i>[Please include legal provisions]</i>
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Please include legal provisions]</i>
		√	The Competition Authority has to report on an annual basis to the executive.	<i>[Please include legal provisions]</i>
Does the Competition Authority have obligations before the legislature?	No	X	Obligation to publish an annual report on its activities.	<i>[Please include legal provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Please include legal provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Please include legal provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	The Specialized Chamber for the Defense of Competition, which will act as a specialized chamber within the framework of the

			National Chamber of Civil and Commercial Federal Appeals Aside from the relevant provisions please mention the judicial authority charged with the review.
		X	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary? [Aside from the relevant provisions, please mention the authority charged with the review.]
		Other obligations/comments: [Please introduce any other obligation or comment that you consider relevant.]	
Independence	Please, answer "Yes" or "No"		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	[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.]	
Does the executive have powers to decide on specific cases based on public interest?	Yes	The Secretariat is a part of the executive branch. Therefore, all the cases at the end are under influence of the president power if he decides to exercise it. However, in practice, normally the Secretariat follow the recommendation of the CNDC [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.]	
Does the executive retain decision-making powers over the Competition Authority?	Yes	The executive is the decision making power.	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	Article 53 of the Competition Act. [Please introduce the relevant provisions.]	
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	No	[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]	
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]	

GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Single chairman <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.]</i>	
How are the members of the Authority's directive organ chosen?	By President appointment. <i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i>	
Is there a fixed period during which removal is prohibited?	No	The president can remove at any time the Secretary, Article 99 of Argentine Constitution. <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>
Is the tenure of the heads renewable?	Yes	<i>[Please introduce the relevant provisions]</i>
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	No. <i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions].</i>
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?	Part of a bigger entity	The secretariat is one division of the Argentine's Ministry of Economy.
POLICY DUTIES		
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Multiple	<input checked="" type="checkbox"/> Concurrent consumer protection mandate.
		<input checked="" type="checkbox"/> Concurrent IP mandate.
		Other mandates: Metrology.
PORTFOLIO INSTRUMENTS		
Law Enforcement		
Does the Competition Authority have powers to investigate cartels?	Yes	The Secretariat has broad powers to investigate and sanction any type of agreement or collusion restraining competition (Articles 1 and 2 of the Competition Law). It can impose administrative sanctions such as fines (i) up to thirty percent (30%) of the turnover associated with the products or services involved in the unlawful act committed, (ii) up to twice the economic benefit reported by the unlawful act committed. It can also impose behavioral remedies or request before a judge the imposition of structural ones (Article 55 of the Competition Act). However, most of the investigation powers the delegated by the Secretariat to the CNDC through Resolution 359 of 2018 <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?</p>	<p>Yes</p>	<p>The Secretariat has broad powers to investigate and sanction any type of unilateral conduct restraining competition (Articles 1,3, and 5 of the Competition Law). It can impose administrative sanctions such as fines (i) up to thirty percent (30%) of the turnover associated with the products or services involved in the unlawful act committed, (ii) up to twice the economic benefit reported by the unlawful act committed. It can also impose behavioral remedies or request to before a judge the imposition of structural ones (Article 55 of the Competition Act).</p> <p>However, most of the investigation powers the delegated by the Secretariat to the CNDC through Resolution 359 of 2018</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>
<p>Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?</p>	<p>Yes</p>	<p>Like in the enforcement procedure, in the merger control procedure, most of the powers has been delegated by the Secretariat to the CNDC through Resolution 359. Thus premerger review, the Secretariat issues any final decision regarding the execution of the transaction after the CNDC has submitted its recommendation on the matter.</p> <p>In all cases subject to the notification provided for in this chapter and within 45 days of the complete and correct submission of the information and background information, the authority, by means of a substantiated resolution, shall decide: a) To authorize the transaction; b) To make the act subject to compliance with the conditions established by the same authority; c) To deny the authorization.</p> <p>In those cases, in which the Competition Authority considers that the notified transaction has the potential to restrict competition, prior to making a decision, it will communicate to the parties its objections by means of a substantiated report and will summon them to a special hearing to consider possible measures to mitigate the negative effect on competition. In this case, the time limit for the Authority to make the decision may be extended for up to 120 additional days for the issuance of the resolution, by means of a reasoned opinion.</p> <p>The Authority may consider that the concentration has not been notified, if it considers that it does not have the information and background information submitted in a complete and correct manner.</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>
<p>Is the notification of merger transactions mandatory?</p>	<p>Yes</p>	<p>Pursuant to Articles 7 and 9 the Competition Act, any transaction that represents a substantial control acquisition or that leads to seizes decisive influence over a company business or assets, must be reported to the Competition Authority when it meets the following criteria:</p> <p>When the sum of the total turnover of all the companies involved exceeds the equivalent of 100,000,000 mobile units (approx. 77M USD) in the country, they must be notified to the National Competition Authority for</p>

		<p>examination prior to the date of the completion of the act or of the materialization of the takeover, whichever occurs first.</p> <p><i>[If the answer is "yes", please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	<p>Article 9 of the Competition Act.</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>Article 9 Competition Act.</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>According to Article 9 and 55 (d), the Competition authority can impose a fine for a daily amount of up to 0.1% of the nationally consolidated turnover recorded by the economic group to which the offenders belong, during the last fiscal year. In case the preceding criterion cannot be applied, the fine may be up to a sum equivalent to 750,000 daily mobile units, and can take any measure to revert the anticompetitive effect raised from the unreported transaction.</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>Competition Act, Article 30 (e) the Competition Authority must obtain prior judicial authorization to proceed with the search and seizure in the event alleged offender denied the entry the premises.</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>Competition Act, Articles 34 (2) (b).</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>Currently the leniency process is conducted by the CNDC, pursuant to Resolution 359, annex, paragraph 24. Nevertheless, is important to highlight that are no guidelines regarding the leniency procedure, and the regulation of the program is limited to Articles 60 and 61 of the Competition Act and Chapter VIII of the Decree 480 of 2018. According to those provisions the stage of the leniency program are the following:</p> <p>Marker application: a first stage in which the applicant will communicate its interest in availing itself of the leniency benefit, in which it must submit the information that the Competition Authority determines for such purpose and in which the order of priority is established, the applicant may make general inquiries about the Leniency Program as well as about the availability of markers for the processing of an application.</p> <p>b) Application for the benefit: during this stage, the applicant must formally file the application for the benefit, submit to the Competition Authority all the information, documentation and evidence that it may require in order to determine the existence of the anti-competitive practices denounced.</p>

		<p>c) Preliminary qualification of the benefit: during this stage, the background information submitted by the applicant will be evaluated and a conditional benefit of exoneration or reduction of sanction will be granted, and the Competition Authority may request the submission of additional background information, as well as all the clarifications it deems pertinent in order to determine the existence of the conduct. The benefit will be subject to the duty of collaboration throughout the procedure.</p> <p>d) Final granting of the benefit: during this stage, the Competition Authority will decide on the granting of the final benefit, after evaluating the information and evidence provided by the applicant throughout the procedure, as well as the applicant's compliance with the duty of collaboration and cooperation required to determine the requirement of the anticompetitive practice throughout the procedure.</p> <p>The leniency program is regulated on Article 26 of the Competition Act. Prior to the initiation of an administrative sanctioning procedure, any person may request the Directorate to be exempted from sanction in exchange for providing evidence that will help to detect and accredit the existence of a collusive practice, as well as to sanction those responsible. The request for exemption from sanction shall be submitted in writing and shall be processed, in a confidential file.</p> <p>the request must be made prior to the notification of the terms to file explanations set forth in article 41 of this of the Competition Act First applicant is exonerated with full immunity. The applicants may receive a reduction from 20% to 50% of the fine that would have been applicable.</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to accept seek criminal punishment?	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>Article 28 (h) Competition Act, to issue the opinion is necessary that the CNDC issue a report to the Secretariat, before the later submits its opinion (Resolution 359, Article 3 (m))</p> <p><i>[If the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<i>[If the answer is yes, include relevant provisions]</i>
Rulemaking		
Can the Competition Authority issue guidelines?	Non-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?	No	<i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i>

Research & Reporting		
Can the Competition Authority carry out market studies?	Yes	Competition Act, 28 (f) (Resolution 359, annex paragraph 25) <i>[If the answer is "yes", include relevant provisions]</i>
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<i>[If the answer is "yes", include relevant provisions]</i>
DECISION-MAKING FUNCTIONS		
Aggregated Functions		
Does the Competition Authority make the decision to investigate and make guilty findings?	No	Even though the Secretariat by law has the powers to investigate, currently those powers are delegated to the CNDC. <i>[If the answer is "yes", include relevant provisions]</i>
Does the Competition Authority impose punishments?	Yes	Yes. Articles 28 (a) and 55, authorize the Competition Authority to impose sanctions. Currently the Secretariat issues sanctions after the CNDC has delivered its opinion on the matter. It can impose administrative sanctions such as fines (i) up to thirty percent (30%) of the turnover associated with the products or services involved in the unlawful act committed, (ii) up to twice the economic benefit reported by the unlawful act committed. It can also impose behavioral remedies or request to before a judge the imposition of structural ones (Article 55 of the Competition Act). <i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	See answer provided above provided in the section of prosecutorial model. <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	According to article 70 of the competition Act the Specialized Chamber for the Defense of Competition, will act as a specialized chamber within the framework of the National Chamber of Civil and Commercial Federal Appeals. <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.		

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.	<i>[Please include legal provisions]</i>
		√	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	<i>[Please include legal provisions]</i>
		√	The Competition Authority has to report on an annual basis to the executive.	<i>[Please include legal provisions]</i>
Does the Competition Authority have obligations before the legislature?	No	X	Obligation to publish an annual report on its activities.	<i>[Please include legal provisions]</i>
		X	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<i>[Please include legal provisions]</i>
		X	Its activities are monitored by an independent auditor or by oversight committees.	<i>[Please include legal provisions]</i>
Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	X	Decisions of the Competition Authority are subject to judicial review.	<i>[Aside from the relevant provisions please mention the judicial authority charged with the review.</i>
		√	Decisions of the Competition Authority are subject to review or control of an independent authority different than the judiciary?	The CNDC does not take final decision in the process nor imposes sanction. It only carryout the investigation functions and the Secretariat is the one in charge to Issue the decision. Therefore the Recommendation of the

			CNDC is subject to be brought before a court. Aside from the relevant provisions, please mention the authority charged with the review.
		Other obligations/comments: Please introduce any other obligation or comment that you consider relevant.	
Independence	Please, answer "Yes" or "No"		
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<i>[Please introduce the relevant provisions, and if the answer to this question is "no", explain briefly why in your opinion the criteria are not clear or transparent.]</i>	
Does the executive have powers to decide on specific cases based on public interest?		Please refer to the answer given in the Secretariat Section. <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?		Please refer to answer given on the Secretariat Section .	
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	Yes	Article 53 of the Competition Act. The Recommendation issued by the CNDC, are normally included on the Secretariat decisions, and therefore they got publicize. The Recommendation usually is used by the Secretariat, as the grounds in which its decision is based on. <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	<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	<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?	Collegiate Body. <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.]</i>		
How are the members of the Authority's directive organ chosen?	According to Articles 6, 7, and 9 of Law 22262 the Commissioners are elected by the president. There are 5 Commissioners, one of them is designated as chairman, the other four seats must be divided between 2 lawyers and 2 economists. <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>		
Is there a fixed period during which removal is prohibited?	No	The chairman can be removed at any time, while the other four are appointed for a 4 year tenure and can only be removed for the causes	

		expressed on Article 9 of Law 22262. <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>
Is the tenure of the heads renewable?	Yes	<i>[Please, introduce the relevant provisions]</i>
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	Two of the commissioners must be lawyers and two economists, with recognized expertise in their fields, must be at least 30 years old and have at least 4 years of professional experience. The chairman can be freely picked by the President. <i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions].</i>
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	The secretariat is one division of the Argentine's Ministry of Economy
POLICY DUTIES		
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<input checked="" type="checkbox"/> Concurrent consumer protection mandate.
		<input checked="" type="checkbox"/> Concurrent IP mandate.
		Other mandates: [include, if any]
PORTFOLIO INSTRUMENTS		
Law Enforcement		
Does the Competition Authority have powers to investigate cartels?	Yes	Pursuant to Article 1 of Resolution 359 issued by the Secretariat most of the investigation powers to pursue anticompetitive conducts were delegated into the CNDC. Articles 1 and 2 of the Competition Law ban collusive practices. <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>
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	Pursuant to Article 1 of Resolution 359 issued by the Secretariat most of the investigation powers to pursue anticompetitive conducts were delegated into the CNDC. Articles 1, 3, and 5 of the Competition Law ban unilateral practices. <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>
Does the Competition Authority have the powers to conduct <i>ex-ante</i> merger review?	Yes	See the answer provided on the Secretariat section <i>[If the answer is "yes", please explain briefly the process and which are the remedies that authority can seek or</i>

		impose and mention the relevant provisions]
Is the notification of merger transactions mandatory?	Yes	See the answer provided on the Secretariat section [If the answer is “yes”, please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	No	See the answer provided on the Secretariat section [Please mention the relevant provisions and add any explanation that you deem necessary]
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	See the answer provided on the Secretariat section [Please mention relevant provisions]
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	See the answer provided on the Secretariat section [If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	Competition Act, Article 30 (e). According to Resolution 359, annex paragraph 30 the CNDC can conduct dawn raids, for that purpose the Secretariat must obtain a prior judicial authorization to proceed with the search and seizure. [If the answer is “yes”, please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	Competition Act, Articles 34 (2) (b) [Please, mention the relevant provisions]
Does the Competition Authority have powers to accept leniency applications?	Yes	See the answer provided on the Secretariat section [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]
Does the Competition Authority have powers to accept seek criminal punishment?	No	[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]
Advocacy		
Can the Competition Authority issue opinions on draft legislation?	Yes	Article 28 (h) Competition Act, to issue the opinion is necessary that the CNDC issue a report to the Secretariat, before the later submits its opinion (Resolution 359, Article 3 (m)) [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]
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	[if the answer is yes, include relevant provisions]
Rulemaking		
Can the Competition Authority issue guidelines?	Non-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?	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?	Yes	Competition Act, 28 (f), this function is delegated to the CNDC (Resolution 359, annex paragraph 25) [If the answer is “yes”, include relevant provisions]
Can the Competition Authority report to the legislature on the results of market studies?	Yes	[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?	No	Even though the Secretariat by law has the powers to investigate, currently those powers are delegated to the CNDC. [If the answer is “yes”, include relevant provisions]
Does the Competition Authority impose punishments?	No	The secretariat has the powers to issue the decision and impose sanctions. Nonetheless, the CNDC has to issue a report with its opinion on whether the Secretariat should condemn and impose sanctions (Resolution 359, Article 3 (j)) <i>[If the answer is “yes”, please mention the different kinds of sanctions that the agency can impose]</i>
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	No	See answer provided above provided in the section of prosecutorial model <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?	No	The CNDC does not take final decision in the process nor imposes sanction. It only carries out the investigation functions and the Secretariat is the one in charge to Issue the decision. Therefore the Recommendation of the CNDC is subject to be brought before a court. <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.		