

The main lines of the draft law amending Law 06-99 on prices and competition freedom

This bill comes after the “constitutionnalization” of free competition principle and the Competition Council as an independent body. The competition council will become an independent authority which has to ensure transparency and equity in economic relations, under the organization of free and fair competition; particularly through the analysis and the control of market competition, the control of anticompetitive practices, unfair trade and mergers and monopolies.

Based on the fact that the current legislation is correct concerning the basic principles and methods of regulation, the main points of this bill relate to the following areas:

- The project general logic meets the commonly accepted international rules concerning free market, instruments and regulatory institution;
- Clear definition of the law provisions scope and persons subject to the competition rules in the market;
- Confirmation of free competition principle as a trend of markets operation and regulation with the admission of exceptions justified by economic or social considerations limited in time;
- The revision of the procedure for examining proposed mergers in harmony with international standards and commitments of our country through its partners
 - The status of the Competition Council as an independent body especially for college composition, the financial autonomy or the legal personality.
 - Confirmation of Competition Council general jurisdiction in the fight against anti-competitive practices, merger control, monopolies and unfair trade;
 - The allocation of decision-making power to the Competition Council including the possibility to impose sanctions in case of non compliance with the law;
 - The institution of self-referral power in favor of the Competition Council;
- The recognition of the Competition Council investigation power; it is also entitled to give sanctions in case of non-cooperation.

- The expansion of the list of persons and institutions which can send referrals or requests for advice to the Competition Council;

- Strengthening channels of communication and exchange between the Competition Council and sectoral regulatory institutions and courts;

- Institution of remedies nearby the competent courts against Competition Council decisions.

- Implementation of negotiated procedures in order to make the action the Competition Council more efficient for anticompetitive practices control (leniency procedure, no contest grievances, commitment).

- The consecration of Competition Council powers in advocacy for competition toward public authorities and economic operators;