

COMPETITION AUTHORITIES IN PERU

The National Institute for the Defense of Competition and Protection of Intellectual Property – INDECOPI is the administrative body in charge of the enforcement of the Competition Law (Legislative Decree N° 1034) in Peru.

The application of this Law to the market of public telecommunications services is in charge of the Supervisor Body of Private Investment in Telecommunications - OSIPTEL pursuant to the set forth in Law N° 27336, Law of the Development of Functions and Powers of OSIPTEL.

Organizational Structure of INDECOPI

Defense of Free Competition Commission

The Defense of Free Competition Commission is an autonomous body responsible for technical and functional implementation of Legislative Decree N° 1034, Repression of Anticompetitive Conducts Law, and Law No. 26876, Antimonopoly and Antioligopoly Law of the Electrical Sector.

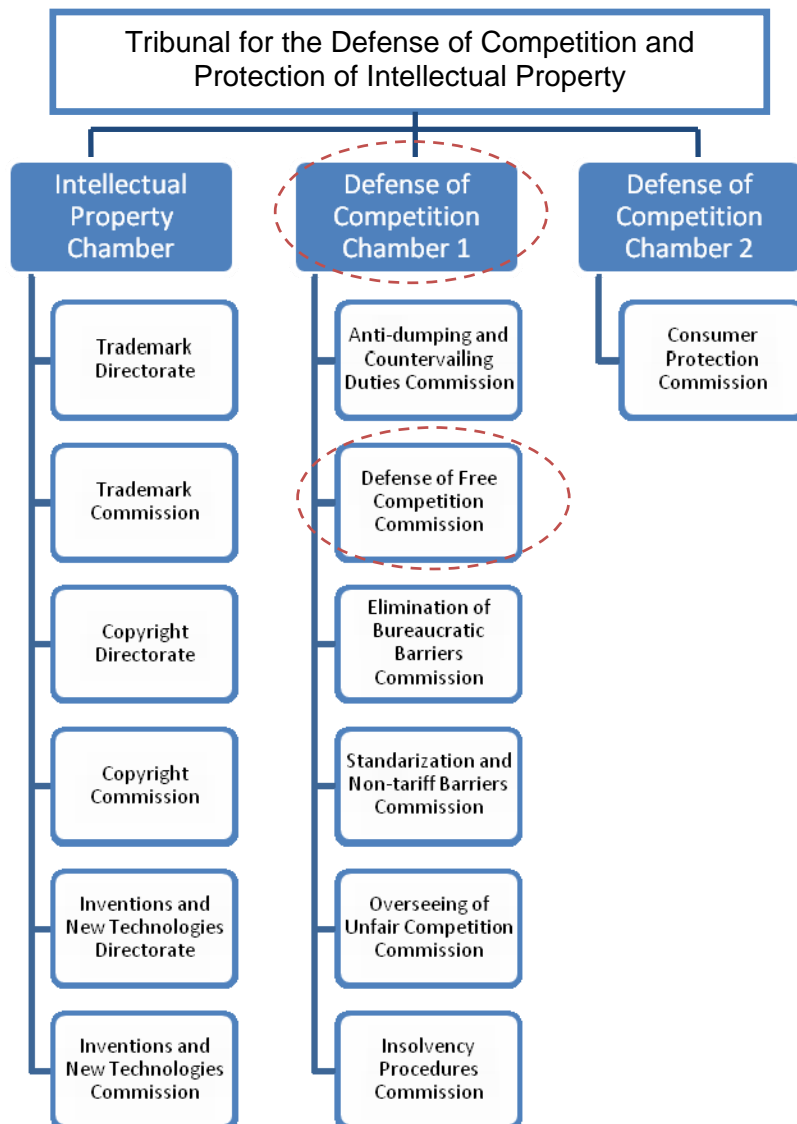
The functions of the Commission in accordance with Article 14 of Legislative Decree N° 1034 are:

- To declare the existence of an anti-competitive conduct and apply the corresponding penalty,
- To order precautionary measures,
- To order corrective measures regarding anti-competitive conducts,
- To issue Guidelines that informs the economic agents about the correct interpretation of the regulation of this Law,
- To suggest to the Chair of the Board of INDECOPI, to give an opinion, exhort or recommend to the legislative, political or administrative authorities on the implementation of measures that restore or promote free competition, such as the elimination of entry barriers, the implementation of economic regulation to a market where competition is not possible, among others, and,
- Others assigned by the current legal provisions.

Defense of Competition Chamber N° 1

- According to Article 16 of Legislative Decree N° 1034, the Defense of Competition Chamber N° 1 is the body in charge to verify in second and last instance the indisputable acts issued by the Commission or the Technical Secretary.

NATIONAL INSTITUTE FOR THE DEFENSE OF COMPETITION AND PROTECTION OF INTELLECTUAL PROPERTY



Organizational Structure of OSIPTEL

OSIPTEL is the Supervisory Body for Private Investment in Telecommunications, a decentralized public entity responsible for regulating and monitoring the market for public services in telecommunications, regardless of the operating companies.

OSIPTEL is attached to the Presidency of the Council of Ministers. Its General Rules are established by Supreme Decree N ° 008-2001-PCM, published in the National Journal "El Peruano" on February 2, 2001. OSIPTEL was created on July 11, 1991 by Legislative Decree No. 702, and started operations with the installation of its first Board of Directors on January 24, 1994.

Collegiate Body

It is the first instance in the dispute settlement procedure and is composed by no less than three (3) nor more than five (5) members according to the circumstances. Its members are appointed by the Board of Directors of OSIPTEL. Once the controversy is solved it ceases its functions. It maintains competence in issues regarding the enforcement and compliance with its resolutions.

Dispute Settlement Tribunal

It is the second instance in the dispute settlement procedure. It is the competent body to solve in the second and final administrative instance, the appeals made from the resolutions issued by the collegiate bodies in the first instance, in exercise of their dispute settlement function. Matters solved by the Tribunal are mandatory and constitute a precedent in administrative issues.