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**ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN INDIA**

**--2015--**

**29-30 November 2016**

*This report is submitted by India to the Competition Committee FOR INFORMATION at its forthcoming meeting to be held on 29-30 November 2016.*

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## TABLE OF CONTENTS

1. Executive Summary.....	3
2. Changes to Competition laws and policies, proposed or adopted .....	4
2.1 Relevant measures including issuance of new guidelines .....	4
3. Enforcement of Competition Law and Policies.....	6
3.1 Action against anticompetitive practices, including agreements and abuses of dominant positions .....	6
3.2 Most Active Sectors in 2015-16 .....	7
3.3 Important decisions of the CCI under Sections 3 and 4 of the Act in 2015-16.....	7
3.4 Enforcement of the Merger Regulation .....	9
3.5 Statistics of merger filing to CCI.....	9
3.6 Important orders of the CCI under Sections 5 and 6 in 2015-16.....	9
4. Human Resources .....	11
5. International Cooperation .....	11
6. Memorandum of Understanding (MoU).....	12
7. Details of events organized at CCI in collaboration with foreign Competition Authorities and multilateral agencies .....	12
8. Advocacy Initiatives .....	13
8.1 Advocacy with Government, Business Organizations and Academic Institutions.....	13
8.2 Competition related Sectoral/Regulatory impact assessment, Market studies and research projects carried out by CCI .....	13
8.3 Screening of Bills and Legislations .....	13
9. Distinguished Visitor Knowledge Sharing Series .....	14
10. National Conference on Economics of Competition Law .....	14

## ANNUAL REPORT ON COMPETITION POLICY DEVELOPMENTS IN INDIA

-- 2015 --

1.

### 1. Executive Summary

2. The enactment of the Competition Act in 2002 (Act) by the Parliament of India, laid the framework for a new competition regime in India. The Competition Commission of India (CCI) is as a statutory authority established by the Act and entrusted with the administration and enforcement of competition law and policy in India.

3. The CCI is a regulatory body that ensures a level playing field for all the market players by eliminating practices having an adverse effect on competition, promoting and sustaining competition in the markets, protecting the interest of consumers and securing freedom of trade in markets in India. It also undertakes competition advocacy to create awareness and impart training on competition issues in India and provides opinions on competition issues pursuant to references from the government or other statutory authorities in India. The adjudicatory functions in respect of anti-competitive agreements, abuse of dominance and merger control, is performed by the CCI comprising of a collegiums of members. The investigation is carried out by the office of the Director General (DG), a separate wing of the CCI.

4. The provisions of the Act relating to anticompetitive agreements<sup>1</sup> and abuse of dominance<sup>2</sup> were brought into effect in May 2009. Between May 15, 2009 and March 31, 2016, 707 cases pertaining to these matters were brought before the CCI for its adjudication, including those cases pending under the (erstwhile) Monopolies and Restrictive Trade Practices Act, 1969. As on March 31, 2016, 576 cases have been resolved by the CCI and 131 cases are pending before the CCI and/or the DG.

5. The merger control provisions of the Act were brought into effect in June 2011<sup>3</sup>. From June 1, 2011 to March 31, 2016, the CCI has approved 340 combination cases. The Combination Regulations have been amended five times<sup>4</sup> to date, with the most recent amendments being enforced on July 3, 2015 and January 7, 2016. Over the last few years, the CCI has attempted to simplify filing requirements, streamline procedures and bring about greater transparency to the merger control proceedings before the CCI.

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<sup>1</sup> Section 3, Competition Act, 2002

<sup>2</sup> Section 4, Competition Act, 2002

<sup>3</sup> Sections 5 and 6, Competition Act, 2002

<sup>4</sup> The Combination Regulations are the implementing merger control regulations which set out the relevant forms in which merger filings are to be made as well as the procedure relating to filing and scrutiny of merger filings. The first amendment to the CCI (Procedure in regard to the transaction of Business relating to Combinations) Regulations, 2011 was made on 23rd February, 2012; the second amendment was made on 4th April, 2013, the third one on 28th March, 2014, the fourth on 3rd July 2015 and the fifth and the most recent one on 7th January 2016

6. The CCI continues its endeavors to engage with other competition authorities and various international organizations, such as, ICN, OECD, UNCTAD. It has entered into Memoranda of Understanding (MOU), with five competition authorities till 31<sup>st</sup> March 2016. In 2015-16, the CCI entered into MOUs with Japan and the BRICS Competition Authorities. The CCI published the first online BRICS Competition Newsletter, on behalf of the BRICS Competition Authorities in August 2015.

7. In the last year, the CCI has undertaken competition assessment of economic policies, legislations and bills in India, under the Competition Commission of India (Competition Assessment of Legislations and Bills) Guidelines, 2015. The objective of these guidelines is to facilitate objective and transparent assessment of economic legislations and bills from a competition perspective. They also provide for the empanelment of expert institutions to carry out competition assessment of economic legislations and bills referred to the CCI.

8. The CCI has also taken numerous competition advocacy initiatives for the promotion of competition advocacy in order to create a culture of competition in India. Under these competition advocacy initiatives, the CCI has organized several interactive meetings, seminars and conferences with trade organizations, consumer associations, other stakeholders and the public at large, to spread awareness of the Act and the work undertaken by the CCI. In efforts to develop internal capacities, various workshops and seminars have also been held in collaboration with other competition authorities such as the US FTC Commission, the US Department of Justice and DGCOMP of the European Commission and international organizations such as the OECD.

## 2. Changes to Competition laws and policies, proposed or adopted

### 2.1 *Relevant measures including issuance of new guidelines*

9. Under Section 64 of the Act, the CCI is empowered to issue regulations to carry out the purposes of the Act. In 2015-16, the CCI has notified two amendments to its Combination Regulations which govern the merger control regime in India as follows:

**Table No. 1. Regulations notified by the CCI**

S.No.	Regulations	Date of issue
1	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Amendment Regulations, 2015. Details of the amendment are available at: <a href="http://www.cci.gov.in/sites/default/files/regulation_pdf/25_0.pdf">http://www.cci.gov.in/sites/default/files/regulation_pdf/25_0.pdf</a>	July 1, 2015
2	The Competition Commission of India (Procedure in regard to the transaction of business relating to combinations) Amendment Regulations, 2016. Details of amendment are available at: <a href="http://www.cci.gov.in/sites/default/files/regulation_pdf/167506.pdf">http://www.cci.gov.in/sites/default/files/regulation_pdf/167506.pdf</a>	January 7, 2016

10. The first amendment to the Combination Regulations in 2015-16 was enacted to align the Combination Regulations with international best practices. The CCI had published draft amendments on its website in March, 2015, inviting comments from stakeholders as a part of a consultation process. Following the consultation, the following amendments to the Combination Regulations were enacted on July 1, 2015:

- CCI revised its Form I or short-form notification required to be filed for notifying a combination. Notes to Forms were published to provide detailed guidance to notifying parties on the information required to be filed in a form.

- The trigger document for notifying an acquisition to the CCI was limited to communications of an intention to acquire made to a Statutory Authority.
- The amendments provided flexibility to parties for signing of a notice and also reduced the number of copies of a notice to be filed with the CCI.
- The timelines for Phase I review was increased from thirty calendar days to thirty working days. Further, a clock stop of 15 working days was provided for seeking comments of third parties.
- To enhance transparency of the review process, the amendments provide that a summary of every combination under review will be published on the CCI. Such publication would provide stakeholders an opportunity to submit their comments on the proposed combination to CCI.
- In order to bring in more clarity to the procedure regarding invalidation of notices that are either not in conformity with the Combination Regulations or not complete, the CCI has, *inter alia*, provided that the decision to invalidate a notice will be communicated by way of a speaking order within seven days of the decision. Pursuant to the amendment, the CCI can direct parties to notify combination in Form I or Form II in *suo motu* cases. Previously, cases of *suo motu* cognizance had to be notified to the CCI in Form II.
- In order to reduce multiple filings regarding the same transaction, the CCI mandated that inter-connected or inter-dependent transactions should be filed in a single notice covering all steps of the combination.
- Procedures for claiming confidentiality were detailed in the Combination Regulations, which provided that parties are required file an affidavit in support of their claims for confidential treatment of information submitted to the CCI.

11. A second set of amendments to the Combination Regulations were brought into effect on January 7, 2016, pursuant to a stakeholder consultation held in December 2015. These amendments were enacted to streamline and simplify the rules and procedures relating to the merger control regime in India. These are summarized as follows:

- The requirement of an official Verification” of notices was done away with and notices now require only a simple Declaration. The amendments also bring a further expansion in the pool of signatories who may sign a notice on behalf of a company
- The scope of the types of documents that trigger notification of acquisitions to the CCI was further limited to Public Announcements made to India’s securities regulator.
- An explanation of the term “solely as an investment” was introduced to provide clarity on the types of minority share acquisitions that are exempt from notification to the CCI. Further, parties would no longer be required to notify increases in shareholding from 25% to 50% shares/voting rights in a target, as long as the acquisition does not result in a change from joint/sole control over the target.
- In response to stakeholder’s concerns, the amended Combination Regulations provide for an opportunity of hearing to the parties prior to invalidating a notice.
- The condition of notifying "inter-dependent" transactions was removed and the wider condition of notifying "inter-connected" transactions as one combination was retained.

- Regulation 31, which required notices to be filed upon the execution of transaction documents or board approvals on or after the 1<sup>st</sup> June 2011, was omitted, as it had lost its relevance and was unnecessary.

### 3. Enforcement of Competition Law and Policies

#### 3.1 Action against anticompetitive practices, including agreements and abuses of dominant positions

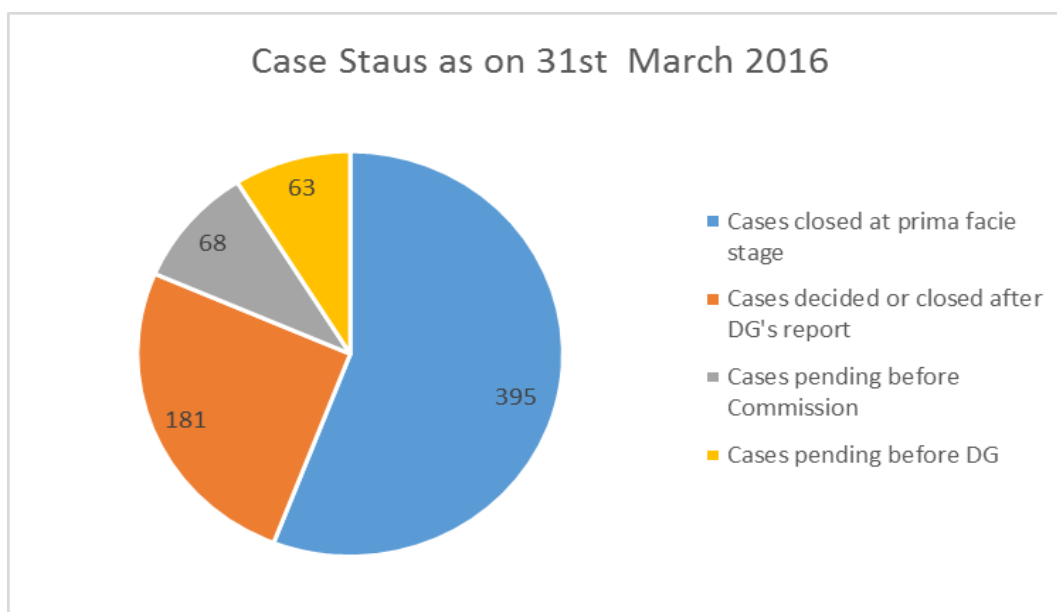
12. Section 3 of the Act prohibits any agreement with respect to the production, supply, distribution, storage, and acquisition or control of goods or services, which causes or is likely to cause an appreciable adverse effect on competition within India. Section 4 of the Act prohibits the abuse of a dominant position by an enterprise or a group of enterprises. The Act defines a dominant position in terms of a position of strength enjoyed by an enterprise, in the relevant market in India, which enables it to: (i) operate independently of the competitive forces prevailing in the relevant market; or (ii) affect its competitors or consumers or the relevant market in its favour.

13. The CCI places a high priority on the effective disposal of cases. From the date of enforcement of Sections 3 and 4 of the Act, i.e., from May 20, 2009 to March 31, 2016, 707 cases were brought before the CCI relating to enforcement of Section 3 and Section 4, of which a majority of cases have been disposed off. The status update on competition enforcement in India till March 31, 2016 is presented below:

**Table No. 2: status of cases received till March 31, 2016**

Cases closed at prima facie stage	395
Cases decided or closed after DG's report	181
Cases pending before CCI	68
Cases pending before DG	63
Status as on 31/03/16	707

14. The above table is depicted in the following pie chart below:



### 3.2 *Most Active Sectors in 2015-16*

15. The CCI received 121 complaints in 2015-2016. In terms of allegations of anti-competitive conduct, the real estate sector has topped the complaints list every year. Other prominent sectors with alleged anti-competitive conduct are the financial sector, Information & Broadcasting, pharmaceuticals, and automobiles. The sectoral distribution of cases relating to anti-competitive agreements and conduct reported to/noticed by the CCI is presented in Table No. 3 below:

**Table No. 3: Sector-wise Distribution of Information received (2015-16)**

Sl. No.	Sector	2015-16
1	Real Estate	34
2	Petroleum/Gas	13
3	Health/Pharmaceuticals	9
4	Information Technology	7
5	Civil Aviation	6
6	I&B (Film/Entertainment/	5
7	Coal	4
8	Financial Sector	3
9	Automobiles	2
10	Railways	1
11	Power	1
12	Chemicals & Fertilizers	1
13	Miscellaneous	35

### 3.3 *Important decisions of the CCI under Sections 3 and 4 of the Act in 2015-16*

#### 3.3.1 *M/s. DLF Gurgaon Home Developers Private Limited and Mr. Pankaj Aggarwal & Others (Case No. 13 of 2010)*

16. A complaint was filed against a leading real estate company in India, DLF Gurgaon Home Developers Private Limited (**DLF**) alleging, *inter alia*, abuse of dominance by the imposition of unfair and onerous terms/conditions in a buyers agreement. After a detailed investigation by the DG, the CCI held DLF to be dominant in the relevant market for the provision of services for development/sale of residential apartments in Gurgaon. DLF was held to have abused its dominance by imposing unfair terms and conditions in its buyers agreement. The unfair and exploitative behaviour of DLF such as, unilaterally increasing the number of floors, cancellation of booking and forfeiture of booking amount, demanding additional amounts on account of unilateral decisions to change the apartment complex, imposing financial pressure on the apartment buyers, *etc.*, were found to be in contravention of Section 4(2)(a)(i) of the Act.

17. The CCI directed DLF and its group companies operating in the relevant market to cease and desist from indulging in such abusive and unfair conduct. No monetary penalty was imposed, as a penalty of Rs. 630 crore had already been imposed on DLF for a similar contravention in another case concerning the same time period.

#### 3.3.2 *XYZ and REC Power Distribution Company Ltd. (Case No. 33 of 2014)*

18. In a complaint filed against a rural electrification company (REC) in India, it was alleged that RECL had abused its dominance to protect the position of its subsidiary REC Power Distribution Company Limited (RECPDCL), to secure consultancy services for rural electrification projects in India. The DG found that REC was abusing its position of dominance in the market for financing of rural electrification projects, to protect RECPDCL's position in the downstream market for consultancy services for rural electrification projects, in violation of Sections 4(2)(e) of the Act. The CCI found that there was no

evidence to establish that REC used any dominant position to secure work for its subsidiary in the downstream market and that the REC group's conduct did not result in any denial of market access.

*3.3.3 Public sector insurance companies (Suo Moto Case No. 02/2014)*

19. In this, the CCI received anonymous information alleging that four public sector insurance companies had manipulated the bidding process of a State Government in India for selecting insurance providers for a government its schemes. The CCI took *suo motu* cognizance of the matter and directed the DG to investigate. The evidence on record showed that the insurance companies had met one day prior to the submission of the bids and had also entered into an agreement to share the profits from the bid. The CCI held the conduct of these companies amounted to bid rigging, in contravention of Section 3(1) read with Section 3(3)(d) of the Act. In particular, the CCI noted that the bid rigging was in respect of public procurement for a social welfare scheme, the beneficiaries of which were poor and below poverty line families. This was seen as an aggravating factor, resulting in imposition of increased penalties on these companies.

*3.3.4 M/s Maruti & Company and Karnataka Chemists & Druggists Association (KCDA) & Others (Case No. 71 of 2013)*

20. In a case filed by a pharmacy in India, M/s Maruti & Co., it was alleged that a chemists & druggists association, the KCDA, restrains pharmaceutical companies from appointing stockists in a State in India without the KCDA's prior permission, which is issued in the form of a No Objection Certificate ('NOC'). It was also alleged that a pharmaceutical company, Lupin, refused to supply drugs to M/s Maruti & Co. on account of not having obtained the NOC from KCDA.

21. Following a detailed investigation by the DG, the CCI found that the KCDA, being an association of its constituent members, i.e., chemists & druggists, had mandated obtaining an NOC prior to the appointment of a new stockist by pharmaceutical companies. This was held to have the effect of limiting and controlling of the supply of drugs in the market, amounting to an anti-competitive decision taken by an association of enterprises in violation of Section 3(1) read with 3(3)(b) of the Act. The complicity of Lupin, in implementing the anti-competitive decisions of KCDA, was also found to amount to an anti-competitive arrangement/understanding with KCDA, in contravention of Section 3(1) of the Act. Notably, the CCI also held the persons responsible at KCDA and Lupin to also be in contravention of the provisions of the Act.

*3.3.5 TAM Media Research Private Limited and Prasar Bharti (Case No. 70 of 2012)*

22. In a complaint filed by India's radio broadcast regulator, Prashar Bharati, it was alleged that rating agency TAM has abused its dominant position by imposing unfair practices and deliberately shrinking the relevant market of television audience measurement services. It was further alleged that by not reflecting viewers' preferences of the rural market, TAM's actions resulted in broadcasting only urban-centric content, resulting in a thereby denying the market to those who seek to cater to rural areas.

23. The DG's investigation found that TAM enjoyed a dominant position in the relevant market for the provision of services for audience measurement for channels and programs on television in India and that its conduct was abusive in violation of Section 4 of the Act. While the CCI agreed the DG's findings on dominance, in relation to the assessment of TAM's conduct, the CCI observed that failing to account for rural viewership does not amount to an unfair or discriminatory condition. TAM's data was already disclosed as being largely representative of viewers' preferences of the urban and semi-urban population. In relation to the unfair price allegation, the CCI was of the opinion that TAM's explanation for setting a higher price for broadcasters than that charged to advertisers/advertising agencies was justified, as



broadcasters are a distinct group of customers with whom rates are individually negotiated. Accordingly, the CCI held that there was no case of contravention of the Section 4 of the Act by TAM.

### **3.4 Enforcement of the Merger Regulation**

24. The provisions of the Act for merger regulation of combinations were brought into effect on June 1, 2011. Sections 5 and 6 of the Act require mandatory notification to the CCI of all acquisitions, mergers and amalgamations that exceed specified asset or turnover thresholds set out in the Competition Act (known as 'combinations'). A combination must be notified to the CCI within prescribed timelines of execution of trigger documents/ events. A combination cannot be consummated until an order of the CCI has been passed or 210 days from the date of the notice.

### **3.5 Statistics of merger filing to CCI**

25. Since coming into effect, the CCI has received 360 combination notices / cases, of which 340 cases have been disposed and 20 cases are pending. In 2015-16, the CCI received 113 cases and disposed 107 cases. Sector-wise distribution of combination notices received during the year has been presented in following table:

**Table No. 4: Sector-wise distribution of Combination Notices Filed**

Sl. No.	Sector	2015-2016
1	Finance and Markets	25
2	Pharmaceuticals & Health Care	12
3	Information Technology and Services	12
4	PVC & Chemicals	11
5	Food & Refined Oil	5
6	Auto & Auto Components	4
7	Mining & Metals	2
8	Media & Entertainment	2
9	Power & Power Generation	1
10	Miscellaneous	39
	Total	113

26. The above table shows that financial markets lead with 25 combinations notices. The pharmaceutical and the Information Technology sectors are other prominent sectors.

### **3.6 Important orders of the CCI under Sections 5 and 6 in 2015-16**

#### **3.6.1 Indus Ind Bank / Royal Bank of Scotland (C-2015/04/268)**

27. IndusInd Bank Limited (IndusInd) filed a notice with the CCI of its proposed acquisition of Royal Bank of Scotland N.V.'s (RBS) gems and jewellery financing business. In the notice, IndusInd had defined the relevant product market as the market for provision of banking services to commercial enterprises by scheduled commercial banks. However, the CCI observed that financing requirements of gem and jewellery customers would be different from other traditional banking customers. The relevant product market was thus defined as banking services to customers engaged in the gem and jewellery business. In terms of the relevant geographic market, it was observed that these customers would be small and medium enterprises dependent on local banks and therefore the geographic market would be local. The relevant geographic market was considered to comprise of the districts forming part of Mumbai.

28. Given the high density of branches of competitors, the existence of larger competitors, such as, the State Bank of India, Bank of India, ICICI Bank and Union Bank of India and the insignificant post-

combination market share of IndusInd, the CCI held that the combination is not likely to have an appreciable adverse effect on competition in India. The CCI accordingly approved the combination under Section 31(1) of the Act.

*3.6.2 Nokia Corporation/Alcatel-Lucent S.A. (C-2015/05/273)*

29. Nokia Corporation (Nokia) filed a notice with the CCI of its proposed acquisition of sole control of Alcatel-Lucent S.A. (Alcatel). The CCI considered bidding data to assess competitiveness of the market, countervailing buyer power, and whether the combination would result in the elimination of a close competitor. Most of the bids showed participation of a number of other competitors to Nokia and Alcatel, such as, Ericsson, Huawei, and ZTE, all of which had operations in all the segments of mobile infrastructure equipment. The CCI further noted that Nokia and Alcatel do not appear to be close competitors in India, given the low number of overlapping tenders in which they had participated. It was also noted that customers of mobile infrastructure equipment are large telecommunication players and due to, *inter-alia*, the presence of at least three major competitors of the parties, they would enjoy countervailing buyer power. This was also reflected in post-bid negotiations with successful bidders.

30. Based on minimal incremental market share, the presence of large buyers and the minimal overlaps of tendered bids between the parties, the CCI noted that the proposed combination is not substantial enough to cause an appreciable adverse effect on competition in any segments or sub-segments of mobile infrastructure equipment. The CCI accordingly approved the combination under Section 31(1) of the Act.

*3.6.3 Future Retail Limited / Bharti Retail Limited (C-2015/05/281)*

31. The CCI received a notice of the combination of Future Retail Limited (FRL) and Bharti Retail Limited (BRL). FRL operates 370 retail stores in various cities/towns in India under different brand names, dealing in groceries, general merchandise, consumer durables and IT, apparel & footwear, etc. BRL operates around 200 retail stores at various locations in India, dealing in apparel, home furnishings, appliances, mobile phones, meat shop, general merchandise and fruits and vegetables.

32. In defining the geographic market, the CCI noted that the catchment area for groceries was an area upto 5 kms, whereas in relation to consumer durables & IT, General Merchandise, etc. consumers are generally willing to travel longer distances. However, the exact market definition was left open as the proposed combination was unlikely to raise competition concerns in any alternative markets defined. CCI observed that in India, the unorganized retail business exerts a competitive constraint on the organized retail business. The combined market share of the parties was therefore minimal upon inclusion of the unorganized retail sector in the market. The vertical relationship between FRL companies that had purchased food and beverages products from a BRL joint venture would also not raise vertical foreclosure concerns, on account of the insignificant presence of the BRL joint venture. The CCI accordingly approved the combination under Section 31(1) of the Act.

*3.6.4 Anheuser-Busch InBev SA.NV / SABMiller (C-2015/12/350)*

33. Anheuser-Busch InBev SA.NV (ABI) and SAB Miller PLC (SABM) jointly filed a notice with the CCI for the proposed acquisition of SABM by ABI. The CCI noted that the market for beer is distinguishable from that for other beverages, such as wine and distilled spirits. The beer market may be further segmented on different parameters such as: (i) by alcohol content (strong/regular); (ii) price (premium/standard etc.); and (iii) type (lager/ale), etc. Accordingly, for the assessment of the proposed combination, the CCI considered each of the sub-segments of the beer market and observed that ABI's incremental market share of ABI is insignificant. The CCI further noted that the combined entity would

continue to face competitive constraints on account of the presence of other competitors such as, United Breweries Limited, a market leader in India and Carlsberg, amongst others. The CCI thus approved the combination under Section 31 (1) of the Act.

### 3.6.5 *Thomas Cook (India) Limited / Kuoni Travel (India) Private Limited (C-2015/09/306)*

34. The CCI received afrom Thomas Cook (India) Limited (Thomas Cook) of its intended acquisition of Kuoni Travel (India) Private Limited (Kuoni). The proposed combination related to the travel industry in India. Both parties are engaged in the travel and travel related services, such as, flights, hotel bookings, visa services, insurance, foreign exchange etc. In addition to offering individual travel services such as air tickets & hotel bookings, visa and passport services etc., the parties also offer package tours to outbound, inbound and domestic destinations. Several other competitors such as Cox & Kings, Makemytrip, Yatra, Kesari, Veena World, Cleartrip, Vacations Exotica (Balmer Laurie), TUI, American Express, Carlson Wagonlit, in India, were observed to offer both individual as well as package tours to outbound, inbound and domestic travelers. CCI noted that the combined market shares of the parties was approx [0%-5%] in both the broader travel and travel related services market and in various sub-segments within this broader market.

35. In addition to the horizontal overlap, Sterling Holiday Resorts (India) Limited, a subsidiary of Thomas Cook, was engaged in resort and hotel services which was considered to vertically related to the business of Kuoni. However, given the number of players in resort and hotel services in India, the combination was observed to cause no vertical foreclosure. The CCI held that the combination was not likely to have an appreciable adverse effect on competition in India and thus approved the same under Section 31(1) of the Act.

## 4. **Human Resources**

36. The CCI comprises of a Chairperson and six Members. Administrative functions of the CCI are coordinated by the Secretariat, which is headed by the Secretary. The office of Director General (DG) investigates contravention of the provisions of the Act and is headed by Director General.

37. In addition, there are divisions namely Advocacy, Anti-trust, Capacity Building, Combination, Economics, International Cooperation, Legal and Secretariat. Each division is steered by a senior officer of the level of Adviser and has a team of professionals from the field of economics, law and finance. The divisions assist the CCI in fulfillment of its legal mandate. At present, about 125 staff members are in position.

## 5. **International Cooperation**

38. International cooperation is imperative in today's globalized economy. It helps in exposure to best practices and provides support for capacity building as well as knowledge sharing. Over the years, CCI has developed close linkages and networks with various multilateral agencies and competition jurisdictions for effective international cooperation including capacity building, enforcement cooperation and experience sharing. CCI formally and informally interacts with competition authorities of other jurisdictions on substantive issues, such as, assessment of combinations, market definition, common competition concerns and international remedies to mitigate competition issues.

39. CCI continues its endeavors to regularly engage with the other competition authorities and multilateral institutions such as OECD, UNCTAD and ICN. CCI currently co-chairs the Agency Effectiveness Working Group of ICN. CCI has undertaken ICN Agency Effectiveness Working Group's (AEWG) project on "Competition Agency staff training programme".

## **6. Memorandum of Understanding (MoU)**

40. As mandated in Section 18 of the Act, the CCI has entered into Memoranda of Understanding (MOU), after obtaining approval from the Government of India, with five competition authorities till March 2015. These five competition authorities are:

- Federal Trade Commission (FTC) / Department of Justice (DOJ), USA,
- Director General Competition, European Union (EU),
- Federal Antimonopoly Service (FAS), Russia,
- Australian Competition and Consumer Commission (ACCC), and
- Competition Bureau (CB) Canada.

41. In 2015-16, CCI processed two more MOUs, i.e., MOUs with Japan and BRICS Competition Authorities.

## **7. Details of events organized at CCI in collaboration with foreign Competition Authorities and multilateral agencies**

42. In order to get exposure to the best practices, CCI invites foreign delegates from mature jurisdictions to share their experiences in field of competition law and economics. In year 2015-16, CCI organized seven workshops/seminars in collaboration with Federal Trade Commission (FTC) & Department of Justice (DOJ) USA, DG Competition EC and OECD. Brief of these capacity building programmes are mentioned below:

- In pursuance of MOU, officials from the US FTC & DOJ visited the Commission to organize following two workshops:
  - Workshop in collaboration with USFTC on ‘Merger’ was organized during July 21 – 23, 2015 for the officers of CCI.
  - A workshop on “IPR and Competition Law” in collaboration with US FTC was organized on November 20, 2015 for the officers of the Commission
- Technical cooperation under the MOU with DG Competition is being implemented through Capacity Building Initiative for Trade and Development (CITD) programme. The CITD program is executed with the help of resource persons from the competition authorities of EU member states. In the year 2015-16, following workshops have been organized at CCI with the help of EC resource persons:
  - ‘Specialized Workshop on Combinations’ during October 12– 13, 2015 in CCI and ‘Specialized Workshops on Anti-competitive Conduct’ during October 14-15, 2015 in office of DG-CCI.
  - Workshop on investigation skills was organized in office of DG during March 9-11, 2016.

- OECD assisted CCI in organizing customized workshops as per the needs of CCI by bringing experts from all over the world. Following workshops/seminars were organized at CCI in collaboration with OECD:
  - A workshop on ‘Leniency’ was organized at CCI during June 2-3, 2015 for the officers of the CCI.
  - A seminar on "Cartel Enforcement" was organized on November 19, 2015 for the officers of the CCI.
  - A seminar on “Economics for non-economists” was organized on February 8, 2016 at CCI

## **8. Advocacy Initiatives**

### **8.1 *Advocacy with Government, Business Organizations and Academic Institutions***

43. CCI is legally mandated to create awareness of competition law and benefits of competition amongst various stakeholders such as government, trade associations, judiciary etc. In pursuance of this mandate, CCI organized 66 events with Ministries, Sectoral Regulators, Industry, Chambers of Commerce, Academia and Judiciary this year

### **8.2 *Competition related Sectoral/Regulatory impact assessment, Market studies and research projects carried out by CCI***

44. During the FY 2015-16, the CCI, as part of its knowledge management, formed sectoral study groups for conducting in-depth study of four important sectors of the economy, with a view to identifying the competition issues involved therein.

45. The four sectors identified for the sectoral study were: (a) Information and Communications Technology including e-commerce (ICT) (b) Agriculture (c) Pharmaceutical and (d) Transport Sectors

### **8.3 *Screening of Bills and Legislations***

46. The CCI has undertaken the competition assessment of economic policies, legislations and bills. As envisaged in the Advocacy Plan for the year, Competition Assessment of 3 bills namely Indian Financial Code, Draft Legal Framework on Insolvency and Bankruptcy and Tamil Nadu Transparency Tenders Act, 1998 and Rules were placed before the CCI, as a part of Screening of Bills and Legislations. Assessment regarding Tamil Nadu Transparency Tenders Act, 1998 and Rules was also sent to the Govt. of Tamil Nadu by the CCI and the same has been acknowledged by the Tamil Nadu Government.

47. Further, in terms of the Competition Commission of India (Competition Assessment of Legislations and Bills) Guidelines, 2015, the CCI proposed to maintain a Panel of 5-7 reputed institutions to carry out initial competition assessment of the economic legislations/bills referred to them. Accordingly, it invited expression of interest, along with a sample competition assessment of an economic legislation, from eligible institutions. Based on evaluation of the samples of competition assessment submitted by institutions, the CCI has empanelled the seven institutions for undertaking competition assessment of legislations and bills.

48. *Continuing Initiatives:* CCI publishes a quarterly newsletter on competition titled ‘Fair Play’. The 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> editions of this newsletter were published in FY 2015-16. In addition, 9 information booklets on various aspects of competition law, such as bid rigging, abuse of dominance, cartels, etc., were consolidated in a single volume and published as advocacy material for the benefit of stakeholders. A

month-long digital cinema campaign was broadcast in the cinemas in New Delhi to increase awareness about competition issues in the country. In addition, the CCI celebrated its 6<sup>th</sup> annual day on May 20, 2015. The annual day function of the CCI is observed every year to mark the commencement of the Act.

**9. Distinguished Visitor Knowledge Sharing Series**

49. The CCI regularly invites distinguished speakers from various sectors and disciplines to address its officers and staff. In the year 2015-16, Dr. Rathin Roy, Director of the National Institute of Public Finance and Policy (NIPFP) and Dr. Leena Srivastava, Vice-Chancellor, TERI University, addressed CCI employees as part of the Distinguished Visitor Knowledge Series programme.

**10. National Conference on Economics of Competition Law**

50. The CCI organized the first 'National Conference on Economics of Competition Law' on March 3 and 4, 2016, at the India Habitat Centre, New Delhi. The conference was organized to bring together scholars, practitioners and experts in competition economics from across the country, to present papers and deliberate on various economic theories, tools and applications. The conference was attended by government officials, academia, persons from the economic and legal fraternity and foreign delegates. Given the success of the first economics conference organized by the CCI, it has been decided that the conference shall be annual feature.