

5th Meeting of High Level representatives of Asia Pacific

Competition Authorities-

on

16th December 2020

Paris Time 8AM to 11AM [Delhi TIME 12:30PM-03:30 PM]

Esteemed Colleagues from OECD, Asia Pacific Competition Authorities, and friends!

Event like the present pandemic brings in its wake, crises of unprecedented magnitude and also newer opportunities and solutions to counter the same. Such disruptive events not only test resilience and adaptive capacity but can also unleash forces of innovation and creativity to shape a more sustainable and inclusive future. I would like to share the experience of the Competition Commission of India in responding to challenges arising out of COVID-19.

The CCI recognised early that COVID – 19, has caused disruptions in supply chains, including those of critical healthcare products and other essential commodities and services. To cope with significant changes in supply and demand patterns arising out of this extraordinary situation, CCI issued an advisory for guidance of businesses as it was realised that they may need to coordinate certain activities, by way of sharing data on stock levels, timings of operation, sharing of distribution network and infrastructure, transport logistics, R&D, production, etc. The advisory highlighted that the Competition Act has in-built safeguards to protect businesses from sanctions for certain coordinated conduct, provided such arrangements, result in increasing efficiencies. However, it was

clarified that only such conduct of businesses which were necessary and proportionate to address concerns arising from COVID-19 would be considered. Businesses were also cautioned not to take advantage of the extraordinary situation on account of COVID-19 outbreak to indulge in anti-competitive activities.

Considering restrictions placed on physical movement, CCI allowed flexibility, within its procedures—including electronic filing of antitrust cases as well as combination notices including Green Channel notifications. CCI also made the Pre-Filing Consultation facility for combinations available through video conference. A dedicated helpline was also set up to attend to the queries of stakeholders during the pandemic. Relevant public notices were regularly put, on the website of CCI for information of the relevant stakeholders. We also put in place a mechanism to conduct case proceedings through video conferencing to avoid physical contact and presence.

During this period, CCI continued to process anti-trust cases and merger notifications in a smooth manner by issuing appropriate orders and remedies. The Commission was able to decide a wide range of cases related to Bid Rigging, Automotive Sector, Power Sector, Pharma Sector, Minerals, Petro chemicals, Information Technology, Textiles, Agriculture, Real Estate, Food and Beverage that are germane to the growth of the economy. I am happy to say that we have been able to maintain efficiency in our operations because we established protocols that have been followed throughout this period.

The Commission has responded dynamically in crafting remedies in the wake of COVID-19 and the consequent disruptions brought by it in the economy. The Commission has been cognizant of the economic distress brought about by the pandemic upon small market players particularly the micro, medium and small enterprises. In this, the Commission has been guided by its larger goal of faster market corrections than penalising the firms through monetary penalties.

On international cooperation engagements, CCI signed 'Statement of the BRICS Competition Authorities on COVID-19' expressing intention to join efforts in combating the negative economic consequences caused by COVID-19, sharing experiences, information and practices on developing competition during and after the pandemic for the benefit of the society and economies.

Besides, CCI has been actively participating in OECD, ICN Annual Conference, UNCTAD Conference, and BRICS Heads Meeting, to name a few.

CCI was also made the Co-Chair of the Operational Framework of International Competition Network during this period.

We have also extended the BRICS Competition Agencies MOU in May 2020 for an open period, looking at the boost, it had given to the Competition Cooperation in BRICS jurisdictions.

In sum, I would like to conclude by highlighting that there is an imperative need for greater cooperation amongst the Agencies during

these times so that we can imbibe best practices from each other which can be integrated within the domestic framework appropriately. This would help the Agencies in responding to the disruption caused by the pandemic in an effective manner.

Thank you for your patient listening.
