

**Talking Points: Chairperson, CCI
for BRICS ICC, Plenary I Session
November 16, 2021
Speech Time -10 Minutes**

‘Development of Competition Policy and Legislation in the BRICS Countries’

Excellencies,

1. It is a pleasure and privilege to be part of this august gathering for this plenary session, which focuses on a topic of relevance for the competition law community.
2. I greet all the participants who have joined us today on this occasion, either in person or through the virtual mode, for the 7th BRICS ICC!
3. I take this opportunity to congratulate and thank SAMR China for hosting the present edition of the BRICS ICC. I wish everyone safety and good health, as the COVID-19 pandemic remains a key challenge for countries around the world. It has caused unimaginable crises across the globe and affected economies, but it is heartening to see a downturn in cases and mortality rates over the past few months. I sincerely hope and trust that the fight against the pandemic is overcome soon.
4. Had it not been for the pandemic and the restrictions imposed in its wake, it would have been my pleasure to attend the event in person and also visit Chengdu.

5. When we reflect on the theme of this session, i.e., “The Evolution of Competition Policy and Legislation in BRICS Countries”, we realise that competition policy and legislation in BRICS countries, though relatively nascent compared to mature jurisdictions, have developed significantly over the years.

6. While competition law in every jurisdiction is drafted keeping in view the domestic state of the economy as well as other priorities of the respective countries, in the globalised world, the law has to constantly evolve keeping in view the global developments and approaches so as to continuously assimilate best global practices.

7. In this backdrop, the platform provided by BRICS would be very useful in the exchange of experiences and providing insights into competition issues and approaches adopted by the agencies dealing with them.

8. Keeping with the theme of the plenary, I would like to share some thoughts and experiences on the progress made and challenges faced by CCI during its decade-long journey.

9. CCI, established as the enforcer of competition law, devoted its formative years to shaping the regime in accordance with evolving market realities while anchoring it in the economic development goals of the nation. I am happy to share that, within its short journey of 12 years, it has established itself as a mature regulator in accomplishing its objectives.

10. It has been CCI’s constant endeavour to develop a culture of competition in markets through effective enforcement and proactive advocacy outreach. The focal points of its actions and interventions have been to bring about swift market

correction so that businesses can compete on merits irrespective of their size and, most importantly, ensure that consumers benefit from improved market outcomes.

11. In recent years, digital markets have been a major focus area of competition agencies across the world. The increased shifting of physical markets towards digital markets has multiplied the need for a closer look at digital markets. On the one hand, digital markets are bringing in innovation, but on the other, they may give rise to various competition concerns. Given the rapid evolution of digital markets, the effort has been to act swiftly and craft remedies suitably to address challenges arising from new forms of business models.

12. On merger control, we have remained conscious of the fact that, in an emerging economy like India, where industry is gearing up to make the nation self-reliant as well as enhance its global competitiveness, mergers and acquisitions would be a potent instrument. CCI has adopted a slew of measures to ensure speedy clearance of non-problematic transactions, reduce procedural burden, and make merger filings simpler. A Green Channel route was also recently introduced for automatic approval of combinations. This is the first-of-its-kind trust-based system in the world, where notifiable transactions with no overlaps, be they horizontal, vertical, or complementary, between the parties are deemed approved upon filing.

13. CCI believes in the nuanced application of the law in a manner that appropriately accounts for dynamic and rapidly changing market conditions, as well as the larger economic and policy milieu. In a young jurisdiction like India, where legacy issues have not yet faded completely, stakeholders are not fully

aware of the benefits of competition, and pro-market reforms are still an ongoing agenda, enforcement cannot be the only route to market correction. Therefore, a large part of CCI's work has comprised and will continue to consist of proactive outreach and advocacy. Our experience suggests that dialogue with stakeholders can be effective in preventing violations of the law and can help mitigate a range of competition concerns without burdening the industry with compliance and litigation costs.

14. Lesser Penalty Regulations have also been dynamically amended to make leniency regime robust and unambiguous for leniency applicants and encourage enterprises to co-operate in uncovering cartels. The idea behind these initiatives has been to engage the industry not only for prompt detection and rectification of competition problems but also make them realise that everyone stands to gain from fair and competitive markets.

15. In the context of the plenary theme, I would like to highlight that government policies and legislations, formulated with certain avowed objectives, may sometimes inadvertently, restrict competition, erect entry barriers, and distort level playing fields. *Ex ante* competition assessment of draft legislations for identifying competition issues and recommending pro-competitive measures is thus a key area of engagement with the government as part of the advocacy mandate of CCI.

16. Competition law has to remain relevant in order to dynamically respond to new market realities, and in this process, it is imperative that the statutory framework is reviewed from time to time, lest it becomes obsolete and out of sync with market dynamics.

17. In discussing the evolution of competition law in India, it is important to highlight that CCI's cooperation with BRICS has been an enriching experience. We have actively participated in the existing working groups created on matters of common interest such as pharmaceuticals, food, automotive, and digital markets, and a lot of progress has been made by equally enthusiastic participation by all BRICS competition agencies. We hope to carry on with these practices in the future.

18. To conclude, I would like to note that the world is undergoing rapid transformation on all fronts, and change is the only constant. The knowledge gathered and exchanged in events such as this will enable us to be prepared to deal with future challenges in a sustainable way.

Thank you!
