

**SPEECH FOR CHAIRPERSON FOR THE ANNUAL WEBINAR OF
NICE CWG**

Scheduled for 25.03.2021

My colleagues in the Commission, Member Sangeeta Verma, and Member B.S. Bishnoi,

Eminent Members of the Network of Indian Competition Experts, Officers of CCI, a very Good morning!

Last year the Commission gave its nod to the establishment of NICE, which is a network of eminent higher educational institutions of the country for capacity building and promoting understanding of Competition Law. I must congratulate esteemed members of NICE for attending and participating in the CCI events and I hope this cooperation will grow by leaps and bounds.

Under auspices of NICE, a Cartel Working Group (CWG) has been created with a definite work programme and deliverables. NICE CWG is being presently, co-chaired by two eminent institutions of the country, i.e. National University of Juridical Sciences (NUJS), Kolkata and Madras School of Economics, Chennai.

The group presently has 12 Members. I am informed that the CWG has had two virtual webinars so far and today's webinar is the Annual Webinar of the CWG.

In this short span of time, CWG has been able to do some credible research. I am very pleased to learn that various presentations on diverse issues of contemporary relevance will be made during the course of the day. These are very relevant for CCI. The webinar will help in conceptualising and forging new tools and techniques by way of Best Practices in Cartel Procedures, particularly at a stage, when the digital economy is growing at a very fast pace presenting anti-trust law enforcers with new age challenges in bursting cartels.

The rapidly changing and evolving digital landscape is posing new challenges for competition law enforcers, questioning the traditional parameters of competition regulation, making competition agencies develop innovative perspectives on how to apply the existing instruments suitably and devise new tools, where necessary.

Given the fast evolving nature of the digital markets, the Agencies need to act expeditiously and craft remedies suitably to address challenges arising out of new forms of business models.

COVID-19 has caused unimaginable crisis across the globe and has affected all sectors of the economy. In the COVID impacted era, the role of Competition Regulators has become even more critical as economies get back on track.

CCI recognized that COVID – 19 caused disruptions in supply chains, including those of critical healthcare products and other essential commodities/ services and intervened early to address the challenges posed from competition law perspective. To cope with significant changes in supply and demand patterns arising out of this extraordinary situation, CCI issued an advisory for guidance of the businesses in COVID times and acknowledged the need for businesses 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 also highlighted the in-built safeguards in the Competition Act to protect businesses from sanctions for certain coordinated conduct, provided such arrangements, result in increasing efficiencies and are necessary and proportionate.

I hope and trust that this webinar would help CWG in deliberating and in identifying key areas for work. This may include empirical assessment of deterrence caused by monetary penalties as also the impact of the ruling of the Supreme Court in relating penalties with the relevant turnover.

In this digital age, cartel investigations have become increasingly challenging as new forms of end-to-end encrypted messaging Apps are being used by cartelists to communicate. I am sure CWG will come out with a forensic toolkit for guidance of investigators and enforcers in investigating cartels in this era.

Leniency regime is another area where CWG can focus its attention. This is particularly imperative as leniency filings help the Agencies in making faster market corrections and economise on resources and time.

Hub and spoke cartel is another interesting area which can be researched by CWG. No doubt, the existing framework is robust to address such mechanism but the recommendations made by the Competition Law Review Committee in this regard will greatly help in addressing such conduct in an effective and speedier manner.

CCI has been able to accomplish quite a lot in the last 10 years given the geographical spread of the country and staff strength of CCI. I take this opportunity to emphasise that CCI has blended advocacy and enforcement to vigorously pursue the legislative mandate and to build a robust competition culture in the country. The Commission has so far reviewed 1,118 cases under anti-competitive agreements and abuse of dominance, and 815 mergers and acquisitions notices. In cases of contravention, CCI has been using diverse remedies including cease and desist orders, besides, in appropriate cases, monetary penalties have been imposed. We have also made use of lesser penalty provisions to encourage enterprises to cooperate in uncovering cartels.

The Commission has also dealt with a large number of bid rigging cases during the last decade.

CCI is well aware of the challenges lying ahead and can hardly afford to become complacent. CCI is staying ahead and keeping an eye on competitive landscape of the country where technological innovations and disruptive technologies are on the rise.

Continuous Capacity building is a must for a competition authority. In the arena of competition law, we identify a number of capacity building activities including case studies, cartel evidence, bid rigging & public procurement, merger analysis, abuse of dominance, rules/regulations drafting, lecture series, market studies, and competition assessment of laws and regulations, etc. CCI's advocacy initiatives are leveraged for external capacity building. I am of firm belief that cooperation with academic institutions under NICE will prove to be path breaking for capacity building activities.

The creation of Network of Indian Competition Experts or NICE is an innovative step in the area of competition advocacy and capacity building. As we all know, research on competition issues and its dissemination has to be an ongoing exercise.

In conclusion, I would like to state that NICE has a very important role to play not just as a research hub, and for capacity building but also for the larger purpose of contributing to the economic defence of the nation from attacks by pernicious cartels.

Once again I would like to appreciate and welcome all the eminent academicians, who have contributed to NICE CWG. I open this webinar and hope that the deliberations would prove to be very fruitful in guiding CCI in this important area.

Thank you!