

EU INDIA COMPETITION COOPERATION PROJECT

Date: December 10, 2020

Namaskaar! Good afternoon!

My colleagues Member Sangeeta Verma, and Member BS Bishnoi and officers of CCI !

Resource persons from the European Union and the project team,

A Warm Welcome to EU-India Competition Week !

1. India-EU have long standing relations since 1960. India was among the first to establish diplomatic relations with the EEC in 1962. Since then, the Grouping grew from a common market to a common currency and from a Community to a Union. Simultaneously, India's` engagement with the EU also grew commensurately.

2. We may recall that earlier this year, the 15th Summit between India and the European Union (EU) was held in virtual format on 15th July 2020. During this summit, a joint statement was also issued wherein the leaders decided to strengthen the EU-India Strategic Partnership, based on shared principles and

values of democracy, freedom, rule of law, and respect for human rights, aiming at delivering concrete benefits for the people in the EU and India.

3. The shared vision of leadership of India and the EU is highly inspirational and bolsters relationship of CCI and DG COMP under the MOU entered by our Competition Agencies on November 21, 2013.

4. In context of the MOU between CCI and DG COMP, a technical cooperation program with the EU-Competition Cooperation Project in Asia was started in 2018. The project provides a platform for dialogue and exchange of good practices between competition authority officials and experts from the EU and India.

This project comprises of three main components:

- (i) **Competition Weeks (CWs)** which are envisaged as series of workshops and discussions held in India to support the competition policy dialogue with the EU which will include technical discussions, exchanges of good practices, enforcement experiences and recent developments in all fields of competition law, policy and economics.

- (ii) **Competition Summer Schools (CSS)** refer to Annual two week course for CCI officials together with officials from other partner countries. And,
- (iii) **Visitors Programme (VP)** wherein Individual visits of officials from the CCI to DG COMP and/or an EU Member State competition authority for a minimum of three months to a maximum of five months is undertaken.

I am informed that all of the three components are now functional. Due to the pandemic, understandably the Summer School and Visitors Programme have not been undertaken this year.

5. However, I must say that both the agencies have done well to keep the component of Competition Week functional through the virtual format for which, I congratulate officers from DG COMP and CCI.

6. As we see today, the 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 the track.

7. CCI recognized that COVID – 19, caused disruptions in supply chains, including those of critical healthcare products and other essential commodities and services and, therefore, 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 [Indian] Competition Act to protect businesses from sanctions for certain coordinated conduct, provided such arrangements, result in increasing efficiencies. However, it was cautioned that only such conduct of businesses which is necessary and proportionate to address concerns arising from COVID-19 would be considered.

8. On administrative side, to ensure continuity of work, arrangements were made to enable parties to file electronically anti-trust cases as well as combination notices and virtual hearings conducted. Due consideration has been given, to the prevailing situation, by the Commission in deciding cases and crafting remedies on the enforcement side.

9. Going forward, 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.

10. The strength of network effects and consequent lock-ins for consumers differ from one market and one product to another. A one-size-fits-all approach does not work. A nuanced assessment, based on the facts of the case and the market and technology in question is the need of the hour. The Indian anti-trust law allows for the much needed flexibility within a broad framework. For instance, it is not a market-share based static view that guides the assessment of dominance. A host of other factors including entry barriers, competitors' strength, etc. are provided in the Statute Book in determining dominance. Indeed, the statutory framework is holistic as well as futuristic.

11. Given the very fast evolution of the digital markets, the Agencies need to act swiftly and craft remedies suitably to address challenges arising out of new forms of business models. Also, policy-makers need to forge appropriate policy tools and techniques to deal with the challenges thrown by the dynamics of these new and fast emerging markets.

Considering the global nature of the digital markets and inter-connectedness of the economies, exchange of views and

learning from each other's experiences can prove to be very useful in tackling competition issues.

I have perused the agenda and find the topics to be discussed very relevant for learning and capacity building of CCI as also for officers from DG COMP. I am confident that the deliberations that take place during the course of the EU week will be mutually beneficial.

12. I place on record our gratitude to the European Union for this wonderful program under the aegis of the MOU between our agencies.

I thank, H.E. Ambassador of the European Union to India, Delegation of the European Union to India and Bhutan, New Delhi, for taking personal interest in this program.

My best wishes to all of you.
