



Fair Competition
for Greater Good

The Quarterly Newsletter of Competition Commission of India (CCI)

IN FOCUS

Workshop on AI,
Competition &
Governance

Fair Play

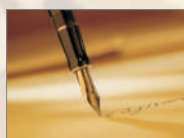
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Artificial Intelligence, Competition & Governance

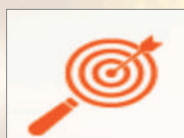


Smt. Ravneet Kaur, Chairperson, CCI shared the dais with Shri Abhishek Singh, Additional Secretary, Ministry of Electronics & Information Technology (MeitY) and CEO, India AI Mission; Smt. Deepti Gaur Mukherjee, Secretary, Ministry of Corporate Affairs (MCA); and Smt. Sangeeta Gupta, Senior Vice President, NASSCOM, during an official pre-summit event of the India AI Impact Summit 2026, held on 19.12.2025 at Taj Mahal Hotel, New Delhi.

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FROM THE DESK OF CHAIRPERSON



It gives me great pleasure to present the 55th Volume of *Fair Play*, the quarterly newsletter of the Competition Commission of India (CCI). This edition captures the Commission's key regulatory, enforcement, and advocacy initiatives undertaken during the October–December 2025 quarter, reflecting our continued commitment to fostering markets driven by strategic vision, transparency, and strict adherence to competition principles.

A major highlight of the quarter was the conclusion of the CCI's Market Study on “Artificial Intelligence (AI) and Competition” on 6th October 2025. The study observes that AI adoption is accelerating rapidly in India and identifies emerging competition concerns, including algorithmic collusion, entry barriers, lack of transparency, and strategic mergers. Importantly, the Commission's recommendations and action plan emphasise guidance, capacity building, and self-regulation to nurture a competitive AI ecosystem, rather than the introduction of immediate prescriptive regulations.

Another significant development was the CCI–NASSCOM Workshop on “AI, Competition & Governance”, organised as an official Pre-Summit event to the India AI Impact Summit 2026. Held on 19th December 2025 in New Delhi, the workshop brought together policymakers and domain experts to deliberate on AI's impact on markets, consumer protection, and the need for adaptive and coordinated governance frameworks. The discussions focused on regulatory coordination, market dynamics, and ethical considerations for responsible AI deployment. The workshop featured eminent speakers, including senior officials from MeitY,

NASSCOM, Central Consumer Protection Authority and the Competition Commission. A presentation on the Commission's Market Study on AI and Competition was also shared, enriching the deliberations. The dialogue underscored the need for a risk-based and proportionate regulatory approach, setting the groundwork for future policy developments.

On the enforcement front, the Commission passed orders directing certain Maharashtra liquor trade associations to cease and desist from identified anti-competitive conduct, re-imposed penalties on entities involved in bid-rigging of tenders issued by the Pune Municipal Corporation for solid waste processing. In addition, the Commission ordered investigations into alleged abuse of dominance by PVR INOX in relation to the levy of VPF on film producers, as well as by the Basketball Federation of India for imposing allegedly unreasonable, unfair, and arbitrary restrictions on basketball players. The Commission also took cognisance of information filed against IndiGo in the context of recent flight disruptions across various aviation routes.

In the area of merger control, the Commission remained actively engaged in scrutinising combinations to ensure that market competition is not adversely affected. During the quarter, the Commission disposed of thirty-one (31) combination cases spanning diverse sectors, including financial markets, pharmaceuticals and healthcare, IT and services, power and power generation, automobiles and auto components, and other sectors.

Notable transactions reviewed and approved during the quarter included the acquisition of JB Chemicals & Pharmaceuticals Ltd. by Torrent Pharmaceuticals Ltd. with voluntary modifications; acquisition of the business of production, bottling, marketing, and sale of alcoholic and other beverages under 'Imperial Brands' by Tilaknagar Industries Ltd.; the proposed merger of ADES International Cayman, a wholly owned subsidiary of ADES International Holding Ltd., with and into Shelf Drilling, Ltd.; acquisition of stake in Schneider Electric India Pvt. Ltd. and Schneider Electric JV Holdings 2 Pte. Ltd. by Schneider Electric SE from MacRitchie Investments Pte. Ltd.; and the proposed acquisition of a minority shareholding in DCX Global Ltd. by Coinbase Global Inc.

These approvals underscore the Commission's systematic, transparent, and timely approach to merger review, aimed at preserving competition while facilitating ease of doing business. As markets continue to evolve amid rapid technological change and increasing global integration, the Competition Commission of India remains steadfast in its mission to promote fair, innovative, and consumer-centric markets, thereby contributing to sustainable economic growth.

Ravneet Kaur



CCI-NASSCOM Workshop on Artificial Intelligence, Competition & Governance



The Competition Commission of India (CCI), in association with National Association of Software and Service Companies (NASSCOM), organised a Workshop on 'Artificial Intelligence, Competition & Governance' on 19.12.2025 at Taj Mahal Hotel, New Delhi.

The Workshop was held as an official pre-summit event leading to the India-AI Impact Summit 2026, reinforcing India's commitment to developing a balanced and forward-looking framework for AI governance. The Workshop brought together senior policymakers, regulators, industry representatives, and experts, to deliberate on the rapidly evolving intersection of AI, competition, consumer protection, and governance. Discussions focused on emerging challenges

posed by AI deployment, need for coordinated regulatory responses, and importance of preserving competitive markets while enabling innovation.

Smt. Ravneet Kaur, Chairperson, CCI and Shri Abhishek Singh, Additional Secretary, Ministry of

Electronics & Information Technology (MeitY) & CEO, India AI Mission, addressed the Inaugural Session. Smt. Deepthi Gaur Mukherjee, Secretary, Ministry of Corporate Affairs, Government of India was also present during the Inaugural Session. Smt. Sangeeta





Plenary Session III on 'Compliance, Transparency, Ethics and Responsible AI for Competitive Markets', chaired by Smt. Sangeeta Gupta, Senior Vice President, NASSCOM, examined how AI systems can remain compliant, transparent, ethical, and accountable, while operating in competitive markets, as AI increasingly shapes pricing, business models, consumer engagement, and market efficiency.

The closing remarks were made by Shri Anil Agrawal, Member, CCI.

Gupta, Senior Vice President, NASSCOM, delivered the opening remarks during the Inaugural Session, which concluded with a vote of thanks by Shri Ashish Aggarwal, Vice President, Public Policy, NASSCOM. The Inaugural Session highlighted the role of AI in transforming markets and the corresponding need for sound governance frameworks.

This was followed by three plenary sessions that examined AI governance and regulatory coordination, AI market and competition landscape, and issues of compliance, transparency, ethics, and responsible AI in competitive markets. The presentation of CCI's market study on Artificial Intelligence and competition formed a key component of the discussions.

Plenary Session-I on 'AI Governance, Consumer Protection, and Regulatory Coordination', chaired by Smt. Nidhi Khare, Secretary, Department of Consumer Affairs and Chief Commissioner, Central Consumer Protection

Authority, focused on how AI is reshaping markets, consumer interactions, and regulatory responsibilities, and why coordinated, risk-based governance is essential.

Plenary Session II on 'Understanding the AI Market and Competition Landscape', chaired by Smt. Ravneet Kaur, Chairperson, CCI, examined implications of AI for competition law, regulation, and innovation in India.

The Workshop concluded with reflections on the way forward, emphasising the importance of collaborative, risk-based, and proportionate regulatory approaches to ensure that AI-driven innovation advances in a manner consistent with competition principles, consumer welfare, and public interest.



Glimpses of Workshop on AI, Competition & Governance





ANTI-TRUST ENFORCEMENT

CCI directs Maharashtra liquor trade associations to cease anti-competitive practices on 11.12.2025 (Case No. 43 of 2019)

Competition Commission of India (CCI), *vide* order dated 11.12.2025 issued under Section 27 of the Competition Act, 2002, (**the Act**) directed the Maharashtra Wine Merchants Association, Pune District Wine Merchants Association and Association of Progressive Liquor Vendors to cease and desist from anti-competitive conduct found to be in violation of Sections 3(3)(a) and 3(3)(b), read with Section 3(1), of the Act. The matter originated from an Information filed under Section 19(1)(a) of the Act, alleging that the said associations were collectively

prescribing and enforcing commercial conditions on manufacturers, distributors, and sellers of alcoholic beverages. The allegations included fixation or coordination of retail margins, pricing and discount structures, credit periods, transportation and delivery terms, as well as the imposition of mandatory launch fees, donations, and No Objection Certificates (NOCs) for the introduction of new products. Based on the evidence on record the Commission found that the associations' practices of issuing circulars, emails, or other

communications to their members prescribing or influencing pricing, margins, discounts, payment terms, transportation charges, or other commercial terms that ought to be independently determined by each enterprise, as well as imposing mandatory requirements on alcoholic beverages manufacturers to obtain NOCs prior to launching new products violated Section 3(3)(a) and Section 3(3)(b), read with Section 3(1) of the Act. The CCI additionally found the office-bearers of these associations liable under Section 48.

CCI imposes penalty in the matter of Nagrik Chetna Manch v. Fortified Security Solutions & Ors. on 10.11.2025 (Case No. 50 of 2015)

In a case filed by Nagrik Chetna Manch, the Commission passed a final order dated 01.05.2018 under Section 27 of the Act, finding all tender participants of Pune Municipal Corporation tenders for Solid Waste Management of 2014 and their five individuals guilty of bid-rigging/ collusive bidding in multiple Tenders issued by the Pune Municipal Corporation in 2014, in contravention of the provisions of Section 3(3)(d) read with Section 3(1) of the Act. Similarly, in *Suo Motu* Case No. 03 of 2016, the Commission in its final order dated 31.05.2018 passed under Section 27 of the Act, found all four tender participants and their four individuals guilty of bid-rigging/ collusive bidding in multiple tenders

issued by the Pune Municipal Corporation in 2013, in contravention of the provisions of Section 3(3)(d) read with Section 3(1) of the Act.

On appeal by the penalised Opposite Parties of both the matters, the Hon'ble NCLAT, *vide* its judgment and order dated 23.12.2022, dismissed the appeals on merits but remanded the matter back to CCI to reconsider the penalty. The Commission appealed before the Hon'ble Supreme Court, which was dismissed. Accordingly, the Commission heard the parties on the quantum of penalty and noted the following during hearing:

- Though Raghunath Industry Pvt. Ltd. was not a direct

participant in any of the rigged tenders, it, inter alia, provided authorisation letters to Fortified Security Solutions and Mahalaxmi Steels to fulfill the eligibility criteria, enabling them to participate in the rigged tenders. Evidently, all acts done by the aforesaid three parties were with the intent of getting the impugned tenders awarded to Ecoman Enviro Solutions Pvt. Ltd. thereby manipulating the entire bidding process and enabling illegal gains. It is a well settled principle of law that '*ignorantia juris non excusat*,' and as such, expressing regret at a later stage when caught does not

help the case of these erring parties.

- With regard to their plea of being first time offender, the Commission noted that they could be a first-time offender when they indulged in bid-rigging/ collusive bidding in the first impugned tender, but when they indulged into such illegal acts in a repeated fashion in multiple tenders, it is inappropriate to plead mitigation on this ground, at the stage of computation of penalty.
- As far as the three entities who were cover bidders i.e. M/s Sanjay Agencies, Mahalaxmi Steels and Saara Traders Pvt. Ltd. are concerned, these entities, through their individuals, willingly provided

their documentation to Shri Bipin Vijay Salunke for the purpose of submission of cover bids on their behalf, in one or more of the impugned tenders. Further, these entities had no presence in the market concerned and were therefore not in a position to make relevant quotations in terms of the tender specifications. However, at the behest of family and friends in a market about which they had little or no idea, and to manipulate the public procurement process, they indulged in bid rigging/ collusive bidding not only in the first impugned tender but also repeatedly participated in such egregious conduct.

After considering the egregious nature of conduct and their repeated

participation in illegal practices, the Commission, in terms of the Penalty Guidelines, decided to compute for all the six entities and their five individuals, penalty in terms of Section 27(b) of the Act @ 10% of their average turnover/ income, for the preceding three FYs. The penalties were imposed upon the Opposite Parties and their respective individuals by the Commission in both the matters taking into account the above computed amount, and after granting them the benefit of lesser penalty under Section 46 of the Act.

Film and Television Producers' Guild of India Limited vs. UFO Moviez India Limited, Qube Cinema Technologies Private Limited & PVR INOX Limited on 30.09.2025 (Case No.42 of 2023)

The present Information was filed by Film and Television Producers' Guild of India Limited ('Informant') under Section 19(1)(a) of the Act alleging contravention of the provisions of Sections 3 and 4 of the Act by UFO Moviez India Limited ('OP-1'), Qube Cinema Technologies Private Limited ('OP-2') and PVR INOX Limited ('OP-3').

It was alleged that OP-1 and OP-2 were preventing the exhibition of films on their DCEs unless Virtual Print Fee ('VPF') is paid by the producers to them, amounting to violation of Sections 3(4)(b) and 3(4)(d) of the Act, which deals with exclusive supply agreement and refusal to deal, respectively. Since a

similar issue against OP-1 and OP-2 had already been dealt in Case No. 11 of 2020, the Commission did not deem it appropriate to inquire into the alleged anti-competitive agreements, again, under the provisions of Section 3(4) of the Act, and directed the same to be closed under Section 26(2A) of the Act.

With regard to the conduct of OP-3, was alleged that levy of VPF by it amounts to imposing unfair terms and conditions on the members of the Informant, in contravention of the relevant provisions of Section 4 of the Act. It is alleged that producers are not allowed to release their films on OP-3's screens until they agree to pay VPF

as demanded by OP-3.

The Commission, while assessing the allegations against OP-3, delineated the relevant market as the '*market of exhibition of films in multiplexes theatres in India*' and found OP-3 to be dominant in the relevant market so delineated. The Commission framed the view that there exists a *prima facie* case of contravention under Sections 4(2)(a), 4(2)(b), 4(2)(c) and 4(2)(d) of the Act against OP-3 and accordingly, *vide* order dated 30.09.2025 has directed DG investigation into the matter under Section 26(1) of the Act.

Elite Prao Basketball Private Limited vs. Basketball Federation of India on 25.11.2025 (Case No.10 of 2024)

The Information has been filed by Elite Pro Basketball Private Limited ('Informant') under Section 19(1)(a) of the Act, alleging contravention of the provisions of Sections 3 and 4 of the Act by Basketball Federation of India ('BFI'/'OP').

It was alleged by the Informant that the BFI imposed unreasonable, unfair and arbitrary restrictions on basketball players in India by preventing them from participating in any leagues/ events/ championships other than those organised under the aegis of the BFI. The imposition of such

restrictions by the BFI amounts to restraints in the nature of exclusive distribution and refusal to deal, as contemplated under Sections 3(4)(c) and 3(4)(d) of the Act respectively.

It was also alleged that the BFI's actions have resulted in restricting the services of basketball players in contravention of Section 4(2)(b)(i), and have also caused denial of market access to other organisers of basketball leagues/events such as the Informant in contravention of Section 4(2)(c) of the Act.

The Commission, while assessing allegations against BFI, delineated

the relevant market as 'market for organization of basketball leagues/events/tournaments in India' and found BFI to be dominant in the relevant market so delineated. The Commission framed the view that there exists a *prima facie* contravention of the provisions of Sections 4(2)(b)(i), 4(2)(c), and 3(4)(c) and 3(4)(d) of the Act. Accordingly, *vide* order dated 25.11.2025 it has directed DG investigation into the matter under Section 26(1) of the Act.



MERGERS & ACQUISITIONS

C-2025/07/1299 (Sector/Pharmaceuticals): CCI approved acquisition of J. B. Chemicals & Pharmaceuticals Limited by Torrent Pharmaceuticals Limited with voluntary modifications

The proposed combination relates to acquisition of shareholding by Torrent Pharmaceuticals Limited (Acquirer) in J. B. Chemicals & Pharmaceuticals Limited (Target) and the subsequent amalgamation of the Target with the Acquirer (Proposed Combination) (Acquirer and Target are collectively the 'Parties').

The Acquirer is the flagship

company of the Torrent group and is inter alia, engaged in the business of manufacturing and sale of pharmaceutical formulations (FDFs) across therapeutic segments.

The Target is, inter alia, engaged in business of manufacturing and marketing of diverse range of FDFs and Active Pharmaceutical Ingredients (APIs) and also provides Contract Development and

Manufacturing Organisation (CDMO) services.

The Commission approved the Proposed Combination subject to compliance of voluntary modifications offered by the Parties.

C-2025/08/1315 (Sector/Alcoholic Beverages): CCI approved the acquisition of Business of production, bottling, marketing and sale of alcoholic and other beverages under the 'Imperial Brands' by Tilaknagar Industries Limited

The Proposed Combination involves the acquisition of Target Business currently owned by Pernod Ricard India Private Limited (PRIPL/Seller) by Tilaknagar Industries Limited.

The Acquirer is a player in the Indian Made Foreign Liquor (IMFL) space.

It has a wide range of brands across the IMFL segment (brandy, rum, whisky, gin, and vodka).

The Target Business is engaged in production, bottling, marketing and sale of alcoholic and other beverages under the Imperial

Brands as conducted by PRIPL and involved in the sale of whisky under the Imperial Blue brand in India and various countries outside India.

C-2025/08/1323 (Sector/Oil & Gas): CCI approved the proposed merger of ADES International Cayman, a wholly owned subsidiary of ADES International /Holding Ltd. with and into Shelf Drilling, Limited

The proposed combination entails the merger of ADES International Cayman (ADES), a wholly owned subsidiary of ADES International Holding Ltd. (ADES International), with and into Shelf Drilling, Limited (Shelf Drilling), such that: (i) Shelf Drilling will be the surviving entity; (ii) proceeds from the merger to the

shareholders of Shelf Drilling will be settled in cash; and (iii) Shelf Drilling will become a wholly owned subsidiary of ADES International (Proposed Combination).

ADES International operates as a holding entity, consolidating the ADES Group's subsidiaries

engaged in the oil and gas drilling sector, with its primary activities focused on investing in and managing these subsidiaries.

ADES is a newly incorporated entity and does not have any business activities as on date. ADES International and ADES

belong to the ADES group, which comprises ADES Holding Company and its affiliates (ADES Group). The ADES Group provides oil and gas drilling and production services through its 3 offshore jack up rigs in India.

The “Shelf Group” comprises of Shelf Drilling and its downstream affiliates. In India, the Shelf Group is engaged in the business of operating, chartering drilling rigs and oil field related services in

relation to offshore drilling and oil and gas exploration and development activities.

C-2025/09/1327 (Sector/Power): CCI approved the acquisition of certain stake in Schneider Electric India Private Limited and Schneider Electric JV Holdings 2 Pte. Ltd. respectively by Schneider Electric SE from MacRitchie Investments Pte. Limited

The Commission approved the acquisition of certain stake in Schneider Electric India Private Limited (SEIPL/Target 1) and Schneider Electric JV Holdings 2 Pte. Ltd. (SEJV2/Target 2) respectively by Schneider Electric SE (Schenider/Acquirer) from MacRitchie Investments Pte. Ltd (Seller), The ‘Proposed Combination’ envisages – (a) Schneider’s proposed acquisition of 35% stake in SEIPL (Proposed SEIPL Transaction) and (b) Schneider’s (through Schneider Electric South East Asia (HQ) Pte. Ltd.) proposed acquisition of 35% stake in SEJV2 (Proposed SEJV2 Transaction) The Acquirer is a company incorporated under the laws of France and is governed by European Council Regulation (EC) No. 2157/2001 of 08.10. 2001. Schneider is actively involved in the digital transformation of energy The Commission approved the acquisition of certain stake in Schneider Electric India Private Limited (SEIPL/Target 1) and

Schneider Electric JV Holdings 2 Pte. Ltd. (SEJV2/Target 2) respectively by Schneider Electric SE (Schenider/Acquirer) from MacRitchie Investments Pte. Ltd (Seller), The ‘Proposed Combination’ envisages – (a) Schneider’s proposed acquisition of 35% stake in SEIPL (Proposed SEIPL Transaction) and (b) Schneider’s (through Schneider Electric South East Asia (HQ) Pte. Ltd.) proposed acquisition of 35% stake in SEJV2 (Proposed SEJV2 Transaction) The Acquirer is a company incorporated under the laws of France and is governed by European Council Regulation (EC) No. 2157/2001 of 08.10. 2001. Schneider is actively involved in the digital transformation of energy management and automation in homes, buildings, data centres, infrastructure and industries. With a global presence in over 100+ countries, Schneider is present in Power Management – Medium Voltage (MV), Low Voltage (LV) and

secure power, and in Automation Systems. Schneider also provides integrated efficiency solutions, combining energy, automation and software. Schneider operates through its subsidiaries and affiliates in India and offers products and services relating to, inter alia, electrical and automation business. Target 1 is a company incorporated in India and is an indirect subsidiary under full operational control and management control of Schneider, even prior to the Proposed Transaction. SEIPL is actively involved in the digital transformation of energy management and automation in homes, buildings, data centres, infrastructure and industries. Further, SEIPL is present in Power Management - MV, LV and secure power, and in Automation Systems.

Target 2 is a private limited company incorporated under the laws of Singapore.

C-2025/10/1342 (Sector/Financial Markets): CCI approved the proposed combination involving acquisition of minority shareholding in DCX Global Limited by Coinbase Global Inc.

Coinbase Global Inc. (Coinbase), incorporated in the United States, operates crypto-exchange platforms in more than 100 countries globally. It has recently commenced operations in India.

DCX Global Limited (DCX),

incorporated in Mauritius, owns the technology, brand, and other relevant intellectual property of the "CoinDCX" crypto-exchange business in India. The Coin DCX crypto exchange is operated by Neblio Technologies Pvt. Ltd.

The proposed combination relates to, inter alia, acquisition of minority shareholding in DCX by Coin base (Proposed Combination).



JUDICIAL PRONOUNCEMENTS

Writ Appeal No. 1551 of 2025 Jiostar India Private Limited dated 03.12.2025 by Hon'ble Kerala High Court

Asianet Digital Network Private Limited (ADNPL), a Multi-System Operator (MSO), filed an Information with the Competition Commission of India (CCI) against Star India Private Limited (SIPL), a broadcaster. ADNPL alleged that SIPL abused its dominant position and denied market

access by entering into "sham marketing agreements" with Kerala Communicators Cable Limited (KCCL), a competitor of ADNPL.

Based on *prima facie* finding of violation under Section 4(2)(a)(ii) and 4(2)(c) of the Competition Act,

2002 Act, the CCI directed its Director General to investigate. The petitioners (SIPL and others) initially challenged this CCI order before the Hon'ble Bombay High Court, which disposed of the matter on ground of lack of



territorial jurisdiction, leading to the writ petitions before the Hon'ble Kerala High Court. The Ld. Single Judge of Hon'ble Kerala High court dismissed the writ petitions on 28.05.2025. This was challenged by Jiostar India Private Limited in WA No. 1551 of 2025 before a Division Bench of Hon'ble Kerala High Court.

The Hon'ble Court held that the Act is an independent, special, and sui generis legislation designed specifically to regulate market competition and curb anti-competitive practices. It operates unhindered by the Telecom Regulatory Authority of India Act, 1997 (TRAI Act), as the two acts serve distinct purposes *i.e.*, the TRAI Act regulates the telecom sector's technical and licensing aspects, while the Act acts as a "market regulator". The Hon'ble Court distinguished the Hon'ble

Supreme Court's ruling in CCI v. Bharti Airtel Ltd. (2019) 2 SCC 521, stating that it was fact-specific to a dispute already seized by TRAI regarding licensing conditions. The Division Bench clarified that both are special enactments and neither of the two can be treated as general. Depending on the facts, nature of controversy, issues arising in the matter and the perspective from which the whole dispute is to be adjudicated, the concerning Act becomes special contextually to prevail over the other and the latter enactment shall become general in the said event to give way to the former. However, in view of Section 60 of the Competition Act, the CCI shall have a much larger territory to cover and deal with the issue if the nature of the dispute falls within the subject matter of Sections 3, 4 or 5 of the Competition Act. Even though

the TRAI Act is a special sectoral enactment, in matters relating to competition it will have to give way to the Competition Act. The Court further affirmed that an order passed by the CCI under Section 26(1) of the Competition Act directing an investigation is a purely administrative order based on the judgment in Competition Commission of India v. Steel Authority of India Limited (2010) 10 SCC 744

The Hon'ble High Court dismissed Writ Appeal No.1551/2025 on 03.12.2025 with certain directions to the CCI to decide the matter accordingly.

Hon'ble NCLAT in its Judgment dated 04.11.2025 and Clarification order dated 15.12.2025 dismissed Competition App. (AT) No. 1 of 2025 with Competition App. (AT) No. 2 of 2025 filed by WhatsApp LLC (WhatsApp) and Meta Platforms, INC(Meta) and mostly upheld the CCI order dated 18.11.2024 passed under Section 27 of the Competition Act, 2002

In January 2021, media reports noted WhatsApp's new privacy policy. It made data sharing with Facebook (now Meta) mandatory for all users. Earlier, in 2016, users could opt out of this sharing. The new policy gave a "take it or leave it" choice: accept or lose WhatsApp access from 08.02.2021. CCI took *suo motu* notice (Case No. 01 of 2021). After examination, CCI found that WhatsApp's 2021 Policy imposed a "take-it-or-leave-it"

condition forcing users to consent to expansive data sharing with Meta entities to continue using the service, violating Section 4(2)(a)(i) of the Competition Act by imposing unfair terms and Section 4(2)(c) of the Competition Act by denying market access to digital advertising rivals through cross-platform data leverage. CCI in its order dated 18.11.2024 found WhatsApp abused its dominant position and violated Sections 4(2)(a)(i), 4(2)(c) and

4(2)(e) of the Act. CCI imposed a penalty of ₹213.14 crore and also imposed a five-year ban (Para 247.1 of CCI Order) on sharing WhatsApp user data with Meta for advertising.

Two appeals were filed by WhatsApp LLC and Meta Platforms, Inc. against the CCI order dated 18.11.2024 passed by the Commission under Section 27 of the Competition Act.

NCLAT Judgement and Clarification Order:

The Hon'ble NCLAT dismissed the appeals with some modifications in CCI Order and noted that Competition law and data protection law operate as complementary, not exclusive, frameworks. It also observed that privacy and data collection practices can influence competition because they affect consumer choice, quality, and fairness in the market. NCLAT observed that the CCI's jurisdiction encompasses not just overtly anti-competitive economic practices but also extends to unfair data practices that may affect competition dynamics, consumer choice, and market fairness. It held that cross-platform data sharing (between WhatsApp and Meta) enhanced Meta's advantage in the display advertising market, creating an entry barrier for rival firms in digital advertising that did not have equivalent access to WhatsApp data.

The Hon'ble NCLAT in its judgment dated 04.11.2025 upheld all the major findings of CCI along with penalty of ₹213.14 crore but it set aside the remedy deeming the 5-year ban duration unjustified and redundant once user-choice remedies were in place. While the Hon'ble NCLAT set aside the 5-year ban on using WhatsApp user data for advertising purposes, it unequivocally extended the

application of remedial directions contained in Paras 247.2.1 to 247.2.4 of the impugned order to data collection and sharing by Appellants for non-WhatsApp purposes, including non-advertising and advertising purposes. Despite clear analysis and findings of the Hon'ble NCLAT, the conclusion at para of the judgment dated 04.11.2025 of NCLAT was leading to uncertainty in compliance of directions by WhatsApp. This narrow reading could have exempted advertising data from transparency obligations.

CCI, accordingly, sought clarification to resolve this mismatch, arguing that the NCLAT's repeated references to "non-essential collection or cross-use (like advertising etc.)" with express consent extended paras 247.2.1–247.2.4 to all non-WhatsApp uses, preventing compliance ambiguity. WhatsApp and Meta opposed, claiming no ambiguity existed, the judgment set aside para 247.1 wholly, and clarification masked a prohibited review; they asserted that current optional features (e.g., Click-to-WhatsApp Ads) already offer user choice without mandatory sharing of personal messages or contacts. WhatsApp and Meta invoked NCLAT insolvency precedents limiting review powers, sought dismissal, or alternatively three months' compliance time citing

DPDP Rules timelines.

On 15.12.2025, Hon'ble NCLAT agreed and affirmed jurisdiction under Section 53-O(2)(f) of the Competition Act, distinguishing insolvency cases and invoking inherent powers [in *Jayalakshmi Coelho v. Oswald Joseph Coelho* (2001) 4 SCC 181] to rectify accidental slips where operative orders misalign with intent, ensuring no party suffers from judicial error. Finding clear intent in paras 241.1, 241.3–241.4 to apply user-choice /transparency universally-including advertising- the Tribunal deleted "except 247.2.1" from conclusions, clarifying that paras 247.2.1-247.2.4 bind WhatsApp/Meta for all non-WhatsApp data uses. The Hon'ble NCLAT clarified that "remedial directions contained in Paras 247.2.1 to Paras 247.2.4 of the Applicant's impugned order dated 18.11.2024 will apply to WhatsApp user data collection and sharing for all non-WhatsApp purposes, including non-advertising and advertising purposes" and allowed WhatsApp three months to comply with the directions for bringing about necessary changes at their end.

This means even advertising data sharing needs clear disclosure, opt-out, and user consent. No exceptions.

Hon'ble Supreme Court Judgment dated 26.09.2025 in CA No. 9726 of 2016- Competition Commission of India Versus Kerala Film Exhibitors Federation & Ors.

CCI received an information from M/s Crown Theatre, Calicut (the Informant) in March, 2013 alleging that Kerala Film Exhibitors Federation, Cochin (KFEF) was indulging in anti-competitive practices and abusing its dominant position, thereby, preventing the Informant from screening Malayalam and Tamil Films in theatres in Kerala. CCI considered the same and passed a *prima facie* order directing the Director General (DG) to conduct an investigation into the matter and submit a report.

After careful consideration of the DG Report, replies, submissions of the opposite parties and the Informant, hearing objections, suggestions and available material on record, the CCI, *vide* its order dated 08.09.2015, directed KFEF and its office bearers to cease and desist from indulging in anti-competitive conduct in contravention of Section 3 of the Competition Act, and imposed a penalty @ 10% of average income on KFEF and its officer bearers (President and General Secretary) and ordered that KFEF shall not associate the said office bearers with its affairs including administration, management and governance for a period of two years.

The erstwhile Competition Appellate Tribunal (COMPAT) upheld the order of the CCI *vide* its order dated 19.04.2016 and found that KFEF had acted in contravention of Section 3(1) read with Section 3(3)(b) of the Competition Act, The

erstwhile COMPAT also upheld the penalty imposed by the CCI. However, it set aside the penalty imposed on office bearers of KFEF and the directions which were in the nature of behavioural remedies, debarring them from holding office of KFEF for two years.

Aggrieved by the order of the erstwhile COMPAT dated 19.04.2016, the CCI filed a civil appeal before the Hon'ble Supreme Court in July 2016, mainly on the grounds of interpretation of Section 48 of the Competition Act with respect to the office bearers of KFEF and the issue of natural justice (i) debarring office bearers from holding office and imposing penalty on them without issuing show cause notice.

After hearing the arguments of both the parties, the Hon'ble Supreme Court allowed the CCI's appeal and set aside the judgment dated 19.04.2016 of the erstwhile COMPAT in Appeal No.99/2015 insofar as it set aside the penalty and directions against the office bearers.

The Hon'ble Supreme Court observed that there is no mandate in the relevant provisions of the Competition Act as well as the regulations framed there under for issuance of a second show cause notice setting out the proposed penalty. The Hon'ble Supreme Court stated that with the furnishing of the DG Report and the opportunity being given to the parties which had been duly complied with in this case, a fair opportunity had been given to

the office bearers to address on all aspects of the contravention.

The relevant extracts of Hon'ble Supreme Court judgment dated 26.09.2025 are as under:

"48. The Act which is intended to provide teeth to the regulator, namely, the Commission to check anti-competitive agreements and abuse of dominant position empowers the Commission, under Section 27, to pass monetary penalties as well as behavioural and structural remedies and such power is traceable to the opening clause of Section 27 read with Section 27(a) (b) (d) (e) and (g). The idea was that the contravention be effectively brought to an end, keeping in mind the principle of proportionality."

"63. ... There is no need to remit the matter to the original authority for imposition of an appropriate penalty. The appellate Tribunal can itself substitute the penalty. This itself is a salutary safeguard. The behavioural and structural remedy to be imposed should be dependent on what the facts of the case warrant, depending on the nature of the contravention. The most appropriate remedy that will prevent the recurrence is for the Commission to decide. The only requirement is that it should be proportionate and should have the objective of preventing the recurrence of the contravention."

Thus, the Hon'ble Supreme Court upheld the CCI's order dated 08.09.2015 in its entirety.



ADVOCACY INITIATIVES

1. Dr. Sanjay Kumar Pandey, Director (Law), CCI, addressed IRS Officers on “Role of CCI in Supporting Economic Growth & its interplay with the Income Tax Department” during All India IRS Course at National Academy of Direct Taxes, Bhopal on 08.10.2025.



2. Smt. Ravneet Kaur Chairperson, CCI, delivered an address (via virtual mode) at the Inaugural Session of the National Symposium on “Antitrust Enforcement: Emerging Trends in Indian Competition Law” organised by Bennett University on 31.10.2025.



3. Shri Kuldeep Kumar, Joint Director (Law), CCI, addressed the students and faculty of Tamil Nadu National Law University on “Recent Amendments to the Competition Act” at its Campus in Tiruchirappalli, Tamil Nadu, on 03.11.2025.



4. Shri Shekhar, Director (FA), CCI, addressed the students and faculty of Government Law College on “Latest Amendments in Competition Law” at its Campus in Thiruvananthapuram, Kerala on 05.11.2025.



5. Shri Arpan Sharma, Deputy Director (Law), CCI addressed virtually to the participants of the 10th Winter School of Economics on Competition Law organised by CUTS Institute for Regulation and Competition on “Regulating Algorithmic Cartels: Challenges and Best Practice” on 07.11.2025.



6. Shri Mohan Rao Ronanki, Director (Economics), Shri Ashutosh Kumar, Joint Director (Economics) & Ms. Yakshi Jaisingh Chauhan, Deputy Director (Law), judged Final & Semi-Final Rounds of Anti-Trust Moot Court Competition organised by West Bengal National University of Juridical Sciences, Kolkata in association with CCI on 16.11.2025



7. Smt. Ravneet Kaur, Chairperson, CCI and Hon'ble Justice Rajesh Bindal of the Supreme Court of India, addressed the distinguished delegates at the International Conference on Cyberlaw, Cybercrime and Cyber Security on 20.11.2025 at Scope Convention Centre New Delhi.



8. Smt. Ravneet Kaur, Chairperson, CCI addressed the Annual FOIR Colloquium, themed on “Role of AI and Data in Regulation”, on 21.11.2025 at CERC Office in New Delhi. during the event, Smt. Jyoti Jindgar Bhanot, Adviser (Economics) CCI made a presentation on AI & Competition.



9. Dr. K. D. Singh, Director (Law), CCI addressed the Symposium organised by PHD Chamber Of Commerce and Industry on Competition Law: Competition Regulation, New Age Markets & Competition Law Compliance at PHD House, New Delhi on 12.12.2025.



15. 43 students underwent the internship programme at CCI during October to December, 2025.



October, 2025 Batch



November, 2025 Batch



December, 2025 Batch



ADVOCACY WITH STATES

State	Resource Person(s)	Date	Organisation for which programme was conducted
Andhra Pradesh	Shri N.V. Ramana Raju	30.10.2025	Andhra Pradesh Dairy Development Cooperative Federation Limited (APDDCF) Mangalagiri, Guntur
		31.10.2025	Andhra Pradesh Handicrafts Development Corporation Limited, Lepakshi Building, Vijayawada
Assam	Shri Umesh Kumar and Shri Tanuj Goswami	13.10.2025	Commissioner of Transport, Guwahati
		14.10.2025	North Eastern Electric Power Corporation Ltd (NEEPCO), Guwahati
		30.10.2025	Central Silk Board, Jorhat
		21.11.2025	State Bank Institute of Learning and Development (SBILD), Guwahati
		25.11.2025	Indian Oil Corporation Marketing Division, Noonmati, Guwahati
		26.11.2025	Joint Director of Central Bureau of Investigation, Guwahati
		27.11.2025	Director, Employment and Craftsman Training, Government of Assam, Guwahati
		12.12.2025	Text book Production and Publication Corporation, Government of Assam, Guwahati
		22.12.2025	Reserve Bank of India, Guwahati
		23.12.2025	Assam Skill Development Mission, Guwahati
		24.12.2025	Assam State Warehousing Corporation, Guwahati
Himachal Pradesh	Shri Rangilu Ram Patyal	08.10.2025	Chief Engineer (Generation), H.P State Electricity Board Limited, Sunder Nagar
		17.10.2025	Chief Engineer (Operations), H.P. State Electricity Board Limited, Mandi
		19.11.2025	Department of Industries HP State Industrial Development Corporation Ltd. (HPSIDC Ltd.) and Members of Nalagarh Industries Association (NIA), Solan
		21.11.2025	Jal Shakti Vibhag at Communication and Capacity Development Unit (CCDU), State Training Centre, Dhangsidhar, Mandi
		09.12.2025	Forest Department in Himachal Pradesh Forest Academy (HPFA) , Sunder Nagar, Mandi
		12.12.2025	Department of Labour and Employment in the Office of Regional Employment Officer, Mandi

Karnataka	Dr. M.N. Karur and Shri H. Prakash	17.10.2025	Vijayapura, Madhya, Tumakuru, Chickballapur, Ballari, Kalaburagi etc. Department of Technical Education, Government of Karnataka, Bengaluru
		24.10.2025	Udupi, Tumakuru, Chamarajanagar, Kodagu, Chikmagalur, etc. of Department of School Education Primary Education, Government of Karnataka ,Bengaluru
		30.10.2025	Animal Husbandry & Veterinary Services, Government of Karnataka , Bengaluru
		31.10.2025	Bengaluru, Ballari, Dharwad, Hasaan, Udupi etc. of Karnataka State Audit & Accounts Department Government of Karnataka, Bengaluru
		07.11.2025	Technical Education, Government of Karnataka, Bengaluru
		11.11.2025	Sericulture, Animal Husbandry, Excise, Electrical Inspectorate and Food and Civil Supplies Department, Government of Karnataka, Mysuru
		20.11.2025	Department of Agriculture, Government of Karnataka, Bengaluru
		29.11.2025	Department of School Education- Pre University Board, Government of Karnataka, Bengaluru
		06.12.2025	Department of Technical Education, Government of Karnataka, Bengaluru
		10.12.2025	Taluka officers of Nelamangala taluk, Bengaluru Rural District, Government of Karnataka ,Bengaluru
		20.12.2025	Department of School Education-PU Board, Government of Karnataka, Bengaluru
Kerala	Shri Krishnakumar K.N.	23.10.2025	Taluk Industries Office, Kodungallur and other departments and local businesses, Thrissur
		24.10.2025	Taluk Industries Office Thalappilly and local businesses in Thalappilly Taluk, Thrissur
		11.11.2025	Coir Project Office, Civil Station,Kannur
		30.12.2025	Taluk Industries Office, Chavakkad, Thrissur
		31.12.2025	Taluk Industries Office, Cherthala, Alappuzha
Meghalaya	Shri Bhupesh Hajong	16.10.2025	Department of Agriculture, Shillong
		31.10.2025	Revenue & Disaster Management, Shillong
		26.11.2025	Directorate of School Education& Literacy, Shillong
		28.11.2025	Directorate of Educational Research & Training, Shillong
Telangana	Shri R.C. Kumar and Shri V. Prasanna Kumar	10.10.2025	ICFRE- Institute of Forest Biodiversity (IFB), Government of India ,Hyderabad
		13.10.2025	National Fertilizers Limited,Government of India, Hyderabad
		15.10.2025	Telangana Police Housing Corporation Limited (TGPHCL), Hyderabad
		22.10.2025	National Remote Sensing Centre (NRSC), Hyderabad

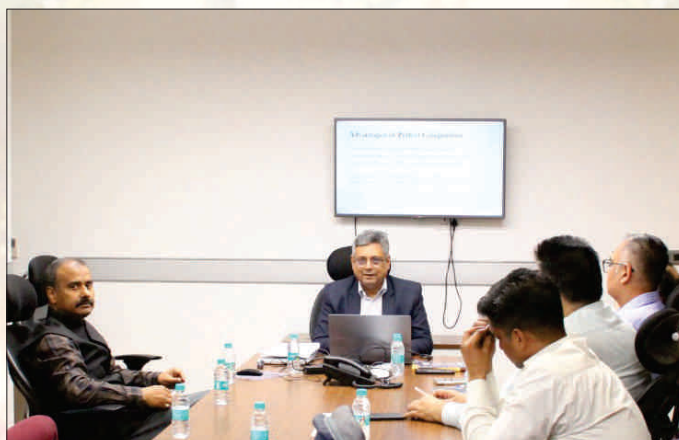


CAPACITY BUILDING

1. A virtual peer-to peer (P2P) session was conducted by Shri Mohan Rao Ronanki, Director (Economics), on 09.10.2025. During the session he shared his key take aways from the "OECD Competition Committee Meeting" held at Paris, France from 18.06.2025 to 20.06.2025.
2. As part of the Capacity Building initiative, a Special Lecture Series session was organized on 07.10.2025, where in Shri Ved Prakash Mishra, Adviser (Law), delivered a lecture to the Case Processing Officers and Investigating Officers of CCI and the DG Office.



3. A Special Lecture Series session was organized as Capacity building initiative by the IT team on MS Power Point to the officers of CCI and DG Office on 08.10.2025. All officers actively participated in the program.
4. As part of the Capacity Building initiative, a Special Lecture Series session was organized on 17.10.2025, where in Shri Rakesh Bhanot, Adviser (FA), delivered a lecture to the Case Processing Officers and Investigating Officers of CCI and the DG Office.



5. As part of the Capacity Building initiative, a Special Lecture Series session was organized on 24.10.2025, where in Smt. Jyoti Jindgar Bhanot, Adviser (Economics), delivered a lecture to the Case Processing Officers and Investigating Officers of CCI and the DG Office.



6. As part of the Capacity Building initiative, a Special Lecture Series (SLS) session was organized on 31.10.2025, where in Shri Pradeep Kumar Meel, Adviser (FA), delivered a lecture to the Case Processing Officers and Investigating Officers of CCI and the DG Office.



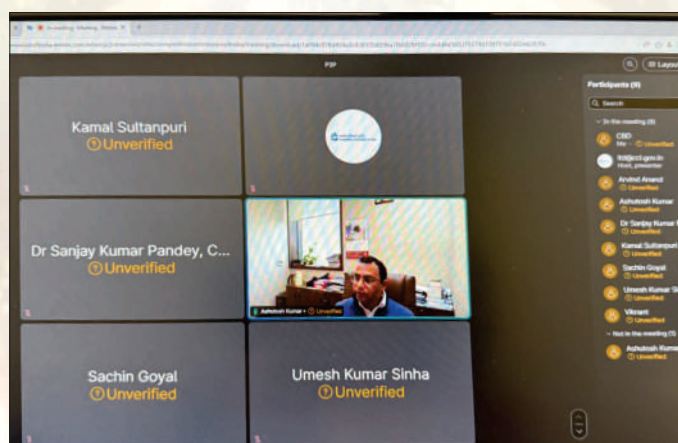
7. CBD organized a one-day Training Program under the Rashtriya Karmayogi Large-Scale Jan Seva initiative at CCI's East Kidwai Nagar office premise. The session was led by the Master Trainer, Shri Sachin Goyal, Joint Director (FA) on 30.10.2025. All officers actively participated in the program.



8. As part of the Capacity Building initiative, a Special Lecture Series session was organized on 7.11.2025, where in Shri Anshuman Patnaik, Director General CCI, delivered a lecture to the Case Processing Officers and Investigating Officers of CCI and the DG Office.
9. A virtual peer-to peer (P2P) session was conducted by Shri Arpit Gupta, Deputy Director, on 14.11.2025. During the session he shared his key takeaways from the " ICN Merger Workshop 2025" held at Port Louis, Mauritius from 15.10.2025 to 17.10.2025.
10. A Special Lecture Series on the topic "Conduct Rules, 1964 and CCS (CCA) Rules, 1965 was delivered by Dr. Sunita H. Khurana, Director, Centre for Training, Research and Advocacy (CenTRA) on 28.11.2025. The session emphasized the importance of upholding high moral standards and preventing misconduct in the workplace service.



11. A Virtual peer-to-peer (P2P) session was organized by CBD on Friday 19.12.2025 at 3 PM. The speaker Shri Ashutosh Kumar, Joint Director (Economics), shared his key takeaways from the "9th BRICS International Competition Conference (ICC)" held in Capetown, South Africa from 10.09.2025 to 11.09.2025.





GLOBAL OUTREACH

1. Mr. Arpit Gupta, Deputy Director (Economics) attended the ICN Merger Workshop 2025 during 15.10.2025 to 17.10.2025 in Port Louis, Mauritius.



2. Mr. Anil Agrawal, Member, CCI along with Mr. Kamal Sultanpuri, Deputy Director (Law), CCI attended the ICN Cartel Workshop 2025 during 12.11.2025 to 14.11.2025 in Seoul, South Korea.



3. A CCI delegation, led by Mrs. Ravneet Kaur, Chairperson, CCI, participated in the OECD Global Forum on Competition held on 01-02.12.2025 at the OECD Conference Centre, Paris. Mrs. Ravneet Kaur, Chairperson, CCI, was a panellist in the session on "Cooperative Antitrust for Remedy Design" during the OECD Working Party 3 Meeting held on 03.12.2025 in Paris, France.



4. The 7th EU-India Competition Week was held virtually on 11-12.12.2025. The event was inaugurated virtually by Shri Inder Pal Singh Bindra, Secretary, CCI, and Mr. Petros Sourmelis, Minister Counsellor, Delegation of the European Union to India. The Competition Week featured technical sessions on topics such as digital markets, artificial intelligence and settlement & commitment, aimed at building capacity and deepening cooperation between the CCI and the EC DG Comp.



ECO-WATCH

The Global Innovation Index 2025

The Global Innovation Index (GII) 2025, published by the World Intellectual Property Organization (WIPO), ranks world economies according to their innovation capabilities. Consisting of roughly 80 indicators, grouped into innovation inputs and outputs, the GII aims to capture the multi-dimensional facets of innovation. In the recently released latest rankings, Switzerland retains the top spot globally, followed by Sweden and the United States of America (USA). Among middle-income economies, India stands out with the overall ranking of 38th among the 139 countries in 2025, reflecting India's robust innovation capabilities. The GII 2025 places India at rank one of both, the Lower Middle-Income group and the Central & Southern Asia region countries. It identifies India as an "over performer," meaning the

country is doing better than what might be expected given its income level. India's strengths in the 2025 Index include its first-place ranking in ICT services exports, strong venture capital activity (4th in late-stage VC and 9th in finance for start-ups and scale-ups), 8th in intangible asset intensity, and 11th place in unicorn valuation.

It is pertinent to know that a central insight from global research on "innovation and competition" is that competition is a critical driver of innovation. Innovation is defined simply as a "new idea, device, or method." However, innovation is often also viewed as the application of better solutions that meet new requirements, unarticulated needs, or existing market needs. When firms operate in dynamic, competitive markets, the pressure to enhance value for consumers pushes them to improve products,

adopt new technologies, and develop more efficient processes. It is the prevalence of competitive market conditions that leads to the adoption of enhanced solutions to offer new products and improved services. The enabling effect of competition in creating efficient markets results in stimulating technology adoption and adaptation. Effective competition thus, brings in efficiency in the economy by reducing cost, increasing productivity and encouraging innovation.

The OECD's 2023 report on competition and innovation reinforces this nuanced view. It demonstrates that the relationship between competition and innovation is complex and dynamic. While too little competition can reduce incentives to innovate, moderate levels of competitive pressure encourage

firms to develop new products and improve processes to maintain or enhance their market position. This dynamic relationship, often described as an inverted-U, suggests that competitive yet contestable markets foster the most innovation.

What this implies for policy is subtle but critical that competition law should aim not simply to maximize rivalry per se, but to preserve optimal competitive tension, enough to incentivize innovation, but not so much as to undermine firms' ability to recover costs of innovation or scale up.

In the backdrop of this framework, the Competition Commission of India (CCI) plays a pivotal role in sustaining these competitive conditions. By preventing anti-competitive practices, reviewing mergers, CCI ensures that markets remain contestable, allowing firms

to pursue innovation as a path to gain a competitive edge. The CCI endeavours to prevent exclusionary conduct which preserves open and contestable markets which ensures that emerging firms, often the source of disruptive innovation, are not foreclosed by dominant players. The CCI thus, helps in providing a level playing field where both established and emerging firms can invest in new technologies and business models, contributing to India's Innovation economy. It is pertinent to note that the CCI endeavours to ensure that its interventions are carefully calibrated, nuanced, and proportionate, so as not to harm incentives to innovate, while at the same time addressing competition related harm.

India's GII 2025 performance ultimately reflects a clear message that innovation does not emerge

solely from talent or investment, but from the market conditions that determine firms' incentives to innovate. As India seeks to move further up the innovation path, it must continue promoting policies that encourage healthy rivalry, and create an environment where firms can invest strongly in new technologies and business models.

Hence, the GII 2025 is both an achievement and a reminder. The progress is real, yet we must strive to adopt policies that help enhance the pace and depth of innovation efforts and outcomes. This also underscores a crucial role for competition policy and the fact that competition must be seen not only as a means to protect consumers, but as a strategic tool to promote innovation, support long-term market dynamism, and enable Indian firms to compete on the global technological frontier.



DEVELOPMENT IN OTHER JURISDICTIONS

A: ANTICOMPETITIVE CONDUCT

European Commission fines fashion brands Gucci, Chloé and Loewe over €157 million for anticompetitive pricing practices

European Commission has fined fashion companies Gucci, Chloé and Loewe for fixing resale prices, in breach of EU competition rules. The fines, which were reduced in all three cases due to the companies' cooperation with the Commission, amounted to over €157 million in total.

Gucci, Chloé and Loewe are fashion companies headquartered in Italy,

France and Spain respectively. The Commission's investigation revealed that these three fashion companies engaged in a practice called Resale Price Maintenance ('RPM'). They restricted the ability of both their online and brick-and-mortar retailers, which are independent resellers, to set their own retail prices for almost the entire range of products designed and sold by Gucci, Chloé and Loewe under their respective brand names, including apparel, leather goods, shoes and fashion accessories.

In particular, the three fashion companies interfered with their

retailers' commercial strategies by imposing restrictions on them, such as requiring them to not deviate from: (i) recommended retail prices; (ii) maximum discounts rates; and (iii) specific periods for sales. In certain cases, and at least temporarily, they also prohibited retailers from offering any discounts. Gucci, Chloé and Loewe strived to have their retailers apply the same prices and sales conditions they applied in their own direct sales channels.

To ensure compliance with their pricing policies, the three fashion companies monitored the retailers'

prices and followed up with deviating retailers. The retailers in general adhered to the companies' pricing policies, either from the start or after being requested to do so.

These anticompetitive practices by Gucci, Chloé and Loewe deprived the retailers of their pricing independence and reduced competition between them. At the same time, Gucci, Chloé and Loewe aimed to protect their own sales from competition from their retailers. In addition, Gucci imposed online sales restrictions for a specific product line by asking its retailers to stop selling the product online. Gucci's retailers complied with these instructions.

The practices ended, for all three fashion companies, in April 2023, when the Commission carried out unannounced inspections at their premises.

BRAZIL

CADE signs cease and desist agreement with Google

On 10.12.2025, the Administrative Council for Economic Defense (CADE) signed a cease-and-desist agreement with Google, investigated for alleged anticompetitive practices related to the Android operating system in Brazil.

The investigation analysed three contracts signed with mobile device manufacturers and operators: Anti-Fragmentation Agreement (AFA/ACC), Mobile Application Distribution Agreement (MADA), and Revenue Sharing Agreement (RSA).

According to the Office of the

Superintendent General at CADE (SG/CADE), the clauses could restrict competition by making access to essential services in the Android ecosystem conditional to the pre-installation, prominent placement, or exclusivity of Google apps, such as Google Search and Google Chrome.

In order to eliminate competitive risks, the obligations established in the cease and desist agreement aim to prevent the licensing of Google Play upon pre-installation or promotion of Google Search and Google Chrome, prohibiting any retaliation against manufacturers who do not use these apps.

In addition, Google must inform partners about the new conditions, and waive exclusivity clauses, thereby refraining from linking RSA payments to the exclusivity of search services.

Upon approval, the investigation is suspended until the parties fulfil their obligations. The agreement must be signed within 30 days and will be made public, except for confidential information.

GERMANY

Bundeskartellamt assesses solutions proposed by Apple in ATTF proceedings

The Bundeskartellamt is assessing the solutions proposed by Apple for the App Tracking Transparency Framework (ATTF) in a market test. These solutions are Apple's response to the competition concerns about the system's current design expressed by the Bundeskartellamt in February 2025.

Apps – both those offered by Apple

and those offered by third parties – give their providers access to various types of user data that are of importance for advertising purposes. Using these data regularly requires app publishers to obtain users' consent. Apple's ATTF sets out how this consent is to be obtained on devices such as the iPhone. At present, however, Apple provides different consent prompts depending on whether the app is offered by Apple itself or by third-party providers. The prompts differ significantly in terms of the wording, design of the choice options and number of steps it takes for users to consent to the use of their data. Regardless of this, the general data protection requirements concerning consent for data processing also apply.

In the Bundeskartellamt's view, the differences in the way the consent requests are designed result in users being encouraged to consent to Apple's own services, while approval for third-party apps is more difficult to obtain due to less user-friendly prompts. Within its own ecosystem, Apple essentially sets the rules for accessing data – not only for itself but also for its competitors. This unequal treatment poses significant competitive risks as third-party providers affected by this often depend in particular on data-based advertising opportunities to finance their business models.

The market test aims to involve app publishers, associations in the media and advertising industries, content providers, the Federal Commissioner for Data Protection and Freedom of Information (BfDI), and the Bavarian State Office for

Data Protection Supervision (BayLDA). The results will be included in the ongoing competition law assessment. The Bundeskartellamt will then decide whether the commitments are suitable for dispelling its preliminary concerns.

The commitments include, in particular, the revision of the two central consent requests, the ATT prompt used for third-party apps and the PA prompt used for Apple's own apps. In future, both prompts are to be designed to be neutral and free from what the Bundeskartellamt in its preliminary assessment considers to be "dark patterns". Apple now also proposes to largely align the content, wording and visual design, and to describe the technical processes following user consent more clearly and accurately.

Furthermore, the proposed commitments also suggest simplifying the currently complex choice architecture for third-party apps. In future, app publishers should be able to use the ATT prompt to obtain data protection law compliant consent for the types of data processing for advertising purposes covered by the ATTF. To this end, Apple is offering various technical options, which will now be tested in collaboration with the industry.

Apple has not offered any changes to the way it measures advertising success (attribution), intending to continue its practice of carrying out such measures without obtaining prior consent from users. The Bundeskartellamt is critical of this approach, but will assess in the

market test whether third parties are still at a relevant competitive disadvantage, given that the Bundeskartellamt's preliminary assessment has shown that Apple's use of data is only limited when it comes to attribution measures. It is currently unclear to what extent Apple is required to obtain consent under data protection law for its attribution measures; this question will also be examined as part of the market test, particularly with the involvement of the relevant data protection authorities.

The proceedings are conducted based on both national (Section 19a GWB) and European law (Article 102 TFEU). Other national competition authorities have also conducted, or are still conducting, proceedings under Article 102 TFEU relating to Apple's ATTF.

EUROPIAN UNION

Commission opens antitrust investigation into Meta's new policy regarding AI providers' access to WhatsApp

The European Commission has opened a formal antitrust investigation to assess whether Meta's new policy on artificial intelligence ('AI') providers' access to WhatsApp may breach EU competition rules.

Meta's new policy, announced in October 2025, prohibits AI providers from using a tool allowing businesses to communicate with customers via WhatsApp, the 'WhatsApp Business Solution', when AI is the primary service offered. Businesses may still use AI tools for ancillary or support functions, such as automated customer support

offered via WhatsApp.

The Commission is concerned that such new policy may prevent third party AI providers from offering their services through WhatsApp in the European Economic Area ('EEA').

As a result of the new policy, competing AI providers may be blocked from reaching their customers through WhatsApp. On the other hand, Meta's own AI service 'Meta AI' would remain accessible to users on the platform.

The formal investigation will cover the EEA except for Italy. This is to avoid an overlap with the Italian Competition Authority's ongoing proceedings for the possible imposition of interim measures concerning Meta's conduct.

Commission opens investigation into possible anticompetitive conduct by Google in the use of online content for AI purposes

The European Commission has opened a formal antitrust investigation to assess whether Google has breached EU competition rules by using the content of web publishers, as well as content uploaded on the online video-sharing platform YouTube, for artificial intelligence ('AI') purposes. The investigation will examine whether Google is distorting competition by imposing unfair terms and conditions on publishers and content creators, or by granting itself privileged access to such content, thereby placing developers of rival AI models at a disadvantage.

The Commission is concerned that Google may have used:

- The content of web publishers to

provide generative AI-powered services ('AI Overviews' and 'AI Mode') on its search results pages without appropriate compensation to publishers and without offering them the possibility to refuse such use of their content. AI Overviews shows AI-generated summaries responsive to a user's search query above organic results, while AI Mode is a search tab similar to a chatbot answering users' queries in a conversational style. The Commission will investigate to what extent the generation of AI Overviews and AI Mode by Google is based on web publishers' content without appropriate compensation for that, and without the possibility for publishers to refuse without losing access to Google Search. Indeed, many publishers depend on Google Search for user traffic, and they do not want to risk losing access to it.

- Video and other content uploaded on YouTube to train Google's generative AI models without appropriate compensation to creators and without offering them the possibility to refuse such use of their content. Content creators uploading videos on YouTube have an obligation to grant Google permission to use their data for different purposes, including for training generative AI models. Google does not remunerate YouTube content creators for their content, nor does allow them to upload their content on YouTube without allowing Google to use such data. At the same time, rival

developers of AI models are barred by YouTube policies from using YouTube content to train their own AI models.

Commission fines automotive starter battery manufacturers and association €72 million for participating in a cartel

The European Commission has fined three automotive starter battery manufacturers, Exide, FET (including its predecessor Elettra) and Rombat, as well as the trade association EUROBAT, a total of around €72 million for participating in a long-running cartel concerning automotive starter batteries, together with Clarios (formerly JC Autobatterie), in breach of EU antitrust rules. This cartel restricted competition and may have led to higher prices for the manufacturing of cars and trucks in Europe.

Clarios was not fined, as it revealed the cartel to the Commission under the leniency programme. In parallel, the Commission has closed proceedings against automotive starter battery manufacturer Banner and the service provider Kellen.

The Commission's investigation revealed that, for more than 12 years, the four manufacturers, Clarios, Exide, FET and Rombat, together with EUROBAT, entered into anticompetitive agreements and engaged in concerted practices related to the sale of automotive starter batteries to automotive original equipment manufacturers ("OEMs") in the European Economic Area ("EEA").

The Commission found that the four manufacturers, helped by the trade association EUROBAT, agreed to create and publish premiums

calculated based on their purchasing price of lead (the so-called EUROBAT premiums) in the industry publication *Metal Bulletin*. They also agreed to use such premiums in the price negotiations with their respective OEM customers, e.g. manufacturers of cars and trucks, to ensure that the resulting surcharge was kept at a level higher than it would have been without such agreement.

I remedies. The Commission especially appreciates the collaborative relationship between DoW and FTC staff to assess the impact of the transaction on national security and the defense industrial base.

B: MERGERS AND ACQUISITION

Bundeskartellamt (Germany) : BioNTech can acquire CureVac

Bundeskartellamt has cleared plans by BioNTech SE (BioNTech), Mainz, to acquire up to 100 per cent of the shares in CureVac N.V. (CureVac), Tübingen. The planned acquisition is to be carried out through a share exchange.

Both companies have become well known to the general public for their research into mRNA-based COVID-19 vaccines. BioNTech has only one marketed product, the COMIRNATY® COVID-19 vaccine, which it distributes in cooperation with the company Pfizer. CureVac does not yet have any approved active ingredients on the market. However, the possible applications of mRNA technology extend far beyond COVID-19

vaccines and also include the development of active ingredients used in oncology. While BioNTech has a large number of research projects in this area, some of which are well advanced, CureVac's research pipeline currently only has a few drug candidates in preclinical or early clinical phases.

Andreas Mundt, President of the Bundeskartellamt, stated "There are no significant overlaps in BioNTech's and CureVac's drug research pipelines. Where there is overlap with regard to mRNA technology as such, we also have no concerns, given the extensive research activities of large and globally active competitors in this area. The merger is not expected to restrict innovation-based competition."

Although mRNA research is still a relatively new field of research, numerous companies worldwide are already active in this field in addition to BioNTech and CureVac and have developed their own mRNA platforms. Moreover, there are other biotechnological processes which can be used for the same medical purposes. In the Bundeskartellamt's view, as well as in the view of the competitors surveyed, the merger is therefore unlikely to restrict innovation-based competition.

The Bundeskartellamt examined the merger plans on the basis of the transaction value threshold. The transaction value threshold allows the authority to examine under competition law mergers where companies or assets which (at the time of the merger) generate little or no turnover are acquired at a purchase price of more than 400 million euros.

The European Commission approves Boeing's acquisition of Spirit, subject to conditions

The European Commission has approved, under the EU Merger Regulation, the proposed acquisition of Spirit AeroSystems Holdings, Inc. ('Spirit') by The Boeing Company ('Boeing'). The approval is conditional upon full compliance with the commitments offered by the companies.

The Commission had concerns that the transaction, as initially notified, would have significantly reduced competition in the global markets for aerostructures and large commercial aircraft. Spirit primarily manufactures and supplies aerostructures for large commercial aircraft. These aerostructures are used as input by manufacturers and suppliers of large commercial aircraft, such as Boeing and Airbus SE ('Airbus').

In particular, the Commission's investigation found that, following the transaction, the merged entity:

- would have the ability and the incentive to stop supplying aero structures, or at least deteriorate the supply conditions, to manufacturers of large commercial aircraft, in particular Airbus;
- could gain access to commercially sensitive information relating to Airbus and use it to its advantage.

To address the Commission's preliminary competition concerns, Boeing offered to divest (i) all Spirit's businesses that currently supply Airbus with aerostructures,

including all necessary assets and personnel, to Airbus; and (ii) Spirit's site in Malaysia - that currently supplies, among others, Airbus with aerostructures - to Composites Technology Research Malaysia Sdn. Bhd. ('CTRM').

The structural commitments will enable Airbus to integrate Spirit's businesses that currently supply aero structures to Airbus into Airbus' own operations, and hence secure its supply chain. Also, they will allow a new competitive force, CTRM, to enter the market for aero structures.

Following the positive feedback received in the context of the market test, the Commission concluded that the transaction, as modified by the commitments, would no longer raise competition concerns. In its decision, the Commission approved Airbus and CTRM as suitable buyers for the divested businesses.

EUROPIAN UNION

Commission opens in-depth investigation into the proposed acquisition of joint control over TERCAT by TIL and Hutchison Ports

The European Commission has opened an in-depth investigation to assess, under the EU Merger Regulation, the proposed acquisition of joint control of Terminal Catalunya ('TERCAT') by Terminal Investment Limited Holding ('TIL') and Hutchison Ports. The Commission has preliminary concerns that the transaction may lead to higher prices or reduced quality of container terminal

services at the port of Barcelona, Spain.

TERCAT, currently owned by Hutchison Ports, operates the Barcelona Europe South Terminal in Barcelona, Spain ('BEST'), which is the main deep-sea gateway for cargo to and from Barcelona and its hinterland. TIL is a leading port operator and is part of the MSC Mediterranean Shipping Company Holding ('MSC') group, a global leader in container shipping with significant operations in the port of Barcelona.

The preliminary investigation indicates that the transaction may significantly reduce competition in the market for the provision of container terminal services at the port of Barcelona and potentially lead to higher prices and lower quality of services for container liner shipping companies competing with MSC.

Commission approves Vandemoortele's acquisition of Délifrance, subject to conditions

The European Commission has approved, under the EU Merger Regulation, the proposed acquisition by Vandemoortele Group of Délifrance. The approval is conditional upon full compliance with the commitments offered by the companies.

Vandemoortele Group and Délifrance are both global manufacturers and suppliers of frozen bakery products. The Commission was concerned that the transaction, as initially notified, would significantly reduce competition in the markets for the production and supply of frozen

laminated dough products (such as *croissants* and *pains au chocolat*) to retail and foodservice customers in France and retail customers in Italy.

In particular, the Commission's investigation found that, following the transaction, the merged entity would:

- hold significant market shares, becoming either the largest or the second largest supplier of frozen laminated dough products, in highly concentrated markets; and
- face limited competitive constraints, given that there would be only few alternative credible suppliers for retail and foodservice customers in France and Italy.

The merged entity, which operates local production facilities, would most likely not be sufficiently restrained from raising prices (i) by imports of frozen laminated dough products; or (ii) by competitors, which have limited spare production capacity allowing them to ramp up production in the short to medium term.

To address the Commission's preliminary competition concerns, the companies offered to divest two Délifrance production sites dedicated to the production and supply of frozen laminated dough products – one located in Avignon (South-East of France), and one located in Béthune (North of France). The divestments include all necessary tangible and intangible assets, equipment, contracts, agreements and personnel.

These structural commitments fully

address the competition concerns. In particular, the Commission found that the capacity and actual production volumes of the divested plants would be enough for a (suitable) buyer to exercise sufficient competitive pressure on the merged entity. In addition, by enabling the transfer of relevant customer contracts to the buyer, the divestment will establish the buyer company as a strong independent competitive force in the markets concerned.

Following positive feedback received after the market test, the Commission has concluded that the transaction, as modified by the commitments, would no longer raise competition concerns.

UNITED STATES OF AMERICA

FTC Requires Boeing to Divest Several Spirit Assets to Proceed with Merger

The Federal Trade Commission will require The Boeing Company (Boeing) to divest significant Spirit AeroSystems Holdings, Inc. (Spirit) assets to resolve antitrust concerns surrounding Boeing's \$8.3 billion acquisition of Spirit. The proposed merger seeks to combine Boeing, one of the world's largest manufacturers of commercial and military aircraft, with Spirit, the world's largest independent supplier of aerostructures, such as fuselages and wings, which are critical structural components of both commercial and military aircraft.

Under a proposed consent order, Boeing will divest:

- Key Spirit businesses that

currently supply aerostructures to Airbus SE (Airbus), including all necessary assets and personnel. These assets will be divested to Airbus.

- Boeing will also divest Spirit's Subang, Malaysia aerostructures business that currently supplies aerostructures to Boeing and Airbus. Spirit's Subang business will be divested to Composites Technology Research Malaysia Sdn. Bhd (CTRM).

The divestitures resolve FTC allegations that Boeing's acquisition of Spirit would give Boeing the ability and incentive to raise the cost or degrade Airbus' access to inputs for its competing aircraft. The FTC's proposed order requires Boeing to provide transitional services to Airbus and CTRM to assist them in manufacturing various products. The FTC has also appointed a monitor to oversee the divestitures and ensure that both Boeing and Spirit comply with the divestiture order.

The FTC's order also requires Boeing and Spirit to continue to provide aerostructures and aerostructure services to competing contractors for military aircraft programs. Spirit is required to continue its existing contracts with other contractors and continue to be available as a supplier for future competitors. It also cannot discriminate in favor of Boeing in its dealing with other competing military aircraft companies and must protect those companies' confidential information.

The FTC alleged that without these

requirements, Boeing would have the ability and incentive to deny or limit competitors' access to Spirit's aerostructure products and technologies, inhibiting competitors' ability to compete against Boeing. Boeing could also gain access to sensitive proprietary information relating to its competitors and exploit it to its own advantage, the complaint further alleges.

FTC staff cooperated closely with staff of the competition agencies in the European Union and United Kingdom, and with the staff of the U.S. Department of War (DoW) to analyze the proposed acquisition and potential

C: DEVELOPMENTS IN COMPETITION LAW AND POLICY

CCS Consults on Proposed Changes to Two Key Guidelines on Competition

Competition and Consumer Commission of Singapore ("CCS") has launched a public consultation to gather feedback on proposed changes to its competition guidelines ("CCS Guidelines"). These amendments follow a periodic review that is conducted by CCS of its guidelines on the Competition Act 2004 (the "Act").

CCS is seeking public feedback on:

- Proposed changes to the CCS Guidelines on Merger Procedures ("Merger Procedure Guidelines");
- A new CCS Guidelines on the Procedure for Settlement ("Settlement Procedure Guidelines") which will supersede the CCS's Practice Statement on the Fast Track

Procedure for Section 34 and Section 47 Cases ("Fast Track Procedure"); and

- Proposed consequential changes to other CCS Guidelines.

In view of stakeholder feedback, local and global regulatory developments, the proposed changes aim to provide greater clarity and guidance to businesses on CCS's procedures.

The proposed changes to the Merger Procedure Guidelines are designed to ensure that CCS's merger regime continues to operate optimally, with merger notifications processed in a timely manner without compromising the robustness of its assessment. To enhance the effectiveness of its notification process, CCS intends to introduce a streamlined track to its merger assessment process which aims to:

- Reduce assessment time for mergers that are unlikely to present any competition concerns;
- Reduce regulatory burden on merger parties and third-parties in submitting information to CCS; and
- Provide greater clarity for merger parties at an earlier stage if CCS is going to be issuing a clearance decision, or is unlikely to clear a merger.

CCS intends to introduce a streamlined settlement procedure ("Settlement Procedure") under the new Settlement Procedure Guidelines, that will include the following:

- a. Increasing the maximum settlement discount quantum to reflect the higher efficiency by parties who successfully conclude an investigation via a settlement;
- b. Encouraging settlement by parties by facilitating the ease with which parties initiate settlement; and
- c. Providing greater clarity on CCS's position should a party that has entered into a settlement agreement subsequently appeal against CCS's decision.



HR CORNER

A. Joining in CCI and DG's office:

1. Shri Jaideep Singh, Deputy Director (Law) joined CCI, w.e.f 27.10.2025 (FN) after relieving from O/o DG, CCI.
2. Shri Umesh Kumar Sinha, Office Manager (CS) joined CCI on deputation basis, w.e.f 28.10.2025 (FN)
3. Shri Sujeet Kumar, joined CCI as Joint Director (Law) on deputation basis w.e.f 01.12.2025.
4. Shri Dheeraj Gupta, joined CCI as Adviser (Law) on deputation basis w.e.f 02.12.2025.
5. Shri Ajay Kumar Sharma, joined CCI as PPS on deputation basis w.e.f 02.12.2025.

B. Relieving from CCI:

1. Shri Sohail Hashmi, Office Manager (CS) was relieved from CCI, w.e.f 15.10.2025 (AN).
2. Ms. S Jayashree, PPS retired on 30.11.2025 from CCI, upon attaining the age of superannuation.

C. Extension of deputation tenure in CCI and DG's office:

1. Deputation tenure of Shri Pawan Kumar, PPS has been extended for 7th year w.e.f. 21.10.2025 to 20.10.2026.

D. CCI organized Rashtriya Ekta Diwas- pledge-taking ceremony on 31.10.2025 on the occasion of birth anniversary of Sardar Vallabhbhai Patel.

E. Consequent upon her regular promotion in CCI, Ms. Neha Raj Kochhar, Joint Director (Law) was promoted to the higher grade pay of Director (Law) vide promotion order dated 08.10.2025.

F. Three (03) letters of offer for appointment on deputation basis in CCI, were issued with respect to the post of Adviser (Law), Joint Director (Law) and Joint Director (IT) on 14.11.2025, where in, Adviser (Law) and Joint Director (Law) has joined CCI.

G. Six (06) letters of offer for appointment on deputation basis in CCI, were issued with respect to the post of two (02) Assistant Director (CS), one (01) PPS, two (02) Office Manager (CS) and one (01) Office Manager (LS) on 26.11.2025 where in PPS (01) has joined CCI.

H. Consequent upon her selection on deputation basis as Director (Prog.) in Level-13 in Central Adoption Resource Authority, Ms. Pushpa Rawat, Deputy Director (CS) was relieved from CCI w.e.f. forenoon of 18.11.2025 for a period of three years.

I. CCI commemorated the Sexual Harassment Prevention Week 2025 from 10.12.2025 to 17.12.2025, in terms of M/o Women and Child Development's D.O. letter dated 10.12.2025.



CCI-NASSCOM organised a Workshop on 'Artificial Intelligence, Competition & Governance' on 19.12.2025 at Taj Mahal Hotel, New Delhi.

Competition Commission of India

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