

**BACKGROUND NOTE: DRAFT COMPETITION COMMISSION OF INDIA
(GENERAL) AMENDMENT REGULATIONS, 2024**

1. The Competition Act, 2002 (the ‘Act’) aims to prevent practices having an adverse effect on competition, to promote and sustain competition in the markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India.
2. Under Section 36 of the Act, the Commission is guided by the principles of natural justice and, subject to the other provisions of the Act and any rules made by the Central Government, the Commission has the powers to regulate its own procedure.
3. For such regulation of its procedure, the Commission has, in exercise of the powers conferred upon it under Section 64 of the Act, formulated the Competition Commission of India (General) Regulations, 2009 (General Regulations’).
4. These General Regulations have been amended from time to time, one of the amendments being the Competition Commission of India (General) Amendment Regulations, 2022, applicable *w.e.f.* 08.04.2022 which, *inter alia*, provides for creation of Confidentiality Ring(s) to enable access to the parties to the confidential information and document(s) of the other parties, during proceedings before the Commission.
5. Pursuant to the same, applications seeking creation of Confidentiality Ring(s) are being received in the Commission from the party(s) in several matters. The process, *inter alia*, includes making application(s) for setting up Confidentiality Ring(s), filing undertaking(s) for being part of Confidentiality Ring(s), carrying out inspection(s) and obtaining certified copies, by the parties, in terms of regulation 35 read with regulation 37 and regulation 50 of the General Regulations.
6. It has been observed that often parties have been taking significant time in completing aforesaid requirements thereby delaying the proceedings before the Commission. It is also desirable that undertaking(s) filed by the parties – (i) for providing self-certification of confidentiality claims in terms of parameters of the General Regulations; and (ii) for safeguarding confidential information accessed – should be taken in the form of an affidavit.

7. Accordingly, to streamline the processes and for timely & effective disposal of matters, certain amendments are being carried out in regulations 35 and 37 of the General Regulations for prescription of timelines for accessing documents through Confidentiality Ring, submission of undertaking(s) on affidavit *etc.*
8. Further, it is noted that the fee for inspection prescribed under regulation 50(1) was fixed way back in 2009 and has not been revised thereafter. Keeping this in view and taking into account inflation since then, the charges for carrying out inspection are also being revised.
9. In addition to the above, certain editorial changes to the said regulations are being also made.
10. The CCI invites stakeholders to submit written comments on the draft Competition Commission of India (General) Amendment Regulations, 2024, within 30 (thirty) days from 26.02.2024 to 27.03.2024. The comments must be sent by duly filling up the form hosted on the CCI's website at: <https://www.cci.gov.in/stakeholders-topics-consultations>.