

**BACKGROUND NOTE**  
***DRAFT CCI (COMMITMENT) REGULATIONS, 2023***

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The Competition Act, 2002 (Act) aims to prevent practices having adverse effect on competition, to promote and sustain competition in markets, to protect the interests of consumers and to ensure freedom of trade carried on by other participants in markets, in India. Section 64(1) of the Act empowers the Competition Commission of India (CCI) to make regulations consistent with the Act and the rules made thereunder for carrying out the purposes of the Act.

The Competition (Amendment) Act, 2023 introduced Section 48B of the Act to create a commitment mechanism. Section 48B of the Act enables an enterprise against whom an inquiry under Section 26(1) of the Act is initiated for an alleged contravention of Section 3(4) or 4 of the Act, as the case may be, to offer commitments before the CCI. The intent of creating a procedure for commitment is driven by the need to ensure quicker market correction.

The CCI proposes the Competition Commission of India (Commitment) Regulations, 2023 (Commitment Regulations). The Commitment Regulations provide the procedure to be followed during commitment proceedings including the following:

- (a) Form and contents of the application for commitment along with fee payable
- (b) Procedure of commitment proceedings;
- (c) Period during which commitments may be offered;
- (d) Manner in which the CCI will invite objections and suggestions to the commitment terms;
- (e) Nature and effect of the commitment order;
- (f) Factors to be considered by the CCI in assessing the commitment terms;
- (g) Implementation and monitoring of the terms of the commitment order;
- (h) Revocation of the commitment order.

The CCI invites stakeholders to submit written comments on the draft Commitment Regulations within 21 (twenty-one) days from 24.08.2023 to 13.09.2023. The comments must be sent only by duly filling the form hosted on the CCI's website at:

<https://cci.gov.in/stakeholders-topics-consultations>