

BACKGROUND NOTE: DRAFT AMENDMENTS TO THE COMPETITION COMMISSION OF INDIA (MANNER OF RECOVERY OF MONETARY PENALTY) REGULATIONS, 2011

1. The Competition Act, 2002 (the 'Act') contains various provisions *viz.* Section 27 and Chapter VI, empowering the Commission to impose upon enterprises and persons, monetary penalties, for indulging into conduct(s) mentioned therein.
2. Section 39 of the Act provides for execution of such orders of the Commission imposing monetary penalties. Under sub-section (1) of the same, the Commission shall recover the penalty(ies) imposed, in such manner, "*as may be specified by the regulations*".
3. For implementation of sub-section (1) of Section 39 of the Act, the Commission, in exercise of the powers conferred upon it under Section 64 of the Act, had framed the Competition Commission of India (Manner of Recovery of Monetary Penalty) Regulations, 2011 ('Recovery Regulations'), which came into effect from 08.02.2011. The same have undergone minor amendments twice till date, once *vide* Amendment Regulations, 2014 *w.e.f.* 25.06.2014, and other *vide* Amendment Regulations, 2021 *w.e.f.* 16.02.2021.
4. Based on the experience gained during implementation of these regulations over the years and to streamline the process of recovery, certain amendments are deemed fit to be incorporated in the said Regulations. Accordingly, such amendments are being proposed to the Competition Commission of India (Manner of Recovery of Monetary Penalty) Regulations, 2011.
5. The CCI invites stakeholders to submit written comments on the draft amendments within 30 (thirty) days from 07.11.2024 to 06.12.2024. 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>.