

General Statement

Competition Commission of India (General) Amendment Regulations, 2024

1. To enforce the Competition Act, 2002 (the 'Act'), various regulations have been framed by the Commission, in terms of powers vested in it under Section 64 of the Act, one of them being the Competition Commission of India (General) Regulations, 2009 ('General Regulations'), which came into effect from 22.05.2009.
2. On 08.04.2022, the General Regulations were amended *vide* Competition Commission of India (General) Amendment Regulations, 2022, *inter alia*, providing for creation of Confidentiality Ring(s) to provide access to the parties to the confidential information and document(s) of the other parties, during proceedings before the Commission, in terms of regulation 35 read with regulation 37 and regulation 50 of the General Regulations. The process, *inter alia*, includes setting up Confidentiality Ring(s), carrying out inspection(s) and obtaining certified copies by the parties.
3. It was however, observed that often, the entire process took a significant amount of time thereby delaying the proceedings before the Commission. To streamline the process and for timely & effective disposal of matters, certain amendments were proposed to be carried out in regulations 35, 37 and 50 of the General Regulations.
4. The draft Competition Commission of India (General) Amendment Regulations, 2024 ('Draft Amendment Regulations') were placed on the website of the Commission inviting written comments from the stakeholders from 26.02.2024 to 27.03.2024.
5. In response thereto, comments from 09 (nine) stakeholders from various disciplines were received including industry associations, legal fraternity *etc.* CCI has carefully examined and considered the comments received.
6. In terms of sub-section (b) of section 64A of the Act, this General Statement is being published to provide CCI's response to the public comments .
7. Certain stakeholders had expressed reservation with respect to furnishing of undertaking(s) on affidavit for self-certified confidentiality claims as well as for being part of the confidentiality ring. It was submitted that this would make the process cumbersome and time consuming. In this regard, CCI is of the view that requirement to furnish an affidavit while claiming confidentiality and for accessing confidential information, would inculcate

discipline, increase accountability and create additional deterrence. Therefore, the suggestions of the stakeholders, in this regard, have not been accepted.

8. Few stakeholders had also commented that various timelines proposed in the draft amendment regulations are insufficient and have suggested to increase the same. In this regard, balancing the difficulties expressed by the stakeholders with the time bound nature of proceedings before CCI, timelines have been suitably increased in certain situations.
9. Certain stakeholders have objected to the increase in the inspection fee under sub-regulation (2) of regulation 50 of the Draft Amendment Regulations. In this regard, it is noted that the fee was stipulated in 2009 and has not been revised since then. Therefore, the suggestion of the stakeholders has not been acceded to. However, noting the submissions of the stakeholders, it has been decided to increase the time allotted for inspection to 02 (two) hours from 01(one) hour at present .
10. Accordingly, CCI has notified the Competition Commission of India (General) Amendment Regulations, 2024 ('Amended General Regulations').