

# Competition Law Review Committee submits the report on Competition Act 2002

September 5, 2019

***Source:*** *Monthly Policy Review by PRS*

The Competition Law Review Committee (Chair: Mr. Injeti Srinivas) submitted its report recommending amendments to the Competition Act, 2002. The Act establishes the Competition Commission of India (CCI) to promote competition, prevent anti-competitive practices and protect consumer rights.

## Key recommendations

- **Governing body:** The Committee recommended that the **Act be amended to provide for a governing body**, to strengthen the accountability of the CCI. The governing body will consist of a Chairperson, six whole-time members, and six part-time members. The governing body will perform **quasi-legislative functions**, drive policy decisions, and perform a supervisory role.
- **Dedicated Bench:** The Committee mentions that under the Act, appeals against orders of the CCI are heard by the National Company Law Appellate Tribunal. However, it noted that the **Tribunal is overburdened with cases. Therefore, it recommended that a dedicated bench should be created to hear appeals under the Act.**
- **Settlements and Commitments for certain cases:** The Committee noted that certain jurisdictions like the European Union settle antitrust disputes. These remedies may be in the form of settlements and commitments. Settlements are generally available for cartels and require an admission of guilt from the parties. Commitments apply to all other cases and do not require

any admission of guilt. The Committee recommended that the Act be amended to empower CCI to allow settlements and commitments for certain types of anti-competitive agreements (like exclusive supply agreements) and for abuse of dominance.

- **Green channel route:** Under the Act, combinations beyond a certain threshold require the approval of CCI. The Commission recommended a 'green channel' route for automatic approval of CCI for specific merger and acquisition cases, where there are no major concerns of an appreciable adverse effect on competition. This can include cases under the Insolvency and Bankruptcy Code. Note that the green channel combination notification amendment has been issued.
- **Time limits for merger assessment:** The Combination regulations notified under the Act require the CCI to provide its preliminary opinion on whether the combination will have an appreciable adverse effect on competition, within 30 days.