

**International Conference on the
Interface between Competition Policy & Law and Business Strategy**

Magnolia, India Habitat Centre, New Delhi, 25-26 November 2009

Agenda

Day One: Wednesday, 25 November 2009

0900-0930 **Registration**

0930-1030 **Opening**

Opening Remarks

Mukesh Kacker, Director General, CUTS Institute for Regulation & Competition

Special Address

Dhanendra Kumar, Chairman, Competition Commission of India

Keynote Address and Release of “Competition Law in India – A Toolkit”

Salman Khurshid, Hon’ble Minister (Independent Charge) for Corporate Affairs

Vote of Thanks

Pradeep S. Mehta, Secretary General, CUTS International

1030-1100 **Break**

1100-1300 **Competition Analysis for Strategic Advantage**

- *Business strategy & competition issues in different types of market structures*
- *How varying considerations of efficiency (productive, dynamic, allocative and transactional) affect competition cases related to (a) abuse of dominance (b) agreements and (c) combinations?*
- *Understanding the “market” from Competition Law Perspective: How the ‘relevant market’ is defined under competition analysis? What are product and geographic market definitions?*
- *How will the market power be assessed under Competition Act 2002? What does it imply for business strategy of an enterprise?*
- *With respect to anti-competitive agreements – a) what are appreciable adverse effects on competition? and b) what is substantial lessening of competition?*

Chair: S. L. Rao, Chairman, Institute for Social and Economic Change, Bangalore

Eduardo Perez Motta, Chairman, Federal Competition Commission of Mexico

Allan Fels, Dean, Australia & New Zealand School of Government

TCA Anant, Professor, Delhi School of Economics

Shubhashis Gangopadhyay, Managing Trustee, India Development Foundation

1300-1400 **Lunch**

1400-1600 **Interface between Competition Policy & Law and Business Strategy**

- *Facets of business strategies impacted and not impacted by the Indian Competition Act*
- *Key business strategy issues under the three pillars of Competition Act 2002 namely, anti-competitive agreements, abuse of dominance, combinations.*
- *What challenges do treatment under Competition Act 2002 of issues such as ,joint ventures, IPRs, etc pose to business strategy considerations?*
- *Importance of effective competition compliance programmes*
- *How can interaction between Competition Commission of India and sectoral regulators affect businesses?*

Chair: Geeta Gouri, Member, Competition Commission of India

Jitesh Khosla, Officer on Special Duty, Indian Institute of Corporate Affairs

Ajit Ranade, Principal Economist, Aditya Birla Group of Companies*

Mike Yeh, Asia Lead-Competition, Microsoft Corporation

Amit Kapur, Partner, J. Sagar Associates

Ravi Singhanian, Managing Director, Singhanian & Partners

Raghav Narsalay, India Lead, Accenture Institute for High Performance

1600-1630 **Break**

1630-1830 **Dealing with Abuse of Dominance under New Competition Regime in India: Guidance for Companies with Large Market Share/s**

- *Understanding the meaning of dominant market position – When (under what circumstances) can a company be called as a dominant player? Which factors to be taken into account to determine “dominant position”?*
- *What constitutes “abuse” of dominant position?*
- *Which abusive conducts the Indian Competition Act specifically seeks to regulate?*
- *What types of pricing (particularly predatory, dynamic pricing, non-price monopolization) can attract penalties under the Indian Competition Act 2002?*
- *How inappropriate scrutiny of dominant entities by a Competition Authority can exert adverse impact on investment decisions and other business conducts in an economy?*
- *How can competition authorities adopt appropriate scrutiny of dominance in new technology sectors?*
- *How can Competition Commission of India (CCI) provide certainty and predictability while regulating abuse of dominance?*

Chair: Harish Salve, Senior Advocate, Supreme Court of India*

S. Chakravarthy, Former Member, MRTP Commission

Yannis S. Katsoulacos, Professor, Athens University of Economics and Business

David Matthew, Assistant Director, NERA Economic Consulting

M. M. Sharma, Head – Competition Law & Policy, Vaish Associates, Advocates

Day Two: Thursday, 26 November 2009

0900-1100 **Competing and Collaborating in Market Place: Dealing with Anti-Competitive Agreements**

- *How does Competition Act 2002 provisions affect sourcing strategy of an enterprise?*
- *What kind of horizontal agreements a company can and cannot enter into?*
- *Which vertical agreements are supposed to cause “applicable adverse effects on competition”?*

Chair: Scott Davenport, Chief Economist, Department of Industry & Investment, Government of New South Wales, Australia

Pradeep S. Mehta, Secretary General, CUTS International
K. K. Sharma, Director General, Competition Commission of India
Pallavi Shroff, Partner, Amarchand Mangaldas
Manas Chaudhuri, Head, Competition Law & Policy, J. Sagar Associates

1100-1130 **Break**

1130-1330 **Combating Cartels: Issues and Challenges**

- *What are the factors which facilitate collusion?*
- *How competition law approaches cartels?*
- *Provisions regulating cartels in the Indian Competition Act – leniency and individual liability provisions*
- *Standards of proof – market data versus hard evidence*
- *International experiences in dealing with Cartels*

Chair: L. Mansingh, Chairperson, Petroleum & Natural Gas Regulatory Board

Kirti Kumar Mehta, Former Principal Advisor – International Issues, Cartels, Competition Directorate-General, European Commission
Shohaeb Ahmed, Director (Commercial), Steel Authority of India Limited
M. K. Venu, Managing Editor, The Financial Express
G. R. Bhatia, Head, Competition Law, Luthra & Luthra Law Offices

1330-1430 **Lunch**

1430-1630 **Cross-border Competition Issues**

- *Jurisdictional issues (for example regarding cross-border takeovers)*
- *International cooperation on competition issues*
- *Trade and competition interface*

Chair: R. Gopalan, Additional Secretary, Department of Commerce, Government of India*

Sharad Bhansali, Managing Partner, APJ-SLG Law Offices

Samir Gandhi, Economic Laws Practice

R. S. Ratna, Professor, Centre for WTO Studies, Indian Institute of Foreign Trade

Patrick Krauskopf, Zurich University ZHAW, Switzerland

1630-1700 **Break**

1700-1730 **Closing**

Summary of Discussion

Navneet Sharma, Fellow, CUTS Institute for Regulation & Competition

The Agenda Ahead

Pradeep S. Mehta, Secretary General, CUTS International

Vote of Thanks

Mukesh Kacker, Director General, CUTS Institute for Regulation & Competition

* *To be confirmed*