

THE SEMINAR WOULD COVER:

- Overview of Competition Law
- Anti-competitive Agreements and avoiding Violations
- Detecting Anti-competitive Behaviour in Public Procurement
- How to file information to initiate inquiry by CIC into Anticompetitive Practices
- Applying Abuse of Dominance provisions of Competition Law in practice
- Combating Anti-competitive Practices and enhancing competition through Procurement Planning and Tender Design
- Developing Competition Law compliance Programme

WHO SHOULD ATTEND: The seminar is especially meant for Heads of Department, Senior level Managers in following areas:

- Procurement and Civil Works
- Marketing and Sales
- Audit, Accounts and Finance
- Vigilance
- In house counsels;
- Persons responsible for Regulatory and Compliance matters

METHODOLOGY: The program consists of specific tailored intensive knowledge sessions and presentations; case studies/simulation exercises; Panel Discussions, Clarification session

RESOURCE PERSONS: Legal Experts from Premier Law Firms and reputed Universities/ Institutes; Experts from Competition Commission; Eminent Public Procurement Experts

DELEGATE FEE: Rs. 13,483/- (including service tax @ 12.36%) per delegate for the entire 2-days' seminar. It will include cost of course material, KIT, and refreshment/lunch for 2 days and certificate confirming participation. A discount of 5% will be given for two nominations and 10% for three or more nominations from same organisation. Fee once received will not be returned but change of nomination is allowed.

MODE OF PAYMENT: Through crossed Cheque or DD in favour of "Indian Railways Institute of Logistics & Materials Management" or "IRILMM" payable at Delhi. Outstation Cheque are not acceptable unless Rs. 50/- are included as Bank collection charges. In case of NEFT/RTGS payments please do ensure to send by fax, the dispatch advice – otherwise there may be difficulty in linking it to your candidature.

REQUIRED BANKING DETAILS:

Beneficiary Bank : HDFC Bank
Branch & address : Plot No. 8, Sector-4, R.K. Puram, Opp. Capital Court Building, New Delhi-110022
Beneficiary Name : IRILMM
Bank A/c No. & Type : 0588 145 0000203 (Institution)
NEFT/IFSC Code : HDFC-000-0588
MICR Code : 110240089
PAN/Service Tax no. : AAAT10439F / (DL-II/ST/R-16/CTCC/IRILMM/03/06)

SCHEDULE: Registration will start at 9:00am on first day of the Seminar. On all the days seminar Topics would commence at 10:00am and close by approx. 4:45pm

FOR REGISTRATION PLEASE CONTACT:

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IRILMM AND CIRC WORKSHOP ON COMPETITION LAW

“COMBATING ANTICOMPETITIVE PRACTICES AND ENHANCING COMPETITION IN PUBLIC PROCUREMENT”



Organised by

**INDIAN RAILWAYS INSTITUTE OF LOGISTICS &
MATERIALS MANAGEMENT**

AND

CUTS INSTITUTE FOR REGULATION & COMPETITION

on

8th (Monday) & 9th (Tuesday) September, 2014

Venue

'MAGNOLIA' CONFERENCE HALL
 Habitat World at India Habitat Centre,
 Lodhi Road, New Delhi - 110003
Tel: 2468 2222

INDIAN RAILWAYS INSTITUTE

OF LOGISTICS & MATERIALS MANAGEMENT

THE INSTITUTE: The Indian Railways Institute of Logistics & Materials Management (IRILMM) is dedicated to the profession and practice of Materials Management in its most liberal and widest interpretation, with emphasis on Public Procurement.

- IRILMM has a national presence, with headquarters in New Delhi and regional chapters in Mumbai, Chennai, Kolkata, Varanasi, Hubli and Delhi.
- IRILMM is listed in the *World Directory of Purchasing & Supply Management Associations published by International Trade Centre UNCTAD/WTO, Geneva.*
- IRILMM is backed by an extensive pool of Supply Chain Professionals having unmatched experience.
- Membership of the Institute is open to all the practicing Materials Managers, from Railways, other government departments, public sector, private sector and those with interest in the profession.
- The Institute is actively engaged in training to achieve its objectives. It regularly organizes seminars/training programmes for dissemination of emerging trends & practices in the discipline.
- The Institute is also running one year Distance Learning Diploma Course in “Public Procurement & Supply Management”.
- The World Bank has selected IRILMM to run its “**Professional Diploma in Public Procurement**”

Seminars Organized Recently

Vigilance and Ethics in Public Procurement - A Roadmap for Eliminating Corruption	June-14, Mar-13, Feb-12
Lean Manufacturing, Six Sigma & Lean Inventory Management	Apr-14
Arbitration & Alternative Disputes Resolution (ADR) Methods	Feb-14, Nov-12
E-Procurement - A path to its implementation	Nov-13, Sep-12
Preparation, Invitation and Evaluation of Public Procurement Tenders	Sep-13
Next Generation SSCM - Prof. Kashiwagi, USA	Sep-13
Procurement of Consultancy and Other Services	July-13, Feb-13
Procurement of Goods, Works and Consultancy Services following World Bank's Guidelines	Jan-13
Procurement of Capital Equipment	Jun-12
UNEP's Green Public Procurement Seminar	Mar-12
5-Day Training on Procurement Processes for SPMCIL	Jan-12

Recent Consultancies

- IRILMM has executed prestigious consultancy assignments:
- Country Procurement Assessment Report awarded by the World Bank: Phase-I: Central Government; Phase-II: State Government-UP and Phase-III: Central Public Enterprises.
 - Procurement Advisory service to Central Warehousing Corporation (CWC) on procurement of Wagons worth Rs. 100 crore.
 - Upgradation of Procurement of Goods Manual and SBD for Security Printing & Minting Corporation of India Ltd. (SPMCIL)
 - Writing a new Manual for Procurement of Consultancy & Services and SBD for (SPMCIL)
 - Training to Key Personnel in SPMCIL at Six Locations
 - Formulation of 9 RFPs for Procurement of Security Features for Indian Currency for Government of India

CUTS INSTITUTE FOR REGULATION & COMPETITION

CUTS Institute for Regulation & Competition (CIRC) was established in 2008 by CUTS International (www.cuts-international.org). CIRC has been incubated as a High Performing Knowledge Institute in the area of consumer protection, competition policy & law and economic regulation. The eventual goal of CIRC is to become world class institution addressing the breadth and depth of capacity building needs in the infrastructure space. Further, since inception, CIRC has taken varied initiatives to impart knowledge and train various stakeholders on the areas with aim to build capacity of these stakeholders, thus contributing to the economy in this knowledge intensive era. For further details on our initiatives, please visit our website: www.circ.in

What do we Offer?

Courses on Competition Policy & Law / Economic Regulation

In partnership with National Law University, Delhi (NLUD), CIRC is offering Post Graduate Diploma course and Certificate course on Competition Policy & Law. These course inculcate necessary knowledge and skill among the participants to deal with the issues relating to anti-competitive agreements, abuse of dominance & regulation of combinations (M&A), IPR etc.

CIRC has also launched **One-line course on Competition Act-2002 in India** with plans to launch similar course in other countries, such as Kenya, Zambia, Malaysia.

Training programmes

Some of the training programmes organised by CIRC during the last two years were:

- Training on the Role of Economics in Competition Law and Appreciation Course for Media for Malaysian Competition Commission
- Competition Law Workshop for Public Sector Enterprises
- Competition Law Workshop for Marketing Professionals
- CIRC has introduced an **International Winter School on Role of Economics in Competition Law** in partnership with European Summer School and Conference in Competition & Regulation (CRESSEE), Greece

Research

CIRC undertakes project research work in the area of law and economics, which also builds up a sound resource base for use in providing action learning. Few research project undertaken during the last two years:

- India Competition and Regulation Report 2011, 2013
- Business Regulation and Corporate Conduct
- Sector Studies on Competition Impediments in Select Sectors in India, IICA, MOCA
- Competition and Public Procurement- The Case of Health and Primary Education Sectors submitted to ICSSR 2012
- Government Procurement in India – Domestic Regulations & Trade Prospects

Governing Structure:

CIRC has a compact governing structure, which includes the Governing Council, an Academic council and a Managing Committee. It also has a rich tapestry of a visiting faculty alongwith that of the core faculty. These bodies have several eminent persons like economists, judges and former civil servants. The visiting faculty provides an additional benefit of having expert in Economic Regulation and Competition Policy and Law from various corners of the world rendering useful contribution for the Institute's benefit, progress and growth.

IRILMM AND CIRC WORKSHOP ON COMPETITION LAW

“COMBATING ANTICOMPETITIVE PRACTICES AND ENHANCING COMPETITION IN PUBLIC PROCUREMENT”

Keeping Up With the Competition Law

Introduction and enforcement of India's Competition Act has changed the paradigm of doing business in India. Since the notification, the Competition Commission of India (CCI) has passed final orders in more than 273 cases under anti-competitive agreements such as cartels, bid rigging, and cases related to abuse of dominance and more than 134 cases under combinations. These orders cover sectors as diverse as infrastructure, finance, entertainment, IT, telecom, civil aviation, energy, travel, automobile manufacturing, real estate, pharmaceuticals and public sector undertaking.

Implications for infringement and non-compliance are onerous. These include heavy fines for non-compliance, penalties for indulging in anticompetitive practices, loss of business reputation and adverse effect on employment opportunities.

Some of the cases where penalties have been imposed by CCI are: Rs 1773 Crore on Coal India; Rs. 55 Crore on NSE; Rs 630 Crore on DLF and Rs. 52 Crore on BCCI - for abusing their Dominant positions; Rs. 6300 Crore on 11 Cement Companies for cartelization; Rs. 11 Crore on 11 Shoe manufacturing firms for collusive and anti-competitive bidding

Cartels and Anti-competitive practices encountered in Public Procurement

The onus of Transparency; fairness; Equality; RTI; and Appeal Rights in Public Procurement renders it particularly susceptible to bidders' cartelization and Anti-competitive behaviour. Before Competition law, nothing effective could be done about this malaise. Now Competition Commission has legal and judicial powers of suo-moto cognizance, investigations and overwhelming financial penalties. But since cartels and Anti-competition are secretive collusions, it requires Knowledge and Training to prove and sustain allegations of such violations before CCI.

Risk of violations regarding Abuse of Dominance Positions and Competition Law by Public Sector

Public Sector Organizations also run the risk of being arraigned before CCI for abuse of dominant position and also non-compliance with other provisions of Competition Law – as is highlighted by huge penalty on Coal India. Even monopoly Public Utilities like Indian Railways run such potential risk due to their dominant positions. Lack of awareness in this regard can have serious consequences.

Urgent need to bridge the gap in knowledge and skills about Competition Law in Public Sector

There is urgent need to bridge the gap in the current knowledge and skills of Public Procurement and Civil Works professional, In-house counsels; Finance/ Audit/ Accounts professionals; Vigilance Officers and Managers responsible for Regulatory and Compliance matters about Competition Law – so that they are competent to deal with the intricacies of Competition Law.

Therefore IRILMM with its expertise in Public Procurement and CIRC with its expertise in Competition Law have joined together to provide this special programme.