

World Competition Day 2017

5th December

Theme 2017: “Re-Imagining Competition Policy and Law in the Era of Disruption”



India Islamic Cultural Center- 5th December 2017

CUTS Institute for Regulation and Competition, in consonance with CUTS International organized a seminar on the theme “Re-imagining Competition Policy and Law in the Era of disruption” on the World Competition Day on 5th December 2017. A narrative agenda is attached as an annexure to this document.

Delivering his opening remarks Dr Arvind Mayaram, Chairman, CUTS Institute for Regulation & Competition (CIRC) opined that in this rapidly evolving technology driven economy, the regulators need to strike a balance as the benefits to consumer are dynamic in nature while the disruption leads to asymmetry in markets. He further added that the question to be pondered upon is how to allow and regulate creative impulse in market while stabilizing the market.

Mr. Augustine Peter, Member, Competition Commission of India, applauded CUTS for taking up commendable endeavors in the field of Competition Law and Policy. While delivering the keynote address, Mr Peter said that the key objective of competition policy is to encourage an atmosphere of competition in markets and thereby enhance efficiency in industries; disruptive innovation fulfils this objective by encouraging both static and dynamic efficiency. He further pointed out that India is witnessing an emergence of entrepreneurs and innovators who elbows out traditional players. However, Competition law in India has substantial flexibility to handle issues related to innovative markets. The need of the hour is to understand the innovative markets with their complexities and assess the requirement and the kinds of intervention required.

Panel chaired by Dr. Arvind Mayaram delved into various perspectives related to the theme of the seminar. While focusing on the role of disruptive innovation and its interface with competition law, the panel discussion touched upon various factors required in India for enabling an innovation economy.

Mr. Anil Bhardwaj shared his views on the challenges MSME firms face due to technological disruption and regulatory uncertainty. He pointed out that new businesses/ manufacturing sector is not able to cope, but the service sector has shown improvement. It is extremely important that Competition Authority actively undertakes competition advocacy with MSME. Mr. Santanu Mukherjee pointed out that there is a very visible lack of capacity building in SMEs, and there is not enough information to understand complex competition problems..

Kiran N Meetarbhan said that in Mauritius, special laws and policies for SMEs exist and the commission works while keeping those in mind to balance the government's intention behind enactment of competition law and the special laws. She also pointed out that IP rights are excluded from the ambit of Competition Commission in Mauritius, unless a specific case comes up, which displays anti-competitive behavior. This in turn promotes innovation.

Mrs. Seema Gaur, Senior Economic Adviser, Ministry of Economics and Information Technology, shared her view that technology has given opportunity to MSMEs to participate in the market. MSMEs are required to be trained for capacity building.

Mr. Amol Kulkarni, Fellow and Deputy Head, CUTS C-CIER, put up the question whether regulatory authorities have used their resources towards advocacy in order to spread information and training?

Mr. Vaibhav Choukse, Partner JSA, pointed out that price does not play any role in digital market, what make all the difference is quality, market choice, and innovation. He further shared that Competition law is complete in itself, but requires understanding of economic principles. There is a need for sector specific merger threshold.

Mr. Augustine Peter summed up the seminar and pointed out that MSME needs to come with their front to CCI. Disruptions bring benefit that is dynamic in nature, but what happens in long term is another issue that needs to be discussed and probed more. The attempt should be to strike a balance between the new discourse and the policy, not stifling innovation but ensuring competition in market.

The seminar was concluded by vote of thanks given by Dr. Arvind Mayaram.

Annexure- Narrative Agenda

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Conference Hall II, India Islamic Cultural Centre, Lodhi Road, New Delhi, India
Theme 2017: "Re-imagining Competition Policy and Law in the Era of Disruption"

One of the important advocacy campaigns spearheaded by CUTS International since 2010 is the observance of the World Competition Day on 5th December. The aim of the campaign is to ensure that consumers from across the world realise the potential benefits from an effectively implemented competition regime, and also play their role in making competition regimes work worldwide. December 5th is the day when United Nations Conference on Restrictive Business Practices approved the UN Set of Multilaterally Agreed Equitable Principles and Rules for the Control of Restrictive Business Practices in 1980. Motivated by the interest and support of many competition agencies and other stakeholders to the cause, the International Network of Civil Society Organisations on Competition (INCSOC) announced the first World Competition Day on 5th December 2010. Given above background, this seminar is being organised by CUTS International in collaboration with CUTS Institute for Regulation & Competition (CIRC) to celebrate the World Competition Day 2017. This year, the theme for WCD 2017 is "Re-imagining Competition Policy and Law in the Era of Disruption".

Agenda for 5 th December 2017	
03:00– 03:30pm	Registration
03:30– 03:40pm	Welcome Remarks: Dr. Arvind Mayaram, IAS(R), (Former Finance Secretary of India), Chairman, CUTS Institute for Regulation & Competition (CIRC)
03:40– 04:00pm	Key Note Address: Augustine Peter, Member, Competition Commission of India
04:00– 05:30pm	Panel Discussion: “Re-imagining Competition Policy and Law in the Era of Disruption” Digital disruption has created a wave of creative destruction. New technologies facilitating innovative business models can greatly affect the functioning of existing players. Take for instance, internet-based <i>sharing services</i> are disrupting conventional taxi, hotel and retail markets. These winds of change have brought a substantial increase in consumer welfare and competition and can also raise regulatory challenges. Global debate is occurring regarding the extent to which regulatory intervention is appropriate. In contemporary digital markets, competition has often been cyclical in nature. Platform competition often leads to <i>winner takes all</i> situation. Although, successful firms may acquire significant market power, yet that dominance can be transient in nature and winners can get displaced by next cycle of innovation.

Chair and Moderator: Arvind Mayaram, Chairman, CIRC

Panellists:

- **Amol Kulkarni**, Fellow, CUTS CCIER
- **Anil Bhardwaj**, Secretary General, Federation of Indian Micro, Small, and Medium Enterprises
- **Kiran N Meetarbhan**, Former Executive Director, Competition Commission of Mauritius (CCM)
- **Santanu Mukherjee**, Advocate & Head, Ex Lege Chambers Advocates & Regulatory Policy Advisors
- **Seema Gaur**, Senior Economic Adviser, Ministry of Economics and Information Technology
- **Vaibhav Choukse**, Partner, J. Sagar Associates

**05:30–
06:00pm**

High Tea