

## Background Note

### Amendments to Competition Commission of India (Commitment) Regulations, 2024

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1. The Competition Act, 2002 (**Act**) was amended on April 11, 2023, *vide* the Competition (Amendment) Act, 2023 (**Amendment Act**). Among other things, the Amendment Act introduced Section 48B and 48C in the Act to create a commitment mechanism. Section 48B of the Act enables an enterprise against whom an inquiry under Section 26(1) of the Act is initiated for an alleged contravention of Section 3(4) or Section 4 of the Act, as the case may be, to offer commitments before the CCI. Whereas Section 48C provides for revocation of the commitment orders issued by the Commission and the consequences of the same. The intent of creating a procedure for commitment is driven by the need to ensure quicker market correction and to free up the scarce resources of the Regulator.
2. Accordingly, the Competition Commission of India (Commitment) Regulations, 2024 (**Commitment Regulations 2024**) were notified on 06.03.2024.
3. The Commitment Regulations 2024 *inter alia* provided for the following:
  - (a) Form and contents of the application for commitment along with fee payable;
  - (b) Circumstances in which the commitment applications can be rejected by CCI;
  - (c) Period during which commitments may be offered;
  - (d) Manner in which CCI will invite objections and suggestions to the commitment terms;
  - (e) Nature and effect of the commitment order;
  - (f) Factors to be considered by CCI in assessing the commitment terms;
  - (g) Implementation and monitoring of the terms of the commitment order;
  - (h) Revocation of the commitment order and the consequences thereof.
4. The introduction of the commitment procedure marked a significant step towards promoting procedural efficiency, as it streamlines the enforcement process, reduces administrative burden, and incentivises parties to voluntarily offer commitments to address identified anti-competitive concerns.

5. However, in light of the experience gained from the implementation of the framework, certain administrative and procedural issues have been identified, particularly in relation to prescribed timelines, rectification of defects in applications, and the absence of clarity regarding adjustment of fees and consequences of invalid applications. Accordingly, with a view to enhancing clarity, ensuring procedural certainty, and facilitating smoother administration of the framework, certain amendments relating to timelines and filing requirements are being proposed.
  
6. The CCI invites stakeholders to submit written comments ***only*** on the draft amendments to the Competition Commission of India (Commitment) Regulations, 2024, within 30 (thirty) days from 29.05.2026 to 29.06.2026. The comments must be sent by duly filling up the form hosted on the CCI's website at: <https://www.cci.gov.in/stakeholders-topics-consultations>