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Stakeholder Comments

on the

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

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Stakeholder Comments on the Proposed Amendments to the Competition Commission of India (Commitment) Regulations, 2024

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1. Introduction

On May 29, 2026, the Competition Commission of India **[“*CCI*”]** published the draft amendments to the CCI (Commitment) Regulations, 2024 **[“*Commitment Regulations 2024*”]** to address certain administrative and procedural issues in relation to timelines and filing requirements.[1]

The Commitment Regulations 2024 laid down the commitment framework under the Indian competition law regime, and it came into force on March 6, 2024. However, through its experience over the past 2 years regarding the implementation of the framework, the CCI has identified certain administrative and procedural issues, 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.

With this background in mind, the draft amendments have been proposed.[2] The Dialogue, a public policy think tank based in New Delhi and established back in 2017 hereby submits its comments on the draft amendments, basis secondary research as well as inputs collected from stakeholders in the legal fraternity, industry, and civil society.

2. Key Inputs

2.1. Increased Timeline for Submission of Commitment Application

The Commitment Regulations 2024 provide that a commitment application must be filed within 45 days from receipt of the *prima facie* order passed by the CCI under Section 26(1) of the Competition Act [“***the Act***”] (or prior to the receipt of the Director General's report, whichever is earlier). The draft amendments seek to increase this short timeline to 60 days. This amendment would grant parties slightly more time to make an informed decision and submit meaningful commitment applications.

2.2. Relevant Clauses from the draft amendments

Regulation 3(3), specifying the timeline for submission of commitment applications, after amendment, reads as follows:

“*A Commitment Application shall be filed within **60 (sixty) days** from the receipt of the order passed by the Commission under sub-section (1) of section 26 of the Act.*

Provided that the Commission may entertain a Commitment Application after the period specified above, if the Commitment Application is received within a further period of 30 (thirty) days and the Commission is satisfied that there had been sufficient cause for not filing the same within the specified period after recording reasons for condoning such delay.”

2.2.1. Key Considerations

Notably, CCI’s General Statement on the Commitment Regulations 2024 itself notes that stakeholders suggested that the narrow timeline of 45 days for submitting commitment applications is “*insufficient and may need to be extended*”.[3] It was argued that this shorter time period would either dissuade companies from offering commitments or result in incomplete, inadequate and hasty submissions of commitment applications, thereby undermining the commitment procedure.[4]

However, at that point in time, CCI expressed that the said timeline, along with its discretion to grant a 30 days extension in suitable cases, was “*sufficient for the parties to evaluate as to whether to file a commitment application*”. And therefore, CCI rejected any proposed amendments to this provision.[5]

[1] https://www.cci.gov.in/images/stakeholderstopicsconsultations/en/background-note1780039278.pdf
[2] https://www.cci.gov.in/images/stakeholderstopicsconsultations/en/background-note1780039278.pdf
[3] https://cci.gov.in/images/whatsnew/en/cci-commitment-regulations-2024-general-statement1709739363.pdf
[4] https://drive.google.com/file/d/1SE9dC9di1zVqsDyhJczOxvePjPylLBP4/view
[5] https://cci.gov.in/images/whatsnew/en/cci-commitment-regulations-2024-general-statement1709739363.pdf

2.2.2. Examples of Other Frameworks

A. In Turkey, undertakings are granted a period of 3 months from the receipt of the investigation notice to submit their request to offer commitments.[6] Upon evaluation, the Turkish Competition Board may decide to initiate commitment discussions with the concerned undertaking.[7] And, at the end of such discussions, the interested undertakings are required to submit commitments.[8] Notably, there is no prescribed period for the conclusion of commitment discussions. And importantly, the Board determines the time period for submission of commitments on a case-to-case basis, depending on the stage of the examination and the scope of the commitment.[9]

B. In the European Union [“***EU***”], undertakings under investigation may contact the Directorate General for Competition, at any time before the final prohibition order is passed, to explore the European Commission [“***EC*”]**’s readiness to enter into commitments discussions. The EC encourages undertakings to signal their interest in doing so at the earliest possible stage.[10] However, there is no prescribed/fixed time limit.

   Following the undertaking expression of interest, the EC may offer a state of play meeting [“***SoP meetings”***].[11] At the SoP meeting, DG Competition presents the preliminary competition concerns arising from the investigation and also indicate to the undertaking the timeframe within which the discussions on potential commitments should be concluded.[12] Based on these meetings, the undertaking may submit an informal commitment offer to demonstrate its genuine willingness to propose commitments.[13] If convinced, the EC will issue a preliminary assessment [“***PA***”] that summarises the main facts of the case and identifies the competition concerns.[14] After receiving the PA, the interested undertakings must offer appropriate commitments to the EC, normally within one month.[15]

C. In Singapore, there is no fixed period to submit a commitment proposal.[16]

2.2.3. Recommendations

The proposed extension for filing an application from 45 to 60 days may not sufficiently address the practical challenges faced by parties in assessing CCI's competition concerns, evaluating the commercial and legal implications of potential commitments, and drafting a comprehensive commitment proposal. *This challenge is particularly acute for larger enterprises operating across multiple lines of business and jurisdictions, that might be required* to coordinate with global regulatory and legal teams, assess cross-border regulatory implications, and obtain internal approvals before any commitment can be meaningfully formulated. The 30-day condonation window under the proviso to Regulation 3(3) does not adequately remedy this, as it requires demonstrating “sufficient cause” for the delay and is subject to CCI’s discretion. Accordingly, ***the CCI may consider extending the existing filing period by at least 45 days bringing the total filing window to 90 days, with further scope for 30-day extension***.

2.3. Consultation Process

The absence of a reference to consultations before filing a commitment application in the Commitment Regulations 2024 is noteworthy.

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[6] Turkish Competition Act, art. 43 read with Turkish Commitment Communiqué, art. 5.
[7] Turkish Commitment Communiqué, art. 6(1).
[8] Turkish Commitment Communiqué, art. 7(1).
[9] Turkish Commitment Communiqué, art. 7(2).
[10] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, para 118.
[11] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, para 119.
[12] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, para 119.
[13] European Commission, ‘*Antitrust Manual of Procedures, Commitment decisions’* (May 2026).
[14] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, paras 121-122.
[15] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, para 126.
[16] Competition Act 2004, s. 60A.

2.3.1. Key Considerations

A consultation or negotiation process would enable both parties to engage in meaningful discussions regarding the scope and potential success of the commitment mechanism, and thereby help parties make informed decisions and submit meaningful commitment applications.

2.3.2. Examples of Other Frameworks

A. In the EU, the final commitments are developed as a result of an informed and iterative process between the undertaking and the EC. There are multiple preliminary stages before an undertaking offers its final commitments. First, interested parties must contact the Directorate General for Competition to explore the EC's readiness to enter into commitments discussions. Following the undertaking expression of interest, the EC may offer ***SoP meetings.***[17] Based on these meetings, the undertaking may submit an informal commitment offer to demonstrate its genuine willingness to propose commitments.[18]

B. Similarly, in Turkey, undertakings are not required to submit final commitments at the outset/commencement of the process. They must first submit their request to offer commitments.[19] The Turkish Competition Board then evaluates such requests and accordingly, may decide to initiate commitment discussions with the concerned undertaking.[20] During these commitment discussions, the Board informs the party of the competition problems examined and other relevant information and documents that form the basis of such examination are also shared.[21] It is only subsequent to these discussions that the interested undertakings are required to submit commitments.[22]

2.3.3. Recommendations

The CCI may consider incorporating a consultation stage to the commitment framework at the initial stages of the process, similar to that of the EU's State of Play meeting mechanism. Such a process would facilitate constructive engagement and cooperation between the CCI and the undertakings under inquiry, enabling both the parties to better understand and communicate their respective concerns and align expectations. This, in turn, may contribute to the formulation of more appropriate and effective commitments.

Specifically, the CCI should:

A. upon receipt of an expression of interest from the enterprise, convene a pre-filing consultation meeting within 15 working days to communicate the specific competition concerns recorded in the Section 26(1) order;

B. share supporting data and documents informing those concerns, subject to third-party confidentiality; and

C. indicate a timeframe for commitment discussions. Disclosure of preliminary concerns before the commitment application deadline will produce more targeted commitments, reduce revision cycles, and lower the rate of outright rejections, serving the CCI's stated objective of ensuring quicker market correction and freeing up regulatory resources.

2.4. Increased Timeline for Conclusion of Commitment Proceedings

The Commitment Regulations 2024 prescribe a period of 130 days from the receipt of the complete commitment application for the conclusion of the entire commitment proceedings. The draft amendments seek to increase this timeline to 180 days, and also excludes any time extensions availed by the undertakings/other parties in furnishing any requisite information etc.

[17] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, para 119.
[18] European Commission, '*Antitrust Manual of Procedures, Commitment decisions*' (May 2026).
[19] Turkish Competition Act, art. 43 read with Turkish Commitment Communiqué, art. 5.
[20] Turkish Commitment Communiqué, art. 6(1).
[21] Turkish Commitment Communiqué, art. 6(3).
[22] Turkish Commitment Communiqué, art. 7(1).

2.4.1. Relevant Clauses from the Draft Amendments

Regulation 4(7), specifying the timeline for the conclusion of the entire commitment proceedings, after amendment, reads as follows:

"*The entire commitment proceedings shall be concluded within* ***180 (one hundred and eighty)*** *working days of the receipt of the Commitment Application complete in all respect in terms of regulation 3*

Provided that, for the purpose of computing the said period, any time taken or extension availed by the Commitment Applicant or any other party in furnishing the requisite information, clarification, or response shall stand excluded. In case the commitment proceedings are not concluded within the stipulated period, after excluding such time, *the inquiry under section 26 of the Act against the Commitment Applicant shall stand resumed.*

Provided that the Commission may extend the said ***period of 180 (one hundred and eighty)*** *working days by such further period as may be specified, if deemed appropriate, for reasons to be recorded in writing.*"

2.4.2. Key Considerations

A. Commitment proceedings require extensive engagement between the CCI and the undertaking, including submission of commitment application, market testing of the proposed commitments, revisions, clarifications, and assessment by the CCI. Keeping this in mind, the draft amendments would allow for more meaningful negotiations and evaluations.

B. Notably, even during the public consultation of the Commitment Regulations 2024, stakeholders highlighted that the proposed timeframe for conclusion of commitment proceedings was insufficient. Based on this, the timeframe was increased from 90 calendar days to 130 working days.[23]

2.4.3. Examples of Other Frameworks

A. Unlike the Indian framework, none of the three jurisdictions, namely, EU, Turkey and Singapore, prescribe a fixed statutory period within which the competition authority must conclude the commitment proceedings. Instead, the competition authorities retain discretion to determine the pace of the process, taking into account the nature and scope of the commitments.

2.4.4. Recommendations

CCI's proposal to increase the prescribed time for conclusion of commitment proceedings is a welcome move. However, 180 days is still a short duration for meaningful consideration. ***The CCI may consider further increasing the timeline or adopting a flexible model like the afore-mentioned foreign jurisdictions***. The draft amendments' exclusion of time taken by parties from the 180-day clock is a positive step, but the Commission may further ensure that any extension under the proviso is not treated as an exception.

2.5. Modification of Commitment Order

In case of a material change in the facts, the CCI enjoys the power to revoke the commitment order.[24] However, there is no provision or power for modification.

2.5.1. Key Considerations

Notably, in fast-changing digital markets and market conditions, the facts on which the commitment order was based may change and render the order obsolete or unworkable or inadequate to address competition concerns.[25]

2.5.2. Examples of Other Frameworks

In the EU, the EC may reopen the proceedings where there has been a material change in any of the facts on which the commitment decision was based,[26] and consequently approve a modified version of the commitments by

[23] https://cci.gov.in/images/whatsnew/en/cci-commitment-regulations-2024-general-statement1709739363.pdf
[24] CCI Commitment Regulations 2024, reg. 10(1),
[25] https://www.moneycontrol.com/news/business/3-design-deficiencies-in-the-ccis-draft-settlement-commitment-regulations-11343811.html
[26] Regulation (EC) No 1/2003, art. 9(2).

adopting a new commitment decision.[27] This power to reopen proceedings can be exercised either upon request or on its own initiative.

2.5.3. Recommendations

The CCI may consider introducing a provision allowing for modification of order in certain situations, specifying the timeline within which it may exercise such power and the extent of modification. Critically, the power to modify should be exercisable at the request of the commitment applicant, not solely on the CCI's initiative, and modification should be expressly preferred over revocation where the material change in facts is partial or addressable through revised terms. The current framework creates an asymmetry in that the CCI can revoke but not modify, making the commitment order a binary and fragile instrument. This is a significant disincentive in dynamic digital markets where market conditions can evolve post-order. The EU's approach of reopening proceedings and adopting a new commitment decision is a useful model.

2.6. Opportunity to Review and Respond to Suggestions/Objections Received from the DG and/or Third-parties

The CCI passes the final order, either accepting, rejecting, or requiring revisions to the commitments, after considering the nature, gravity and impact of the alleged contraventions, the commitments offered by the commitment applicant and the comments, objections, or suggestions received by the DG and/or other third parties.

However, in case of rejection or order requiring revisions, the objections and suggestions received from the DG and/or other third parties are not shared with the commitment applicant nor is it given the opportunity to respond to them.

2.6.1. Key Considerations

The opportunity to review and respond to objections and suggestions received from the DG and/or other third parties, allows the commitment applicant to defend against incorrect, inaccurate or misleading claims or statements, thereby improving the fairness of the procedure.

2.6.2. Examples of Other Frameworks

In the EU, the EC informs the undertaking that has submitted commitments, either orally or in writing, the substance of the replies to the market tests.[28] The identity of third-party respondents to the market test is not disclosed, to ensure that they are not subject to retaliation.[29]

2.6.3. Recommendations

The CCI should introduce a provision that provides the commitment applicant with an opportunity to review and respond to objections/ suggestions received from the DG or other parties. Specifically, the CCI should:

A. share a non-confidential version of all objections and suggestions received under Regulation 5 with the commitment applicant, with third-party identities redacted where necessary;

B. grant the commitment applicant a fixed response window of at least 15 working days; and

C. require that third-party objections be submitted on affidavit to deter frivolous or strategically motivated submissions.

2.7. Grandfather Clause

The intent behind introducing the commitment mechanism into the existing competition framework is to expedite the resolution of competition law cases and free up the scarce resources of the CCI. However, the Commitment Regulations 2024 only apply to new cases, and do not extend to cases that have crossed the 45 days deadline for submission of commitment applications but are pending the investigation report. Extending the commitment mechanism to such cases would further the CCI's objectives.

[27] European Commission, '*Antitrust Manual of Procedures, Commitment decisions*' (May 2026).
[28] Commission notice on best practices for the conduct of proceedings concerning Articles 101 and 102 TFEU (2011), s. 4, para 132.
[29] European Commission, '*Antitrust Manual of Procedures, Commitment decisions*' (May 2026).

2.7.1. Key Considerations

A. During the consultation phase of the Commitment Regulations 2024, stakeholders had requested the CCI to introduce a transactional provision to extend the benefits of the commitment mechanism to ongoing cases, and highlighted it as a missed opportunity. The CCI rejected this suggestion due to logistical difficulties, potential complexities and confusion, and undesirability in cases where the DG's investigation is in its final stages and close to submitting its report.[30] However, permitting ongoing cases to apply for commitments will ultimately alleviate the workload of the CCI in the long run.

B. Under the Competition Act, 2002, the CCI is required to specify the time within which the DG shall submit the investigation report. This time limit should not ordinarily exceed 90 days.[31] However, in practice, the DG takes considerably longer to submit its report.

2.7.2. Recommendations

The CCI could take steps to accommodate ongoing cases which are in pre-DG report stages within the commitment regime. This could involve setting the upper limit *i.e.* before submission of DG's investigation report, as the deadline for submitting commitment applications for ongoing cases. Importantly, this upper limit already exists in the Commitment Regulations 2024 as the default filing cut-off for new cases, namely, prior to receipt of the DG's report under Section 26(4). Applying the same cut-off to ongoing cases is, therefore, a consistent and administratively straightforward extension.

It should be noted that, in practice, DG investigations routinely exceed the notional 90-day statutory deadline, making the pre-report window considerably wider than the CCI's earlier concerns about cases in final stages might suggest. The CCI may introduce a sunset provision for ongoing cases, giving parties a fixed window (e.g., 60 days from the date of notification of the grandfathering provision) to file commitment applications, subject to the DG report not having been received.

2.8. Deemed 'admission' of facts established against the commitment applicant in proceedings in India and outside India on the same cause of action

The Commitment Regulations 2024 provide that any facts established against or admitted by the commitment applicant, in any ongoing or concluded proceedings in India or outside India, with respect to the same cause of action, shall be deemed to be admitted by the Commitment Applicant in respect of the proceedings.[32]

The law is unclear on the power of the CCI to use and rely on such admission in proceedings against the commitment applicant, where the application has been rejected by the CCI or withdrawn by the applicant.

2.8.1. Key Considerations

An admission given in a separate proceeding may have been made in a different context, court or jurisdiction, and therefore it would be inappropriate and unfair to adopt it as a deemed fact in the commitment proceedings before the CCI.

Importantly, a commitment mechanism is an exploratory process between the commitment applicant and the CCI to arrive at a mutual understanding regarding the nature and scope of the alleged contravention and the commitments proposed to address the competition concerns. If the commitment proceedings fail, the applicant would be unable to enjoy the benefits of the commitment mechanism and also be bound by the deemed admission of facts. This will dissuade entities from adopting the commitment mechanism.

2.8.2. Recommendations

The CCI could introduce a provision clarifying the scope of its power to use such deemed admissions in cases where the application has been rejected by the CCI or withdrawn by the applicant. However, merely "clarifying the scope" would be insufficient. Herein we recommend three substantive reforms.

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[30] https://cci.gov.in/images/whatsnew/en/cci-commitment-regulations-2024-general-statement1709739363.pdf
[31] CCI (General) Regulations, 2024, reg. 21(2).
[32] Commitment Regulations, reg. 11(4).

First, Regulation 11(4) should expressly provide that deemed admissions are not available to the CCI or the DG in proceedings against the commitment applicant where the application has been rejected or withdrawn. Failure to do so fundamentally disincentivises the commitment mechanism for enterprises uncertain about its outcome.

Second, the provision should be amended to exclude facts established in foreign proceedings from the deeming mechanism, or at a minimum provide the commitment applicant with an express opportunity to contest the relevance and admissibility of such facts before the CCI. A finding by the European Commission or the US Department of Justice under a different legal framework, on a different evidentiary record, should not automatically be treated as "deemed admitted" before the CCI without affording the applicant an opportunity to distinguish it.

Third, the CCI should clarify that information voluntarily submitted in the commitment application itself cannot be used against the applicant in the resumed inquiry if the application is rejected, which would be consistent with the principle that commitment proceedings are exploratory, not adversarial.

2.8.3. Additional Inputs

a. ***Explicit bar on admission of guilt:*** The CCI should include an express provision that commitment application cannot be interpreted as an admission of alleged contraventions of the Competition Act, 2002.

b. ***Clarify compensation claims:*** Compensation under Section 53N should apply only if accompanied by a finding of contravention (not merely on acceptance of a commitment).

c. ***Mandatory oral hearing before rejection:*** The CCI should grant an oral hearing to the applicant before rejecting a commitment application. While Regulation 4(10) of the draft amendments does provide an opportunity of being heard before rejection under Regulation 4(5)(b), 4(5)(e), 4(6), and 4(9)(b), this discretion should be converted into a mandatory obligation across all grounds of rejection, including rejection under Regulation 4(9)(a) (non-receipt of communications). The commitment applicant should have a minimum right to written or oral submissions before any rejection order is passed.

d. ***Opportunity to be heard before deemed withdrawal:*** The CCI should provide applicants an opportunity to be heard before deeming an application as withdrawn for failure to remedy defects.

e. ***Safeguards on third-party submissions:*** Third-parties should be required to submit their objections and suggestions on affidavit to ensure accuracy and truthfulness. This will ensure that the consultation process is not misused to address business rivalries.

f. ***Express confidentiality safeguards:*** The CCI should clarify and describe the application of confidentiality to the commitment process, including institutional firewalls between commitment-related information and the primary investigation.

Specifically, the CCI should confirm that:

i. information submitted in the commitment application cannot be shared with the investigation division handling the Section 26 inquiry;
ii. commitment-related communications and documents are maintained in a ring-fenced file; and
iii. CCI personnel involved in the commitment proceedings are, to the extent practicable, separate from those managing the ongoing investigation.

g. ***Monitoring agency selection:*** Regulation 9 grants the CCI unfettered discretion to appoint monitoring agencies to oversee implementation of commitment orders. The CCI should amend Regulation 9 to:

i. provide the commitment applicant with an opportunity to comment on the proposed monitoring agency, including raising conflicts of interest;

ii. specify that monitoring agencies are subject to the same confidentiality obligations as CCI personnel; and

iii. establish a mechanism for the commitment applicant to raise disputes regarding the monitoring agency's conduct or findings.

h. ***Coordination with foreign proceedings:*** For enterprises subject to parallel commitment or settlement proceedings before foreign competition authorities (such as the EU's European Commission, the UK's

CMA, or the USA's DOJ/FTC), the CCI should introduce a provision allowing for procedural coordination, including alignment of timelines and sharing of non-confidential commitment terms to reduce duplication, avoid inconsistent obligations, and promote regulatory efficiency. This is particularly relevant given that facts established in foreign proceedings are already treated as deemed admissions under Regulation 11(4): if foreign proceedings can be used against the applicant, the applicant should correspondingly be able to rely on remedies agreed abroad as part of its commitment offer in India.