

MEMORANDUM OF UNDERSTANDING

between

The Directorate-General for Competition of the European Commission (hereinafter referred to as the DG Competition),

and

the Competition Commission of India, (hereinafter referred to as the CCI), hereinafter referred to as the "Sides",

on cooperation in the field of competition laws.

Having regard to the importance of cooperation on enforcement activities of the Sides for the enhancement of the effective, transparent and non-discriminatory enforcement of the competition laws in the European Union and India, the Sides have reached the following understanding:

I. PURPOSE

1. The purpose of the present Memorandum of Understanding is to further strengthen cooperation between the two Sides in the area of competition law enforcement and applicable domestic laws of the Sides.
2. The present Memorandum of Understanding is based on the understanding of equality and mutual benefit.

II. COOPERATION

3. Cooperation between the Sides under the present Memorandum of Understanding will be subject to the respective laws of the Sides, and in particular the protection of confidential information and business secrets as provided under relevant competition laws of the Sides.

4. The Sides acknowledge that it will be in their mutual interest to exchange non-confidential information, experiences and views with regard to:
 - a) Competition policy and enforcement developments in their respective jurisdictions, including with regard to investigations of competition law infringements;
 - b) Operational issues affecting the efficiency and/or effectiveness of the respective Sides;
 - c) Multilateral competition initiatives, such as interactions with the International Competition Network, the Organization for Economic Cooperation and Development, the World Intellectual Property Organization and the United Nations Conference on Trade and Development.
 - d) Competition advocacy including raising awareness of companies and the wider public about competition legislation and enforcement,
 - e) Technical cooperation initiatives in the area of competition law and its enforcement.
5. Should the Sides pursue enforcement activities concerning the same or related cases they will endeavour to coordinate their enforcement activities, where this is possible.

III. ASSISTANCE TO BE PROVIDED BETWEEN THE SIDES

6. If one of the Sides believes that anti-competitive actions carried out on the territory of the other Side adversely affect competition on the territory of the first Side, it may request that the other Side initiates appropriate enforcement activities as per their applicable competition law.
7. The requested Side will consider the possibility of initiating enforcement activities or expanding on-going enforcement activities with respect to the anti-competitive actions, identified by the requesting Side, in accordance with the requirements of its legislation and will inform the other Side about the results of such consideration.

8. Nothing in this Memorandum of Understanding will limit the discretion of the requested Side to decide whether to undertake enforcement activities with respect to the anti-competitive actions identified in the request, or will preclude the requesting Side from withdrawing its request.

IV. AVOIDANCE OF CONFLICTS

9. The Sides acknowledge that it will be in their common interest to minimize any potentially adverse effects of one Side's enforcement activities on the other Side's interests in the application of their respective competition laws.
10. Should one Side inform the other Side that enforcement activities of the latter may affect the informing Side's interests in its application of its competition law, the other Side will endeavour to provide an opportunity to exchange views and conduct consultations on the issues raised by the informing Side consistent with the interests of the Sides.
11. The Sides should discuss between them any questions arising from the implementation of the present Memorandum of Understanding, including questions on the interpretation or application of the present Memorandum of Understanding in as timely a manner as circumstances permit.

V. MEETINGS

12. The Sides will endeavour, in case of need, to conduct meetings to:
 - a. discuss current issues, experiences and new developments of mutual interest with respect to competition policy development, legislation and enforcement or the operation of the present Memorandum of Understanding;
 - b. exchange non-confidential information on the competition environment in economic sectors of common interest;
 - c. exchange views with respect to multilateral competition initiatives.
13. The Sides will take advantage of the opportunities to meet within the framework of the international events in which both Sides take part as

well as use, where appropriate, telephone and electronic mail as means of communication.

14. Each Side covers its own costs, including transportation costs for international travelling, travelling between cities and accommodation.

VI. EXISTING LEGISLATION AND CONFIDENTIALITY OF INFORMATION

15. Nothing in the present Memorandum of Understanding will require any Side to take any actions or to refrain from acting in a manner inconsistent with the existing legislation of the Sides or will require any change to that legislation.
16. Neither Side will be required to communicate information to the other Side if communication of such information is prohibited by the legislation of the Side possessing this information or if it would be incompatible with the interests of that Side in its application of the competition law.

VII. COMMUNICATIONS UNDER THE PRESENT MEMORANDUM OF UNDERSTANDING

17. Each Side will designate a contact point to which the information necessary for the effective execution of the present Memorandum of Understanding will be communicated. The Sides will intend to notify each other promptly of all changes in their authorities with regard to competition law and competition enforcement. The working language will be English.

VIII. FINAL PROVISIONS

18. The present Memorandum of Understanding shall not be considered as an international treaty and does not establish or purport to establish any legal rights or obligations.
19. The Sides will apply the provisions of this Memorandum of Understanding on a voluntary basis.

20. The present Memorandum of Understanding comes into effect from the date of its signature. Cooperation under this Memorandum of Understanding is intended to continue until either Side wishes to discontinue cooperation in which case either Side should endeavour to provide three months' notice of its intention to discontinue cooperation to the other Side. Termination of the present Memorandum of Understanding is not intended to affect the implementation of projects that are already in process under the present Memorandum of Understanding.

The present Memorandum of Understanding is signed in New Delhi on November 21, 2013 in two copies, each in the English language.

FOR THE DIRECTORATE-
GENERAL FOR
COMPETITION OF THE
EUROPEAN COMMISSION



Joaquín ALMUNIA
Vice-President for Competition

FOR THE COMPETITION
COMMISSION OF INDIA



Ashok CHAWLA
Chairman