Digital Markets and India: Demystifying the Digital Competition Bill

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To contribute to the draft DCB’s public consultation process, this event focuses on six essential elements

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Shift from an \textit{ex-post} approach to an \textit{ex-ante} approach of competition regulation requires capacity building for CCI

1. **Comparing \textit{ex-ante} and \textit{ex-post} approaches to regulation**
   - Effectiveness in regulating digital competition
   - Potential concerns and the role of multi-regulator setups

2. **Building regulatory capacity for the proposed \textit{ex-ante} approach**
   - Staffing constraints for CCI \textit{viz-a-viz} other countries
   - Inter-regulatory coordination
CDCL’s rationale for arriving at the threshold values and the imposed penalties remains unclear

3 Threshold values for SSDEs and ADEs
- Reliance on standards set under the DMA
- Sector-agnostic versus sector-specific thresholds
- ‘Global Merchandise Value’ and ‘Gross Market Capitalisation’ parameters

4 Identifying impactful remedies
- Penalties and fines under the DCB
- Progressive penalisation for repeat offences
- Other potential enforcement remedies - Behavioural and Structural
Lastly, the draft DCB overlooks two important themes: regulating digital M&As and including diverse perspectives

5 Absence of a specific focus on digital mergers and acquisitions
   - Mergers and Acquisitions (M&As) as anti-competitive tools
   - Role of the Competition [Amendment] Act, 2023 - are deal values enough?
   - M&As across two or more core digital services

6 Limited representation from workers and MSMEs
   - Concentrated buyer power as a threat to competition
   - Platform economy and the gig workforce
   - Digitisation of MSMEs and other small businesses