

MEMORANDUM OF UNDERSTANDING ON COOPERATION BETWEEN
THE COMPETITION COMMISSION OF INDIA

AND

THE AUSTRALIAN COMPETITION AND CONSUMER COMMISSION

The Competition Commission of India, on the one hand, and the Australian Competition and Consumer Commission, on the other hand (hereinafter referred to as “the Participants”),

Desiring to enhance the effective enforcement of their competition laws by creating a framework that provides for enforcement cooperation between the Participants,

Recognising the benefit of technical cooperation between the Participants in order to enhance an environment in which the sound and effective enforcement of competition law supports the efficient operation of markets and economic welfare of the citizens of their respective nations,

that the development of a well-functioning system for effectively implementing competition law and policy involves the Participants, and also other government agencies, and the legal, business, and academic sectors, and

that establishing good communications between the Participants on competition law and policy will contribute to improving and strengthening the relationship between Australia and India, have reached the following understanding:

I. COOPERATION

1. The Participants intend to share and to keep each other informed of significant developments in competition policy and enforcement developments in their respective jurisdictions, with an opportunity to comment on these developments.
2. The Participants recognise that it is in their common interest to work together in technical cooperation activities related to competition law enforcement and policy. Subject to reasonably available resources, they may jointly engage in appropriate activities in furtherance of that interest, such as, *inter alia*: (a) participating in training courses on competition law and policy organized or sponsored by one another; and (b) assistance, where appropriate, in promoting understanding of sound competition policy among important supporting institutions, government agencies, business community, bar associations, academic institutions, etc.
3. The Participants recognise that, when they are investigating related competition matters, it may be in their common interest to cooperate in appropriate cases, consistent with their respective enforcement interests, legal constraints, and available resources.
4. The Participants plan to evaluate the effectiveness of the cooperation under this Memorandum on a regular basis to ensure that their expectations and needs are being met.

II. WORKPLAN

1. The Participants intend to develop a work plan of cooperation activities, which may be revised by mutual consent. The need for a work plan will be reviewed after three years.

III. COMMUNICATIONS

1. The Participants may request advice and communications from one another regarding matters of competition law enforcement and policy; provided, however, communications relating to case investigations are only made to and within the relevant Australian and Indian competition authorities involved in the matter.
2. The Participants plan to each appoint a liaison officer for the purpose of facilitating contact in furtherance of this Memorandum. Communications may be carried out by telephone, electronic mail, video conference, or in person, as appropriate.
3. Officials of the Participants may meet, as appropriate, to exchange information on their current and contemplated policy and enforcement efforts and priorities.

IV. CONFIDENTIALITY

1. It is understood that the Participants do not intend to communicate information to the other if such communication is prohibited by the laws governing the agency possessing the information or would be incompatible with that agency's interest.
2. Insofar as information is communicated, the recipient should, to the extent consistent with its laws, maintain the confidentiality of any such information communicated to it in confidence.

V. EFFECTIVE DATE

The present Memorandum of Understanding comes into effect from the date of its signature and cooperation under this Memorandum is intended to continue until the Participants wish to discontinue such cooperation in which case the relevant Participants should endeavour to provide three months' notice of its intention to discontinue cooperation to the other. Termination of the present Memorandum of Understanding is not intended to affect the implementation of the projects that are already in progress under the present Memorandum.

This Memorandum is intended to set forth an advisory framework for cooperation. The Participants reserve their full discretion in implementing the Memorandum, and nothing in it is intended to change existing law, agreements, or treaties, or create legally binding or enforceable rights or obligations. Any dispute regarding the interpretation or application of this MoU will be resolved amicably by consultation between the participants.

Signed at Canberra on June 3, 2013 in two originals, each in English and Hindi languages, both texts being equally authentic. In case of divergence English text shall prevail.



Ashok Chawla
Chairperson
Competition Commission of India



Rod Sims
Chairman
Australian Competition and Consumer
Commission