

BRICS must develop a robust mechanism to regulate digital markets, says NCLAT Chairman

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The BRICS grouping must come together to develop a robust mechanism for regulating digital markets, Ashok Bhushan, Chairman, National Company Law Appellate Tribunal (NCLAT), said on Thursday.

Inaugurating the 8th BRICS International Competition Conference (ICC), Bhushan said it has to be recognised that these digital markets are global in nature and scope. Thus, international co-operation and exchange would be necessary to reduce the possibilities of regulatory arbitrage and keep abreast of the regulatory developments in other jurisdictions, he added.

BALANCING ACT

A robust mechanism to regulate digital markets was necessary to strike a delicate balance between allowing digital platforms to innovate and grow while preventing anti-compet-



Ravneet Kaur, Chairperson, CCI (3rd from left); Ashok Bhushan, Chairman, NCLAT (middle); and Manoj Govil, Secretary, MCA (extreme right) with BRICS competition authorities at the event

itive practices that harm consumers and businesses, according to Bhushan.

Noting that competition policy and legislation have developed significantly in BRICS countries over the years, Bhushan called for further strengthening of cooperation and collaboration in the realm of competition policy.

India has joined a League of Nations that recognises that, irrespective of the purported benefits of these platforms to markets and consumers, strong antitrust enforcement is an essential element of the overall public policy design governing these companies, he

said. Driven by data proliferation, Bhushan noted that digital technologies have transformed the market landscape across countries.

ROLE OF NCLAT

This critical gateway position of platforms and their control over data and market access points are giving rise to issues emanating from information asymmetry and balancing the bargaining power, he said.

Bhushan also said that NCLAT as the Appellate Authority for CCI orders has contributed significantly towards the evolving competition jurisprudence in India. Speaking at

the BRICS ICC, Ravneet Kaur, Chairperson, Competition Commission of India (CCI), said that issues related to the digital economy are important for the competition regulator. She highlighted that CCI had in the last one year issued three orders in the realm of digital markets, including one on Google's anti-competitive practices in Android licensing.

Kaur also said that CCI has set up a digital markets and data unit to provide insights on policy matters in digital markets, fostering co-operation among various stakeholders.

Brazil's competition authorities plan to release BRICS report on digital markets — discussed at the 8th BRICS ICC — in November this year.

Kaur later told *businessline* that BRICS competition authorities are looking to enhance co-operation in areas like market studies, systems, and processes. BRICS is also looking to integrate sustainability guidelines into their respective competition law frameworks, she added.