

Competition Commission of India again penalises Federation of Publishers' and Booksellers' Association in India ('FPBAI') and its office-bearers for anti-competitive practices

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Competition Commission of India ('CCI') has passed a final order against the Federation of Publishers' and Booksellers' Association in India ('FPBAI') and its three office-bearers for indulging in anti-competitive practices of

- (i) fixation of conversion rates higher than usual bank/ RBI rates for importing of international journals and books by its member booksellers/ publishers which constitute the bulk of all booksellers/ publishers in the industry,
- (ii) stipulating terms and conditions with respect to price, credit period, interest rates, *etc.* which its member booksellers/ publishers must follow while supplying books, journals and e-resources to libraries, schools and other consumers, and
- (iii) issuing a list of approved suppliers of journals/ subscription agents along with its circulars, in furtherance of its already existing advisories/ appeals to libraries and other institutions to purchase books only from its approved vendors.

Such practices being carried on by the FPBAI were found to be in contravention of the provisions of Section 3(3)(a) and 3(3)(b) read with Section 3(1) of the Act.

With respect to the allegations regarding discount control by FPBAI despite CCI passing a cease and desist order on this count in an earlier case where penalties were also imposed, the CCI found that though no new circulars mentioning discounts which could be offered by members of FPBAI were unearthed during investigation, the erstwhile circulars in this regard available on third-party websites were also not withdrawn/ removed by FPBAI. As such, the CCI has directed FPBAI to spread awareness about the conduct held as anti-competitive by the Commission in its earlier order as well as the present order amongst its members.

Accordingly, penalties to the tune of INR 6.33 lacs were imposed on FPBAI and its three office-bearers.

Alongside, noting that the CCI had already proscribed the anti-competitive practices of FPBAI pertaining to controlling of discounts and issuance of appeals/ advisories to prevent its members from participating in tenders whose terms are not in line with that of FPBAI, in an earlier matter, but despite the same, similar issues are yet again emerging, CCI gave certain further directions to the FPBAI regarding spreading awareness about competition law amongst its members and withdrawing all its earlier anti-competitive circulars and advisories/ appeals.

NB/AD

