



The CMA

A more effective competition Authority

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16 June 2016

Overview

- CMA priorities – speed, fairness and rigour
- Enforcement
- Mergers
- Markets
- Litigation
- Looking forward

Enforcement: *delivering the ‘step change’*

- The context

CA98 Portfolio
11 ‘live’
CA98 cases as
at April 2015

NAO Report (Feb 2016)

“CMA has taken significant steps to tackle the failings we have previously identified ... There are, however, still too few successful enforcement cases, and business awareness of competition law could be improved.”

CMA Annual Plan 2016/17:
“there remains work to be done in increasing the volume and speed of case work ... we are determined to improve this record”

- Delivering on our goals

- *Output:*

- Recent infringement decisions (*Paroxetine* (Apr ‘16, on appeal), *Commercial catering and Bathroom Fittings* (May ‘16) (+ *Estate and Letting Agents* (May ‘15); *Ophthalmologists* (Aug ‘15))
- Settlement with fines in *Galvanised Steel Tanks* (Mar ‘16)
- Statements of Objections in *Model agency*, *Galvanised steel tank* and *Golf* cases
- 14 ongoing civil investigations (+1 on appeal) and 1 criminal case
- 10 cases launched since Dec’15.

- *Impact*

- Diverse portfolio: Ch1 vs Ch2; range of infringements; mix of sectors; ‘large’ and ‘small’ players
- ‘Alternative’ enforcement approaches to maximise impact (warning letters; compliance work)

- *Pace* - Reducing case duration; using full tools to ensure effective investigations

Features of enforcement process

- Settlement
- Commitments
- Follow on compliance
- Advisory/warning letters
- Admin penalty
- CDGs

Spotlight on commitments

- September 2015 CMA roundtable
- CMA case experience
- Is the case right for commitments?
- Are commitments right for the case?
- Process

- Improving **quality** of our work, including information gathering and decisions
- Improving **pace** in context of strong procedural fairness / transparency
- Improving **impact** through deterrence, reasoning and solutions

- Market investigations:
 - *Energy*: final report
 - *Banking*: provisional remedies
 - *Private Healthcare remittal*: provisional remedies
- Market study in Legal Services
- ‘Multi-faceted’ application of wider markets powers
 - *Online reviews/endorsements*: Call for information → insights into sector as whole → follow-on enforcement against specific breaches of consumer protection law → guidance/compliance materials
- Advocacy
 - *Major studies*: e.g. Commercial Use of Consumer Data call for information; Passenger Rail Services
 - *Targeted interventions*: e.g. Transport for London PHV regulations; Land Registry privatisation
- Review of remedies and ex-post evaluation

Reflections on recent litigation

- Importance of judicial oversight
- Approach to defending litigation
- Eurotunnel
- Virtuous circle

Looking Ahead

Continuing the drive for better...

- Enforcement and Markets
 - **Deliver:** taking decisive action on current portfolio, using full toolkit
 - **Refresh:** new enforcement cases and markets work (including Digital Comparison Tools)
 - **Enhance:** engaging with others to enhance enforcement across competition landscape regime; internal review of markets procedures/processes, embedding of best practice
- The bigger picture
 - Driving economic growth and productivity, backed by HMG
 - Better Markets Bill
 - Consumer framework – upcoming NAO report
 - Continued engagement in development of EU law and policy (enhancing effective NCA enforcement; Digital Single Market Agenda; EUMR reform)
- Our people
 - Investment in our existing talent and active recruitment
 - Renewal of Board membership