



Telephone/Textphone:
Complaints Telephone:
Fax:

028 9067 2488
0800 121 6022
028 9065 7701

E-mail:

info@consumercouncil.org.uk
complaints@consumercouncil.org.uk

Websites:

www.consumercouncil.org.uk
www.consumerline.org

Chairperson
Rick Hill

Deputy Chairperson
Mandy Patrick MBE

Interim Chief Executive
Aodhan O'Donnell

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY

11 November 2013

The CMA Transition Team on behalf of the CMA
(c/o Easha Lam)
Department for Business, Innovation and Skills
3rd Floor, Orchard 2
1 Victoria Street
London
SW1H 0ET

Dear Ms Lam

Re: Consumer Protection: Guidance on the CMA's approach to use of its consumer powers

The Consumer Council is an independent consumer organisation, working to bring about change to benefit Northern Ireland consumers. Our aim is to make the consumer voice heard and make it count.

We have a statutory remit to promote and safeguard the interests of consumers in NI and we have specific functions in relation to energy, water, transport and food¹. These include considering consumer complaints and enquiries, carrying out research and educating and informing consumers. We also have responsibility to educate consumers on their rights, responsibilities and to equip them with the skills they need to make good decisions about their money and manage it wisely.

¹ The Consumer Council and Foods Standards Agency have a memorandum of understanding and the Council's strategic focus on food is primarily in relation to food prices and customer experience.



INVESTOR IN PEOPLE



Telephone/Textphone:
Complaints Telephone:
Fax:

028 9067 2488
0800 121 6022
028 9065 7701

E-mail:

info@consumercouncil.org.uk
complaints@consumercouncil.org.uk

Websites:

www.consumercouncil.org.uk
www.consumerline.org

Chairperson
Rick Hill

Deputy Chairperson
Mandy Patrick MBE

Interim Chief Executive
Aodhan O'Donnell

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY

The Consumer Council welcomes this opportunity to respond to the Competition and Market's Authority (CMA) consultation on Consumer Protect: Guidance on the CMA's approach to use of its consumer powers.

The Consumer Council is a designated body for the purposes of super-complaints, which means that currently we can refer any consumer affairs issue on goods and services to the Office of Fair Trading (OFT), where we feel that the market may be harming consumers' best interests. Can you provide confirmation that the Council will retain its status as a designated body to refer super-complaints under this transfer from OFT to the CMA?

We note that CMA's focus will be on cases with market-wide implication. Will consideration be given to regional variations in markets? There may be some issues which will have a bigger impact on consumers in NI than other areas of the UK, one relevant and current example is the operation of the car insurance industry in NI. In its research will CMA plan to conduct booster samples to ensure regional variations are captured and accounted for? The Consumer Council would be keen to engage with CMA to assist in intelligence gathering and share information regarding specific consumer detriment in NI.

The consultation document discusses partnership working. The Consumer Council seeks assurance that there is co-operation, information and learning shared to inform policy decisions to benefit consumers. For instance, does the CMA have a clear strategy of how it plans to work within NI other than through the CPP, of which the Consumer Council is a member? Also we note that the CMA will act as a conduit between the sectoral regulators which sit on the Consumer Concurrency Group, but at the time of publication the NI Utility Regulator was not a member. Are there plans to increase the membership of this group?



INVESTOR IN PEOPLE



Telephone/Textphone:
Complaints Telephone:
Fax:

028 9067 2488
0800 121 6022
028 9065 7701

E-mail:

info@consumercouncil.org.uk
complaints@consumercouncil.org.uk

Websites:

www.consumercouncil.org.uk
www.consumerline.org

Chairperson
Rick Hill

Deputy Chairperson
Mandy Patrick MBE

Interim Chief Executive
Aodhan O'Donnell

The Consumer Council

Elizabeth House
116 Holywood Road
Belfast
BT4 1NY

Based on the principle that consumers are best served by competitive markets another NI specific consideration is that in some industries, specifically electricity and gas, competition is in its infancy. How does CMA plan to recognise this in its work?

The consultation states “The CMA will place its interventions in the context of broader market analysis with cases informed by “clear theories of harm” which take account of dynamic economic analysis where necessary.” Can clarification be given that **potential** sources of detriment or harm will be addressed and, if so, what will be the required evidence base to take on a case?

In addition, the document goes on to state that “this helps to ensure that interventions are proportionate to need and do not impose unnecessary burdens on business...” Can CMA confirm its approach will not be unfairly weighted towards business need rather than consumer need?

The Consumer Council is supportive that the CMA will apply guidance flexibly, adopting different approaches dependent on the facts of the case. However, while flexibility may be appropriate can assurance be provided that consumers expectations will be managed and consumers will be treated equitably and consistently?

The Consumer Council is committed to establishing a solid working relationship with the CMA and if there is anything we can do to help raise



INVESTOR IN PEOPLE



Telephone/Textphone:
Complaints Telephone:
Fax:

028 9067 2488
0800 121 6022
028 9065 7701

E-mail:

info@consumercouncil.org.uk
complaints@consumercouncil.org.uk

Websites:

www.consumercouncil.org.uk
www.consumerline.org

Chairperson
Rick Hill

Deputy Chairperson
Mandy Patrick MBE

Interim Chief Executive
Aodhan O'Donnell

The Consumer Council

Elizabeth House
116 Hollywood Road
Belfast
BT4 1NY

awareness among NI consumers or provide further information regarding the consumer landscape in NI please do not hesitate to contact us.

Yours sincerely

AODHAN O'DONNELL
Interim Chief Executive



INVESTOR IN PEOPLE