# Groceries Code Adjudicator: Statutory Review

# Response form

The consultation is available at: [https://www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review-2016-to-2019](https://eur02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fgovernment%2Fconsultations%2Fgroceries-code-adjudicator-statutory-review-2016-to-2019&data=02%7C01%7Cmini.krishnan%40beis.gov.uk%7C31004120ddfe48b8785708d6eb64d149%7Ccbac700502c143ebb497e6492d1b2dd8%7C0%7C0%7C636955215566473779&sdata=%2Fh3CwCTYfo8WlyUtW2AV4LYSf8E4QWu88ASMMIx9XFc%3D&reserved=0)

The closing date for responses is 12 September 2019.

Please return completed forms to:

GCA Review Team
Consumer and Competition Policy Directorate
Department for Business, Energy and Industrial Strategy
1st Floor, Orchard 3, 1 Victoria Street,

London – SW1H 0ET

Email: GCAreview@beis.gov.uk

## Personal / Confidential information

Please be aware that we intend to publish a summary of all responses to this consultation.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see the consultation document for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential [ ]

Comments: Click here to enter text.

## About You

Name:
Organisation (if applicable):
Address:

|  | Respondent type |
| --- | --- |
| [ ]  | The Groceries Code Adjudicator |
|[ ]  The Competition and Markets Authority |
|[ ]  The retailers subject to the Code |
|[ ]  Person representing the interest of suppliers |
|[ ]  Person representing the interest of consumers |
| [ ]  | Business representative organisation/trade body |
| [ ]  | Trade associations |
|[ ]  Charity or social enterprise |
|[ ]  Individual |
|[ ]  Direct suppliers to regulated retailers |
|[ ]  Indirect suppliers |
|[ ]  Large business (over 250 staff) |
|[ ]  Medium business (50 to 250 staff) |
|[ ]  Small business (10 to 49 staff) |
|[ ]  Micro business (up to 9 staff) |
|[ ]  Legal representative |
|[ ]  Other (please describe) |

## Questions

### Part 1: Questions for the Groceries Code Adjudicator

1. For the Statutory Review period, please explain how you have met your statutory duties set out in the Groceries Code Adjudicator Act 2013[[1]](#footnote-1)?

Please comment in particular on:

1. How much you have exercised your powers;

Comments: Click here to enter text.

1. How effective you have been in enforcing the Groceries Code.

Comments: Click here to enter text.

1. We would also welcome any comments you may have on the Order making powers contained in the Act and whether you would find it helpful for the Secretary of State to:
2. Amend or replace the Groceries Code Adjudicator (Permitted Maximum Financial Penalty) Order 2015;

Comments: Click here to enter text.

1. Make an order setting out the information which you may consider when deciding whether to investigate.

Comments: Click here to enter text.

1. How effective you have been since 2016 in:
2. Improving retailer and supplier awareness of the Code; and

Comments: Click here to enter text.

1. Improving supplier confidence in raising issues with retailers and with you?

Comments: Click here to enter text.

### Part 2: Questions for the Competition and Markets Authority

1. For the Statutory Review period, please comment on the GCA’s effectiveness in fulfilling the role intended for it by the Competition Commission in 2009?

Please comment in particular on:

1. Whether the GCA has sufficient and proper powers to enforce the Code effectively.

Comments: Click here to enter text.

1. We would also welcome any comments you may have on how effective the GCA has been in exercising her powers.

Comments: Click here to enter text.

### Part 3: Questions for retailers

(i.e. retailers mentioned in Article 4(1)(a) and (b) of the Groceries Supply Order and in the Notices of Designation issued by the CMA. While responding, B&M and Ocado should only consider their experience with the GCA from November 2018)

1. Have you had any dealings with the GCA?

[ ]  Yes [ ]  No

1. If yes, how often?

[ ]  Regularly [ ]  Occasionally [ ]  Rarely [ ]  Never

1. How satisfied are you with your dealings with the GCA?

[ ]  Very satisfied [ ]  Satisfied [ ]  Neutral [ ]  Unsatisfied [ ]  Very unsatisfied

 Comments: Click here to enter text.

1. What impact, if any, has the GCA had on your relationships with your suppliers?

 Comments: Click here to enter text.

1. Has resolving a complaint with suppliers become more or less burdensome than before the GCA?

 Comments: Click here to enter text.

1. What do you believe has been the impact of the GCA on the groceries market?

 Comments: Click here to enter text.

1. How effective do you consider the GCA has been in exercising her powers? (In responding to this question, stakeholders may wish to refer to the GCA’s own guidance[[2]](#footnote-2) on its approach to carrying out investigations, enforcement and arbitration)
2. In providing arbitration?

Comments: Click here to enter text.

1. In conducting investigations and undertaking enforcement activity?

Comments: Click here to enter text.

1. In providing advice, guidance and recommendations?

Comments: Click here to enter text.

1. Do you think the GCA has been effective in enforcing the Code?

 [ ]  Yes [ ]  No

 Please give your reasons: This question will allow us to gauge the broad sense of effectiveness in wide terms. Detailed analysis of effectiveness will be judged by responses to all questions.

Comments: Click here to enter text.

1. Is there any way to make the GCA more effective in delivering its key objectives?

 Comments: Click here to enter text.

### Part 4: Questions for suppliers

1. To which of these retailers do you currently supply groceries?

Please tick all that apply:

[ ]  Aldi Stores Limited

[ ]  Asda Stores Limited

[ ]  B&M European Value SA

[ ]  Co-operative Group Limited

[ ]  Iceland Food Limited

[ ]  J Sainsbury plc

[ ]  Lidl UK GmBH

[ ]  Marks and Spencer plc

[ ]  Ocado Group plc

[ ]  Tesco plc

[ ]  Waitrose Limited

[ ]  WM Morrison Supermarkets plc

1. During your contract period, and since April 2016, have you experienced any issues with the retailers which are covered by the Code areas below? (If you supply groceries to B&M and Ocado, you should only consider your experience with these retailers since 1 November 2018).

Please tick all that apply:

[ ]  Variation of supply agreements and terms of supply

[ ]  Unjustified charges for consumer complaints

[ ]  Obligation to contribute to marketing costs

[ ]  Delay in payments

[ ]  No compensation for forecasting errors

[ ]  Payment as a condition of being a supplier

[ ]  Not applying due care when ordering for promotions

[ ]  Not meeting duties in relation to de-listing

[ ]  Variation of supply chain procedures

[ ]  Payment for wastage

[ ]  Payment for better positioning of goods

[ ]  Payment for shrinkage

[ ]  Tying of third party goods and services to payment

[ ]  No issues with the Code

[ ]  Not aware of the Code

[ ]  Don’t know (Please explain below)

Comments: Click here to enter text.

1. If you ticked any of the boxes above:
2. How often did you experience each of these issues?

[ ]  Regularly [ ]  Occasionally [ ]  Rarely

1. Did you raise the issue with the GCA?

[ ]  Yes [ ]  No

1. If you raised an issue with the GCA how satisfied were you with your dealings with the GCA?

[ ]  Very satisfied [ ]  Satisfied [ ]  Neutral [ ]  Unsatisfied [ ]  Very unsatisfied

 Comments: Click here to enter text.

1. If you did not raise an issue with the GCA, why not?

[ ]  Fear of some form of penalty from retailer

[ ]  Didn’t think the GCA would be able to do anything

[ ]  You can address the concerns yourself

[ ]  Didn’t feel that the concerns were important enough

[ ]  You already alerted a trade association

[ ]  Concerns over confidentiality

[ ]  Not sure what is covered by the Code

[ ]  Other reason

Comments: Click here to enter text.

1. Would you say the issues you have highlighted have happened to a greater, the same or lesser extent since the first review of the GCA?

[ ]  Greater [ ]  Same [ ]  Lesser

 Comments: Click here to enter text.

1. How do you feel retailer practice overall has changed since the first review of the GCA?

[ ]  Improved

 [ ]  Stayed the same

 [ ]  Worsened

 [ ]  Not sure

 Comments: Click here to enter text.

1. In future, would you consider raising any issues you have about groceries supply with the GCA?

[ ]  Yes

 [ ]  No

 [ ]  Don’t know

 Comments: Click here to enter text.

1. If you cannot raise an issue with the GCA, why not?

Please tick all that apply:

[ ]  Fear of some form of penalty from retailer

[ ]  Don’t think the GCA will be able to do anything

[ ]  You can address the concerns yourself

[ ]  Don’t think the concerns are important enough

[ ]  You already alerted a trade association

[ ]  Concerns over confidentiality

[ ]  Not sure what is covered by the Code

[ ]  Other reason

What would encourage you to raise an issue with the GCA?

Comments: Click here to enter text.

1. Has the introduction of the GCA had an impact on product or process innovation?

[ ]  Substantially more likely to undertake product or process innovation

[ ]  Slightly more likely to undertake product or process innovation

[ ]  No impact on undertaking product or process innovation

[ ]  Less likely to undertake product or process innovation

[ ]  Substantially less likely to undertake product or process innovation

 If the introduction of the GCA has had an impact on product or process, could you please give examples of product or process innovation that you have carried out?

Comments: Click here to enter text.

1. Do you now spend relatively more, or relatively less, on product or process innovation than you did 3 years ago?

[ ]  Relatively more

 [ ]  Relatively less

 [ ]  No change

 Comments: Click here to enter text.

1. What do you believe has been the impact of the GCA on the groceries market?

 Comments: Click here to enter text.

1. How effective do you consider the GCA has been in exercising her powers? (In responding to this question, stakeholders may wish to refer to the GCA’s own guidance[[3]](#footnote-3) on its approach to carrying out investigations, enforcement and arbitration)
2. In providing arbitration?

Comments: Click here to enter text.

1. In conducting investigations and undertaking enforcement activity?

Comments: Click here to enter text.

1. In providing advice, guidance and recommendations?

Comments: Click here to enter text.

1. Do you think the GCA has been effective in enforcing the Code?

 [ ]  Yes [ ]  No

 Please give your reasons: This question will allow us to gauge the broad sense of effectiveness in wide terms. Detailed analysis of effectiveness will be judged by responses to all questions.

Comments: Click here to enter text.

### Part 5: Questions for consumers

1. What do you believe has been the impact of the GCA on consumers in relation to:
2. the quality of groceries supplied by the retailers

Comments: Click here to enter text.

1. the choice of groceries supplied by the retailers

Comments: Click here to enter text.

1. any other impact or effects?

 Comments: Click here to enter text.

### Part 6: Questions for any other interested parties

1. Have you engaged with the GCA?

[ ]  Yes [ ]  No

1. How satisfied were you with how the GCA handled your issue?

[ ]  Very satisfied

 [ ]  Satisfied

 [ ]  Neutral

 [ ]  Unsatisfied

 [ ]  Very unsatisfied

[ ]  not applicable

1. If you are a representative group (e.g. a trade association), would you consider raising an issue with the GCA on behalf of your members?

 [ ]  Yes [ ]  No

 Comments: Click here to enter text.

1. What do you believe has been the impact of the GCA on the groceries market?

 Comments: Click here to enter text.

1. How effective do you consider the GCA has been in exercising her powers? (In responding to this question, stakeholders may wish to refer to the GCA’s own guidance[[4]](#footnote-4) on its approach to carrying out investigations, enforcement and arbitration)
2. In providing arbitration?

Comments: Click here to enter text.

1. In conducting investigations and undertaking enforcement activity?

Comments: Click here to enter text.

1. In providing advice, guidance and recommendations?

Comments: Click here to enter text.

1. Do you think the GCA has been effective in enforcing the Code?

 [ ]  Yes [ ]  No

 Please give your reasons: This question will allow us to gauge the broad sense of effectiveness in wide terms. Detailed analysis of effectiveness will be judged by responses to all questions.

Comments: Click here to enter text.

Do you have any other comments that might aid the consultation process as a whole?

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.

Click here to enter text.

Thank you for taking the time to let us have your views. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply [ ]

At BEIS we carry out our research on many different topics and consultations, and your views are valuable to us. Would you be happy for us to contact you again from time to time either for research or about other consultations?

[ ] Yes [ ] No

1. <https://www.legislation.gov.uk/ukpga/2013/19/contents> [↑](#footnote-ref-1)
2. <https://www.gov.uk/government/collections/gca-guidance> [↑](#footnote-ref-2)
3. <https://www.gov.uk/government/collections/gca-guidance> [↑](#footnote-ref-3)
4. <https://www.gov.uk/government/collections/gca-guidance> [↑](#footnote-ref-4)