

**From:** Jerry McLaughlin  
**Sent:** 29 October 2013 14:01  
**To:** Robin Kunduchaudhuri  
**Subject:** MPA Response to CC Provisional Decision

Dear Robin,

## Aggregates, cement and ready-mix concrete Investigation

The MPA response to the Competition Commission's Provisional Decision on Remedies is limited to the remedy set out in Figure 32 of the Decision which states:

### *Summary of remedy measure:*

**Restrictions on the disclosure of GB cement market data** We have provisionally decided that:

- This remedy covers all data that is currently provided by the GB cement producers to the Mineral Products Association (MPA) through a permitted third party.
- For each set of monthly, quarterly and annual GB cement market data that is currently published by the MPA and Department for Business, Innovation and Skills (BIS), there should be a time lag of no less than three months before the data can be made public.
- As a condition for continuing to collate and publish the relevant GB cement market data, the MPA should give undertakings that it will not receive or publish any GB cement market data collected on its behalf by Bessler Hendrie, or any other permitted third party, before the expiry of the three-month time lag. Any proposed change in such arrangements must receive specific approval from the CC (or the Competition and Markets Authority (CMA) from 1 April 2014). It will further undertake that the relevant GB cement market data collected by a permitted third party engaged on its behalf, will be fully independent of the GB cement producers and have the necessary safeguards in place to ensure that the relevant data is not released to the MPA or any other person before the three-month time lag has passed.
- An Order should be issued that prevents any GB cement producer from providing its sales and production data that has yet to pass its three-month time lag to a third party private sector organization. The only exceptions to this prohibition are when one of the following two conditions is satisfied: either (a) the data is being collated by a permitted third party on behalf of the MPA under the terms of the undertakings set out above; or (b) the third party does not also receive data from any other GB cement producer and the output is only used for internal consumption by the GB cement producer that had engaged the third party.

## MPA Response

MPA welcomes the opportunity to be able to retain its responsibility for collating the market data and is therefore happy to provide reasonable undertakings to the CC. MPA accepts the remedy measure set out in Figure 32 " Summary of remedy measure: Restrictions on the disclosure of GB cement market data" of the Provisional Decision on Remedies.

The MPA looks forward to receiving draft undertakings for review in due course once this proposed remedy is confirmed and would be grateful for early indication of when these might be available.

Regards

Jerry

**Jerry McLaughlin**

Director, Economics and Public Affairs

Mineral Products Association, 38-44 Gillingham Street, London, SW1V 1HU