

MARKET INVESTIGATION INTO THE SUPPLY OF PRIVATELY-FUNDED HEALTHCARE SERVICES IN THE UNITED KINGDOM

Notice of release of Interim Undertakings pursuant to section 157(3) of the Enterprise Act 2002

1. On 4 April 2012 the Office of Fair Trading made a reference to the Competition Commission (**CC**) under section 131 of the Enterprise Act 2002 (**the Act**) concerning the supply of privately-funded healthcare services in the UK.
2. The successor body to the CC, the Competition and Markets Authority (**CMA**) published its report titled *Private Healthcare Market Investigation* on 2 April 2014 (**the Report**).
3. In the Report, the CC concluded that:
 - (a) there are features of the markets for privately-funded healthcare services which each (and, in certain circumstances, in combination) prevent, restrict or distort competition, and thereby have an adverse effect on competition (**AEC**);
 - (b) the CMA should take action to remedy, mitigate or prevent the AECs and detrimental effects flowing from them and to that end Undertakings should be given to give effect to the CC's decision on remedies specified in the report; and
 - (c) pending final determination of the market investigation the CMA will accept interim undertakings from HCA International Limited (**HCA**) for the purpose of preventing pre-emptive action.
4. On 20 May 2014 the CMA, in accordance with section 157 of the Act, accepted Interim Undertakings from HCA to prevent action being taken which might impede the taking of any action by the CMA under section 138(2) of the Act (**the Interim Undertakings**).
5. On 30 May 2014, HCA made an application under section 179 of the Act for the Competition Appeal Tribunal to review the findings contained in the report.

6. The CMA has agreed that its decision that there was an AEC in relation to insured patients, and its decision to order HCA to divest itself of two of the hospitals owned by HCA in central London should be quashed in order to allow for further consultation and for fresh decisions to be taken by the CMA.
7. In accordance with section 157(3)(c) of the Act, the CMA now releases HCA from the Interim Undertakings.

Roger Witcomb
Group Chairman
23 December 2014