

PRIVATE HEALTHCARE REMITTAL

Notice of launch of the remittal and invitation to comment

1. The Competition and Markets Authority (CMA) has started work on the private healthcare remittal after the Competition Appeal Tribunal (the ‘Tribunal’) ordered that the following decisions, as contained in the CMA’s Final Report of 2 April 2014, should be quashed and remitted back to the CMA for reconsideration:
 - (a) The CMA’s finding of adverse effects on competition (AEC) in the markets for the provision of hospital services in respect of insured patients in central London (‘the insured AEC decision’).
 - (b) The CMA’s divestiture remedy, by which HCA was required to divest itself of two of its hospitals in central London (‘the divestment decision’).
2. During the initial phase of the remittal, the CMA will be re-considering the insured price analysis (IPA) in the light of further submissions received from parties.
3. In due course, an administrative timetable will be published which is likely to include a two-stage consultation process. The first stage will be a consultation on a document setting out the CMA’s initial views following its re-consideration of the IPA. This will provide an opportunity for interested parties to comment in advance of the CMA issuing and consulting on its provisional findings.
4. If you would like to make any **written submissions** on any relevant matters which you consider should be taken into account in the remittal, please do so by **11 March 2015**. Please submit these to PrivateHealthCare@cma.gsi.gov.uk or write to the CMA (see below).
5. During the Tribunal proceedings which led to the remittal of the insured AEC decision and the divestment decision, the CMA disclosed certain confidential information to the parties’ external advisers. The use of such information during the proceedings was governed by two separate confidentiality rings established by the Tribunal’s Order of 2 July 2014 (as amended on

30 September 2014).¹ Further information about those confidentiality arrangements can be found on the [Tribunal's website](#).

6. The CMA has now decided to set up new confidentiality arrangements to enable the confidential information disclosed by the CMA during the Tribunal proceedings, as well as certain confidential information disclosed during the original market investigation, to be used for the purposes of the remittal. If interested parties have any questions about the CMA's confidentiality arrangements, they should write to the CMA.

Darren Eade
Project Manager, Private Healthcare Remittal
Competition and Markets Authority
Victoria House
Southampton Row
London
WC1B 4AD
25 February 2015

¹ The confidentiality rings established by the Tribunal distinguished between three different categories of confidential information disclosed by the CMA: Category 1 Information (as defined in paragraph 5 of the Tribunal's Order of 2 July 2014), Category 2 Information (as defined in paragraph 7 of the Tribunal's Order of 2 July 2014), and the Data Room Information (as defined in paragraph 3(ii) of the Tribunal's Order of 2 July 2014, as amended by the Tribunal's Order of 30 September 2014).