

Proposed approach to
the treatment of existing
Office of Fair Trading
and Competition
Commission guidance
Summary of responses to the consultation

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This publication is also available at: www.gov.uk/cma.

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1 INTRODUCTION AND SUMMARY

Background

- 1.1 The Enterprise and Regulatory Reform Act 2013 (ERRA13) established the Competition and Markets Authority (CMA) as the UK's economy-wide competition authority responsible for ensuring that competition and markets work well for consumers. On 1 April 2014, the functions of the Competition Commission (CC) and many of the competition and consumer functions of the Office of Fair Trading (OFT) are transferred to the CMA and those bodies abolished. The CMA's primary duty is to seek to promote competition, both within and outside the UK, for the benefit of consumers.
- 1.2 The OFT and CC have previously published guidance on their policies and procedures, some of which are affected by the changes that the ERRA13 makes to the UK's competition regime. The CMA has reviewed the guidance documents currently applied by the OFT and CC to determine which documents should be adopted by the CMA Board and remain applicable after 1 April 2014, in order to facilitate transition to the new organisation and to minimise disruption for business and the CMA, and which are obsolete or should be replaced by CMA publications.
- 1.3 On 17 September 2013, the Transition Team published a document indicating which existing OFT and CC publications it proposed to be adopted or not to be adopted, for the purpose of consulting on this proposal (*Proposed approach to the treatment of existing Office of Fair Trading and Competition Commission guidance* (CMA12con), the Consultation Document).¹ The consultation closed on 11 November 2013.
- 1.4 The CMA has published, prior to gaining its full functions and powers on 1 April 2014, a series of new guidance documents to assist the business and legal communities and other interested parties in their interactions with the CMA, replacing some existing OFT and CC guidance. These new guidance documents are available at www.gov.uk/cma.

Purpose of this document

- 1.5 The Consultation Document sets out a series of specific questions on which views of respondents were sought. This document sets out a summary of the

¹ The Consultation Document is available at: www.gov.uk/government/consultations/competition-and-markets-authority-guidance-part-2

responses received to each of those questions, and the CMA's views on those responses.²

- 1.6 Attached as Annexe B to this document is a table setting out the treatment, as from 1 April 2014, of existing OFT and CC publications that are relevant to the CMA's functions.

Responses to the Consultation

- 1.7 Four written consultation responses referring to the Consultation Document were received (see Annexe A to this document).

Consultation questions

- 1.8 The below table sets out the questions on which the Consultation Document sought views, and in which chapter of this document the responses are summarised.

Question		Chapter
Q1.	Do you agree with the proposed approach to the treatment of existing OFT and CC guidance and other publications?	2
Q2.	Do you consider that any of the existing OFT and CC guidance proposed for adoption (as set out in Annexe B [of the Consultation Document], and subject to the limitations referred to therein) is, in any respect, no longer appropriate?	3
Q3.	Do you consider that the proposals set out at Annexe B [of the Consultation Document] provide sufficient information on the treatment of existing OFT and CC guidance after their functions are transferred to the CMA?	4
Q4.	Do you consider that the CMA should prioritise updating any guidance document or producing new guidance on any topic after 1 April 2014?	5

- 1.9 This document should be read in conjunction with the Consultation Document and cross refers to relevant sections of the Consultation

² Where relevant, this document also includes the CMA's response to related comments received from respondents to the CMA's separate consultations on tool-specific guidance.

Document throughout. It is not intended to be a comprehensive record of all views expressed by respondents; respondents' full responses are available on www.gov.uk/cma.

2 TREATMENT OF EXISTING OFT AND CC GUIDANCE

- 2.1 In the Consultation Document, respondents' views were sought on the proposed approach to the treatment of existing OFT and CC guidance and other publications. Annexe B to the Consultation Document set out which publications it proposed to put to the CMA Board for adoption, and which it considered obsolete or proposed to replace.

Question 1: Do you agree with the proposed approach to the treatment of existing OFT and CC guidance and other publications?

Summary of responses

- 2.2 The majority of respondents agreed that the proposed approach is clear and appropriate. One respondent requested further information on the process that was followed in relation to the selection of documents for adoption.
- 2.3 It was also noted by one respondent that it would be useful if all documents were appropriately classified and referenced and available on a single, comprehensive, and regularly updated source/webpage.

CMA's views

- 2.4 Given the broad support for the proposed approach in the Consultation Document, the CMA has decided to retain this approach. As to the process followed by the CMA in selecting documents for adoption, the CMA considers that this was made sufficiently clear in paragraphs 2.1 to 2.6 of the Consultation Document.
- 2.5 With regard to the suggestion that all documents be appropriately referenced, reference codes have now been given to each of the few OFT and CC documents to be adopted by the CMA that did not previously have codes, as follows:
- *Quick guide to private litigation in competition cases (OFT1520)*
 - *The OFT's role in reviewing NHS mergers: FAQ (OFT1521)*
 - *Suggested best practice for submission of technical economic analysis (CC2com3)*
- 2.6 The CMA has also considered whether it might be helpful if all documents adopted by the CMA Board were given a new CMA document code. The CMA has decided, however, that it would be more likely to create confusion

if such OFT and CC documents were given new CMA codes, in particular because users of the documents have become accustomed to the existing references and renumbering could introduce uncertainty as to whether or not substantive changes had been made to the existing OFT and CC documents.

2.7 The CMA has carefully considered how guidance documents might be appropriately classified and made available on the CMA's webpages. There will be links on www.gov.uk/cma to pages displaying, for each CMA tool (such as mergers), the relevant guidance documents, including OFT and CC documents adopted by the CMA.

2.8 As indicated in Annexe B to this Summary of Responses, certain documents have been adopted by the CMA Board, or will be adopted on or before 1 April 2014, which were not proposed for adoption in Annexe B to the Consultation Document (in some cases because they were published at a later date). These additional documents are:

- *The OFT and the bus industry* (OFT397)
- *Application to services relating to railways* (OFT430)
- *Memorandum of understanding between the OFT and the NCD, Crown Office, Scotland* (OFT546)
- *Calculating fair default charges in credit card contracts* (OFT842)
- *Government in Markets* (OFT1113)
- *Consumer Contracts Quick Guide* (OFT1318)
- *Street furniture advertising: Recommendations to Local Authorities* (OFT1415)
- *Quick guide to private litigation in competition cases* (OFT1520)
- *The OFT's Principles for online and app-based games* (OFT1519)
- *Principles on food pricing display and promotional practices* (OFT1527)
- *Competition Commission Airport Licence Condition Appeal Rules* (CC19)
- *Airport Licence Condition Appeal Rules: Competition Commission Guide* (CC20)

- *National Tariff Methodology Reference Rules under the Health and Social Care Act 2012 (CC21)*
- *National Tariff Methodology Reference Rules under the Health and Social Care Act 2012: Guide (CC22)*

- 2.9 The CMA notes that certain obsolete or replaced guidance will continue to have ongoing effect for cases to which certain aspects of the existing law/procedures will continue to apply, as set out in *Transitional Arrangements: Guidance on the CMA's proposed approach - Part 1* (CMA14) and *Transitional Arrangements: Guidance on the CMA's proposed approach - Part 2* (CMA14part2), both of which are available on www.gov.uk/cma.
- 2.10 The CMA notes that the OFT and/or CC may publish, prior to 1 April 2014, further rules or guidance relevant to the functions being transferred to the CMA. It will be indicated in those documents whether it is proposed that they will be adopted by the CMA Board. If so, the documents will, once adopted, be published on the CMA's webpages (www.gov.uk/cma).

3 SUITABILITY OF DOCUMENTS PROPOSED FOR ADOPTION

- 3.1 The CMA sought respondents' views on whether they considered that any of the OFT or CC guidance identified for adoption should not be adopted.

Question 2: Do you consider that any of the existing OFT and CC guidance proposed for adoption (as set out in Annexe B [of the Consultation Document], and subject to the limitations referred to therein) is, in any respect, no longer appropriate?

Summary of responses

- 3.2 One response was received to this question, confirming the suitability of the guidance proposed for adoption.
- 3.3 One respondent to a separate consultation, on the CMA's new mergers guidance, suggested that the OFT and CC's joint publication *A Quick Guide to UK Merger Assessment* (CC2(summary)/OFT1313) should be updated prior to its adoption by the CMA Board.³

CMA's views

- 3.4 In light of the suggestion received as part of the consultation on the CMA's mergers guidance, the CMA has decided – contrary to the proposal in Annexe B of the Consultation Document – not to adopt CC2(summary)/OFT1313. The CMA has instead published an updated quick guide for businesses, (*A Quick Guide to UK Merger Assessment* (CMA18), available at www.gov.uk/cma), to replace CC2(summary)/OFT1313.⁴
- 3.5 The CMA has also decided to amend *Competition Commission: rules of procedure for merger reference groups, market reference groups and special reference groups* (CC1) to reflect the changes implemented by the ERA13. Accordingly, CC1 will not be adopted by the CMA Board (as was indicated in the Consultation Document, with the proviso that some changes might be necessary) but will instead be replaced by *Rules of procedure for CMA Groups* (CMA17), which was published for consultation between 21

³ See *Mergers: Guidance on the CMA's jurisdiction and procedure, Summary of responses to the consultation* (CMA2resp), paragraphs 2.3 and 2.5.

⁴ For the avoidance of doubt, the OFT/CC joint publication *Merger assessment guidelines* (CC2(revised)/OFT1254), has been adopted by the CMA, as was proposed in Annexe B of the Consultation Document, and will continue to apply after 1 April 2014.

February and 18 March 2014 (available at www.gov.uk/cma) and will be published in final form by 1 April 2014.

- 3.6 In light of responses to the CMA's consultation on Competition Act 1998 guidance, the CMA has decided to publish new guidance on short-form opinions.⁵ This new guidance will replace *Short-form Opinions – the OFT's approach* (April 2010) once it has been published. However, pending publication of the new guidance, the existing OFT guidance will be adopted by the CMA Board (as was indicated in Annexe B to the Consultation Document). It is anticipated that the new guidance on short-form opinions will be published shortly after 1 April, and will be available on www.gov.uk/cma.

⁵ See *Competition Act 1998: CMA Guidance and Rules of Procedure for investigation procedures under the Competition Act 1998, Summary of responses to the consultation* (CMA8resp), paragraph 11.3.

4 INFORMATION IN ANNEXE B OF THE CONSULTATION DOCUMENT

- 4.1 The CMA sought respondents' views on the extent of information on the proposed treatment of existing OFT and CC guidance provided in Annexe B of the Consultation Document.

Question 3: Do you consider that the proposals set out at Annexe B [of the Consultation Document] provide sufficient information on the treatment of existing OFT and CC guidance after their functions are transferred to the CMA?

Summary of responses

- 4.2 Two respondents agreed that the proposals set out at Annexe B of the Consultation Document provide sufficient information on the treatment of existing OFT and CC guidance.
- 4.3 One respondent requested clarification as to whether the OFT's *Prioritisation Principles* (OFT953) will be revised prior to 1 April 2014 or the CMA will continue to apply the OFT principles and interpret them in light of the Government's steer⁶ and *Vision, values and strategy for the CMA* (CMA13con).
- 4.4 Another respondent commented that Annexe B to the Consultation Document was not sufficiently clear as to whether existing guidance documents would be replaced or obsolete, and suggested that the table should be amended to show these two outcomes in separate columns.

CMA's views

- 4.5 With respect to *Prioritisation Principles* (OFT953), the CMA consulted on draft prioritisation principles between 22 January 2014 and 5 March 2014.⁷ Once finalised, the CMA prioritisation principles will replace OFT953 and will be available on www.gov.uk/cma.
- 4.6 The CMA has carefully considered the suggestion that Annexe B to the Consultation Document (now Annexe B to this document) should distinguish

⁶ *Competition Regime: response to consultation on statement of strategic priorities for the Competition and Markets Authority* (BIS/13/1210), available at www.gov.uk/cma.

⁷ *Prioritisation principles for the CMA* (CMA16con), available at www.gov.uk/cma.

between obsolete and replaced documents. The CMA considers, however, that the treatment of obsolete and replaced documents is for all practical purposes the same: neither obsolete nor replaced publications should be used for reference after 1 April 2014 in relation to the CMA (save to the extent required for transitional cases, as noted in paragraph 2.9 above). There is therefore no practical need to distinguish between the two categories. In particular, to the extent that existing OFT or CC publications are directly superseded by new guidance published by the CMA, this is made clear in the new guidance (see, for example, paragraph 1.3 of *Mergers: Guidance on the CMA's approach to jurisdiction and procedure* (CMA2), available on www.gov.uk/cma).

5 PRIORITISATION FOR PRODUCING UPDATED OR NEW GUIDANCE AFTER 1 APRIL 2014

5.1 The CMA sought respondents' views on whether it should prioritise updating certain documents or producing new guidance on any topic after 1 April 2014.

Question 4: Do you consider that the CMA should prioritise updating any guidance document or producing new guidance on any topic after 1 April 2014?

Summary of responses

5.2 The respondents recommended that the following documents be prioritised for updating:

- *Market Studies and Market Investigations: Supplemental guidance on the CMA's approach (CMA3con)*
- *Short-form Opinions – the OFT's approach (April 2010)*
- *Prioritisation principles (OFT953)*
- *Powers of Investigation (OFT404)*
- *Powers for investigating criminal cartels (OFT515)*
- *Agreements and concerted practices (OFT401)*
- *Abuse of a dominant position (OFT402)*
- *Market definition (OFT403)*
- *Powers of investigation (OFT404)*
- *Enforcement (OFT407)*
- *Assessment of market power (OFT415)*
- *Vertical agreements (OFT419)*

5.3 One respondent also suggested that the CMA focus on reviewing guidance that is more than five years old, and consolidate overlapping guidance wherever possible.

CMA's views

- 5.4 As explained in paragraph 4.5 above, the CMA consulted on draft prioritisation principles between 22 January 2014 and 5 March 2014, and in April 2014 final CMA prioritisation principles will replace the OFT's *Prioritisation principles* (OFT953).
- 5.5 As noted in paragraph 3.6 above, the CMA has decided to publish new guidance on short-form opinions.⁸ This new guidance will replace *Short-form Opinions – the OFT's approach* (April 2010) although, as noted above, the OFT's existing guidance will be adopted by the CMA Board pending publication of the new guidance, which is expected to take place shortly after 1 April. The new guidance will be available on www.gov.uk/cma.
- 5.6 As to the remaining documents mentioned by respondents (and more generally), the CMA will continue to evaluate how to prioritise updating documents that have been adopted by the CMA Board or producing new guidance on any topic. The CMA welcomes the feedback from respondents, which will be taken into account in that evaluation.

⁸ See *Competition Act 1998: CMA Guidance and Rules of Procedure for investigation procedures under the Competition Act 1998, Summary of responses to the consultation* (CMA8resp), paragraph 11.3.

ANNEXE(S)

A. List of respondents to the consultation

- Allen & Overy LLP
- Ashurst LLP
- Berwin Leighton Paisner
- The General Council of the Bar of England and Wales

B. Treatment of existing OFT/CC publications as from 1 April 2014

The table below sets out the treatment, as from 1 April 2014, of existing OFT and CC publications that are relevant to the functions to be transferred to the CMA.⁹ For ease of reference, the table organises the documents by tool.¹⁰ Links to the documents relevant to each tool may be found on www.gov.uk/cma.

Each of the adopted OFT and CC publications should be read subject to the limitations identified on the CMA webpage on which it is available (including, for example, that references to the OFT or CC (except where referring to specific past OFT or CC practice or case law) should be read as referring to the CMA).

Document code	Title	Status of document	
		Replaced/obsolete ¹¹	Adopted by the CMA Board ¹²
Mergers			
OFT527	Mergers jurisdictional and procedural guidance	✓	-
CC18	Merger procedural guidelines	✓	-
CC2(revised)/OFT1254	Merger assessment guidelines	-	✓
CC2(summary)/OFT1313	Quick guide to UK merger assessment	✓	-
OFT1122	Mergers: Exceptions to the duty to refer and undertakings in lieu of reference guidance	-	✓

⁹ The table refers to guidance existing at the date of publication. The OFT and/or CC may publish, prior to 1 April 2014, further rules or guidance relevant to the functions being transferred to the CMA. If so, it will be indicated whether such documents are proposed for adoption by the CMA Board.

¹⁰ Some documents are therefore listed more than once.

¹¹ OFT and CC publications listed in this column are rendered obsolete or replaced by CMA guidance or publications, and therefore have not been adopted by the CMA Board and will not be applied by the CMA (save to the extent required for transitional cases, as set out in *Transitional Arrangements: Guidance on the CMA's proposed approach - Part 1* (CMA14) and *Transitional Arrangements: Guidance on the CMA's proposed approach - Part 2* (CMA14part2), both of which are available on www.gov.uk/cma).

¹² OFT and CC publications listed in this column have been adopted by the CMA Board (subject to any guidance prepared by the CMA in the future).

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
CC8	Merger remedies: Competition Commission guidelines	-	✓ (except Appendix A)
OFT1060	Memorandum of understanding between the OFT and the CC on the variation and termination of merger and market undertakings and orders	✓	-
CC9	Guidance on water merger references	-	✓
CC2com1/OFT1230	Good practice in the design and presentation of consumer survey evidence in merger inquiries	-	✓
CC2com2/OFT1305	Commentary on retail mergers	-	✓
Merger Notice (Dec 2010)	Merger Notice under section 96 of the Enterprise Act 2002	✓	-
OFT	OFT: Template initial undertakings	✓	-
OFT (Aug 2012)	Mergers fee information	✓	-
	OFT: Enquiry letter template	✓	-
	Competition Commission: Template Interim Undertakings (Completed Merger)	✓	-
	Memorandum of understanding between Ofcom and the OFT	✓	-
OFT1521	The OFT's role in reviewing NHS mergers: Frequently Asked Questions	-	✓
CC1	Competition Commission: rules of procedure for merger reference groups, market reference groups and special reference groups	✓	-
CC4	Competition Commission: general advice and information	✓	-
CC5	Statement of policy on penalties	✓	-

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
CC6	Competition Commission: guidance to merger reference groups, market reference groups and special reference groups	✓	-
CC7	Chairman's guidance on disclosure of information in merger and market inquiries	-	✓
CC12	Disclosure of information by the CC to other public authorities	✓	-
CC2com3	Suggested best practice for submissions of technical economic analysis from parties to the Competition Commission	-	✓
	Guidance on outside interests of members, staff and external advisors	✓	-
OFT441	How will the Enterprise Act 2002 change the Competition Act 1998 regime?	✓	-
OFT518	Overview of the Enterprise Act	✓	-
OFT530	Practical information – everything you need to know about the Enterprise Act	✓	-
OFT1113	Government in Markets	-	✓
Markets			
OFT511	Market investigation references	-	✓
OFT514	Super-complaints: guidance for designated consumer bodies	-	✓
OFT518	Overview of the Enterprise Act	✓	-
OFT519	Market studies: guidance on the OFT approach	-	✓
OFT530	Practical information – everything you need to know about the Enterprise Act	✓	-
OFT548	Super-complaint concurrent duties	-	✓

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
OFT1060	Memorandum of understanding between the OFT and the CC on the variation and termination of merger and market undertakings and orders	✓	-
OFT1308	Practice on consultation on proposed decisions in relation to market investigation references	✓	-
CC1	Competition Commission rules of procedure for merger reference groups, market reference groups and special reference groups	✓	-
CC3(revised)	Guidelines for market investigations: their role, procedures, assessment and remedies	-	✓
CC4	Competition Commission: general advice and information	✓	-
CC5	Statement of policy on penalties	✓	-
CC6	Competition Commission: guidance to merger reference groups, market reference groups and special reference groups	✓	-
CC7	Chairman's guidance on disclosure of information in merger and market inquiries	-	✓
CC12	Disclosure of information by the CC to other public authorities	✓	-
CC2com3	Suggested best practice for submissions of technical economic analysis from parties to the Competition Commission	-	✓
	Competition Commission: guidance on outside interests of members, staff and external advisors	✓	-

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
CA98			
OFT1263rev	A guide to the OFT's investigations procedures in Competition Act 1998 cases	✓	-
OFT953	Prioritisation Principles	✓	-
OFT (April 2010)	Short-form opinions – the OFT's approach	-	✓
OFT423	Guidance on the appropriate amount of a penalty	-	✓
OFT401	Agreements and concerted practices	-	✓
OFT402	Abuse of a dominant position	-	✓
OFT403	Market definition	-	✓
OFT404	Powers of investigation	-	✓
OFT407	Enforcement	-	✓
OFT415	Assessment of market power	-	✓
OFT451	Involving third parties in Competition Act investigations	-	✓
OFT1341	How your business can achieve compliance with competition law	-	✓
OFT1227	Drivers of compliance and non-compliance with competition law	-	✓
OFT442	Modernisation	-	✓
OFT419	Vertical agreements	-	✓
OFT1340	Company directors and competition law	-	✓
OFT421	Services of general economic interest exclusion	-	✓
OFT408	Trade associations, professional and self-regulating bodies	-	✓
OFT1280a	The application of competition law following the revocation of the Land Agreements Exclusion Order	-	✓

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
OFT1389	Public bodies and competition law	-	✓
OFT740rev	How competition law applies to co-operation between farming businesses: FAQs	-	✓
OFT1317	Land agreements and competition law – An overview of how competition law applies to land agreements	-	✓
OFT439	Public transport ticketing schemes block exemption	-	✓
OFT447	Competing fairly	-	✓
OFT1330	Quick guide to competition law compliance	-	✓
OFT1234	Transparency – a statement of the OFT's approach	✓	-
OFT1495	Applications for leniency and no-action in cartel cases (including OFT1495i and OFT1495b)	-	✓
OFT435	Cartels and the Competition Act 1998 – a guide for purchasers	-	✓
OFT436	Leniency in cartel cases	✓	-
OFT510	Director disqualification in competition cases	-	✓
OFT515	Powers for investigating criminal cartels	✓	-
OFT546	Memorandum of understanding between the OFT and the NCD, Crown Office, Scotland	-	✓
OFT393	The Transport Acts: guidance on the competition test	-	✓
OFT452	Guidance on the application of competition law to certain aspects of the bus market following the Local Transport Act 2008	-	✓
OFT397	The OFT and the bus industry	-	✓

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
OFT1520	Quick guide to private litigation in competition cases	-	✓
OFT1113	Government in Markets	-	✓
OFT430	Application to services relating to railways	-	✓
Concurrency			
OFT405	Concurrent Application to Regulated Industries	✓	-
Criminal cartels			
OFT1495	Applications for leniency and no-action in cartel cases (including OFT1495i and OFT1495b)	-	✓
OFT404	Powers of Investigation	-	✓
OFT510	Director disqualification in competition cases	-	✓
OFT515	Powers for investigating criminal cartels	✓	-
OFT435	Cartels and the Competition Act 1998 – a guide for purchasers	-	✓
OFT423	OFT's guidance as to the appropriate amount of a penalty	-	✓
OFT1263rev	A guide to the OFT's investigation procedures in competition cases	✓	-
OFT738	Covert surveillance in cartel investigations	✓	-
OFT739	Covert human intelligence in cartel investigations	✓	-
OFT1389	Public bodies and competition law	-	✓
OFT442	Modernisation	-	✓
OFT546	Memorandum of understanding between the OFT and the NCD, Crown Office, Scotland	-	✓

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
OFT547	Memorandum of understanding between the OFT and the Director of the SFO ¹³	✓	-
OFT740rev	How competition law applies to co-operation between farming businesses: FAQs	-	✓
OFT1330	Quick Guide to competition law compliance	-	✓
OFT447	Competing Fairly	-	✓
OFT430	Application to services relating to railways	-	✓
Regulatory Appeals and References			
CC1	Competition Commission rules of procedure for merger reference groups, market reference groups and special reference groups	✓	-
CC4	Competition Commission: general advice and information	✓	-
CC6	Competition Commission: guidance to merger reference groups, market reference groups and special reference groups	✓	-
CC10	The Energy Code Modification Rules	-	✓
CC11	Guide to appeals in Energy Code Modification Cases	-	✓
CC13	Price control appeals under section 193 of the Communications Act 2003: Competition Commission Guidelines	-	✓
CC14	Competition Commission Energy Licence Modification Appeals Rules	-	✓
CC15	Energy Licence Modification Appeals: Competition Commission Guide	-	✓

¹³ New memorandum of understanding to be entered into in due course.

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
CC16	Competition Commission Postal Services Price Control Appeals Rules	-	✓
CC17	Postal Services Price Control Appeals: Competition Commission Guide	-	✓
CC19	Competition Commission Airport Licence Condition Appeal Rules	-	✓
CC20	Airport Licence Condition Appeal Rules: Competition Commission Guide	-	✓
CC21	National Tariff Methodology Reference Rules under the Health and Social Care Act 2012	-	✓
CC22	National Tariff Methodology Reference Rules under the Health and Social Care Act 2012: Guide	-	✓
Consumer			
OFT1221	Statement of consumer protection enforcement principles	✓	-
OFT311	Unfair contract terms guidance	-	✓
OFT911	A quick guide to competition and consumer protection laws that affect your business	-	✓
OFT512	Enforcement of consumer protection legislation – guidance on Part 8 Enterprise Act 2002	-	✓
OFT1292	The OFT's approach to promoting business compliance with consumer protection law	✓	-
OFT143	Unfair standard terms	-	✓
OFT734	Guidance on unfair terms in holiday caravan agreements	-	✓
OFT737	Guidance on unfair terms in home improvement contracts	-	✓
OFT668	Guidance on unfair terms in package holiday contracts	-	✓

Document code	Title	Status of document	
		Replaced/ obsolete ¹¹	Adopted by the CMA Board ¹²
OFT667	Guidance on unfair terms in consumer entertainment contracts	-	✓
OFT635	Guidance on unfair terms in care home contracts	-	✓
OFT373	Guidance on unfair terms in health and fitness club agreements	-	✓
OFT356	Guidance on unfair terms in tenancy agreements	-	✓
OFT1008	Consumer protection from unfair trading	-	✓
OFT979	The Consumer Protection from Unfair Trading Regulations: a basic guide for business	-	✓
OFT1273	Criminal enforcement of the Consumer Protection from Unfair Trading Regulations	✓	-
OFT1494	Key issues in ongoing contracts: a practical guide	-	✓
OFT842	Calculating fair default charges in credit card contracts	-	✓
OFT1415	Street furniture advertising: Recommendations to Local Authorities	-	✓
OFT1113	Government in Markets	-	✓
OFT1519	The OFT's Principles for online and app-based games (including its annexe, OFT1519a)	-	✓
OFT1318	Consumer Contracts Quick Guide	-	✓
OFT884	Guidance for the use of on-site inspection powers under the Consumer Protection Cooperation Regulation	✓	-
OFT858	The EU Regulation on Consumer Protection Co-operation – on-site inspection powers	✓	-
OFT1527	Principles on food pricing display and promotional practices	-	✓

Review of remedies			
OFT953	Prioritisation principles	✓	-
OFT1060	Memorandum of understanding between the OFT and the CC on the variation and termination of merger, monopoly and market undertakings and orders under the Fair Trading Act 1973 and the Enterprise Act 2002	✓	-
CC1	Competition Commission rules of procedure for merger reference groups, market reference groups and special reference groups	✓	-
CC2(revised)/OFT1254	Merger Assessment Guidelines	-	✓
CC3(revised)	Guidelines for market investigations: their role, procedures, assessment and remedies	-	✓
CC7	Chairman's Guidance on Disclosure of Information in Merger Inquiries, Market Investigations and Reviews of Undertakings and Orders accepted or made under the Enterprise Act 2002 and Fair Trading Act 1973	-	✓
CC8	Merger remedies: Competition Commission guidelines	-	✓ (except Appendix A)
Administrative penalties			
CC4	General Advice and Information	✓	-
CC5	Statement of Policy on Penalties	✓	-
CC6	Competition Commission: guidance to merger reference groups, market reference groups and special reference groups	✓	-
CC18	Merger procedural guidelines	✓	-
OFT441	How will the Enterprise Act 2002 change the Competition Act 1998 regime?	✓	-
OFT511	Market investigation references	-	✓
OFT518	Overview of the Enterprise Act	✓	-

OFT519	Market studies: guidance on the OFT approach	-	✓
OFT527	Mergers jurisdictional and procedural guidance	✓	-
OFT530	Practical information – everything you need to know about the Enterprise Act	✓	-
CC2(revised)/OFT1254	Merger assessment guidelines	-	✓
OFT1263rev	The OFT's CA98 procedures guide	✓	-
SI 2004/2751	The Competition Act 1998 (Office of Fair Trading's Rules) Order 2004	✓	-
Transparency and disclosure			
OFT1234	Transparency – a statement of the OFT's approach	✓	-
CC7	Chairman's Guidance on disclosure of information in merger and market inquiries	-	✓
CC12	Disclosure of information by the Competition Commission to other public authorities	✓	-
CC6	Competition Commission: guidance to merger reference groups, market reference groups and special reference groups	✓	-
OFT518	Overview of the Enterprise Act	✓	-