

National Federation of Retail Newsagents (NFRN) Submission to the Competition and Markets Authority guidance: part 1 consultation

Introduction

The National Federation of Retail Newsagents (NFRN) would like to thank the Competition and Markets Authority and the Department for Business, Innovation and Skills for the invitation to make a written submission on behalf of our members to the Competition and Markets Authority guidance: part 1 consultation.

The NFRN is one of Europe's largest trade associations, representing over 16,000 fee paying members from approximately 18,000 independent newsagents and convenience stores across the UK, Channel Islands and the Republic of Ireland. We are a membership led organisation that is democratically structured; policy is made by annual conference and its implementation is overseen by National Council.

The NFRN assists the independent retailer to compete more effectively in today's highly competitive market through the provision of practical help and assistance, commercial support, deals and buying opportunities, training, expertise and services, it also represents its members' interests at governmental and parliamentary level, as well as within the news and magazine industry.

We would be happy for our responses to this consultation to be made available on the CMA website.

Guidance document: Transparency and disclosure: Statement of the CMA's policy and approach

1. Do you consider that the Draft Statement sets out a clear statement of the CMA's commitment to transparency and the reasons why this is important?

The NFRN considers that the Draft Statement does clearly establish the CMA's commitment to transparency and its explanations for why it is important in paragraphs 2.3 and 2.4.

It was also useful that paragraph 2.5 explained how the CMA aims to achieve transparency, so that it is clear how transparency would work in practice.

2. Do you consider that the Draft Statement contains the right level of detail in explaining how the CMA will engage with parties and other interested persons at each stage of its cases, and the CMA's approach to handling information (including in particular confidential information)?

We would agree that the Draft Statement contains the right level of detail in explaining how the CMA will engage with parties and other interested persons at each stage of its cases as this seems to be fully explained throughout chapter three.

The NFRN particularly welcomed paragraphs 3.1 and 3.2, which explained the preparatory work the CMA may undertake before opening a case as it is helpful to understand not only how the CMA will engage with parties during the case, but also before one is launched.

The NFRN also notes that the Draft Statement has gone into a lot of detail regarding the CMA's approach to handling information. However it notes in paragraph 4.1 that where the CMA does "not have, or does not use, formal powers, it relies upon the co-operation of parties and requests information on an informal, voluntary basis". We believe it would be useful to clarify in this section the formal powers the CMA has to gather information as this is not clear.

We welcome the statement in paragraph 4.2 that says the CMA will "strive to avoid imposing unnecessary burdens on such persons while considering also the need for the CMA to operate efficiently". In cases that would involve small businesses, it is appreciated that CMA has considered the potential impacts on the persons involved.

With regards to confidential information, the NFRN found that there was a good level of detail in terms of the explanation of what is considered confidential information and how the CMA would handle such information once obtained.

3. Do you consider that the Draft Statement contains the right level of detail in explaining the circumstances in which the CMA may disclose information to other UK public authorities and overseas authorities?

The NFRN considers that the Draft Statement does contain the appropriate level of detail with regards to explaining the circumstances in which the CMA may disclose information. It was useful that the guidance explained how the disclosure of confidential information could be dealt with, if the situation arose.

4. Do you consider that there are any aspects missing from the Draft Statement in respect of the CMA's approach to transparency and disclosure?

The NFRN does not consider that there are any aspects missing from the Draft Statement with regards to the CMA's approach to transparency and disclosure.

It is welcome that the CMA has made clear in the Draft Statement the action that can be taken if party/parties are dissatisfied with the conduct of an ongoing case and with regards decisions in closed cases.

5. Do you consider that the Draft Statement is user friendly in terms of its content and language?

The NFRN found the guidance to be accessible both in terms of its content and language.

6. Do you have any other comments on the Draft Statement?



The NFRN does not have any further comments to make on the Draft Statement.

7. Do you agree with the list in Annexe B of the Draft Statement of existing OFT and CC guidance documents related to transparency and disclosure proposed to be put to the CMA Board for adoption by the CMA?

The NFRN agrees with the list in Annexe B of the Draft Statement of existing OFT and CC guidance documents related to transparency and disclosure proposed to be put to the CMA Board.