CMA Guidance
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By email to: guidance@cma.gsi.gov.uk

5 March 2014

Rules of procedure for CMA groups consultation document

EDF Energy is one of the UK's largest energy companies with activities throughout the energy chain. Our interests include nuclear, coal and gas-fired electricity generation, renewables, and energy supply to end users. We have over five million electricity and gas customer accounts in the UK, including residential and business users.

The governance process for CMA groups is highly discretionary and as such any additional clarity provided by appropriate rules of procedure are welcome. We believe it is right that the rules proposed should be extensively based on the existing rules of the Competition Commission. However, we do welcome acknowledgement that such rules should be kept under review as experience of the new CMA governance framework is developed.

In terms of the proposed rules we have the following high level comments:

- The CMA should not restrict itself to set piece hearings. It may also be useful to at least have the option for developing a dialogue between the CMA and industry members/consumer groups through consultation or meetings.

- The CMA need to bear in mind that a public hearing will produce a fundamentally different (and potentially costly) type of engagement with the Authority (6.1 p18) when compared with private hearings.

- We would like to see a clear link between harm and remedies built into the procedure. This can be achieved by a requirement for the notice to identify how the remedies cure the problems.

- In terms of verifying the accuracy of the report (Rule 12 Preparation; p22) we would prefer the use of the word "will" rather than "may"

Should you wish to discuss any of the issues raised in our response or have any queries, please contact Sebastian Eyre on 020 7752 2167, or myself.

I confirm that this letter may be published on CMA's website.

Yours sincerely,

Paul Delamare
Head of Downstream Policy and Regulation