



Department for  
Business, Energy  
& Industrial Strategy

**GROCERIES CODE ADJUDICATOR  
REVIEW: PART 1**

Statutory Review of the  
Groceries Code Adjudicator

OCTOBER 2016

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# Groceries Code Adjudicator Review: Part 1 - Statutory Review

This consultation is Part One, the Statutory Review of the GCA's performance. The primary purpose of this consultation is to seek views and evidence which will allow us to make an assessment on the GCA's performance against the measures set out in the Act. These measures are explained in the Terms of Reference – [Annex B](#).

Issued: 18 October 2016

Respond by: 10 January 2017

Enquiries to:

GCA Review Team  
Victoria 316  
Consumer and Competition Policy Directorate  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Tel: 0207 215 3773

Email: [GCAreview@beis.gov.uk](mailto:GCAreview@beis.gov.uk)

The Act requires us to consult with the following:

- The GCA;
- The Competition and Markets Authority;
- The retailers;
- One or more persons representing the interest of suppliers;
- One or more persons representing the interests of consumers; and
- Any other appropriate person (we have not identified any specific person or persons here and welcome contributions from any interested person).

This consultation is fully open to the public and will allow us to get as wide a view as possible on the GCA's performance.

Stakeholders have until 10 January 2017 to respond to this consultation. Following this, we will assess and analyse the responses. A report on our findings will then be published and laid before Parliament.

## 1. Ministerial foreword

I am pleased to launch this Statutory Review of the Groceries Code Adjudicator ('GCA') to gain evidence on how it has performed its statutory obligations following its creation 3 years ago.

The GCA is the UK's first independent adjudicator to oversee the relationship between supermarkets and their suppliers. Established in 2013, its role is to make sure that large supermarkets treat their direct suppliers lawfully and fairly, investigating complaints and arbitrating in disputes.

The GCA's role not only monitors, ensures compliance with and enforces the Groceries Supply Code of Practice ('the Code'); it also helps to strengthen the supply chain benefiting suppliers, retailers and consumers.

The GCA's investigation into the compliance of Tesco plc with the Code earlier this year was a significant achievement, and carries a clear message to all retailers that the GCA will accept no less than the principle of fair dealing demanded by the Code.

Alongside this Review, we are also launching a Call for Evidence on the case for extending the GCA's remit. This is in recognition of concerns raised by other suppliers in the groceries sector – particularly primary producers and farmers – who are not covered by the Code.

I look forward to receiving your views and comments on both this Statutory Review and the Call for Evidence.



**Margot James MP**  
**Parliamentary Under Secretary of State, Minister for Small Business, Consumers and Corporate Responsibility**



## 2. Introduction

### The Groceries Code Adjudicator

The Groceries Code Adjudicator (“GCA”) was established under the Groceries Code Adjudicator Act 2013 (“the Act”). The purpose of the GCA is to monitor and enforce the Groceries Supply Code of Practice (“the Code”).

The Code was introduced in 2009 by the Competition Commission (“CC”)<sup>1</sup>, following its market investigation into the supply of groceries in the United Kingdom and the publication of its findings in 2008<sup>2</sup>. The Code applies to the ten largest UK grocery retailers<sup>3</sup> (“the retailers”) and is designed to help control practices which transfer excessive risks and unexpected costs to suppliers, and have an impact on suppliers’ willingness to invest in quality and innovation – leading to potential consumer detriment. The Code applies only to relationships between the retailers and their direct suppliers.

Further information on the CC’s report findings, the creation of the GCA and the scope of its functions can be found at [Annex A](#).

### The Groceries Code Adjudicator Review

Section 15 of the Act requires the government to review periodically the performance of the GCA. The first Review covers the period from the creation of the GCA (in June 2013), to 31 March 2016. The Act specifies the issues which the Review must address and who must be consulted as part of the Review. These points are covered in the Terms of Reference (‘ToR’), which can be found at [Annex B](#). We are also simultaneously launching a Call for Evidence on the case for extending the GCA’s remit, details of which can also be found in the ToR. The overall Review process therefore comprises two parts: Part One is the Statutory Review of the GCA’s performance and Part Two is the Call for Evidence on the case for extending the GCA’s remit.

This consultation is Part One, the Statutory Review of the GCA’s performance. Part Two, the Call for Evidence, can be found at [www.gov.uk/government/consultations/groceries-code-adjudicator-extending-its-remit](http://www.gov.uk/government/consultations/groceries-code-adjudicator-extending-its-remit).

### Part 1: Statutory Review

The primary purpose of this consultation is to seek views and evidence which will allow us to make an assessment on the GCA’s performance against the measures set out in the Act. These measures are explained in the ToR and are summarised below:

- How much the GCA’s powers have been exercised;
- How effective the GCA has been in enforcing the Code;

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<sup>1</sup> In April 2014, most of the functions of the Competition Commission were transferred to the Competition and Markets Authority.

<sup>2</sup> [www.gov.uk/cma-cases/groceries-market-investigation-cc](http://www.gov.uk/cma-cases/groceries-market-investigation-cc)

<sup>3</sup> These are: Aldi, Asda, Co-operative Group, Iceland, Lidl, Marks and Spencer, Morrisons, Sainsbury’s, Tesco, Waitrose.

- Whether to make an Order setting out the information that the GCA may consider when deciding whether to investigate;
- Whether to amend or replace the Groceries Code Adjudicator (Permitted Maximum Financial Penalty) Order 2015;
- Whether some or all of the GCA's functions should be transferred to a public body;
- Whether to close down the Groceries Code Adjudicator.

### 3. How to respond

Issued: 18 October 2016

Respond by: 10 January 2017

When responding, please state whether you are responding as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents by selecting the appropriate interest group on the consultation form and, where applicable, how the views of members were assembled.

There are two ways to respond to the consultation:

- Via the online survey running alongside this consultation which can be found at the Citizenspace website: <https://beisgovuk.citizenspace.com/gca/the-groceries-code-adjudicator-statutory-review>
- The consultation response form available electronically on the consultation page: [www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review](http://www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review) (until the consultation closes).

The form can be submitted online/by email or by letter to:

GCA Review Team  
Victoria 316  
Consumer and Competition Policy Directorate  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Email: [GCAREview@beis.gov.uk](mailto:GCAREview@beis.gov.uk)

You may make printed copies of this document without seeking permission.

BEIS consultations are digital by default but if required printed copies of the consultation document can be obtained from the above address.

Other versions of the document in Braille, other languages or audio-cassette are available on request.

## 4. Confidentiality and data protection

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004). If you want information, including personal data, that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

## 5. Help with queries

Questions about the policy issues raised in the document can be addressed to:

GCA Review Team  
Victoria 316  
Consumer and Competition Policy Directorate  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Email: [GCAreview@beis.gov.uk](mailto:GCAreview@beis.gov.uk)

The consultation principles are in [Annex D](#).



## 6. The proposals

Stakeholders are invited to respond to the relevant sections of the questions set out at [Annex C](#).

We have identified questions which we consider are particularly relevant to the stakeholders which the Act requires us to consult with.

These stakeholders are:

- The GCA;
- The Competition and Markets Authority;
- The retailers subject to the Code;
- One or more persons representing the interest of suppliers;
- One or more persons representing the interests of consumers;
- Any other interested person or party.

We welcome contributions from any stakeholder on all questions, regardless of their position in the groceries supply chain. Stakeholders are free to respond to all or some of the questions, or to provide other views not covered by the questions. The questions should therefore be seen as a guide and not an exclusive indicator of the evidence base we wish to develop as part of this consultation.

When responding, we recommend that stakeholders take account of the Terms of Reference (see [Annex B](#)). We will assess all contributions against the Terms of Reference. Any recommendations which may follow this Review will be based on the evidence received. Therefore, we encourage stakeholders to provide supporting qualitative and quantitative evidence where possible.

## 7. What happens next?

Comments made in response to this review will be considered by the GCA Review Team and will inform the final report which will then be considered by BEIS ministers. We may contact you if, for example, we have a query in respect of your response.

A final report covering the review of the GCA will be published on the GOV.UK website at: [www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review](http://www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review).

## Annex A: The Groceries Code and the Groceries Code Adjudicator

The Groceries Supply Code of Practice ('the Code') was introduced by the former Competition Commission ('CC') in 2009 following the CC's market investigation into the supply of groceries by retailers between 2006 and 2008. The CC found that the problems in the sector were largely in the commercial relationships between the ten largest UK grocery retailers – Aldi, Asda, Co-operative, Iceland, Lidl, Marks and Spencer, Morrisons, Sainsbury's, Tesco, and Waitrose (which at that time collectively accounted for around 85 percent of the UK market for groceries) - and their direct suppliers.

These retailers must incorporate the Code into their supply agreements with their direct suppliers. The Code imposes an over-arching principle of fair dealing and includes specific provisions governing the variation of supply agreements and terms of supply; the timing of payments; payments for marketing costs and the funding of promotions; and payments as a condition of being a supplier.

The Code does not govern the prices paid by the retailers to their direct suppliers – which fall under general UK competition law and are the responsibility of the Competition and Markets Authority ('CMA'). Nor does it cover disputes between the retailers and consumers – which are regulated by consumer protection legislation.

The Groceries Code Adjudicator Act 2013 established an independent Adjudicator to ensure compliance with the Code. In June 2013 Christine Tacon CBE became the first Adjudicator and was appointed for a four year term. The Adjudicator is wholly funded by a levy on the retailers which for 2016/17 was £2 million. The Adjudicator works three days per week; and has a small team made up of government secondees and contractors.

The Adjudicator has a duty to arbitrate where a supplier refers a dispute with a retailer to her. The Adjudicator may arbitrate herself or appoint a third party to do so. The Adjudicator is under a statutory duty to protect the anonymity of complainants.

The Adjudicator has the power to investigate where she has reasonable grounds to suspect a breach of the Code. The Adjudicator has wide discretion to assess when the 'reasonable grounds' test has been satisfied – the Adjudicator's published guidance states that this may be based on information from, but not restricted to: direct and indirect suppliers; whistle-blowers; and that which is otherwise in the public domain.

Where the Adjudicator is satisfied that there has been a breach of the Code, she has three enforcement options, she may:

- Make recommendations as to future compliance to the retailer concerned;
- 'Name and shame' the retailer by requiring it to publish information relating to the investigation; or
- Impose a financial penalty on the retailer of up to 1 percent of UK turnover.

## Role of government

The Groceries Code Adjudicator is operationally independent of government.

The Secretary of State for Business, Energy and Industrial Strategy is responsible for appointing the Adjudicator. The current Adjudicator was appointed following an open competition in accordance with Cabinet Office guidelines on public appointments.

The Secretary of State is also required to approve the Adjudicator's annual levy. The Adjudicator must submit a levy proposal and supporting business case in advance to the Secretary of State. The Secretary of State will consider the proposal, and write to the Adjudicator confirming whether he has approved the levy, and whether he has done so in full or in part. Once in receipt of this approval, the Adjudicator may invoice the retailers for their share of the levy. Non-payment of the levy is recoverable by the Adjudicator as a civil debt.

## Annex B: Terms of Reference

### Introduction

This document sets out the terms of reference for the government's Review of the Groceries Code Adjudicator (the GCA Review)<sup>4</sup>. Its purpose is to explain the issues that will be examined by the GCA Review.

The GCA Review is in two parts, identified below as Part 1 and Part 2. Part 1 covers the statutory requirements which the government is obliged to fulfil under the Groceries Code Adjudicator Act 2013 ("the Act")<sup>5</sup>. Part 2 covers the evidence gathering process we are undertaking on the GCA's remit. Details on both parts are set out below.

### Part 1: The Statutory Review

The Act requires the government to look at the GCA's performance and at specific Order-making powers contained within the Act. These obligations will be met in the first two terms of reference.

#### Term of Reference 1

*Consider the GCA's performance from 25 June 2013 (when the GCA was established) to 31 March 2016.*

This will in particular:

- Consider how much the GCA's powers have been exercised; and
- Assess how effective the GCA has been in enforcing the Groceries Code ("the Code").

#### Term of Reference 2

*Consider whether it would be desirable for the Secretary of State to exercise his Order-making powers contained in Section 9(6) and Section 15(11) of the Act.*

This will consider whether:

- To make an Order setting out the information that the GCA may consider when deciding whether to investigate;
- To amend or replace the Groceries Code Adjudicator (Permitted Maximum Financial Penalty) Order 2015.

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<sup>4</sup> Section 15 of the Groceries Code Adjudicator Act 2013 requires the Secretary of State to review the Groceries Code Adjudicator's performance every 3 years, with the first review period covering the period from 25 June 2013 (when the GCA was established) to 31 March 2016.

<sup>5</sup> See Section 15 of the Act.

The Act also provides powers for the government to transfer the GCA's functions to another body, or abolish the GCA<sup>6</sup>. The government will use the GCA Review to consider whether it is necessary to exercise these powers and this will be covered in the following terms of reference.

### **Term of Reference 3**

*Consider whether some or all of the GCA's functions should be transferred to a public body.*

This power may be exercised if it:

- Increases efficiency, effectiveness and economy in the exercise of public functions; and
- Ensures appropriate accountability to Ministers in the exercise of public functions.

### **Term of Reference 4**

*Consider whether to close down the GCA.*

This power may be exercised if findings demonstrate that:

- The GCA has not been sufficiently effective in enforcing the Code to justify its continued existence;
- It is no longer necessary for there to be a GCA to enforce the Code;
- If all of the GCA's functions are transferred to a public body.

## **Part 2: The Call for Evidence**

The GCA's current remit is determined by the Groceries Supply Code of Practice ("the Code"). The GCA enforces the Code, which applies to the 10 largest UK supermarkets and their direct suppliers. The Code, and therefore the GCA's remit, does not apply elsewhere in the groceries sector.

The question of the GCA's remit has been raised by some stakeholders who are currently out of scope, but who argue that they require similar levels of protection afforded by the Code. These stakeholders include "indirect suppliers" such as farmers and primary producers.

There is no statutory obligation in the Act to look at the GCA's remit. However, because the GCA Review will engage interested parties across the groceries sector whether or not the Code applies to them, the Government has decided it is a suitable opportunity to look at the GCA's remit. This will be done through a separate Call for Evidence that will launch, and run, alongside the Statutory Review.

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<sup>6</sup> See Section 16 of the Act.

Our approach has taken account of the following: Responsibility for changes to the Code rests with the Competition and Markets Authority (“CMA”) as the UK’s independent competition authority. However, the Government can introduce legislation and impose duties on the GCA to carry out functions, alongside its role on enforcing the Code. This approach would extend regulation in the groceries sector and the Government would need to be convinced that regulation was necessary and had net beneficial outcomes.

## **Term of Reference A**

*“Call for Evidence” on the case for extending the GCA’s remit in the UK groceries supply chain.*

The Government will not make any proposals until it has had an opportunity to review the evidence. The Call for Evidence will be used to determine:

- Whether there is evidence of market failure in the UK groceries supply chain and, if so, where in the supply chain this is located, and whether this can best be rectified through further regulation, through existing channels or through non-legislative remedies;
- Whether any market failures which are identified are issues falling within the jurisdiction of the CMA and which would need to be addressed by the CMA using its competition powers;
- How the costs of any new regulation would be met by the industry and the consequences for the entire supply chain, through to consumers, of imposing new costs.

## **Consultation process**

There will be a separate consultation paper for each part of the GCA Review, to be published and run concurrently.

For both parts of the GCA Review, the following will be consulted:

- (a) The GCA;
- (b) The Competition and Markets Authority;
- (c) The retailers mentioned in Article 4(1)(a) and (b) of the Groceries Supply Order<sup>7</sup>;
- (d) One or more persons representing the interests of suppliers;
- (e) One or more persons representing the interests of consumers; and
- (f) Any other person\*.

\*See Explanatory notes below.

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<sup>7</sup> At the date of this document these retailers are: Asda Stores Limited, a subsidiary of Wal-Mart Stores Inc; Co-operative Group Limited; Marks & Spencer plc; Wm Morrison Supermarkets plc; J Sainsbury plc; Tesco plc; Waitrose Limited, a subsidiary of John Lewis plc; Aldi Stores Limited; Iceland Foods Limited, a subsidiary of the Big Food Group; and Lidl UK GmbH.

**Next steps**

As soon as practicable after the consultation period, the Secretary of State will:

- Publish a report of the findings of the GCA Review; and
- Lay a copy of the report before Parliament.

**Explanatory notes**

*In preparing these terms of reference we have fulfilled the requirements of the Act. We have also drawn on Cabinet Office guidance on reviews of arm's length bodies (ALBs) even though this guidance does not directly apply to the GCA Review.*

*Section 15 (8) of the Act sets out those parties that should be consulted as part of the Review. Paragraph (g) of section 15 (8) says that this may include any person the Secretary of State thinks appropriate. We have decided not to identify any specific person or persons, but to define this widely as "any person". This will allow us to get as wide a view as possible on the GCA Review.*

## Annex C: Response form

We would welcome responses to the questions below (any or all) as well as any other comments respondents may wish to make.

A copy of this call for evidence can be found at:

[www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review](http://www.gov.uk/government/consultations/groceries-code-adjudicator-statutory-review)

You can also complete your response online through:

<https://beisgovuk.citizenspace.com/gca/the-groceries-code-adjudicator-statutory-review>

Alternatively, you can e-mail or post the completed response form to:

GCA Review Team  
Victoria 316  
Consumer and Competition Policy Directorate  
Department for Business, Energy and Industrial Strategy  
1 Victoria Street  
London  
SW1H 0ET

Email: [GCAREview@beis.gov.uk](mailto:GCAREview@beis.gov.uk)

The closing date for the Review is 10 January 2017.

Information provided in response to this consultation, including personal information, may be subject to publication or release to other parties or to disclosure in accordance with the access to information regimes. Please see [page 8](#) for further information.

If you want information, including personal data, that you provide to be treated as confidential, please explain to us below why you regard the information you have provided as confidential. If we receive a request for disclosure of the information, we shall take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

I want my response to be treated as confidential ☐

Comments: [Click here to enter text.](#)



Name:

Organisation (if applicable):

Job title (if applicable):

Address:

Telephone number:

Email address:

Please check a box from the list of options that best describes you as a respondent. This allows views to be presented by group type.

	<b>Respondent type</b>
<input type="checkbox"/>	Business representative organisation/trade body
<input type="checkbox"/>	Central government
<input type="checkbox"/>	Charity or social enterprise
<input type="checkbox"/>	Individual
<input type="checkbox"/>	Large business (over 250 staff)
<input type="checkbox"/>	Legal representative
<input type="checkbox"/>	Local government
<input type="checkbox"/>	Medium business (50 to 250 staff)
<input type="checkbox"/>	Micro business (up to 9 staff)
<input type="checkbox"/>	Small business (10 to 49 staff)
<input type="checkbox"/>	Trade union or staff association
<input type="checkbox"/>	Other (please describe)

## Questions relevant to the Groceries Code Adjudicator

1. **For the Statutory Review period, please explain how you have met your statutory duties set out in the Groceries Code Adjudicator Act 2013.**

**Please comment in particular on:**

- a) How much you have exercised your powers;
  - b) How effective you have been in enforcing the Groceries Code.
- 
2. **We would also welcome any comments you may have on the Order making powers contained in the Act and whether you would find it helpful for the Secretary of State to:**
    - a) Make an Order setting out the information which you may only consider when deciding whether to investigate;
    - b) Amend or replace the Groceries Code Adjudicator (Permitted Maximum Financial Penalty) Order 2015

## Questions relevant to the Competition and Markets Authority

The Competition Commission's investigation into the UK's retail grocery market recommended the creation of an Ombudsman to monitor and enforce compliance with the Code. This recommendation was taken forward by the previous government, in the Groceries Code Adjudicator Act 2013.

**1. For the Statutory Review period, please comment on the GCA's effectiveness in fulfilling the role intended for it by the Competition Commission.**

**Please comment in particular on:**

- a) Whether the GCA has sufficient and proper powers to enforce the Code effectively?

**2. We would also welcome any comments you may have on:**

- a) How effective the GCA has been in exercising her powers;

- b) How effective the GCA has been in enforcing the Code.

## Questions relevant to retailers

(i.e. retailers mentioned in Article 4(1)(a) and (b) of the Groceries Supply Order).

### 1. Have you had any dealings with the GCA?

- ☐ Yes
- ☐ No

### 2. How often?

- ☐ Regularly
- ☐ Occasionally
- ☐ Rarely
- ☐ Never

### 3. How satisfied are you with your dealings with the GCA?

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neutral
- ☐ Unsatisfied
- ☐ Very unsatisfied

Comment:

### 4. What impact, if any, has the GCA had on your relationships with your suppliers?

Comment:

### 5. Has resolving a complaint with suppliers become more or less burdensome than before the GCA?

Comment:

### 6. How has the Groceries market changed since the introduction of the GCA?

Comment:

### 7. Is there any way to make the GCA more effective in delivering its key objectives?

Comment:

## Questions relevant to suppliers

### 1. To which of these retailers do you currently supply groceries?

Please tick all that apply:

- ☐ Aldi Stores Limited
- ☐ Asda Stores Limited
- ☐ Co-operative Group Limited
- ☐ Iceland Food Limited
- ☐ J Sainsbury plc
- ☐ Lidl UK GmbH
- ☐ Marks and Spencer plc
- ☐ Tesco plc
- ☐ Waitrose Limited
- ☐ WM Morrison Supermarkets plc

### 2. During your contract period, and since June 2013, have you experienced any issues with the retailers which are covered by the Code areas below?

Please tick all that apply:

- ☐ Variation of supply agreements and terms of supply
- ☐ Unjustified charges for consumer complaints
- ☐ Obligation to contribute to marketing costs
- ☐ Delay in payments
- ☐ No compensation for forecasting errors
- ☐ Payment as a condition of being supplier
- ☐ Not applying due care when ordering for promotions
- ☐ Not meeting duties in relation to de-listing
- ☐ Variation of supply chain procedures
- ☐ Payment for wastage
- ☐ Payment for better positioning of goods
- ☐ Payment for shrinkage
- ☐ Tying of third party goods and services to payment
- ☐ No issues with the Code

Comments:

**3. If you ticked any of the boxes above:**

a) How often did you experience each of these issues?

- ☐ Regularly
- ☐ Occasionally
- ☐ Rarely

**4. Did you raise the issue with the GCA?**

- ☐ Yes
- ☐ No

**5. If you raised an issue with the GCA how satisfied were you with your dealings with the GCA?**

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neutral
- ☐ Unsatisfied
- ☐ Very unsatisfied

Comments:

**6. If you did not raise an issue with the GCA, why not?**

- ☐ Fear of some form of penalty from retailer
- ☐ Didn't think the GCA would be able to do anything
- ☐ You can address the concerns yourself
- ☐ Didn't feel that the concerns were important enough
- ☐ You already alerted a trade association
- ☐ Concerns over confidentiality
- ☐ Other reason

Comments:

**7. Would you say the issues you have highlighted have happened to a greater, the same or lesser extent since the creation of the GCA?**

- ☐ Greater
- ☐ Same
- ☐ Lesser

Comments:

**8. How do you feel retailer practice overall has changed since the creation of the GCA?**

- ☐ Improved
- ☐ Stayed the same
- ☐ Worsened
- ☐ Not sure

Comments:

**9. In future, would you consider raising any issues you have about groceries supply with the GCA?**

- ☐ Yes
- ☐ No
- ☐ Don't know

Comments:

**10. If you cannot raise an issue the GCA, why not?**

Please tick all that apply:

- ☐ Fear of some form of penalty from retailer
- ☐ Don't think the GCA will be able to do anything
- ☐ You can address the concerns yourself
- ☐ Don't think the concerns are important enough
- ☐ You already alerted a trade association
- ☐ Concerns over confidentiality
- ☐ Other reason

What would encourage you to raise an issue with the GCA?

Comments:

**11. Which of the following types of product or process innovation, if any, have you carried out in the last 3 years?**

- ☐ Development of new product lines
- ☐ Development of existing product lines
- ☐ Improvement of production processes
- ☐ Any other innovations

Comments:

**12. Which of these, if any, do you currently have a budget for?**

- ☐ Development of new product lines
- ☐ Development of existing product lines
- ☐ Improvement of production processes
- ☐ Any other innovations

Comments:

**13. Approximately, what percentage of your grocery revenue does your business spend on research and development or product and process innovation for grocery products?**

- ☐ Less than 5%
- ☐ 5-9%
- ☐ 10-14%
- ☐ 15-19%
- ☐ 20% or more

Comments:

**14. Is this more, the same or less than the percentage you spent 3 years ago?**

- ☐ More
- ☐ Same
- ☐ Less

Comments:



**15. Has the introduction of the GCA had an impact on product or process innovation?**

- ☐ Substantially more likely to undertake product or process innovation
- ☐ Slightly more likely to undertake product or process innovation
- ☐ No impact on undertaking product or process innovation
- ☐ Less likely to undertake product or process innovation
- ☐ Substantially less likely to undertake product or process innovation

Comments:

**16. Do you now spend relatively more, or relatively less, on product or process innovation than you did 3 years ago?**

- ☐ Relatively more
- ☐ Relatively less
- ☐ No change

Comments:

## Questions relevant to consumers

**1. What do you believe has been the impact, if any, of the GCA on the:**

- a) Retail prices of groceries?
- b) Quality of groceries supplied by the retailers?
- c) Choice of groceries supplied by the retailers?

## Questions relevant to all interested parties

### 1. Have you engaged with the GCA?

- ☐ Yes
- ☐ No

### 2. How satisfied were you with how the GCA handled your issue?

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neutral
- ☐ Unsatisfied
- ☐ Very unsatisfied

### 3. If you are a representative group (e.g. a trade association), would you consider raising an issue with the GCA on behalf of your members?

- ☐ Yes
- ☐ No

Comments:

### 4. What do you believe has been the impact of the GCA on the groceries market?

Comments:

**5. How effective do you consider the GCA has been in exercising her powers:**

- a) In providing arbitration?
- b) In conducting investigations and undertaking enforcement activity?
- c) In providing advice, guidance and recommendations?

*In responding to this question, stakeholders may wish to refer to the GCA's own guidance on its approach to carrying out investigations, enforcement and arbitration<sup>8</sup>.*

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<sup>8</sup> This guidance is contained in the following documents: 'Statutory guidance on how the Groceries Code Adjudicator will carry out investigation and enforcement functions', published on 18 December 2013; 'Guidance on how the Groceries Code Adjudicator will carry out arbitrations', published on 1 April 2014.

**6. Do you think the GCA has been effective in enforcing the Code?**

**Yes/No**

Please give your reasons:

*This question will allow us to gauge the broad sense of effectiveness in wide terms.  
Detailed analysis of effectiveness will be judged by responses to all questions.*

## Annex D: Consultation principles

The principles that government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

[www.gov.uk/government/publications/consultation-principles-guidance](http://www.gov.uk/government/publications/consultation-principles-guidance)

### Comments or complaints on the conduct of this consultation

If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Angela Rabess  
BEIS Consultation Co-ordinator  
1 Victoria Street  
London  
SW1H 0ET

Tel: 020 7215 1661

Email: [angela.rabess@beis.gov.uk](mailto:angela.rabess@beis.gov.uk)

However if you wish to comment on the specific policy proposals you should contact the policy lead (see '[Help with queries](#)').



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