

Citizens Advice submission to the CMA's consultation on its approach to Market Investigations

Note of telephone call on 10 May 2017

Proposal A: Streamlining the MI process

1. Citizens Advice (CA) is comfortable with the proposal to remove the Updated Issues Statement (UIS). CA noted that on the Energy market investigation (MI), the UIS broadly replicated the Issues Statement, so it seemed to fill out the timetable and made the later stages of the MI cramped.
2. CA expressed mixed views about the earlier consideration of remedies. It felt the timetable meant remedies proposals could not always be fully thought through, and that this could be mitigated against by publishing the proposals earlier. But CA is also conscious of the risk of challenge or U-turns, meaning that remedies proposed at the start have a lower chance of making it in-tact to the end. The CMA may also be deterred from changing remedies if it has already gone down that path.
3. CA also noted that having late notice of remedies is unhelpful, and it would have benefitted from having early discussions about how the remedy would work in practice and the mechanics of it. CA would be happy to have these discussions with the CMA via an information gateway rather than publically.
4. On engagement, CA noted the brutal timescale of a MI and felt there is often more limited engagement by smaller players. This means submissions and remedies could be weighted more towards the larger companies who have the resources to engage. The CMA needs to encourage smaller players to engage more.
5. On the Energy MI, CA would have preferred to give evidence alone rather than in a multi-party hearing with other consumer groups. CA noted the success of multi-party hearings depended on whether they were to discuss multiple 'overall' issues or narrow/single issues. Multi-party hearings could be helpful when focused on a single or small number of issues.

Proposal B: strengthening synergies between market studies and MIs

6. CA felt the proposals identified seemed sensible to allow continuity of process.

Other comments

7. CA also noted that in the Energy MI final report, there were categories of information redacted that suggested the balance of protecting confidentiality against informing the debate was skewed towards confidentiality and company views.