



Groceries Code  
Adjudicator

# News from the Adjudicator

Edition 15

## Welcome from the Groceries Code Adjudicator

### Investigation into Co-operative Group Limited



This newsletter marks a very busy period for the GCA involving a number of key developments. On 8 March I launched an investigation into the Co-operative Group Limited to find out more about its practices relating to de-listing and the introduction of benchmarking and depot quality control charges. This covers a period from early 2016 to at least summer 2017. You can read more about the investigation [here](#).

I have been working with the Co-operative Group on these issues for some months through my collaborative approach but I decided an investigation was necessary so I can fully understand the extent to which the Code may have been broken and the root causes of the issues. It is now important that suppliers provide me with information to help my investigation. I want to hear what you have to say about whether you have experienced any of the issues now being investigated and if so, the impact on you of the Co-op's conduct. All information I receive will be treated with complete confidentiality. My call for evidence ends on 3 May. Please send any information to [enquiries@gca.gsi.gov.uk](mailto:enquiries@gca.gsi.gov.uk).

### Annual groceries sector survey 2018

Each year I commission YouGov to carry out a groceries sector survey and the results help shape my work programme for the year ahead and alert me to emerging issues and developments.

The more responses I receive, the deeper I can delve into the issues affecting the sector. Last year I had a record response and the results were very illuminating and valuable. My fifth survey is open until 22 April and you can respond at [www.yougov.com/gca](http://www.yougov.com/gca). It should only take 10 minutes to complete and it is your chance to let me know how the 10 regulated retailers are complying with the Code. Everything you tell me is treated in strict confidence. YouGov collate and analyse the answers and respondents are not identified to me without prior consent. The results are reported at my annual conference. I would urge you to [register](#) now to attend this on 25 June as it is valuable for learning about the latest developments with the Code and my plans for the year ahead. It is always well subscribed.

### Call for evidence on extension to the remit of the GCA

Recently, the Government published its response to the call for evidence on extending my remit. As a result the Competition and Markets Authority (CMA) will examine whether more retailers should be added to the 10 already regulated. I welcome this because I believe there ought to be a level playing field for grocery retailers.

I am looking forward to hearing the CMA's plans for designating any new retailers and I encourage suppliers to take part in the process and let the CMA have your evidence about which retailers should be covered. The outcome will benefit you. And for those groceries retailers who may find themselves regulated in the near future I would urge you to think now about what action you may need to take to ensure you are Code compliant.

*Christine Tacon*

**Christine Tacon**

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## Top Five Issues – payments for better positioning

The GCA has published an [Addendum](#) to the previously published response to her consultation on payments for better positioning to deal with retailers' grocery sales online. This makes clear that the GCA will consider physical and virtual positioning of groceries in the same way when interpreting the Code and that retailers should consider whether their activities in relation to groceries for resale online are compliant with the Code.

Retailers are expected to make clear on their websites where goods not on promotion appear more visible to customers as a result of advertising paid for by a supplier or any payment received from a supplier to secure more space or better positioning.

As websites develop and increasingly complex consumer choice algorithms emerge, retailers should be able to demonstrate that they are minimising the risk of any breaches of the Code arising in this area, not just in relation to payments for better positioning of goods but in all relevant areas of the Code.

Suppliers should report to the GCA or to CCOs if they find they are directly or indirectly being required to make a payment to secure better positioning or increased allocation of space on a retailer's website.

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## Meet the CCO

Sophie Wettlaufer, Code Compliance Officer for Lidl UK GmbH, has answered News from the Adjudicator's questions about her role at the retailer. Read [here](#) about what she hopes to achieve in 2018, and how the retailer plans to support the collaborative approach with suppliers over the next 12 months.

You can also see a video of all the Code Compliance Officers on our [YouTube channel](#).



### Contact details for Sophie

Email: [compliance@lidl.co.uk](mailto:compliance@lidl.co.uk)

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## Save the date

### Food and Drink Expo – Birmingham 16-18 April



The GCA will be attending this premier event for the food sector. Come and meet Christine Tacon and the team. Hear Christine speak at a number of events over the three days. Check out the programme on [www.foodanddrinkexpo.co.uk](http://www.foodanddrinkexpo.co.uk)

### GCA Annual Conference – London 25 June

The GCA will present her annual report and new work programme at the 2018 conference at Church House in Westminster. YouGov will also announce the results of the 2018 survey and the audience will hear from a keynote speaker and senior representatives of the regulated retailers. You can register [here](#).

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