

Modification Notice issued under Article 17.4 of the Retail Banking Market Investigation Order 2017

1. On 6 November 2014, the Competition and Markets Authority (CMA) board, in exercise of its power under sections 131 and 133 of the Enterprise Act 2002 (the Act) made a reference for a market investigation into the supply of retail banking services to personal current account (PCA) customers and to small and medium-sized enterprises (SMEs) in the United Kingdom (the market investigation).
2. On 9 August 2016, the CMA published its report on the market investigation, entitled [Retail Banking market investigation: Final report](#) (the Final Report), in which it concluded that:
 - (a) there are three separate (and, in certain circumstances, in combination) AECs in each of Great Britain and Northern Ireland in relation to PCAs, BCAs and SME lending;
 - (b) the CMA should take action to remedy, mitigate or prevent the AECs and detrimental effects flowing from them;
 - (c) in order to address the AECs and resulting customer detriment, an integrated package of remedies should be imposed.
3. On 2 February 2017 the CMA made the Retail Banking Market Investigation Order 2017 (the Order).¹ For the purposes of this Notice all terms unless expressly stated otherwise shall be as defined in the Order.
4. The integrated package of remedies in the Order contains, *inter alia*, a requirement in Part 3 for Providers to collect service quality information and to publish service quality indicators in the way prescribed by the CMA in Schedule 2 to the Explanatory Notes to the Order.

¹ The Order was made in performance of the CMA's duty under section 138 of the Act for the purpose of remedying, mitigating or preventing the adverse effects on competition and any detrimental effects on consumers so far as they have resulted, or may be expected to result, from the adverse effects on competition as identified in the Final Report.

5. Schedule 2, paragraph 2, tenth bullet point, of the Explanatory Notes to the Order requires Providers to include a QR code in the relevant poster and leaflets.

6. Schedule 2, paragraph 2 reads as follows:

“All Providers required to publish service quality indicators (as specified in Article 15) shall do so in a consistent visual format, which will be notified by the CMA, to include the following:

[...]

- *link and QR code to a website⁹ where customers can see the full survey results and more detail on survey methodology and previous results. Alongside the link and QR code, Providers may also include an invitation to ask staff in branch for more details.*

[...]”

7. Under Article 17.4 of the Order, the CMA may, by notice to the Providers, modify the format, presentation or content of the published service quality indicators to be required to be published pursuant to Part 3 of the Order (a Modification Notice).

8. Having taken into consideration discussions with the Providers and the proposal submitted by UK Finance on behalf of the Providers on 26 April 2018, which *inter alia* provides evidence that QR codes are either little or no longer used in these types of marketing executions for various reasons and should not be used in this context, the CMA has decided to issue this Modification Notice.

9. With immediate effect, the CMA hereby removes the words “*and QR code*” in two instances from the Explanatory Notes to the Order, Schedule 2, paragraph 2, such that the tenth bullet point now reads as follows:

“link to a website⁹ where customers can see the full survey results and more detail on survey methodology and previous results. Alongside the link, Providers may also include an invitation to ask staff in branch for more details”.

(signed) COLIN GARLAND

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