

Chief Executive
Mineral Products Association

From: Alistair Thompson

3 May 2019

UNDERTAKINGS GIVEN TO THE CMA BY THE MINERAL PRODUCTS ASSOCIATION (MPA)

The CMA is writing to you to confirm the action being taken by the Mineral Products Association (MPA) in response to three breaches of the [Undertakings](#) given to the CMA by the MPA resulting from the [Market Investigation into the Supply or Acquisition of Aggregates, Cement and Ready-Mix Concrete](#).

Clause 3.1 of the Undertakings states:

“3.1 The MPA undertakes not to receive, Disclose or Publish any Individual Cement Market Data for a period of five years from the end of the period to which those data relate.”

Clause 5.1(a) of the Undertakings states (in part):

“5.1 The MPA undertakes to give Notice to the CMA of any material changes that are proposed to be implemented in relation to the collection, collation, Disclosure or Publication of Individual or Aggregated Cement Market Data, including any change in:

(a) the Permitted Third Party who will be responsible for such collection and collation; . . .”

The MPA breached the Undertakings by:

- inadvertently receiving data which could be used as a proxy for Individual Cement Market Data contrary to Clause 3.1 of the Undertakings in January 2019

- inadvertently receiving further data which could be used as a proxy for Individual Cement Market Data contrary to Clause 3.1 of the Undertakings in February 2019
- engaging a business as a Permitted Third Party without first giving notice to the CMA as described in Clause 5.1(a) of the Undertakings.

The underlying cause of both of the breaches of Clause 3.1 relate to the way that the Permitted Third Party requested Individual Cement Market Data from cement producers.

To prevent any further breaches, the MPA has in its cooperation and engagement with the CMA committed to:

- improving its data collection procedures through the Permitted Third Party, to ensure there are no further instances of Individual Cement Market Data being provided to the MPA;
- ensuring that staff of cement producers who handle Individual Cement Market Data are provided with training on the Undertakings
- ensuring that staff of the MPA are provided with training on what actions to take if in inadvertent receipt of Individual Cement Market Data
- carrying out six-monthly compliance checks, focussing on the procedures between the MPA and the Permitted Third Party
- producing Terms of Engagement between MPA and the Permitted Third Party to more fully detail the parties' respective obligations, including the responsibility of the MPA to give notice to the CMA about engaging a Permitted Third Party.

This letter has been published on our website.

Yours sincerely

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