

## BUSINESS IMPACT TARGET: SUMMARY

Non-qualifying Regulatory Provisions (NQRP) summary reporting template



## Regulator: Competition and Markets Authority

## Business Impact Target Reporting Period Covered: 9 June 2018 to 20 June 2019

Excluded Category*	Summary of measure(s), including any impact data where available**
Measures certified as being	Competition enforcement guidance
below de minimis (measures with an EANDCB below +/- £5 million)	Guidance on competition disqualification orders (6.2.19) <u>https://www.gov.uk/government/publications/competition-</u> <u>disqualification-orders2</u>
	Mergers guidance
	Guidance on changes to mergers jurisdictional thresholds (11.6.18) <u>https://www.gov.uk/government/publications/mergers-jurisdictional-thresholds-from-june-2018</u>
	Mergers fees payment information (6.11.18) <u>https://www.gov.uk/government/publications/merger-fees-payment-information</u>
	Guidance on merger remedies (13.12.18) https://www.gov.uk/government/publications/merger-remedies
	Guidance on how the CMA applies exceptions to the duty to refer and undertakings in lieu of a reference (13.12.18) <u>https://www.gov.uk/government/publications/mergers-</u> <u>exceptions-to-the-duty-to-refer-and-undertakings-in-lieu</u>
	Guidance on requests for internal documents in merger investigations (15.1.19) <u>https://www.gov.uk/government/publications/internal-</u> <u>documents-in-merger-investigations</u>
	Brexit guidance
	The role of the CMA in mergers if there's no deal': an overview for businesses (30.10.18) <u>https://www.gov.uk/government/publications/cmas-role-in-</u> <u>mergers-if-theres-no-brexit-deal</u>
	The role of the CMA in antitrust cases if there's 'no deal': advice for businesses (30.10.18) <u>https://www.gov.uk/government/publications/cmas-role-in-</u> <u>antitrust-if-theres-no-brexit-deal</u>
	The CMA's State aid role if there's no Brexit deal (4.3.19) <u>https://www.gov.uk/government/publications/the-cmas-state-aid-role-if-theres-no-brexit-deal</u>

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	How the CMA is preparing for Brexit (4.3.19)
	https://www.gov.uk/government/publications/cmas-role-after-
	brexit
	Guidance on the functions of the CMA after a 'no deal' Brexit (18.3.19) https://www.gov.uk/government/publications/guidance-on-the-
	functions-of-the-cma-after-a-no-deal-exit-from-the-eu
	Miscellaneous advice and guidance
	Online dating and consumer law: advice for consumers and businesses (13.6.18)
	https://www.gov.uk/government/publications/online-dating-
	consumer-law-advice-for-business and
	https://www.gov.uk/government/publications/online-dating- what-to-look-out-for
	Heat networks: advice for customers and the industry (23.7.18)
	https://www.gov.uk/government/publications/heat-networks-
	advice-for-customers-and-the-industry
	Online gambling promotions advice (29.8.18)
	https://www.gov.uk/government/publications/online-gambling-
	promotions-advice-for-gamblers and
	https://www.gov.uk/government/publications/online-gambling-
	promotions-dos-and-donts
	Land agreements and competition law (25.10.18)
	https://www.gov.uk/government/publications/land-agreements-
	and-competition-law-dos-and-donts
	Care homes: advice for providers and residents (16.11.18)
	https://www.gov.uk/government/publications/care-homes-
	consumer-law-advice-for-providers and
	https://www.gov.uk/government/publications/care-homes- short-guide-to-consumer-rights-for-residents
	Summary of the court order secured by the CMA against viagogo (17.12.19)
	https://www.gov.uk/government/publications/summary-of-the-
	court-order-secured-by-the-cma-against-viagogo
	Social media endorsements: guide for influencers (23.1.19)
	https://www.gov.uk/government/publications/social-media-
	endorsements-guide-for-influencers
	Guidance for healthcare providers and their advisers on the
	CMA's approach to reviewing Private Patient Unit arrangements
	(18.2.19)

Excluded Category*	Summary of measure(s), including any impact data where available**
	https://www.gov.uk/government/publications/guidance-on-the- review-of-ppu-arrangements-under-the-private-healthcare- market-investigation-order-2014
	Online hotel booking: principles for businesses (26.2.19) <u>https://www.gov.uk/government/publications/online-hotel-booking-principles-for-businesses</u>
	Campaign and guidance for holiday and travel businesses to improve clarity of terms and conditions (17.4.19)
	https://www.gov.uk/government/news/cma-calls-on-holiday- industry-to-give-customers-clearer-ts-cs
EU Regulations, Decisions and Directives and other international obligations, including the implementation of the EU Withdrawal Bill and EU Withdrawal Agreement	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Measures certified as concerning EU Withdrawal Bill operability measures	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Pro-competition	Activity in this area is reported under the casework exemption, below.
Systemic Financial Risk	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Civil Emergencies	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Fines and Penalties	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Misuse of Drugs	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Measures certified as relating to the safety of tenants, residents and occupants in response to the Grenfell tragedy	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.

Excluded Category*	Summary of measure(s), including any impact data where available**
Casework	Competition and consumer enforcement work in relation to non-
	compliant individual businesses falls under the casework
	exclusion in line with ensuring operational independence.
	Competition enforcement
	During the reporting period we launched, reached a significant milestone in or closed 23 anti-trust and civil cartel enforcement cases.
	Anti-trust investigations
	Cases launched
	• Investigation of the Atlantic Joint Business Agreement (CA98 Chapter I, launched 11.10.2018)
	<u>https://www.gov.uk/cma-cases/investigation-of-the-atlantic-joint-business-agreement</u>
	• Supply of construction services (CA98 Chapter I, launched 19.03.2019)
	https://www.gov.uk/cma-cases/supply-of-construction- services
	<ul> <li>Musical instruments: suspected anti-competitive agreements (launched 30.04.2019)</li> </ul>
	https://www.gov.uk/cma-cases/musical-instruments- suspected-anti-competitive-agreements-50698
	Cases closed
	<ul> <li>Pharmaceuticals: anti-competitive agreements (CA98, Chapter I, closed 07.11.2018)</li> </ul>
	https://www.gov.uk/cma-cases/pharmaceutical-sector- suspected-anti-competitive-agreements
	<ul> <li>Airport car parking (CA98 Chapter I, closed 23.11.2018) <u>https://www.gov.uk/cma-cases/conduct-in-the-transport-sector-facilities-at-airports</u></li> </ul>
	<ul> <li>Pharmaceuticals: alleged abusive discount scheme (CA98 Chapter I, closed 14.03.2019)</li> </ul>
	https://www.gov.uk/cma-cases/pharmaceutical-sector- alleged-discounts-offered-on-a-product
	Other significant milestones

Excluded Category*	Summary of measure(s), including any impact data where available**
	Sports equipment: anti-competitive practices (CA98 Chapter I, Court of Appeal ruling 07.09.2018) <u>https://www.gov.uk/cma-cases/sports-equipment-sector-anti-competitive-practices</u>
	<ul> <li>Airport car parking (CA98 Chapter I, statement of Objections 18.09.2018)) <u>https://www.gov.uk/cma-cases/conduct-in-the-transport-sector-facilities-at-airports</u></li> </ul>
	<ul> <li>Price comparison website (CA98, Chapter I, statement of objections 02.11.2018)         <u>https://www.gov.uk/cma-cases/price-comparison-website-use-of-most-favoured-nation-clauses#statement-of-objections</u> </li> </ul>
	<ul> <li>Pharmaceuticals: suspected excessive and unfair pricing (CA98 Chapter I, supplementary statement of objections issued 30.01.2019) <u>https://www.gov.uk/cma-cases/pharmaceutical-sector-anti- competitive-conduct</u></li> </ul>
	<ul> <li>Musical instruments: suspected anti-competitive agreements 50562-2 (CA98 Chapter I, statement of objections 15.04.19) <u>https://www.gov.uk/cma-cases/musical-instruments-and-equipment-suspected-anti-competitive-agreements-50565-2</u></li> </ul>
	<ul> <li>Investigation of the Atlantic Joint Business Agreement (CA98 Chapter I, decision to proceed April 2019) <u>https://www.gov.uk/cma-cases/investigation-of-the-atlantic-joint-business-agreement</u></li> </ul>
	<ul> <li>Pharmaceuticals: suspected anti-competitive agreements 50511-2 (CA98 Chapter I, statement of objections 23.05.2019)</li> <li><u>https://www.gov.uk/cma-cases/pharmaceuticals-suspected-anti-competitive-agreements#statement-of-objections</u></li> </ul>
	<ul> <li>Pharmaceutical: suspected anti-competitive agreements and conduct 50507-2 (CA98 Chapter I, statement of objections 18.06.2019) <u>https://www.gov.uk/cma-cases/pharmaceutical-sector-</u> <u>suspected-anti-competitive-agreements-and-conduct-50507-</u> <u>2#statement-of-objections</u></li> </ul>

Excluded Category*	Summary of measure(s), including any impact data where available**
	Civil cartel investigations
	Cases launched
	• Financial services: suspected anti-competitive arrangements (CA98 Chapter I, launched 13.11.2018)
	https://www.gov.uk/cma-cases/financial-services-sector-
	suspected-anti-competitive-practices
	• Supply of construction services (CA98 Chapter I, launched 19.03.2019)
	https://www.gov.uk/cma-cases/supply-of-construction-
	<u>services</u>
	Other significant milestones
	<ul> <li>Precast concrete drainage products (CA98, Chapter I, statement of objections 13.12.2018)</li> </ul>
	https://www.gov.uk/cma-cases/supply-of-precast-concrete-
	drainage-products-civil-investigation
	<ul> <li>Galvanised steel tanks (CA98, Chapter I, Court of Appeal ruling 15.02.2019)</li> </ul>
	https://www.gov.uk/cma-cases/investigation-into-the-
	supply-of-galvanised-steel-tanks-for-water-storage#court-of- appeal-ruling
	• Construction and fit out services (CA98 Chapter I, statement of objections 01.03.2019)
	https://www.gov.uk/cma-cases/design-construction-and-fit- out-services
	<ul> <li>Roofing materials (CA98 Chapter I, statement of objections 27.03.2019)</li> </ul>
	https://www.gov.uk/cma-cases/roofing-materials
	• Products and/or services to the construction industry (CA98,
	Chapter I, statement of objections 09.04.2019)
	https://www.gov.uk/cma-cases/provision-of-products-and-
	or-services-to-the-construction-industry-civil-investigation
	• Construction and fit out services (CA98 Chapter I,
	disqualification undertakings 10.05.2019)
	https://www.gov.uk/cma-cases/design-construction-and-fit- out-services#director-disqualification-undertakings
	<ul> <li>Provision of residential estate agency services (CA98, Chapter I, statement of objections 13.06.2019)</li> </ul>

Excluded Category*	Summary of measure(s), including any impact data where available**
	https://www.gov.uk/cma-cases/provision-of-residential-
	estate-agency-services
	Consumer Enforcement
	During the reporting period we launched, closed or secured undertakings/commitments in 13 cases using our Consumer Enforcement powers.
	Cases launched
	• Review of short-term consumer car hire across the EU (CA98 Chapter I, launched 23.07.2018)
	<u>https://www.gov.uk/cma-cases/review-of-short-term-</u> consumer-car-hire-across-the-eu
	<ul> <li>Apple iPhones: consumer protection case (launched 09.08.2018)</li> </ul>
	https://www.gov.uk/cma-cases/apple-iphones-consumer- protection-case
	• Social Media Endorsements (launched 16.08.2018) https://www.gov.uk/cma-cases/social-media-endorsements
	<ul> <li>Anti-virus software (launched 27.11.2018) <u>https://www.gov.uk/cma-cases/anti-virus-software</u></li> </ul>
	Online console video gaming (launched 05.04.2019) <a href="https://www.gov.uk/cma-cases/online-console-video-gaming">https://www.gov.uk/cma-cases/online-console-video-gaming</a>
	Leasehold (launched 11.06.2019) <u>https://www.gov.uk/cma-cases/leasehold</u>
	Cases closed
	• Review of short-term consumer car hire across the EU (CA98 Chapter I, closed 25.03.2019)
	<u>https://www.gov.uk/cma-cases/review-of-short-term-</u> consumer-car-hire-across-the-eu
	<ul> <li>Online gambling (closed 29.04.2019) <u>https://www.gov.uk/cma-cases/online-gambling</u></li> </ul>
	• Apple iPhones: consumer protection case (closed 22.05.2019) <u>https://www.gov.uk/cma-cases/apple-iphones-consumer-protection-case</u>

Excluded Category*	Summary of measure(s), including any impact data where available**
	Other significant milestones
	Secondary tickets (court order secured 27.11.2018)
	https://www.gov.uk/cma-cases/secondary-ticketing-websites
	<ul> <li>Social Media Endorsements (undertakings secured 23.01.2019) <u>https://www.gov.uk/cma-cases/social-media-endorsements</u></li> </ul>
	Online hotel booking (undertakings secured 06.02.2019) <u>https://www.gov.uk/cma-cases/online-hotel-booking</u>
	<ul> <li>Care homes (undertakings secured 24.01.2019)</li> </ul>
	https://www.gov.uk/cma-cases/care-homes-consumer-
	protection-case#history
	Warning and Advisory letters
	During the reporting period, we issued 14 advisory letters (relating to 3 cases and complaints) and 35 warning letters (relating to 27 cases and complaints) to businesses where we had concerns about possible law breaking and to promote compliance.
	A register of advisory and warning letters can be found here: www.gov.uk/government/publications/competition-law- warning-and-advisory-letters-register
	Merger control
	Under the merger control regime, the CMA considers the facts and circumstances specific to the case under the relevant statutory tests. The outcome of each case is in relation to the individual companies related to the merger in question. The CMA cannot set policy for markets through our mergers work.
	During the reporting period:
	• At Phase 1, we made 15 references to Phase 2, 45 unconditional clearances and 2 sets of Undertakings in Lieu of a Reference decision. 1 case was abandoned by the parties after competition concerns were identified at Phase 1. 1 case was found not to qualify. 12 cases were ongoing at the end of the reporting period.
	• At Phase 2, we cleared 5 cases and found a substantial lessoning of competition (SLC) in 4 cases. From the cases where we found an SLC there was 1 prohibition and 4

Excluded Category*	Summary of measure(s), including any impact data where available**
	impositions of remedies (all requiring divestment). 2 cases were abandoned by the parties. 2 cases were ongoing at the end of the reporting period.
	A register of orders and undertakings that are currently in force, have lapsed and have been varied or released can be found here: www.gov.uk/government/publications/mergers-orders-and- undertakings
	Market reports
	When conducting phase 1 and 2 markets work, the elements which engage – and potentially impose a burden on – business are evidence gathering and consultation.
	The CMA has no powers to make law or policy; recommendations made as a result of phase 1 markets work which could impose a burden on business would be assessed under the BIT by the implementing department or regulator. We believe these activities are covered by the policy making exclusion.
	During the reporting period, we launched, reached a significant milestone in or published our final report on 7 projects.
	Heat networks market study (final report 23.07.2018) <u>https://www.gov.uk/cma-cases/heat-networks-market-study</u>
	<ul> <li>Statutory audit market study (launched 09.10.2018 and final report 18.04.2019) <u>https://www.gov.uk/cma-cases/statutory-audit-market- study</u></li> </ul>
	<ul> <li>Investment consultants market investigation (final report 12.12.2018) <u>https://www.gov.uk/cma-cases/investment-consultants-market-investigation</u></li> </ul>
	<ul> <li>'Loyalty penalty' super-complaint (response to super- complaint 19.12.2018)</li> <li><u>https://www.gov.uk/cma-cases/loyalty-penalty-super- complaint#what-is-a-super-complaint</u></li> </ul>
	<ul> <li>Funerals market study (final report 28.3.2019) <u>https://www.gov.uk/cma-cases/funerals-market-study</u></li> </ul>
	• Funerals market investigation (launch 28.3.2019) https://www.gov.uk/cma-cases/funerals-market-study
	<ul> <li>Investment consultants market investigation (Final Order, 10.06.2019)</li> </ul>

Excluded Category*	Summary of measure(s), including any impact data where available**
	https://www.gov.uk/cma-cases/investment-consultants-
	market-investigation
	Regulatory appeals
	The CMA conducts regulatory appeals and references in relation to price controls, terms of licenses or other economic regulatory arrangements under sector specific legislation. This consist of specific case investigations, advice to regulators or decisions including in relation to licensing and as such are covered by the casework exclusion.
	During the reporting period, we have made a determination or announced our costs in 0 regulatory appeals.
	Regulation Reviews
	We have launched 1 review of the Energy Market (Prepayment Charge Restriction) (launched 31.1.2019 and provisional decision 7.06.2019) <u>https://www.gov.uk/cma-cases/review-of-the-energy-market-</u>
	investigation-prepayment-charge-restriction-order-2016
	Research We announced a decision to undertake research into certain aspects of the Scottish legal services market to support the Scottish Government's response to the Roberton Review. We also published a document setting out our views on the Roberton Review's recommendations (published 17.06.2019). https://www.gov.uk/government/news/cma-to-research- scottish-legal-services-market
Education, communications and promotion	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Activity related to policy development	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.
Changes to management of regulator	Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.

\* For full, legal definitions of these exclusion categories, please see <u>https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-06-20/HCWS776/</u> \*\* Complete the summary box as 'Following consideration of the exclusion category there are no measures for the reporting period that qualify for the exclusion.' where this is appropriate.