

## **Competition Act 1998 directions and commitments register**

### **Explanatory note**

The Treaty on the Functioning of the European Union (TFEU) and the Competition Act 1998 (CA98) both prohibit, in certain circumstances, agreements and conduct which prevent, restrict or distort competition, and conduct which constitutes an abuse of a dominant position.

In the UK, competition law is applied and enforced principally by the Competition and Markets Authority (CMA). The CA98 gives the CMA powers to apply, investigate and enforce the Chapter I and Chapter II prohibitions in the CA98 and Articles 101 and 102 of the TFEU.<sup>1</sup>

#### **Directions before conclusion of an investigation**

Before a formal investigation is concluded the CMA can require a business to comply with temporary directions (interim measures) where: the investigation has been started but not yet concluded, and the CMA considers it necessary to act urgently either to prevent significant damage to a person or category of persons, or to protect the public interest.<sup>2</sup>

Any temporary directions which are currently in force appear in the register.

#### **Directions at the conclusion of an investigation**

Where the CMA makes a decision finding an infringement of competition law, it may (among other things) give the relevant persons directions to bring to an end any ongoing anti-competitive conduct.<sup>3</sup>

Directions given by the CMA and its predecessor organisation, the Office of Fair Trading, appear in the register. Where directions have been given following an appeal to the Competition Appeal Tribunal, a link to the direction appears in the register.

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<sup>1</sup> Certain sectoral regulators have concurrent powers with the CMA to apply and enforce the prohibitions within their respective regulated sectors.

<sup>2</sup> Section 35 of the CA98.

<sup>3</sup> Sections 32 and 33 of the CA98.

## Accepting commitments on future conduct

If the CMA considers that the case gives rise to competition concerns, instead of making an infringement decision, the CMA may be prepared to accept binding promises, called 'commitments', from a business, relating to its future conduct.<sup>4</sup> The CMA must be satisfied that the commitments offered fully address its competition concerns. The decision to accept commitments is at the CMA's discretion.

Any commitments accepted by the CMA and which are currently in force appear in the register.

## Further information

More information on the law and procedure relating to CA98 cases is available on [www.gov.uk/CMA](http://www.gov.uk/CMA), including *Competition Act 1998: Guidance on the CMA's investigation procedures in Competition Act 1998 cases* (CMA8), *Competing Fairly* (OFT447), *Agreements and Concerted Practices* (OFT401) and *Abuse of a dominant position* (OFT402).

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<sup>4</sup> Section 31A of the CA98.