



Department for
Business, Energy
& Industrial Strategy

BUSINESS IMPACT TARGET: SUMMARY TEMPLATE

Non-qualifying Regulatory Provisions
(NQRP) summary reporting template



Regulator: Competition & Markets Authority

Business Impact Target Reporting Period Covered: 13 December 2019 and 16 December 2020

Excluded Category*	Summary of measure(s), including any impact data where available**
Measures certified as being below de minimis (measures with an EANDCB below +/- £5 million)	<p data-bbox="603 405 1043 434">Competition enforcement guidance</p> <p data-bbox="603 477 1037 506"><u>Competition law risk: a short guide</u></p> <p data-bbox="603 510 1362 577">Information for businesses on how to comply with competition law.</p> <p data-bbox="603 582 767 611">14 April 2020</p> <p data-bbox="603 656 1353 723"><u>The CMA's investigation procedures in Competition Act 1998 cases: CMA8</u></p> <p data-bbox="603 728 1398 864">Guidance for businesses and their advisers detailing the approach and procedures used by the CMA in the exercise of its investigation and enforcement powers under the Competition Act 1998.</p> <p data-bbox="603 869 823 898">4 November 2020</p> <p data-bbox="603 943 799 972">Brexit guidance</p> <p data-bbox="603 1014 1331 1081"><u>UK Exit from the EU: Guidance on the functions of the CMA under the Withdrawal Agreement</u></p> <p data-bbox="603 1086 1315 1153">Guidance on the functions of the Competition and Markets Authority under the Withdrawal Agreement.</p> <p data-bbox="603 1158 804 1187">28 January 2020</p> <p data-bbox="603 1232 1299 1299">Advice / guidance in relation to issues resulting from the coronavirus pandemic</p> <p data-bbox="603 1341 1270 1408"><u>CMA approach to business cooperation in response to coronavirus (COVID-19)</u></p> <p data-bbox="603 1413 1366 1514">Information about how the Competition and Markets Authority will approach cooperation between businesses during the coronavirus (COVID-19) pandemic.</p> <p data-bbox="603 1518 788 1547">25 March 2020</p> <p data-bbox="603 1592 1289 1659"><u>Merger assessments during the Coronavirus (COVID-19) pandemic</u></p> <p data-bbox="603 1664 1362 1731">Guidance on the CMA's approach to merger assessment during the Coronavirus pandemic.</p> <p data-bbox="603 1736 767 1765">22 April 2020</p> <p data-bbox="603 1809 1374 1877"><u>Contract cancellations and refunds due to coronavirus (COVID-19)</u></p> <p data-bbox="603 1881 1305 1948">A statement from the CMA on consumer protection law in relation to cancellations and refunds due to coronavirus.</p> <p data-bbox="603 1953 767 1982">30 April 2020</p>

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	<p data-bbox="603 271 1310 333"><u>Nursery and early years sector: COVID-19 restrictions and consumer law</u></p> <p data-bbox="603 340 1350 477">Advice to help nurseries and early years providers understand how consumer law applies to arrangements they make with parents during the coronavirus (COVID-19) pandemic. 28 July 2020</p> <p data-bbox="603 517 1350 582"><u>Wedding services: coronavirus (COVID-19), cancellations and refunds</u></p> <p data-bbox="603 589 1378 725">Statement setting out the CMA’s views on how the law operates in relation to contracts for wedding services affected by the coronavirus pandemic. 7 September 2020</p> <p data-bbox="603 766 991 797">Miscellaneous advice/guidance</p> <p data-bbox="603 842 1082 873"><u>Buying or owning a leasehold property</u></p> <p data-bbox="603 880 1390 981">Guidance for people who are buying or own a leasehold property in England or Wales. 4 September 2020</p> <p data-bbox="603 1021 1398 1086"><u>Restricting resale prices: an open letter to suppliers and retailers in the musical instruments sector.</u></p> <p data-bbox="603 1093 767 1124">29 June 2020</p> <p data-bbox="603 1164 1366 1229"><u>Avoiding collusion in construction: advice for project directors and managers</u></p> <p data-bbox="603 1236 1326 1337">Information for suppliers and procurers on how to avoid bid rigging and other anti-competitive practices in construction. 26 February 2020</p>
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

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	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.
Casework	<p>Competition and consumer enforcement work in relation to non-compliant individual businesses falls under the casework exclusion in line with ensuring operational independence.</p> <p>Competition enforcement</p> <p>During the reporting period we launched, reached a significant milestone in or closed 20 separate anti-trust and civil cartel enforcement cases.</p> <p>Anti-trust</p> <p>Cases launched</p> <ul style="list-style-type: none"> • Retail and Wholesale: Hand sanitiser products (Launch, 18.06.20) https://www.gov.uk/cma-cases/hand-sanitiser-products-suspected-excessive-and-unfair-pricing • Pharmaceuticals: Phenytoin sodium capsules (Remittal inquiry launched, 22.06.20) https://www.gov.uk/cma-cases/investigation-into-the-supply-of-pharmaceutical-products • Pharmaceuticals: Lithium-based medication for bipolar disease (Launch, 05.10.20) https://www.gov.uk/cma-cases/investigation-into-supply-of-lithium-based-medication-for-the-treatment-of-bipolar-disease • Retail and wholesale: Domestic lighting (Launch, 25.11.20) https://www.gov.uk/cma-cases/domestic-lighting-suspected-anti-competitive-practices-concerning-resale-price-maintenance <p>Cases closed</p> <ul style="list-style-type: none"> • Recreation and Leisure: Guitar sector (CA98 Chapter I, Closed with infringement decision, 22.01.20)

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	<p data-bbox="651 271 1385 338">https://www.gov.uk/cma-cases/musical-instruments-and-equipment-suspected-anti-competitive-agreements-50565-3</p> <ul style="list-style-type: none"> <li data-bbox="608 389 1385 568"> <p>• Pharmaceuticals: Nortriptyline (Closed with infringement decision, 04.03.20) https://www.gov.uk/cma-cases/pharmaceutical-sector-suspected-anti-competitive-agreements-and-conduct-50507-2</p> <li data-bbox="608 620 1385 763"> <p>• Recreation and Leisure: Electronic drum sector (Closed with infringement decision, 29.06.20) https://www.gov.uk/cma-cases/musical-instruments-and-equipment-suspected-anti-competitive-agreements-50565-5</p> <li data-bbox="608 815 1385 958"> <p>• Pharmaceuticals: Fludrocortisone (Closed with infringement decision, 09.07.20) https://www.gov.uk/cma-cases/pharmaceutical-drugs-suspected-anti-competitive-agreements-and-conduct</p> <li data-bbox="608 1010 1385 1189"> <p>• Recreation and Leisure: Digital pianos, digital keyboards and guitars sectors (Closed with infringement decision, 17.07.20) https://www.gov.uk/cma-cases/musical-instruments-and-equipment-suspected-anti-competitive-agreements-50565-6</p> <li data-bbox="608 1240 1385 1464"> <p>• Recreation and Leisure: Entertainment and recreation services (Closed on administrative priority grounds, 21.08.20) https://www.gov.uk/cma-cases/entertainment-and-recreation-services-sector-suspected-anti-competitive-agreements-and-conduct</p> <li data-bbox="608 1516 1385 1659"> <p>• Recreation and Leisure: Synthesizers and hi-tech equipment (Closed with infringement decision, 26.08.20) https://www.gov.uk/cma-cases/musical-instruments-and-equipment-suspected-anti-competitive-agreements-50565-4</p> <li data-bbox="608 1711 1385 1890"> <p>• Retail and Wholesale: Hand sanitiser products (Closed as the prices which the retailer was charging were unlikely to infringe competition law, 13.07.20 & 03.09.20) https://www.gov.uk/cma-cases/hand-sanitiser-products-suspected-excessive-and-unfair-pricing</p> <li data-bbox="608 1942 1385 2007"> <p>• Financial services: Price comparison website (Closed with infringement decision, 19.11.20)</p>

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	<p data-bbox="655 271 1369 338">https://www.gov.uk/cma-cases/price-comparison-website-use-of-most-favoured-nation-clauses</p> <p data-bbox="608 383 951 412">Other significant milestones</p> <ul data-bbox="608 443 1398 1435" style="list-style-type: none"> <li data-bbox="608 443 1398 589">• Pharmaceuticals: Nortriptyline (Director disqualification, 20.12.19, 01.06.20 & 21.08.20) https://www.gov.uk/cma-cases/suppliers-of-antidepressants-director-disqualification <li data-bbox="608 633 1398 819">• Pharmaceuticals: Hydrocortisone (Supplementary Statement of Objections, 12.02.20) https://www.gov.uk/cma-cases/hydrocortisone-tablets-alleged-excessive-and-unfair-pricing-anti-competitive-agreements-and-abusive-conduct-50277 <li data-bbox="608 864 1398 1003">• Pharmaceuticals: Liothyronine (Supplementary Statement of Objections, 10.07.20) https://www.gov.uk/cma-cases/pharmaceutical-sector-anti-competitive-conduct <li data-bbox="608 1048 1398 1187">• Transport: Atlantic Joint Business Agreement (Interim measures issued, 17.09.20) https://www.gov.uk/cma-cases/investigation-of-the-atlantic-joint-business-agreement <li data-bbox="608 1232 1398 1435">• Pharmaceuticals: Lithium-based medication for bipolar disease (Consultation on commitments, 24.11.20) https://www.gov.uk/cma-cases/investigation-into-supply-of-lithium-based-medication-for-the-treatment-of-bipolar-disease <p data-bbox="608 1480 858 1509">Cartel investigations</p> <p data-bbox="608 1541 794 1570">Cases launched</p> <p data-bbox="608 1601 1313 1668">During the reporting period we publicly launched no Cartel investigations.</p> <p data-bbox="608 1713 759 1742">Cases closed</p> <ul data-bbox="608 1774 1390 2029" style="list-style-type: none"> <li data-bbox="608 1774 1390 1960">• Distribution and Service Industries: Residential estate agency services (Closed with infringement decision , 17.12.19) https://www.gov.uk/cma-cases/provision-of-residential-estate-agency-services <li data-bbox="608 2004 1289 2029">• Healthcare and Medical equipment: Privately funded

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	<p>ophthalmology services (Closed with infringement decision, 01.07.20) https://www.gov.uk/cma-cases/privately-funded-healthcare-services</p> <ul style="list-style-type: none"> • Building and construction: Roofing materials (Closed with an infringement decision in relation to two parties and a no grounds for action decision for one party, 04.11.20) https://www.gov.uk/cma-cases/roofing-materials <p>Other significant milestones</p> <ul style="list-style-type: none"> • Building and construction: Precast concrete drainage products (Non-confidential infringement decision, 20.12.19) https://www.gov.uk/cma-cases/supply-of-precast-concrete-drainage-products-civil-investigation • Building and construction: Roofing materials (Supplementary Statement of Objections, 12.06.20) https://www.gov.uk/cma-cases/roofing-materials <p>Consumer Enforcement</p> <p>During the reporting period we launched, reached a significant milestone in or closed 10 separate cases using our Consumer Enforcement powers.</p> <p>Cases launched</p> <ul style="list-style-type: none"> • Healthcare and medical equipment: Self-funded IVF, consumer law guidance (Launch, 07.02.20) https://www.gov.uk/cma-cases/self-funded-ivf-consumer-law-guidance • Recreation and leisure: COVID-19 cancellations, holiday accommodation (Launch, 30.04.20) https://www.gov.uk/cma-cases/cancellations-holiday-accommodation • Recreation and leisure: COVID-19 cancellations, weddings (Launch, 30.04.20) https://www.gov.uk/cma-cases/covid-19-cancellations-weddings

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	<ul style="list-style-type: none"> • Recreation and leisure: COVID-19 cancellations, package holidays (Launch, 30.04.20) https://www.gov.uk/cma-cases/covid-19-cancellations-package-holidays • Communications: Online Reviews (Launch, 22.05.20) https://www.gov.uk/cma-cases/online-reviews • Building and construction: Leasehold properties (Launch, 04.09.20) https://www.gov.uk/cma-cases/leasehold • Misleading environmental claims (Launch, 02.11.20) https://www.gov.uk/cma-cases/misleading-environmental-claims <p><i>Other significant milestones</i></p> <ul style="list-style-type: none"> • Recreation and leisure: COVID-19 cancellations, holiday accommodation (Undertakings, 03.07.20) https://www.gov.uk/cma-cases/cancellations-holiday-accommodation • Recreation and leisure: Secondary ticketing websites (Undertakings, 19.08.20) https://www.gov.uk/cma-cases/secondary-ticketing-websites • Recreation and leisure: COVID-19 cancellations, weddings (Advice published, 07.09.20) https://www.gov.uk/cma-cases/covid-19-cancellations-weddings • Recreation and leisure: COVID-19 cancellations, package holidays (Undertakings, 16.09.20 & 12.10.20) https://www.gov.uk/cma-cases/covid-19-cancellations-package-holidays • Healthcare and medical equipment: Care homes, consumer protection case

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	<p>(Refunds and undertakings, 08.10.20) https://www.gov.uk/cma-cases/care-homes-consumer-protection-case</p> <ul style="list-style-type: none"> • Communications: Social media endorsements (Undertakings, 16.10.20) https://www.gov.uk/cma-cases/social-media-endorsements • Healthcare and medical equipment: Self-funded IVF, consumer law guidance (Draft guidance issued for consultation, 03.11.20) https://www.gov.uk/cma-cases/self-funded-ivf-consumer-law-guidance • Recreation and leisure: COVID-19 cancellations, weddings (Letter sent to wedding firms, 26.11.20) https://www.gov.uk/cma-cases/covid-19-cancellations-weddings <p>Warning and Advisory letters</p> <ul style="list-style-type: none"> • During the reporting period, we issued 3 advisory letters (relating to 2 cases and complaints) and 97 warning letters (relating to 11 cases and complaints) to businesses where we had concerns about possible law breaking and to promote compliance. <p>A register of advisory and warning letters can be found here: https://www.gov.uk/government/publications/competition-law-warning-and-advisory-letters-register</p> <p>Merger control</p> <p>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.</p> <p>During the reporting period:</p> <ul style="list-style-type: none"> • At Phase 1, we made 11 references to Phase 2, 21 unconditional clearances, one de minimis clearance and 6 sets of Undertakings in Lieu of a Reference decision. 12 cases were ongoing at the end of the reporting period (3 of which are currently awaiting a final outcome where an SLC has been

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	<p>found).</p> <ul style="list-style-type: none"> • At Phase 2, we cleared 3 cases and found a substantial lessening of competition (SLC) in 8 cases. From the cases where we found an SLC there were 3 prohibitions and 5 impositions of remedies (4 of which were behavioural and one requiring divestment). 6 cases were abandoned by the parties. 3 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. <p>Market reports</p> <p>When conducting phase 1 and 2 markets work, the elements which engage – and potentially impose a burden on – business are evidence gathering and consultation.</p> <p>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.</p> <p>During the reporting period, we launched, reached a significant milestone in or published our final report on four separate projects:</p> <ul style="list-style-type: none"> • Communications: Online platforms and digital advertising Market Study (Interim report, 18.12.2019) https://www.gov.uk/cma-cases/online-platforms-and-digital-advertising-market-study • Financial services: Loyalty penalty super-complaint (Updates, 21.01.20 & 13.07.20) https://www.gov.uk/cma-cases/loyalty-penalty-super-complaint • Communications: Online platforms and digital advertising Market Study (Final report, 01.07.20) https://www.gov.uk/cma-cases/online-platforms-and-digital-advertising-market-study • Distribution and service industries: Funerals Market

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	<p>Investigation (Provisional decision, 13.08.20) https://www.gov.uk/cma-cases/funerals-market-study</p> <ul style="list-style-type: none"> • Distribution and service industries: Review of the legal services market study in England and Wales (Launch, 09.09.20) https://www.gov.uk/cma-cases/review-of-the-legal-services-market-study-in-england-and-wales <p>Regulatory appeals</p> <p>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.</p> <p>During the reporting period, we undertook an appeal or made a determination (provisional or final) in two instances.</p> <ul style="list-style-type: none"> • Aerospace: NATS En-Route Limited (NERL) Price Determination (Provisional findings, 24.03.20) https://www.gov.uk/cma-cases/nats-en-route-limited-nerl-price-determination • Aerospace: NATS En-Route Limited (NERL) Price Determination (Final report, 13.08.20) https://www.gov.uk/cma-cases/nats-en-route-limited-nerl-price-determination • Utilities: Ofwat Price Determination (Launch, 16.03.20) https://www.gov.uk/cma-cases/ofwat-price-determinations#administrative-timetable • Utilities: Ofwat Price Determination (Provisional findings, 29.09.20) https://www.gov.uk/cma-cases/ofwat-price-determinations#administrative-timetable <p>Remedy Reviews</p> <p>We launched no remedy reviews in the period.</p>

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	<p>We varied Part 6 of the Retail Banking Order so that certain obligations of the order were transferred to the FCA with effect from 18.12.19. https://www.gov.uk/cma-cases/review-of-part-6-of-the-retail-banking-market-investigation-order-2017</p> <p>On 01.01.20 we published a final decision to de-designate Ocado Group plc's designation under the Groceries (Supply Chain Practices) Market Investigation Order 2009. https://www.gov.uk/cma-cases/review-of-ocado-group-plc-designation-under-the-groceries-supply-chain-practices-market-investigation-order-2009</p> <p>Research</p> <p>On the 24.03.20 we published a research report into certain aspects of the Scottish legal services sector. https://www.gov.uk/cma-cases/scottish-legal-services-research</p>
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 <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2018-06-20/HCWS776/>

** 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.

