

MINUTES OF THE CMA BOARD

Meeting date: 13 January 2021
Venue: By video conference

Members present

Jonathan Scott (Chair)
Kirstin Baker
Martin Coleman
Andrea Coscelli (CEO)
Cynthia Dubin
Amelia Fletcher
Andrea Gomes da Silva
Michael Grenfell
Bill Kovacic
Erik Wilson (COO)

CMA staff present

Kate Bridge, Director of Executive Office
Stuart Hudson, Senior Director, Strategy,
Communications and Advocacy
Sukhinder Lalli, Legal Director, Governance,
Compliance and Risk
Board Secretary (minutes)

Teams

The meeting was attended by staff from the People, Capability and Culture, Policy and International teams. The Office for the Internal Market project team also attended.

Advisors present

Sarah Cardell, General Counsel
Mike Walker, Chief Economic Adviser

Apologies

There were no apologies

1. Introduction

The Chair welcomed the Board members to the meeting. There were no new conflicts declared or declarations of gifts or hospitality.

The Chair noted that Amelia Fletcher has agreed to be the Senior Independent Director while he is the Chair.

2. Minutes

The Board approved the minutes and actions from the CMA Board meeting held on 9 December 2020.

3. Chief Executive's update including Corporate Risk Register and Covid-19 operational response

The CEO updated the Board on recent cases and other developments at the CMA, including the recent judgment from the CAT upholding our decision to impose a £25m fine on FP McCann Ltd for participating in an illegal cartel. The Board also discussed the

types of mergers that may come to the CMA now the Transition Period for the exit from the EU has ended.

The COO updated the Board on the year end finances and the Board also reviewed the latest risk register. The Board then discussed the impact of the new lockdown on the CMA, with the Chair noting how cognisant he and the Board are of the pressures on CMA staff, particularly given the closure of schools. The Executive members each summarised the impacts on their teams from the reduced resource, and the mitigations in place.

4. EU Exit – Overview of UK/EU TCA

The Board was updated on the UK-EU Trade and Cooperation Agreement (TCA), and its impact on the work of the CMA.

The Board noted that the TCA requires the UK to establish an independent authority 'with an appropriate role in its subsidy control regime' and that the government is likely to conduct a consultation on this domestic subsidy control regime shortly.

5. International engagement post-Transition Period: update

The Board discussed the CMA's plans for international engagement following the end of the Transition Period. It noted that relationships have remained strong throughout the past four years and that the CMA remains engaged and respected internationally.

The Board discussed how we might maximise the impact of any work we do internationally and it highlighted the importance of working constructively on any shared casework. It also considered the resource allocated to this work, proposing that Board members could be involved if appropriate. It highlighted particularly the importance of being involved in conversations on digital regulation.

6. Update on the Office for the Internal Market

The Board noted the key priorities for the CMA in preparing to take on the functions of the Office for the Internal Market (OIM). These include developing guidance which will underpin the work of the OIM, on which the CMA will consult and on which the team is currently working. Recruitment to the OIM should also start in January as will the team's engagement with the Devolved Administrations.

A further paper on the OIM will be presented to the February Board meeting.

7. Staff update

The Board was updated on negotiations on the Non-SCS pay offer for 2020-21 with the Unions and staff representatives, in the context of the performance management system against which staff are assessed.

8. AOB

The Chair noted particularly the high quality of the papers presented to this Board meeting.

The Board wished the staff of the CMA a happy new year.