

MINUTES OF THE CMA BOARD

Meeting date: 21 April 2021
Venue: By video conference

Members present¹

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 across the CMA including from the Strategy, Policy, Markets and Remedies teams. Staff from the Governance and Litigation teams 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.

2. Minutes

The Board approved the minutes and actions from the CMA Board meeting held on 17 March 2021 with no changes. The Board acknowledged the committee minutes received.

3. Remuneration Committee update

Amelia Fletcher, Chair of the Remuneration Committee (Remco), updated the Board on the recent RemCo meeting that took place on 18 March 2021.

¹ SC left the meeting at the end of item 11.

4. Pipeline Steering Group update

The Board was updated on pipeline cases discussed at the recent Pipeline Steering Group meeting on 15 April 2021.

5. 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. The Board noted that Andrea Gomes da Silva will leave the CMA at the end of May; an open recruitment campaign has been launched. It discussed the calls for the CMA to investigate the proposals for a European Super League, prior to its abandonment by the clubs involved; and was updated on the event to launch the UK, Australia and Germany joint statement on merger control. The CEO also highlighted the recent judgment from the CAT dismissing an appeal from Roland (UK) Limited and increasing the CMA's fine from £4m to £5m. In conclusion, the Board was updated on the initiatives to reopen the CMA's estate, noting that staff have recently gone back into all our offices.

6. Draft amended Conflicts Policy

The Board agreed the proposed draft amendments to the current conflicts policy, highlighting the need for a strong level of propriety. It noted that the amended Policy will be shared with BEIS for its views, before returning to the Board for final approval.

7. Review of progress against the CMA's 2020/21 Annual Plan, and update on the CMA in the 2020s programme

The Board received two papers, the first of which updated them on progress to meet the CMA's priorities set out in our 20/21 Plan and also annexed a report of management information on the CMA's past and future portfolio. The Board noted that the CMA has made good progress so far to meet the priorities in the Plan, and gave a steer on early pipeline ideas. It agreed that it should receive this report biannually in future.

The Board noted the second paper which highlighted the CMA's work to liaise more closely with consumer, business groups and third sector bodies to identify issues facing consumers.

8. Electric vehicle charging market study

The Board was updated on progress on this market study which launched in December 2020. It noted the high level of stakeholder engagement to date on the study. It discussed some of the key emerging issues and agreed the planned next steps.

9. Consultation on Review of Competition Appeal Tribunal Rules

The Board discussed the CMA's response to BEIS' call for evidence to inform the post-implementation review of the CAT Rules 2015, delegating sign-off for the response to the General Counsel, in liaison with the Chair, and agreeing that the CMA should make a public response.

10. CMA response to BEIS's audit white paper

The Board was updated on BEIS' proposals to strengthen the UK's framework for major companies and how they are audited; it noted the alignment of these with our recommendations from our statutory audit market study. It gave a draft steer on the proposals for the response, observing that the consultation closes in the summer.

11. CA98 Penalties Guidance consultation

The Board considered the team's proposal to consult on draft revised guidance as to the appropriate amount of a penalty in Competition Act 1998 cases. The aim of the revised guidance is to ensure that penalties continue to be set in a fair, consistent, predictable and transparent manner across the range of cases in the CMA's enforcement portfolio, reflecting the seriousness of the case at hand and the need for effective deterrence. The Board agreed that the team should consult on this draft revised guidance in the coming weeks.

12. Office for the Internal Market: Statutory guidance and progress report

The Board were provided with an update on the preparation of the OIM statutory guidance and considered the plans for consultation. It discussed policy issues arising from the development of the OIM, and noted the other work to create the OIM within the CMA, also receiving an update on appointments to the OIM Panel.

13. AOB

The Board received a paper on budget setting 2021/22 and an update on the publication of CMA-ICO joint statement on the relationship between competition and data protection.

The Chair thanked all the teams involved, noting that there were many contributors to papers from the wider CMA.