

MINUTES OF THE CMA BOARD

Meeting date: 17 November 2021

Venue: The Cabot, 25 Cabot Square, London, E14 4QZ; by videoconference

Members present

Jonathan Scott (Chair)
Kirstin Baker
Martin Coleman
Andrea Coscelli (CEO)
Amelia Fletcher
Michael Grenfell
Bill Kovacic¹
Erik Wilson (COO)

CMA staff present

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

Advisors present²

Sarah Cardell, General Counsel
Mike Walker, Chief Economic
Adviser

Teams

The meeting was attended by staff from across the CMA including from the Markets, Enforcement, and HR teams. Staff from the Strategy and Advocacy teams and Legal Service also attended.

Apologies

Cynthia Dubin

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 the logs of actions and steers, from the meetings of 30 September, 13 and 18 October 21 with no changes.

The Board acknowledged the committee minutes received.

3. Panel update

The Chair of the CMA Panel updated the Board on recent discussions with the Panel Chairs.

4. Chief Executive's update including Corporate risk register, External guidance tracker and Future Operating Model

The CEO updated the Board on the work of the CMA, including updates on recent mergers, litigation and other developments in CMA cases and projects; the Board also

¹ BK left the meeting after item 8.

² SC left the meeting for items 5-7.

noted the appointment of Gill Whitehead as the CEO of the DCRF. The Board reviewed the Risk Register and the External guidance tracker.

5. Container shipping

The Board discussed the CMA's current thinking and activities in relation to container shipping and wider supply chain issues, noting that the CMA has recently launched an investigation under the Competition Act into an agreement concerning freight in the English Channel.

6. Proposal for a CMA digital hub and new Microeconomics Unit

The Board discussed the CMA's commitment to expand its presence across the UK. It noted the existing ambition to grow the CMA's offices in Edinburgh, Belfast and Cardiff, and agreed to establish a CMA digital hub in Manchester and a new Microeconomics Unit in Darlington.

7. Annual Plan 2022-23

The Board reviewed the draft consultation on the CMA's next Annual Plan, approving it for publication. It noted that the consultation will open shortly and run until 21 January 22, and that the team plans to engage with stakeholders across the UK nations as part of this consultation.

8. Gender and ethnicity pay gap reporting 20-21

The Board reviewed the draft Ethnicity and Pay Gap Reports, emphasising the importance of these Reports and agreeing the associated action plans. It agreed the publication of both Reports, noting that these will be published on 9 December 21.

9. Update on Competition Act 1998 work

The Competition Act team updated the Board on its work and its approach to its current cases and pipeline. The Board supported these plans, thanking the team for its work to date.

10. Mobile ecosystems market study: Summary of initial findings and proposal not to make a market investigation reference

The Board discussed the draft interim Report from this market study, approving the decision to not make a market investigation reference at this stage.

11. CMA Interventions in private enforcement proceedings

The Board discussed the CMA's role in private competition and consumer litigation and agreed the team's proposed process and criteria for deciding whether to intervene in particular private proceedings.

12. AOB

The Board approved the Terms of Reference for the Open Banking Lessons Learned Review.

The Board noted the papers provided for information, and the Chair thanked the Board for the meeting.