

Office for the Internal Market

Board Guidance on OIM Task Groups

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OIM5

Office for the Internal Market

Part of the Competition and Markets Authority

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1. Introduction and interpretation of Guidance

Introduction

- 1.1 The Competition and Markets Authority ('CMA') has issued this *CMA Guidance on Procedures for Office for the Internal Market Task Groups* (the 'Guidance') for use by the Office for the Internal Market ('OIM').
- 1.2 Under section 32(1) of the United Kingdom Internal Market Act 2020 ('the Act') the CMA may authorise a Task Group constituted under Part 3A of Schedule 4 to the Enterprise and Regulatory Reform Act 2013 ('ERRA 2013') to carry out anything that has been required or authorised to be done by the CMA under Part 4 of the Act, relating to independent advice on and monitoring of the UK internal market.
- 1.3 This Guidance applies to the OIM Panel Chair, and any member of the OIM Panel. It is also designed to assist OIM staff working with OIM task groups ('Task Groups')¹ and to provide Task Groups with guidance on determining their procedures.²
- 1.4 The remainder of this Guidance focuses on statutory provisions relating to the OIM Panel and the Task Groups, together with guidance on how the OIM has established processes and procedures for the efficient use of Task Groups. This guidance will continue to develop as the OIM learns from its practical experience of preparing and publishing its statutory reports.
- 1.5 This Guidance consists of six Chapters:
 - Chapter 1: Introduction
 - Chapter 2: Overview of the OIM Panel
 - Chapter 3: Overview of Task Groups
 - Chapter 4: Standing Task Group and project-specific Task Groups
 - Chapter 5: Procedures for the OIM's use of project-specific Task Groups
 - Chapter 6: Even-handedness and independence

¹ This defined term relates to both project-specific Task Groups and the Standing Task Group.

² Paragraph 58M(2) of Part 3A to Schedule 4 of ERRA 2013.

Interpretation

1.6 In this Guidance:

- ‘the Act’ means the United Kingdom Internal Market Act 2020;
- ‘Advice’ means the advice that the OIM may give at the request of a relevant national authority in accordance with section 34 of the Act;
- ‘CMA’ means the Competition and Markets Authority;
- ‘CMA Board’ means the chair and members appointed to the CMA Board in accordance with paragraph 1(1) of Schedule 4 to the Enterprise and Regulatory Reform Act 2013;
- ‘ERRA 2013’ means the Enterprise and Regulatory Reform Act 2013;
- ‘Legislation’ means primary legislation, subordinate legislation and retained direct EU legislation;
- ‘Members’ mean members of the OIM Panel;
- ‘Monitoring’ means the OIM undertaking activities pursuant to its Monitoring function, which may include market monitoring to inform an assessment of relevant changes and developments in the internal market environment over time and to identify sectors or industries where these are occurring, as well as studying the impact of common framework agreements on the development of the internal market.
- ‘Monitoring function’ means the OIM’s function of undertaking a review of the effective operation of the internal market in the UK and/or the provisions of Parts 1 to 3 of the Act, in accordance with section 33 of the Act;
- ‘OIM Panel’ means the panel of persons appointed in accordance with paragraph 1(1)(b)(v) of Schedule 4 to ERRA 2013, available for selection as members of a Task Group;
- ‘OIM Panel Chair’ means a person who is appointed to chair the OIM Panel and to membership of the CMA Board in accordance with paragraph 1(1)(b)(iv) of Schedule 4 to ERRA 2013;
- ‘Part of the UK’ means one or more, but not all, of England, Wales, Scotland or Northern Ireland;

- ‘Relevant national authority’ means any of the following: the Secretary of State; the Scottish Ministers; the Welsh Ministers; a Northern Ireland department, as the case may be;³
- ‘Report’ means a piece of written work that sets out the findings, views, or recommendations of the OIM on issues of substantive consequence to the effective operation of the Internal Market, or of the operation of Parts 1 to 4 of the Act.
- ‘Reporting’ means the OIM undertaking its reporting functions under sections 33 to 36 of the Act, which requires that the provision in question (i) is covered by Parts 1 to 3 of the Act and (ii) must apply to one or more of the four nations but does not apply to the whole of the UK.⁴
- ‘Task Group’ means a group constituted by the OIM Panel Chair in accordance with Part 3A of Schedule 4 to ERRA 2013 for the purpose of carrying out, on the CMA’s behalf, functions of the CMA under Part 4 of the Act;⁵
- ‘Task Group Chair’ means one of the members of a Task Group appointed by the OIM Panel Chair to chair the group;⁶
- ‘UK’ means the United Kingdom (England, Wales, Scotland and Northern Ireland).

³ As defined in section 45(6) of the Act.

⁴ See section 30 of the Act for details on the two conditions.

⁵ Paragraph 58B of Schedule 4 to ERRA 2013.

⁶ Paragraph 58C(3) of Schedule 4 to ERRA 2013.

2. Overview of OIM Panel

Appointment and conduct of OIM Panel

- 2.1 The OIM Panel Chair is appointed by the Secretary of State to chair the OIM Panel and to membership of the CMA Board. Other individuals are appointed by the Secretary of State to membership of the OIM Panel.⁷
- 2.2 In making these OIM Panel appointments, the Secretary of State must have regard to the desirability of securing that:
- (a) a variety of skills, knowledge and experience is available among the members of the OIM Panel; and
 - (b) there is an appropriate balance among the members of that Panel of persons who have skills, knowledge or experience relating to the operation of the UK internal market in different parts of the UK.⁸
- 2.3 Before appointing the OIM Panel Chair and members to the OIM Panel, the Secretary of State must consult the Chair of the CMA and must seek consent of the Scottish Ministers, the Welsh Ministers, and the Department for the Economy in Northern Ireland.⁹
- 2.4 If consent to an appointment is not given by any one of these relevant national authorities within the period of one month beginning with the day from which it is sought from that authority, the Secretary of State:
- (a) may make the appointment without the consent of the authority or authorities concerned; and
 - (b) must, if the appointment is made, inform each authority which did not give consent of the reasons for the decision to proceed with the appointment.¹⁰
- 2.5 Appointment to membership of the OIM Panel is to be for a term of not more than eight years.¹¹
- 2.6 Where at the beginning of a person's term of appointment to membership of the CMA Panel the person has already begun (and continues) to hold office as a member of the OIM Panel, the term of the person's appointment to

⁷ Paragraph 1(1)(b)(v) of Schedule 4 to ERRA 2013.

⁸ Paragraph 1(2A) of Schedule 4 to ERRA 2013.

⁹ Paragraphs 1(2) and 1(2B) of Schedule 4 to ERRA 2013.

¹⁰ Paragraphs 1(2C) and 1(2D) of Schedule 4 to ERRA 2013.

¹¹ Paragraph 3(2A) of Schedule 4 to ERRA 2013.

membership of the CMA Panel is to be treated as beginning when the person's term of appointment to membership of the OIM Panel began.¹²

- 2.7 Where at the beginning of a person's term of appointment to membership of the OIM Panel the person has already begun (and continues) to hold office as a member of the CMA Panel, the term of the person's appointment to membership of the OIM Panel is to be treated as beginning when the person's term of appointment to membership of the CMA Panel began.¹³
- 2.8 A person who has been appointed to membership of the OIM Panel may be re-appointed to membership of the OIM Panel only for the purpose of continuing to act as a member of a Task Group constituted before the expiry of the person's term of office.¹⁴ That is to say, where a person is re-appointed, it does not restart the clock on their original term of office. They cannot be appointed to a new Task Group but can only finish the work of the Task Group to which they were appointed before the expiry of their original term of office.

Code of Conduct for OIM Panel Members

- 2.9 As holders of public office, the OIM Panel Chair and Members' behaviour and actions must be governed by the Seven Principles of Public Life¹⁵ at all times, and these principles underpin the [Code of Conduct for OIM Panel Members](#) ('the Code'). It is the responsibility of the OIM Panel Chair and each of the Members to ensure familiarity and compliance with the Code which forms part of their terms of appointment. The Panel Chair is responsible for ensuring Members are aware of, and comply with, the provisions of the Code.
- 2.10 The OIM Panel Chair and Members must, in carrying out their responsibilities, have regard to the principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership, and act at all times in the best interests of the CMA.¹⁶ In particular:
- it is the responsibility of the Chair and Members to review periodically the work of the OIM to ensure the OIM is working effectively in respect of the provisions of the Code; and
 - the OIM Chair and Members must:

¹² Paragraph 3(4) of Schedule 4 to ERRA 2013.

¹³ Paragraph 3(5) of Schedule 4 to ERRA 2013.

¹⁴ Paragraph 4(1A) of Schedule 4 to ERRA 2013.

¹⁵ [The Seven Principles of Public Life - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

¹⁶ Paragraph 8 of the Code.

- receive appropriate training on financial management and reporting requirements and on any differences that may exist between private and public sector practice;
- comply at all times with the Code of Practice and with the rules relating to the use of public funds and to conflicts of interest; and
- act in good faith and in the best interests of the CMA and the OIM.

2.11 In addition to the principles set out in paragraph 2.10, they must also have regard to the principles of transparency, independence, analytical rigour and even-handedness, and act at all times in the best interest of the OIM.

3. Overview of Task Groups

Introduction

- 3.1 The Act is not prescriptive about Task Groups' processes and procedures.¹⁷ As a consequence, the CMA has flexibility on how Task Groups are used and what OIM work they are appointed to do. Accordingly, the OIM may create its own model and procedures for Task Groups. Nevertheless, there are certain limitations to this flexibility; for example, Task Groups must comply with:
- (a) this Guidance;¹⁸ and
 - (b) the statutory provisions of the Act which are added into ERRA 2013.¹⁹
- 3.2 Given the flexibility afforded to the CMA, described in paragraph 3.1 above, the OIM has formulated two types of Task Group: the Standing Task Group and project-specific Task Groups. References in this Guidance to a 'Task Group' should be taken to be references to both types, unless otherwise stated. Chapter 4 describes these two types in detail. This Chapter explains more generally the operation of Task Groups in the context of the OIM, with reference to the Act.

Overview of Task Groups – General

- 3.3 The OIM Panel Chair may constitute a Task Group for the purpose of carrying out the CMA's functions under Part 4 of the Act.²⁰ The OIM Panel Chair will take into account Members' skills, knowledge and experience when appointing Members to a Task Group.²¹
- 3.4 The overarching objective of each Task Group mirrors the statutory objective for the OIM to support, through the **application of economic and other technical expertise**,²² the effective operation of the internal market in the UK.²³ This objective includes supporting the operation of the internal market

¹⁷ The Act provides for provisions to be inserted into Schedule 4 to ERRA 2013, which govern the constitution and basic functions of the OIM Panel.

¹⁸ Paragraph 58M(2) of Schedule 4 to ERRA 2013.

¹⁹ Section 32(2) of the Act.

²⁰ Paragraph 58B of Schedule 4 to ERRA 2013.

²¹ An appropriate balance of such skills on the operation of the internal market in different parts of the UK, and the availability of individuals, may also be considered in the appointment process.

²² In this context, 'economic expertise' is interpreted as expertise in the economic analysis of markets; and 'other technical expertise' is interpreted as meaning other technical expertise that the OIM has, such as legal, financial, business, statistical and data science expertise.

²³ This objective is with particular reference to the purposes of Parts 1, 2 and 3. See sections 31(1) and 31(2) of the Act.

throughout the UK, and in the interests of consumers of goods and services as well as other classes of person with an interest in its operation.²⁴

- 3.5 The OIM's interpretation of 'application of economic and other technical expertise', highlighted above, is that forms of expertise other than economic expertise may be applied to the OIM's assessment of the operation of the internal market. Some Members are likely to possess 'other technical expertise' to contribute to the OIM's work.
- 3.6 In addition, the CMA, and therefore the OIM Panel Chair and Members carrying out the CMA's functions on its behalf, 'must have regard to the need to act even-handedly' as respects the UK Government and each of the devolved governments.²⁵
- 3.7 The OIM will be asked to consider a variety of types of requests from any of the relevant national authorities (i.e. the UK Government and the devolved governments of Scotland, of Wales and of Northern Ireland) relating to assessing the impact on the internal market of regulatory provisions. Some requests, such as, for example, requests made under section 36 of the Act,²⁶ will entail greater political sensitivities and risks than others. These will necessitate greater involvement on the part of the Members to mitigate or manage actual or potential identified risks.
- 3.8 For each report, review and advice, the OIM Panel Chair and Members must ensure that they:
- (a) perform any functions they are authorised to undertake by the CMA;
 - (b) exercise the powers of the CMA, where they are so authorised, in accordance with relevant legislation and any applicable CMA rules;²⁷ and
 - (c) have regard to this Guidance, as set out in the Act, and any additional OIM guidance and policies relevant to the performance of the relevant functions of the OIM.

²⁴ Section 31(3) of the Act.

²⁵ Section 31(4) of the Act. This principle of even-handedness is described in further details in Chapter 6.

²⁶ Under section 36 of the Act, the OIM may, at the request of a relevant national authority (or two or more acting jointly), provide a report to the relevant national authority on the economic impact of a regulatory provision which the relevant national authority considers is, or may come to be, detrimental to the effective operation of the internal market in the UK.

²⁷ The main statutes relevant to Members are likely to be the Act and ERRA 2013. However, in addition, other laws may be applicable in particular situations, including trade law and constitutional law.

Termination of membership to a Task Group

- 3.9 The OIM Panel Chair may remove a Member from a Task Group if they consider that:
- (a) the Member will be unable, for a substantial period, to perform their duties as a member of the Task Group; or
 - (b) because of a particular interest of a Member, it is inappropriate for that person to remain a member of this group.²⁸
- 3.10 A person ceases to be a member of a Task Group on ceasing to be a member of the OIM Panel.²⁹

Replacement of a Member of a Task Group

- 3.11 If a person ceases to be a member of a Task Group, whether by being removed or otherwise, the OIM Panel Chair may appoint a replacement member of the Task Group from the OIM Panel.³⁰

Continuity on removal or replacement

- 3.12 A person's ceasing to be a member of a Task Group, whether by being removed under paragraph 58F of Schedule 4 to ERRA 2013, or otherwise, does not prevent:
- (a) the Task Group from continuing with anything begun before the person ceased to be a member of it;
 - (b) any decision made or direction given by the person while a member of the Task Group from having effect after that person has ceased to be a member of that Task Group.³¹

Powers of the OIM Panel Chair pending a Task Group's constitution and first meeting

- 3.13 While a Task Group is being constituted, the OIM Panel Chair may take such steps as they consider appropriate to facilitate the work of that Task Group

²⁸ Paragraph 58F of Schedule 4 to ERRA 2013.

²⁹ Paragraph 58G of Schedule 4 to ERRA 2013.

³⁰ Paragraph 58H(2) of Schedule 4 to ERRA 2013.

³¹ Paragraph 58I of Schedule 4 to ERRA 2013.

once it has been constituted. The steps taken must be steps that it would be within the power of that Task Group to take, had it already been constituted.³²

Independence of Task Groups

3.14 In exercising functions which it is authorised to exercise by virtue of any enactment, a Task Group must act independently of the CMA Board. However, this does not prevent:

- (a) the CMA Board from giving information in its possession to a Task Group; or
- (b) a Task Group giving information in its possession to the CMA Board.³³

3.15 The CMA Board's oversight role does not extend into the substance of decisions by the Task Groups.

Conflicts of interest

3.16 Members must comply with the CMA's [Conflicts of Interest Policy](#) during their term of appointment and, where relevant, following the conclusion of their appointment. The OIM Panel Chair and Members should also consult the Code for guidance on dealing with conflicts of interest.³⁴

3.17 Conflicts of interest checks for the OIM Panel Chair and Members will be needed when:³⁵

- a new matter comes to the OIM, to ensure that Members on the Standing Task Group are not subject to any conflict of interest;
- prior to a Member's appointment to a project-specific Task Group, to ensure that any Member on a project-specific Task Group is not conflicted; and
- when a project-specific Task Group wishes to consult with another Member, to ensure that that other Member is not subject to any conflict of interest.

³² Paragraph 58J of Part 3A of Schedule 4 of the Act.

³³ Paragraph 58K of Schedule 4 to ERRRA 2013

³⁴ Specifically paragraphs 22 to 28 of the Code.

³⁵ See Chapter 4 for details on the meaning and activities of the Standing Task Group and the project-specific Task Groups.

- 3.18 The OIM Panel Chair's and Members' biographies and disclosures of their current roles, and roles held in the last five years, will be published on www.gov.uk/cma.
- 3.19 On the composition of a project-specific Task Group, the biographical details of its members will be sent to the requesting relevant national authority.

Use of information

- 3.20 The OIM Panel Chair and Members are subject to a general duty of confidentiality in relation to the conduct of the affairs of the CMA and the OIM and information they obtain in the course of their work. They must also comply with any relevant statutory restrictions in relation to the handling of such information, in particular information subject to Part 9 of the Enterprise Act 2002 and personal data subject to UK GDPR and the Data Protection Act 2018. These obligations are personal and must be respected while complying with the transparency commitments of the OIM. Further guidance on the obligations on the OIM Panel Chair and Members with respect to their use of information can be found in the Code.³⁶

³⁶ Specifically, at paragraphs 31 to 34 of the Code.

4. Standing Task Group and project-specific Task Groups

Procedures of Task Groups

- 4.1 Under section 32(1) of the Act, the CMA may authorise an OIM task group to do anything required or authorised to be done by the CMA under Part 4 of the Act.
- 4.2 Where an OIM Task Group is so authorised, it may determine its own procedure (including determining its quorum), but it must have regard to any guidance issued by the CMA Board when doing so.³⁷
- 4.3 The OIM uses the term 'Task Group' to refer to two models that serve different but complementary purposes: the Standing Task Group and a project-specific Task Group. These are discussed in more detail below.

Standing Task Group model

- 4.4 The Standing Task Group is composed of the OIM Panel Chair and **all** Members. The OIM Panel Chair serves as the Standing Task Group Chair. In brief, the intention is for the Standing Task Group to meet periodically to:
 - offer an independent perspective without the need to engage actively in the day-to-day running of the OIM;
 - review the portfolio of current OIM work and discuss any areas of particular interest with the OIM staff teams in attendance; and
 - help ensure even-handedness and consistency in OIM decision-making.
- 4.5 Specifically, the Standing Task Group model has been designed to assure the efficient conduct and proper oversight of the whole portfolio and promotes consistency and even-handedness with respect to the OIM's work. It will also ensure the efficient use of OIM Panel resources across a portfolio of work that is likely to include projects of varying size and complexity. The role of the Standing Task Group will be to provide consistent strategic input across the portfolio, including the OIM's monitoring work as well as its reporting/ advisory work.

³⁷ Paragraph 58M of Schedule 4 to ERRA 2013.

- 4.6 This Standing Task Group model is considered to have benefits for both the OIM and the effective functioning of the internal market in the UK more generally. For example:
- (a) Given the desirability that the Secretary of State's appointments ensures that there is 'a balance of skills across on the operation of the internal market in the different parts of the UK',³⁸ all of those skills would be represented in this Standing Task Group;
 - (b) Staff teams have an established and regular forum for meeting with the Standing Task Group to provide progress updates on the portfolio of work, and to seek steers (where appropriate) on specific issues.³⁹ Likewise, the Standing Task Group benefits from sharing their views on any areas of interest with all Members and staff in this forum;
 - (c) The OIM Panel Chair, as the Standing Task Group Chair, is involved in a flexible manner across the various current report and advice workstreams, so that he or she will be well placed to ensure the OIM's principles of impartiality and independence are maintained, and to help resolve any differences of views among the other Members;
 - (d) It can and should be used to ensure the OIM meets its duty to act in an even-handed manner;
 - (e) It will help ensure consistency of policy and procedure across the OIM's work as a whole, including in relation to any advice it may be asked to give regarding which cases to prioritise;
 - (f) Certain OIM reports, which by their nature only require minimal Standing Task Group involvement or input, may be discussed and overseen in an appropriately agile manner, with the level of engagement determined by the Project Director⁴⁰ in consultation with the Standing Task Group Chair. This may include, for example, supporting the production of the annual and five-yearly reports, and the development of other monitoring reports under section 33 of the Act.
 - (g) The quorum for this Standing Task Group shall be determined by the Standing Task Group but must include the Standing Task Group Chair (or

³⁸ Paragraph 1(2A)(b) of Schedule 4 to ERRA 2013,

³⁹ This may necessitate the provision of working papers to the Members in advance of the meeting, depending on the circumstances and facts of the matter.

⁴⁰ The Project Director is the head of the staff team leading on a particular piece of work; the OIM has four Project Directors.

in their absence the deputy Chair).⁴¹ In the event of a split vote, the Standing Task Group Chair has the casting vote.⁴²

- (h) Finally, with the OIM (as a new function) acquiring expertise in UK internal market issues, this model allows for:
 - (i) opportunities to consider solutions to novel or complex issues collectively; and
 - (ii) mutually beneficial knowledge-sharing between OIM staff and Members.

This will ultimately help promote the OIM as the UK-wide expert on the internal market in the UK.

Project-specific Task Group model

- 4.7 In addition to the above Standing Task Group model, the OIM intends to use a smaller, more flexible Task Group model that is constituted of at least three Panel Members⁴³ on a project-specific basis ('project-specific Task Groups') to offer detailed advice to the project team and stakeholder engagement for the limited number of complex requests that the OIM reviews. In practice, therefore, certain Members may be asked to form a project-specific Task Group to advise OIM staff throughout the 'lifecycle'⁴⁴ of a piece of work that may require (or benefit from) more intensive analysis and stakeholder engagement.
- 4.8 Once a project-specific Task Group has been appointed by the OIM Panel Chair, any Member who is not a member of the project-specific Task Group may attend its meetings or otherwise take part in its proceedings. But such a person may not:
 - (a) vote in any proceedings of the project-specific Task Group, or
 - (b) have a statement of his or her dissent from a conclusion of the project-specific Task Group included in a report made by the group.
- 4.9 Nothing in paragraph 4.8 is to be taken to prevent a project-specific Task Group from consulting any Member with respect to any matter or question

⁴¹ See paragraph 5.4 for details on the appointment of the deputy Chair.

⁴² Paragraph 58L of Schedule 4 to ERRA 2013.

⁴³ Paragraph 58C(2) of Schedule 4 to ERRA 2013.

⁴⁴ In this context, a project lifecycle encompasses the project work from receipt of a request to closure of the report following publication.

with which the group is concerned, subject to an appropriate conflict check as detailed in paragraph 5.8.

- 4.10 Consequently, an individual may have two or more roles and sets of responsibilities at any given time:
- (a) that individual's role as a member of the Standing Task Group (whose members are the entire OIM Panel); and
 - (b) that individual's role as a member of a project-specific Task Group (or possibly more than one project-specific Task Group).
- 4.11 With a large volume of work, all progressing to varying timescales, and without the OIM often knowing in advance what kinds of requests will come in, it will be incumbent on Members to work flexibly and keep the OIM Panel Chair updated on their availability, preferably prior to any appointment to a project-specific Task Group.
- 4.12 Regardless of whether the OIM Panel Chair and other Members are meeting as the Standing Task Group, or as a smaller project-specific Task Group, every individual is expected to play a role in ensuring the independence and even-handedness of the OIM.

5. Procedures for the OIM's use of project-specific Task Groups

Formalities in relation to the appointment of Task Groups

- 5.1 The OIM Senior Director,⁴⁵ appointed deputy or others duly authorised by the CMA Board makes a request to the OIM Panel Chair for the appointment of a project-specific Task Group.⁴⁶ Should the OIM Panel Chair decide to constitute a project-specific Task Group, the OIM Panel Chair must appoint at least three Members to form a project-specific Task Group. The OIM Panel Chair is free to appoint themselves as the Chair and also has the discretion to appoint one of the members of the project-specific Task Group to be the Chair.⁴⁷
- 5.2 In making selections to a project-specific Task Group, the OIM Panel Chair shall have regard to:
- (a) a Member's relevant knowledge and expertise in relation to the specific request (e.g. specialist knowledge about a certain sector or industry issue);
 - (b) the CMA's Conflicts of Interest Policy and provisions of the Code in relation to handling conflicts of interest;⁴⁸
 - (c) any other factors which, in their opinion, might influence the independence and even-handedness of the OIM's outputs and its engagement with stakeholders, including Ministers in the four nations; and
 - (d) the overall composition of the project-specific Task Group, including the blend of Members' skills and a Member's availability over the course of preparing and publishing the report.

⁴⁵ The OIM Senior Director (SD) is the senior staff member of the OIM. The OIM's Project Directors (see also footnote 41) report to the OIM SD.

⁴⁶ The Senior Director will typically make this request when the decision has been taken to proceed with the matter; however, there might be circumstances where (i) the nature of the request points to the need for a Task Group shortly after the request has been acknowledged by the staff team; or (ii) a matter suddenly becomes more complicated than originally anticipated, and a project-specific Task Group is requested later in the process.

⁴⁷ Paragraph 58C of Schedule 4 to ERRA 2013.

⁴⁸ See paragraph 3.16 and 3.19 above for details.

Meetings

- 5.3 When the project-specific Task Group convenes, a Deputy will be appointed (from the other project-specific Task Group members) to stand in if the chair of the project-specific Task Group is absent on any occasion
- 5.4 The frequency of meetings is likely to depend on the complexity of the request; this will be discussed and kept under review during the course of the project.

Quorum

- 5.5 The project-specific Task Group will determine its own quorum. In the event of a split vote, the Task Group Chair (or their Deputy) has the casting vote.⁴⁹

Additional guidance

- 5.6 Members are expected to be familiar with, and to comply with, additional guidance, in:

- [Guidance on the Operation of the CMA's UK Internal Market Functions](#);
- [Statement of Policy on the Enforcement of the OIM's Information Gathering Powers](#);

and other relevant OIM and CMA guidance.

Urgent decisions

- 5.7 Urgent matters may be considered outside Task Group meetings and should be coordinated by the Project Director, or if more appropriate by the Task Group Chair (or, in the Chair's absence, by the Deputy). This may be relevant, for example, when urgent decisions are required in relation to public debate.

Consulting other Members

- 5.8 A project-specific Task Group may agree to consult any Member with respect to any matter or question with which the Task Group is concerned but, before doing so, the Task Group shall consult the Project Director, who will in turn consult the CMA's Compliance Officer, to avoid any conflicts of interest

⁴⁹ Paragraph 58L of Schedule 4 to ERRRA 2013.

arising. This consultation may take place during the Standing Task Group meeting, or elsewhere.

6. Even-handedness and independence

Even-handedness

- 6.1 The OIM must be, and be seen to be, even-handed. Section 31(4) of the Act requires that the CMA (acting as the OIM), when carrying out its functions under Part 4, must have regard to the need to act even-handedly as respects the four governments concerned, i.e. the UK Government and the devolved governments of Scotland, of Wales and of Northern Ireland.⁵⁰
- 6.2 Even-handedness is important for the maintenance of public confidence in the OIM's objective (in carrying out its function under Part 4 of the Act) of supporting the effective operation of the UK internal market. Even-handedness is also required in the OIM's objective to support consumer interests and interests of all parts of the UK.⁵¹
- 6.3 A Task Group must demonstrate even-handedness in a number of contexts, including but not limited to:
- (a) Informal discussions with relevant national authorities regarding the OIM's functions (e.g. general or procedural matters), subject to the nature of the matter to be covered
 - (b) Assistance to relevant national authorities across the UK through technical advice or reports
 - (c) Information sharing⁵²
 - (d) Seeking input to OIM's work or gathering information
 - (e) Publication of reports
 - (f) Advising on which work to prioritise⁵³

⁵⁰ Section 31(5) of the Act sets out the exceptions to the requirement to act even-handedly as respects the relevant national authorities: (i) section 25(3) of the ERRA 2013 (duty to seek to promote competition), and (ii) section 6(1)(b) (function of giving information or advice to the public) and 7 (provision of information and advice to Ministers etc) of ERRA 2013.

⁵¹ Section 31(3) of the Act.

⁵² Section 36(7) provides that where the OIM provides a report, it must provide copies to all other administrations in other parts of the UK who did not request the report.

⁵³ The OIM Panel Chair and Members may, from time to time, be consulted by the Senior Director of the OIM for their views on which requests, proposals and own initiative work the OIM should prioritise.

Independence of the OIM

- 6.4 A Task Group's responsibilities to ensure independence encompass a number of requirements. For example:
- (a) Task Groups must act independently of the CMA Board.⁵⁴ However, this requirement does not prevent the CMA Board giving information in its possession to a Task Group or a Task Group giving information in its possession to the CMA Board.⁵⁵
 - (b) Task Groups' expert advice and reports on the economic impact of proposals and regulations on the operation of the UK Internal Market must be independent.
 - (c) Task Groups' independent expertise will also be required for monitoring and updating reports on the health and growth of the UK's Internal Market, as well as reporting of economic trends across the UK Internal Market.
 - (d) Any decision taken by Task Groups is based on their own independent judgement reached after analysis of the evidence before them.
 - (e) A Task Group will ensure that views of governments, businesses and consumers will be actively and systematically gathered on an independent basis, as appropriate.

Conflicts of interest

- 6.5 The OIM Panel Chair and Members are expected to comply with the Code⁵⁶ and the CMA's Conflicts of Interest Policy.

Complaints handling and escalation procedures

- 6.6 The OIM Panel Chair and Members are also under a duty to comply with the OIM's complaints handling and escalation procedures that are set out in the Code.⁵⁷

⁵⁴ Paragraph 58K(1) of Schedule 4 to ERRA 2013.

⁵⁵ Paragraph 58K(2) of Schedule 4 to ERRA 2013.

⁵⁶ See paragraphs 3.16 and 3.19 above and paragraphs 22 to 30 of the Code for further details.

⁵⁷ See paragraphs 41 to 53 of the Code.

OIM's Transparency Statement

- 6.7 In order to be accountable to the public, the OIM is committed to being transparent about and enhancing the visibility of its work. The OIM Panel Chair and Members should have regard to any Transparency Statement the OIM may publish and should endeavour to conduct their work in an open fashion; providing information at appropriate stages; and explaining the OIM's reasons for its findings, views or recommendations.

Commitment to ongoing review

- 6.8 Given that the internal market functions conferred on the OIM are new, the OIM expects to update this Guidance in due course to reflect emerging experience as well as any changes in best practice and the law.