

I am responding on behalf of Joe's Blooms, a private company.

Question 1: Are you aware of examples where the CA98 regime has constrained or frustrated actual or potential agreements or initiatives that could support the UK's Net Zero and sustainability goals? Please explain the issue faced and any solutions identified.

No comment.

Question 2: Are there changes to the CA98 regime that would help to achieve the UK's Net Zero and sustainability goals? If so, what changes should be made to the regime, and what would they achieve?

We would recommend that the pursuit of Net Zero and sustainability goals should be noted as key national priorities which are vital to the planet's wellbeing, as well as national security and public wellbeing. As a result, it should also be recognised that there is a clear need for the private sector to help introduce technologies and services that can realise these objectives at speed, and that the pursuit of delivering such objectives should not be stymied by concerns about the inappropriate application of CA98 rules.

As a hypothetical: if a company was to develop a technology that would make a significant contribution to the ability of UK companies to decarbonise, the CA98 and the CMA should see its fundamental objective as to be to help roll out the technology as speed, not to seek to apply the clauses that aim to minimise market dominance / disturbances within the CA98 regime. To stress, this isn't the same as saying that there is a permanent withdrawal from such a role, but that when it comes to such technology and services, intervention should only come once the market has reached a certain level of maturity / the technology has clearly spread across the relevant sector.

Question 3: To the extent not already covered by your responses to the previous questions, are you aware of examples of potential environmental sustainability initiatives which, in your view, would benefit from further CMA guidance or direct engagement with the CMA on the possible application of CA98? If so, please explain what further guidance would be necessary and why.

Question 4: While the CMA is concerned primarily with public enforcement, we would also welcome any comments you may have in relation to private enforcement in this sphere. For instance, if you have suggested changes in response to previous questions, what impact, if any, do you think this could have on private actions?

None.

Question 5: If, and how, does the current merger control framework constrain or frustrate initiatives or transactions that might support the UK's Net Zero and sustainability goals? If possible, please provide examples.

No comment.

Question 6: More specifically, are you aware of any examples of cases reviewed under the current merger regime where environmental factors have not been able to be fully taken into account? Please provide details.

No comment.

Question 7: Do you consider that the CMA's merger control regime could better contribute to protecting the environment and support the UK's Net Zero and sustainability goals? If so, please explain how.

No comment.

Question 8: Do you consider that the CMA is an appropriate body to assess environmental sustainability factors in relation to merger control, for example, where it is a basis on which firms compete? Do you consider there would be a benefit in having an additional or alternative body or regulator being available to provide advice on such matters? Please explain the reasons for your response.

No comment.

Question 9: To the extent not already covered by your responses to previous questions, are you aware of examples of potential environmental sustainability initiatives which, in your view, would benefit from further CMA guidance and/or direct engagement with CMA on the possible application of the merger regime? If so, please explain what further guidance would be necessary and why.

No comment.

Question 10: Does the current consumer protection law framework constrain or frustrate initiatives that might support the UK's Net Zero and sustainability goals?

No comment.

Question 11: What changes to business-to-business protections are required, to address the current issues of supply chain transparency?

No comment.

Question 12: What other opportunities are there to develop the consumer protection law framework to help to achieve the UK's Net Zero and sustainability goals?

No comment.

Question 13: To what extent should the consumer protection law framework be prescriptive, for example, by mandating provision of particular forms of information, or by prohibiting particular types of conduct, in order to help to achieve the UK's Net Zero and sustainability goals?

No comment.

Question 14: How far should the consumer protection law framework go to address: (a) the planned obsolescence of products; and/or (b) commercial practices which promote over-consumption? Markets regime questions We invite responses, accompanied by relevant evidence, to the following questions:

Question 15: How should the CMA use its Markets powers to support the government's strategic priorities on environmental sustainability and Net Zero?

No comment.

Question 16: How can the CMA identify markets that may be particularly relevant and important in supporting the UK's strategic goals on environmental sustainability and Net Zero? Are you aware of specific examples?

The key area to be aware of is the creation of new markets under Environmental legislation.

Question 17: Are there changes to the Markets regime, other than those highlighted above, which would better allow it to support Net Zero and environmental sustainability objectives? Please be as concrete as possible in your answers.

No comment.

Question 18: What other considerations should the CMA take into account in responding to the Secretary of State's request for advice?

No comment.

Question 19: How should the CMA apply its wider policy tools to support the UK's Net Zero and sustainability goals?

No comment.

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Joe's Blooms