Affinity Water

Consumer and Competition Policy Directorate
Department for Business, Energy, and Industrial Strategy
4th Floor
1 Victoria Street
London
SW1H 0ET

*Via email to:* RCCPconsultation@beis.gov.uk

**1 October 2021**

Dear Sir,

**Re: Reforming Competition and Consumer Policy: Driving growth and delivering competitive markets that work for consumers**

We welcome the opportunity to respond to this consultation. We support in principle the aim set out within the consultation to increase the ability of the CMA to take enforcement action of appropriate strength and within reasonable timeframes. We agree with the proposal that the CMA should have the power to enforce consumer protection law directly, and should not have to rely on civil courts to deliver that enforcement.

That said, we would not support any narrowing of the CMA's current role to accommodate these changes. In particular, we note the CMA's previous proposals for handling regulatory appeals set out in Lord Andrew Tyrie's letter to Greg Clark of February 2019.

We think that the CMA plays a very important role in acting as the appeal body for the water industry at price reviews. We would be very concerned if that role was diluted or delegated to other channels such as the court system, as this would lead to a narrow legal interpretation of the matter at hand, rather than the broad, systematic and economic investigations that the CMA are resourced for, and have delivered to a high standard for some years.

We note that no specific proposals are made in the consultation in relation to CMA's role in the water sector – either in price controls or the special merger arrangements for the sector. If BEIS proposes to consider any reforms that relate to the water sector arising from responses to this consultation, we would expect it to consult further on any proposed reforms.

I hope you find our comments helpful, and we would be happy to discuss further if you would find that useful.

Yours sincerely,

[redacted]

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Interim Director of Regulation and Strategy, Affinity Water
cc: [redacted] Interim CEO