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Submitted to Reforming Competition and Consumer Policy
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ACT | The App Association

Are you happy for your response to be published?

Yes

Would you like to be contacted when the consultation response is published?

Yes

Competition

1 What are the metrics and indicators the CMA and government could use to better understand and monitor the state of competition in the UK?

Please respond here.:

The App Association notes limitations in using individual metrics and indicators to fully understand and monitor the state of competition in any market. Combining measures of competition, however, can provide a better understanding of today's dynamic and increasingly complex markets. Therefore, we encourage the CMA generally not to over-rely on basic indicators like market share, size of user base, and turnover.

An understanding of competition should start with a data-driven market definition for the market in question. Other useful indicators to consider may include market concentration, the existence and severity of entry barriers (e.g., sunk costs, economies of scale, regulatory barriers), firm entry and exit rates, the average age of firms in the market, volatility of indicators like market shares and market concentration, as well as broader indicators like prices, productivity and innovation within a given market.

These indicators and their usefulness may vary depending on the market in which the CMA is trying to monitor competition. We, therefore, want to reiterate it is essential to precede any monitoring with an evidence-based and clear market definition.

2 Should the CMA have a power to obtain evidence specifically for the purpose of advising government on the state of competition in the UK?

No

Please expand on your answer here.:

It is unclear exactly what evidence the government would require for the CMA to advise it on the state of competition in the UK and how the CMA would obtain such evidence. We encourage the government to clarify the following questions:
• Where would the CMA gather this evidence?
• Who determines which firms are subject to such information gathering, and how would they determine this?

The App Association generally opposes giving the CMA the power to gather information at any time outside of formal investigations into anti-competitive behaviour and contribute to wider competition policy development and monitoring. Taking such a step risks disproportionate power for the CMA, additional burdens on businesses and potentially duplicating responsibilities between regulators.

3 Should government provide more detailed and regular strategic steers to the CMA?

No

Please expand on your answer here.:

The CMA should focus its activities on an evidence-based determination of market dominance and/or abuse. Only after it finds anti-competitive harm should the CMA implement Interventions and not after the government provides strategic steers.

4 Should the CMA be empowered to impose certain remedies at the end of a market study process?

No

Please expand on your answer here.:

We reiterate that the CMA should only impose remedies after finding anti-competitive behaviour. A market study may indicate anti-competitive behaviour but is not equivalent to an explicit investigation into a specific company's actions. If a market study prompts the CMA to conduct such an investigation and the investigation finds evidence of anti-competitive behaviour, the CMA should have the power to impose certain remedies.

5 Alternatively, should the existing market study and market investigation system be replaced with a new single stage market inquiry tool?

No

Please expand on your answer here.:

The existing market study and market investigation system ensures data-based and evidence-driven actions by the CMA. A new single-stage market inquiry tool may not offer the same thoroughness and should, therefore, not replace the existing system.

6 Should government enable the CMA to impose interim measures from the beginning of a market inquiry?

No

Please expand on your answer here.:

At the beginning of a market inquiry, the CMA does not have sufficient evidence to determine whether anti-competitive behaviour has occurred or not. Therefore, it should only be able to impose any measures after it completes the market inquiry. Interim measures could be helpful while the CMA develops more permanent measures.

7 Should government enable the CMA to accept binding commitments at any stage in the market inquiry process?

Yes

Please expand on your answer here.:

8 Will government's proposed reforms help deliver effective and versatile remedies for the CMA's market inquiry powers?

No

Please expand on your answer here.:

The CMA will need to request information from firms it has identified as actively harming competition. In the context of formal investigations, specifically, we emphasise that the CMA should only be able to use its statutory information-gathering powers to the extent necessary. The CMA can achieve this by formulating clear and explicit objectives and purposes for the information requests and what the information will be used for. The information the CMA collects in the process should not be used to carry out functions other than those it originally stated. The CMA should also only impose penalties for non-compliance on firms where strong evidence exists that the firm is exhibiting anti-competitive behaviours. The existing powers and mechanisms the CMA possesses help it to investigate effectively and enforce against conduct occurring both domestically and overseas. Additionally, these powers and mechanisms should not go beyond and strive for coherence with those included in other competition regimes. Further, an investigative process with ample opportunities for responses by those who are the subject of the market inquiries provides safeguards for competitive markets and must be part of the CMA's work.

9 What other reforms would help deliver more efficient, flexible, and proportionate market inquiries?

Please respond here.:

Concerning a procedural framework for market inquiries, reviews, evidentiary thresholds, and rights of appeal, we strongly encourage the CMA to make a predictable framework available. Such a framework should incorporate fair timeframes that allow for responses on complex questions (a minimum of 60 days for responses to formal inquiries, for example), with mechanisms in place to provide flexibility in timelines based on hardships. Additionally, as stated previously, a data-driven market definition, and an evidence-based determination of market dominance and/or abuse during the market inquiry could help to increase efficiency and proportionality.

To effectively investigate and enforce against conduct occurring both domestically and overseas, the CMA should be able to cooperate and share information with other competition authorities. Such activities must occur under data protection rules. Further, to ensure efficiency, these powers and mechanisms to investigate and provide remedies should not go beyond and strive for coherence with those included in other digital competition regimes.

10 Should the current jurisdictional tests for the CMA's merger control investigations be revised? If so, what are your views on the proposed changesto the jurisdictional tests?

Maybe

Please expand on your answer here.:

Combining the transaction value threshold with a test on 'material impact on the UK' (nexus test) strikes the App Association as a good option to ensure the CMA only reviews relevant transactions. However, more information on what constitutes a nexus test and how the CMA would carry it out would be beneficial for a more complete evaluation. Setting only a monetary value or market share threshold would risk reviewing mergers that may not have anti-competitive effects, and we caution the government against treating all high transaction value mergers as competitively significant. High transaction values or market shares are not inherently indicators of competitive significance. We emphasise that the CMA should only scrutinise mergers where a company is solely acquiring a competing technology firm to kill it (killer acquisition) and when already dominant players are merging intending to consolidate monopoly power in a market and then reduce competition in that market through abusing the monopoly.

11 Are there additional or alternative reforms to the current jurisdictional tests for the CMA's merger control investigations that government should be considering?

No

Please expand on your answer here.:

12 What reforms are required to the CMA's merger investigation procedures to deliver more effective and efficient merger investigations?

Please respond here.:

Mergers are a part of how innovation works, and an anti-merger regime can severely stifle innovation. Heightened scrutiny or outright prevention of mergers would discourage investment (if investors cannot hope to get a return on their investment, they will not make it in the first place) and prevent integration of innovative new technologies into larger platform ecosystems that offer more leverage. Mergers allow for greater investments in R&D, increase efficiency in markets, and help firms to compete internationally. Any reforms to the CMA's merger investigation procedures should consider unintended and potentially negative consequences into account that could disincentivise productive mergers.

We further urge the government to refrain from blanket mandatory merger reviews. Such mandatory review could impose additional costs and burdens on both businesses and the CMA. Most acquisitions are not anti-competitive. To encourage innovation and growth, the government should, therefore, not prevent them from completion. When it comes to merger review, transactions should only undergo scrutiny if evidence exists for harmful effects on competition because of a merger. Introducing mandatory merger reviews risks decreasing the overall attractiveness of mutually beneficial mergers and acquisitions. Such a step could result in reduced innovation and growth in the UK's economy and could disincentivise start-ups from entering markets if being acquired is no longer a viable exit strategy.

13 Should the CMA Panel be retained, but reformed as proposed above? Are there other reforms which should be made to the panel process?

Maybe

Please expand on your answer here.:

14 Should the jurisdictional requirements of the Chapter I and Chapter IIprohibitions be changed so that they apply to all anticompetitive agreements which are, or are intended to be, implemented in the UK, or have, or are likely to have, direct, substantial, and foreseeable effects within the UK, and conduct which amounts to abuse of a dominant position in a market, regardless of the geographical location of that market?

Yes

Please expand on your answer here.:

Expanding the territorial scope of the UK's prohibitions on anticompetitive conduct would bring the UK's competition law in line with its international partners. However, we caution that CMA's overseas activities should happen in collaboration with local competition authorities to avoid any regulatory overlap or duplicate inquiries.

15 Should the immunities for small agreements and conduct of minor significance be revised so that they apply only to businesses with an annual turnover of less than £10 million?

Yes

Please expand on your answer here.:

Introducing a 'safe harbour' for mergers between small businesses with global turnovers below £10 million could provide greater legal certainty to small businesses and thereby promote innovation.

16 If the immunity thresholds are revised for agreements of minor significance, should the immunity apply to (a) any business which is party to an agreement and which has an annual turnover of less than £10 million or (b) only to agreements to which all the business that are a party have an annual turnover of less than £10 million?

Not Answered

Please expand on your answer here.:

The immunity thresholds should apply only to agreements where all parties have an annual turnover of less than £10 million.

17 Will the reforms being considered by government improve the effectiveness of the CMA's tools for identifying and prioritising investigation? In particular will providing holders of full immunity in the public enforcement process, with additional immunity from liability for damages caused by the cartel help incentivise leniency applications?

Yes

Please expand on your answer here.:

18 Will the CMA's interim measures tool in Competition Act investigations be made more effective by (a) changing the procedures for issuing decisions and/or (b) changing the standard of review of appeals against the decision?

No

Please expand on your answer here.:

19 Will the reforms in paragraphs 1.170 to 1.174 improve the effectiveness of the CMA's tools for gathering evidence in Competition Act investigations? Are there other reforms government should be considering?

No

Please expand on your answer here.:

20 Will government's proposals for the use of Early Resolution Agreements help to bring complex Chapter II cases to a close more efficiently? Do government's proposals provide the right balance of incentives between early resolution and deterrence?

No

Please expand on your answer here.:

21 Will government's proposals to protect documents prepared by a business in order to seek approval for, and operate, a voluntary redress scheme from disclosure in civil litigation encourage the use of these redress schemes?

No

Please expand on your answer here.:

22 Will government's proposed reforms help to speed up the CMA's access to file process and by extension the conclusion of the CMA's investigations?

No

Please expand on your answer here.:

23 Should government remove the requirements in the CMA Rules on the decision makers for infringement decisions in Competition Act investigations?

Yes

Please expand on your answer here.:

24 What is the appropriate level of judicial scrutiny for decisions by the CMA in Competition Act investigations?

Please respond here.:

We believe businesses should have the ability to challenge the CMA's decisions before an independent court or tribunal. The CMA's decisions should be judicially reviewable on ordinary judicial review principles to determine whether it has acted within its powers, applied proper reasoning, and followed due process in coming to its decision. We support applying the judicial review standard of appeal to appeals of CMA decisions and encourage the government to allow courts to go further than reviewing mere legality, reasonableness, or fairness in appeals against the imposition of significant financial penalties.

25 What is the appropriate level of judicial scrutiny for decisions by the CMA in relation to non-compliance with investigative and enforcement powers, including information requests and remedies across its functions?

Please respond here.:

We believe businesses should have the ability to challenge the CMA's decisions before an independent court or tribunal. The CMA's decisions should be judicially reviewable on ordinary judicial review principles to determine whether it has acted within its powers, applied proper reasoning, and followed

due process in coming to its decision. We support applying the judicial review standard of appeal to appeals of CMA decisions and encourage the government to allow courts to go further than reviewing mere legality, reasonableness, or fairness in appeals against the imposition of significant financial penalties.

26 Are there reforms which fall outside the scope of government's recent statutory review of the 2015 amendments to Tribunal's rules which would increase the efficiency of the Tribunal's appeal process for Competition Act investigations?

No

Please expand on your answer here.:

We believe businesses should have the ability to challenge the CMA's decisions before an independent court or tribunal. The CMA's decisions should be judicially reviewable on ordinary judicial review principles to determine whether it has acted within its powers, applied proper reasoning, and followed due process in coming to its decision. We support applying the judicial review standard of appeal to appeals of CMA decisions and encourage the government to allow courts to go further than reviewing mere legality, reasonableness, or fairness in appeals against the imposition of significant financial penalties.

27 Will the new investigative powers proposed help the CMA to conclude its investigations more quickly? Are the proposed penalty caps set at the right level? Are there other reforms to the CMA's evidence gathering powers which government should be considering?

Maybe

Please expand on your answer here.:

The proposed penalty caps are at an appropriate level. The CMA should not consider other reforms to the CMA's evidence gathering powers.

28 Will the new enforcement powers proposed improve compliance? Are the proposed penalty caps at the right level? Are there other reforms to the CMA's enforcement powers which government should be considering?

Maybe

Please expand on your answer here.:

The proposed penalty caps are at an appropriate level. The CMA should not consider other reforms to the CMA's enforcement powers.

29 What conditions should apply to the CMA's use of investigative assistance powers to obtain information on behalf of overseas authorities?

Please respond here.:

To investigate effectively and enforce against conduct occurring both domestically and overseas, the CMA should be able to use the existing powers and mechanisms it possesses. Any cooperation and information sharing with other competition authorities must occur under data protection rules. Further, these powers and mechanisms should not go beyond and strive for coherence with those included in other digital competition regimes such as the European Commission's Digital Markets Act.

The CMA will need to request information from firms it has identified as actively harming competition. In the context of formal investigations, it should have information-gathering powers, but it should only be able to use its statutory information-gathering powers to the extent necessary. The CMA can achieve this by formulating clear and explicit objectives and purposes for the information requests and what the information will be used for. The information the CMA collects in the process should not be used to carry out functions other than those it originally stated. The CMA should also only be able to impose penalties for non-compliance on firms where strong evidence exists that the firm is exhibiting anti-competitive behaviours.

Consumer Rights

30 Do you agree with the description of a subscription contract set out in Figure 8 of this consultation? How could this description be improved?

No

Please expand on your answer here.:

We discourage overly prescriptive mandates on business activity that the CMA has not demonstrably shown as harmful to consumers.

31 How would the proposals of clarifying the pre-contract information requirements for subscription contracts impact traders?

Please respond here.:

The App Association supports using plain language that consumers can easily understand and use to make informed choices.

32 Would it make it easier or harder for traders to comply with the pre-contract requirements? And why?

Maybe

Please expand on your answer here.:

Providing a blanket answer to this question is difficult and will depend on the circumstances. However, generally overly prescriptive mandates on business activity through pre-contract requirements can undercut the ability of businesses to respond to customer needs and trends to differentiate themselves in the market, and we discourage their use.

33 How would expressly requiring giving consumers to be given, in all circumstances, the choice upfront to take a subscription contract without autorenewal or rollover impact traders?

Please respond here.:

Unknown. However, generally overly prescriptive mandates on business activity through pre-contract requirements can undercut the ability of businesses to respond to customer needs and trends to differentiate themselves in the market, and we discourage their use.

34 Should the reminder requirement apply where (a) the contract will auto-renew or roll-over, at the end of the minimum commitment period, onto a new fixed term only, or (b) the contract will auto-renew or roll-over at the end of the minimum commitment period?

No

Please expand on your answer here.:

Generally, overly prescriptive mandates on business activity through pre-contract requirements can undercut the ability of businesses to respond to customer needs and trends to differentiate themselves in the market, and we discourage their use.

35 How would the reminder requirement impact traders?

Please respond here.:

Unknown.

36 Should traders be required, a reasonable period before the end of a free trial or low-cost introductory offer to (a) provide consumers with a reminder that a “full or higher price” ongoing contract is about to begin or (b) obtain the consumer’s explicit consent to continuing the subscription after the free trial or low cost introductory offer period ends?

No

Please expand on your answer here.:

Generally, overly prescriptive mandates on business activity through pre-contract requirements can undercut the ability of businesses to respond to customer needs and trends to differentiate themselves in the market, and we discourage their use.

37 What would be the impact of proposals regarding long-term inactive subscriptions have on traders’ business models?

Please respond here.:

Unknown.

38 What do you consider would be a reasonable timeframe of inactivity to give notice of suspension?

Please respond here.:

We do not support such a mandate. Overly prescriptive mandates on business activity through pre-contract requirements can undercut the ability of businesses to respond to customer needs and trends to differentiate themselves in the market, and we discourage their use.

39 Do you agree that the process to enter a subscription contract can be quicker and more straightforward than the process to cancel the contract (in particular after any initial 14 day withdrawal period, where appropriate, has passed)?

No

Please expand on your answer here.:

This question makes a broad assumption that entering a subscription contract is always quicker and more straightforward than the process to cancel the contract. There is no blanket answer to this question, and the answer will vary depending on the circumstances.

40 Would the easy exiting proposal, to provide a mechanism for consumers that is straightforward, cost-effective, and timely, be appropriate and proportionate to address the problem described?

No

Please expand on your answer here.:

We do not agree that the ‘problem’ the government describes merits intervention and mandated business activities.

41 Are there certain contract types or types of goods, services, or digital content that should be exempt from the rules proposed and why?

Yes

Please expand on your answer here.:

We do not agree that the 'problem' the government describes merits intervention and mandated business activities.

42 Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of (a) commissioning consumer reviews in all circumstances or (b) commissioning a person to write and/or submit fake consumer reviews of goods or services or (c) commissioning or incentivising any person to write and/or submit a fake consumer review of goods or services?

No

Please expand on your answer here.:

We do not support the 'blacklisting' of specified activities and instead urge regulators to use a consumer protection standard that gauges against specific activities (e.g., demonstrated deceptive practices and related consumer harms) before determining liability for the activities at issue.

43 What impact would the reforms mentioned in Q42 have on (a) small and micro businesses, both offline and online (b) large online businesses and (c) consumers?

Please respond here.:

From the perspective of the App Association, digital economy small and micro-businesses would face increased compliance costs associated with an overly rigid mandate on their interactions with customers. We do not support the 'blacklisting' of specified activities and instead urge regulators to use a consumer protection standard that gauges against specific activities (e.g., demonstrated deceptive practices and related consumer harms) before determining liability for the activities at issue.

44 What 'reasonable and proportionate' steps should be taken by businesses to ensure consumer reviews hosted on their sites are 'genuine'? What would be the cost of such steps for businesses?

Please respond here.:

Businesses should be required to minimise risks to consumer harm based on their knowledge and ability to mitigate those risks under a reasonableness standard. We urge the UK to put a framework into place that ensures the appropriate distribution and mitigation of risk and liability for businesses.

45 Should government add to the list of automatically unfair practices in Schedule 1 of the CPRs the practice of traders offering or advertising to submit, commission or facilitate fake reviews?

No

Please expand on your answer here.:

We do not support the 'blacklisting' of specified activities and instead urge regulators to use a consumer protection standard that gauges against specific activities (e.g., demonstrated deceptive practices and related consumer harms) before determining liability for the activities at issue.

46 Are consumers aware of businesses using behavioural techniques to influence choice that affect their purchasing decisions? Is this a concern that they would want to be addressed?

Yes

Please expand on your answer here.:

Yes, we believe consumers have long been aware of techniques used to influence their choices, which predate the birth of the digital economy itself (e.g., newspaper and radio advertising). Before the government takes any action to address any advertising techniques, we simply request that consumer harm and anti-competitive effects first be clearly established.

47 Do you think government or regulators should do more to address (a) 'drip pricing' and (b) paid-for search results that are not labelled accordingly, as practices likely to be breached under the CPRs?

No

Please expand on your answer here.:

We do not support the 'blacklisting' of specified activities and instead urge regulators to use a consumer protection standard that gauges against specific activities (e.g., demonstrated deceptive practices and related consumer harms) before determining liability for the activities at issue.

48 Are there examples of existing consumer law which could be simplified or where we could give greater clarity, reducing uncertainty (and cost of legal advice) for businesses/consumers?

Maybe

Please expand on your answer here.:

Yes. We recommend using a consumer protection standard that avoids listing explicit practices and instead uses a general consumer protection standard that gauges against specific activities (e.g., demonstrated deceptive practices and related consumer harms) before determining liability for the activities at issue.

49 Are there perverse incentives or unintended consequences from our existing consumer law?

No

Please expand on your answer here.:

50 Are there any redundant or unnecessarily burdensome requirements to provide information or other reporting requirements, which burden businesses disproportionately compared to the benefits they bring to consumers?

Yes

Please expand on your answer here.:

We defer to the specific experiences of our member companies who are filing separately. But generally, App Association members continue to experience unnecessarily burdensome requirements to provide information or other reporting requirements, which are particularly taxing on SMEs. We urge the streamlining of reporting requirements.

51 Do you agree that these powers should be used to protect those using “savings” clubs that are not currently within scope of financial protection laws and regulators?

No

Please expand on your answer here.:

We do not support such a mandate. Overly prescriptive mandates on business activity through pre-contract requirements can undercut the ability of businesses to respond to customer needs and trends to differentiate themselves in the market, and we discourage their use. Before any scope expansion of financial protection laws and regulations, the CMA must clearly demonstrate clear anticompetitive effects and consumer harm.

52 What other sectors might new powers regarding prepayment protections be usefully applied to?

Please respond here.:

Unknown.

53 How common is the practice of using terms and conditions to delay the formation of a sales contract?

Please respond here.:

The App Association is not aware of such a practice, as described in this consultation, being widely used, and we urge that government clearly demonstrate clear anticompetitive effects and consumer harm before it takes any action to address it.

54 Does the practice of using terms and conditions to delay the formation of a sales contract cause, or have the potential to cause, detriment to consumers? If so, what is the nature of the detriment or likely detriment?

No

Please expand on your answer here.:

The App Association is not aware of such a practice, as described in this consultation, being widely used, and we urge that government clearly demonstrate clear anticompetitive effects and consumer harm before it takes any action to address it.

Consumer Law Enforcement

55 Do you agree with government’s proposal to empower the CMA to enforce consumer protection law directly rather than through the civil courts?

No

Please expand on your answer here.:

The civil courts provide a fair, impartial, and reliable forum for addressing consumer protection law enforcement. Shifting adjudication of consumer protection laws to the CMA entails creating an alternative administrative process when we do not believe a sufficient evidence base supports its creation. Should the government nonetheless empower the CMA to enforce consumer protection laws directly, the government must provide an avenue for

judicial review of the CMA's determinations.

56 What would be the benefits and drawbacks of the CMA retaining the same or similar enforcement scope under an administrative model as it has under the court-based, civil enforcement process under Part 8 of the EA 02?

Please respond here.:

The civil courts provide a fair, impartial, and reliable forum for addressing consumer protection law enforcement. Shifting adjudication of consumer protection laws to the CMA entails creating an alternative administrative process when we do not believe a sufficient evidence base supports its creation. Should the government nonetheless empower the CMA to enforce consumer protection laws directly, the government must provide an avenue for judicial review of the CMA's determinations.

57 What processes and procedures should the CMA follow in its administrative decision-making to ensure fair and proportionate administrative decisions?

Please respond here.:

As noted above, we do not support shifting enforcement of consumer protection laws from the civil courts to the CMA. Should the government nonetheless empower the CMA to enforce consumer protection laws directly, the government must provide a transparent process and fair arbiter akin to a UK civil court. Further, the government must provide an avenue for judicial review of the CMA's determinations.

58 What scope and powers of judicial scrutiny should apply in relation to decisions by the CMA in consumer enforcement investigations under an administrative model?

Please respond here.:

As noted above, we do not support shifting enforcement of consumer protection laws from the civil courts to the CMA. Should the government nonetheless empower the CMA to enforce consumer protection laws directly, the CMA arbiter should have very similar investigative abilities to (and which do not exceed) that of a UK court of law.

59 Should appeals of administrative CMA decisions be heard by a generalist court or a specialised tribunal? What would be the main benefits of your preferred option?

Maybe

Please expand on your answer here.:

We believe this question requires further study and consultation.

60 Should sector regulators' civil consumer enforcement powers under Part 8 of the EA 02 be reformed to allow for enforcement through an administrative model? What specific deficiencies do you expect this to address?

Maybe

Please expand on your answer here.:

We believe this question requires further study and consultation.

61 Would the proposed fines for non-compliance with information gathering powers incentivise compliance? What would be the main benefits, costs, and drawbacks from having an option to impose monetary penalties for non-compliance with information gathering powers?

Maybe

Please expand on your answer here.:

We believe this question requires further study and consultation.

62 What enforcement powers (or combination of powers) should be available where there is a breach of a consumer protection undertaking to best incentivise compliance?

Please respond here.:

We believe this question requires further study and consultation.

63 Should there be a formal process for agreeing undertakings that include an admission of liability by the trader for consumer protection enforcement?

Maybe

Please expand on your answer here.:

We believe this question requires further study and consultation.

64 What enforcement powers should be available if there is a breach of consumer protection undertakings that contain an admission of liability by the trader, to best incentivise compliance?

Please respond here.:

We believe this question requires further study and consultation.

65 What more can be done to help vulnerable consumers access and benefit from Alternative Dispute Resolution?

Please respond here.:

We believe this question requires further study and consultation.

66 How can regulators and government balance the need to ensure timely redress for the consumer whilst allowing businesses the time to investigate complex complaints?

Please respond here.:

We believe this question requires further study and consultation.

67 What changes could be made to the role of the 'Competent Authority' to improve overall ADR standards and provide sufficient oversight of ADR bodies?

Please respond here.:

We believe this question requires further study and consultation.

68 What further changes could government make to the ADR Regulations to raise consumer and business confidence in ADR providers?

Please respond here.:

We believe this question requires further study and consultation.

69 Do you agree that government should make business participation in ADR mandatory in the motor vehicles and home improvements sectors? If so, is the default position of requiring businesses to use ADR on a 'per case' basis rather than pay an ADR provider on a subscription basis the best way to manage the cost on business?

Not Answered

Please expand on your answer here.:

No opinion.

70 How would a 'nominal fee' to access ADR and a lower limit on the value of claims in these sectors affect consumer take-up of ADR and trader attitudes to the mandatory requirement?

Please respond here.:

We believe this question requires further study and consultation.

71 How can government best encourage businesses to comply with these changes?

Please respond here.:

The UK government should provide an adequate timeframe for adjustment to compliance, offer assistance and advice to SMEs that is guaranteed not to prejudice the treatment of that business, and permit the use of voluntary codes of conduct that when attested and adhered to assure compliance.

72 To what extent do you consider it necessary to open up further routes to collective consumer redress in the UK to help consumers resolve disputes?

Please respond here.:

No opinion

73 What impact would allowing private organisations and consumer organisations to bring collective redress cases in addition to public enforcers have on (a) consumers, and (b) businesses?

Please respond here.:

We strongly discourage allowing private organisations and consumer organisations to bring collective redress cases in addition to public enforcers, which would facilitate the bad faith use of the UK system to bog down competitors in enforcement defence costs.

74 How can national enforcement agencies NTS and TSS best work alongside local enforcement to tackle the largest national cases of criminal breaches of consumer law?

Please respond here.:

The App Association fully supports a coordinated and harmonised approach to enforcement by UK law enforcement at all levels.

75 Does the business guidance currently provided by advisory bodies and public enforcers meet the needs of businesses? What improvements could be made to increase awareness of consumer protection law and facilitate business compliance?

Yes

Please expand on your answer here.: