

## MINUTES OF THE CMA BOARD

Meeting date: 25 May 2022

Venue: In Queen Elizabeth House, Edinburgh and by videoconference

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### Members present

Jonathan Scott (Chair)  
Kirstin Baker  
Martin Coleman  
Andrea Coscelli (CEO)  
Cynthia Dubin<sup>1</sup>  
Amelia Fletcher  
Michael Grenfell  
Murdoch MacLennan  
David Stewart  
Erik Wilson (COO)

### Advisors present

Sarah Cardell, General Counsel  
Stuart Hudson, Senior Director  
Strategy, Communications and  
Advocacy  
Mike Walker, Chief Economic  
Adviser

### CMA staff present

Kate Bridge, Director of Executive Office, Security and  
Performance<sup>2</sup>  
Assistant Directors, Governance, Compliance and Risk  
Board Secretary (minutes)

### Teams

The meeting was attended by staff from the Markets,  
Policy and Strategy teams and the Subsidy Advice  
Unit.

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## 1. Introduction

The Chair welcomed the Board members to the first CMA Board meeting in one of the devolved nations since the start of the pandemic.

There were no new conflicts declared or declarations of gifts or hospitality.

## 2. Minutes

The Board approved the minutes from the meetings of 27 April 22 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 Inquiry Chairs and Panel members.

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<sup>1</sup> CD was recused from item 6 due to a previously declared conflict.

<sup>2</sup> KBr left towards the end of item 8.

#### **4. Chief Executive's update including Corporate risk register, External guidance tracker and Future operating model**

The CEO updated the Board on the recent work of the CMA, including current cases, litigation and other developments in the CMA. The Board reviewed the Corporate risk register and the External guidance tracker.

#### **5. Annual Report and Accounts 2021/22**

The Board reviewed the latest draft of the Annual Report and noted that the Annual Accounts will be presented to the Audit and Risk Committee in June for approval, prior to approval of the full Report and Accounts at the June Board meeting. The Board thanked the team.

#### **6. Proposed market investigation into mobile browsers and cloud gaming**

The Board discussed the outcomes of the mobile ecosystems market study, agreeing that the CMA should consult on the launch of a market investigation into Apple and Google's market power in mobile browsers and Apple's restrictions on cloud gaming through its App Store. The Board was grateful for the team's work to date.

#### **7. Markets pipeline and portfolio**

The team updated the Board on the markets pipeline, particularly in the context of the rising cost of living. The Board also considered the possible impact of markets work on the CMA's overall portfolio, requesting that the team returns to a future Board meeting with further proposals for other markets work. The Board commended the team.

#### **8. BEIS reform consultation – Update on next steps**

The Board discussed the outcomes of the recent BEIS consultation on competition and consumer reforms, noting that they will have a positive impact for the CMA and consumers. It discussed the potential changes to the CMA's functions, including the additional fining powers, under which the CMA itself will be able to sanction businesses that infringe consumer law. The Board agreed the proposed priorities for the next steps.

The Board thanked the team who lead this project, saluting its hard work to reach this position.

#### **9. Subsidy Advice Unit: general update on progress, including proposals on governance**

The team updated the Board on the legislative timetable for the Subsidy Advice Unit (SAU), and its plans for the set up and the governance of this Unit. It highlighted that it was working closely with BEIS to develop the guidance that will be needed. The Board discussed the proposals, noting that the CMA will need to be ready from day 1 of the launch of the SAU. The Board noted its appreciation for the team's work to date.

#### **10. AOB**

The Board discussed the CMA's upcoming Data, Technology and Analytics Conference 2022 on 15 June 22 and the associated plans for future similar conferences, noting that these are likely to be biennial.

The Chair thanked the Board for the meeting.