

Prioritisation Principles for the CMA

Consultation document

6 July 2023

CMA1Con

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1. Consultation overview

- 1.1 The Competition and Markets Authority (CMA) is consulting on updates to its Prioritisation Principles, which were published in 2014.¹
- 1.2 The CMA proposes to update the Prioritisation Principles to reflect changes to the context in which we operate since they were published (including, for example, the UK's exit from the EU). Importantly, this includes reflecting the CMA's wider strategic aims, as outlined in our 2023/2024 Annual Plan.² The CMA is also proposing to take the opportunity to streamline the Prioritisation Principles.
- 1.3 The proposed updated Prioritisation Principles, on which the CMA is consulting, are published [here](#) on the CMA webpages.

Background

- 1.4 To make efficient and effective use of public resources allocated to the CMA to promote competitive markets and tackle unfair behaviour in the interests of people, businesses and the UK economy, the CMA needs to ensure that we take appropriate decisions about which projects and programmes of work we undertake, across all areas of our responsibility. This is particularly true as the CMA does not have the resources to act in all instances where intervention would bring benefits.
- 1.5 To effectively prioritise our work, the CMA needs to consider a range of factors. The Prioritisation Principles set out the factors that the CMA will consider before deciding whether to take action in the areas which are subject to our remit and where we have discretion to act (save where these are governed by a separate prioritisation framework).³ The principles consist of five key considerations:
 - (a) **Strategic significance:** does CMA action in this area fit with the CMA's objectives and strategy?
 - (b) **Impact:** how substantial is the likely positive impact of CMA action?
 - (c) **Is the CMA best placed to act:** is there an appropriate alternative to CMA action?
 - (d) **Resources:** does the CMA have the right capacity in place to act effectively?
 - (e) **Risk:** what types of risks are associated with CMA action, and how significant are they?
- 1.6 The Principles also set out in more detail how the CMA uses these considerations to prioritise its work.

¹ <https://www.gov.uk/government/publications/cma-prioritisation-principles>

² [CMA Annual Plan 2023 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/cma-annual-plan-2023-to-2024)

³ The Subsidy Advice Unit (SAU) and the Office of the Internal Market (OIM) each have their own prioritisation frameworks which can be found on their respective case pages, <https://www.gov.uk/government/organisations/subsidy-advice-unit> and <https://www.gov.uk/government/organisations/office-for-the-internal-market>.

- 1.7 The proposed updated Prioritisation Principles build on those first introduced by the Office of Fair Trading in 2008, and subsequently updated when the CMA was established in 2014.

Updates to the Prioritisation Principles

- 1.8 A number of things have changed since the CMA's current Prioritisation Principles were published in 2014. The UK is no longer part of the EU, and there have been changes to the CMA's responsibilities and functions. In its 2023/2024 Annual Plan, the CMA has also set out a longer-term strategy, identifying medium-term priorities (which cover a three-year time horizon) as well as annual areas of focus, all of which flow from an overarching purpose and ambitions.
- 1.9 Consequently, the CMA proposes to update the Prioritisation Principles in line with these changes. Specifically, to:
- (a) Bring the principles in line with the CMA's purpose, ambition and strategy as set out in our 2023/2024 Annual Plan. We consulted on these extensively when preparing our 2023/2024 Annual Plan, and are not seeking views on these at this time.
 - (b) Clarify how the strategic considerations in the Prioritisation Principles relate to the strategic priorities in the CMA's Annual Plans.
 - (c) Streamline and simplify the text, so it is shorter and easier to read. For example, the 2014 Principles had a separate section of explanatory notes, but we propose to integrate these into the main text of the proposed updated Prioritisation Principles.
 - (d) Separate out 'is the CMA best placed to act?' as a principle (before it was subsumed in 'strategic significance'). Although the principles themselves are largely unchanged, we have also reordered the principles so that 'strategic significance' is the first consideration.
 - (e) Remove redundant references and update language to reflect changes since 2014. This includes, for example, the removal of references to the EU, adding appropriate references to the CMA's newer functions, and updating language to reflect the CMA's new strategy as outlined in the 2023/2024 Annual Plan.
 - (f) Better reflect the way that the Principles are used, for example when we would consider them, and when we might expect to review or update them.
- 1.10 Although this means that a number of amendments have been made to the text, the CMA's intention is primarily to align the Prioritisation Principles with the CMA's approach as set out in our Annual Plan, rather than to make additional significant changes of substance to the key considerations identified in the

Prioritisation Principles, or the way they are used. The CMA welcomes views on whether the updates successfully address the points highlighted above. The CMA is not seeking further views on the purpose, ambitions and strategic priorities set out in the 2023/2024 Annual Plan, as these have been consulted on separately.

Consultation process

How to respond

- 1.11 We are publishing this consultation document on the CMA webpages and drawing it to the attention of a range of stakeholders. We invite and welcome comments on our proposed amendments to the existing Prioritisation Principles. In light of the scope of the proposed updates, and as we are not consulting again on our strategy as set out in the 2023/2024 Annual Plan, we are seeking responses by 1700 on Thursday 3 August 2023).
- 1.12 We encourage you to respond to the consultation in writing (by email to prioritisation.consultation@cma.gov.uk) by the deadline set out below at paragraph 1.15. Please provide supporting evidence or examples for your views where possible.
- 1.13 When responding to this consultation, please state whether you are responding as an individual or are representing the views of a group or organisation. If the latter, please make clear who you are representing and their role or interest.
- 1.14 In accordance with our policy of openness and transparency, we will publish non-confidential versions of responses on our webpages. If your response contains any information that you regard as sensitive and that you would not wish to be published, please provide at the same time a non-confidential version for publication on our webpages which omits that material and which explains why you regard it as sensitive (see also paragraph 1.17 below).

Deadline for responses

- 1.15 ***The consultation will run from Thursday 6 July to Thursday 3 August 2023. Responses should be submitted by email by 5:00 p.m. on 3 August 2023 to prioritisation.consultation@cma.gov.uk.***

Compliance with government consultation principles

- 1.16 In preparing this consultation document, the CMA has taken into account the published [government consultation principles](#), which set out the principles that government departments and other public bodies should adopt when consulting with stakeholders.

Statement about how we use information and personal data that is supplied in consultation responses.

- 1.17 Any personal data that you supply in response to this consultation will be processed by the CMA, as controller, in line with data protection legislation. This legislation is the General Data Protection Regulation 2016 (GDPR) and the Data Protection Act 2018. 'Personal data' is information which relates to a living individual who may be identifiable from it.
- 1.18 We are processing this personal data for the purposes of our work. This processing is necessary for the performance of our functions and is conducted in the public interest, in order to take consultation responses into account and to ensure that we properly consult on the proposed amendments to our Prioritisation Principles.
- 1.19 For more information about how the CMA processes personal data, your rights in relation to that personal data, how to contact us, details of the CMA's Data Protection Officer, and how long we retain personal data, see our [Privacy Notice](#).
- 1.20 Our use of all information and personal data that we receive is also subject to Part 9 of the Enterprise Act 2002. We may wish to refer to comments received in response to this consultation in future publications. In deciding whether to do so, we will have regard to the need for excluding from publication, so far as practicable, any information relating to the private affairs of an individual or any commercial information relating to a business which, if published, might, in our opinion, significantly harm the individual's interests, or, as the case may be, the legitimate business interests of that business. If you consider that your response contains such information, please identify the relevant information, mark it as 'confidential' and explain why you consider that it is confidential. When submitting your response, please also let us know if you wish to remain anonymous.
- 1.21 Please note that information and personal data provided in response to this consultation may be the subject of requests by members of the public under the Freedom of Information Act 2000. In responding to such requests, we will take fully into consideration representations made by you in support of confidentiality. We will also be mindful of our responsibilities under the data protection legislation referred to above and under Part 9 of the Enterprise Act 2002.
- 1.22 If you are replying by email, this statement overrides any standard confidentiality disclaimer that may be generated by your organisation's IT system.

Next steps

- 1.23 After the consultation, the CMA will consider the submissions received and prepare a response. The CMA will publish its response and finalised Prioritisation Principles on <http://www.gov.uk/cma>.

1.24 The CMA will also publish the responses received during the consultation (with any confidential information redacted – see paragraph 1.14). These documents will be available on our webpages and respondents will be notified when they are available.

2. Questions for consultation

- 2.1 The CMA wishes to consult on the following questions below at 2.3 (a-d) and would welcome any responses via email to prioritisation.consultation@cma.gov.uk by 1700 on Thursday 3 August 2023.
- 2.2 The proposed updated Prioritisation Principles, subject of this consultation, can be found at the link [here](#). For ease of reference, a link to the previously published Prioritisation Principles from 2014 can be found [here](#).
- 2.3 The CMA would welcome views to the following questions.
- a) Do you agree that the proposed updates to the Prioritisation Principles achieve the aims set out in this consultation document? If not, please give details of what other adaptations may be necessary.
 - b) More specifically, do you think the proposed updated Prioritisation Principles provide greater clarity about the relationship between the CMA's prioritisation decisions and its strategic aims, when read alongside the CMA's Annual Plan?⁴
 - c) Do you have any other suggested updates that you would like the CMA to consider? Please give a clear justification for any further updates.
- 2.4 ***The consultation will run from Thursday 6 July to Thursday 3 August 2023. Responses should be submitted by email by 5:00 p.m. on Thursday 3 August 2023 to prioritisation.consultation@cma.gov.uk.***

⁴ [CMA Annual Plan 2023 to 2024 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/114444/CMA_Annual_Plan_2023_to_2024.pdf)