

2 September 2024

Competition & Markets Authority

By email: waterrulesandguide2024@cma.gov.uk

Dear CMA,

**CONSULTATION ON DRAFT RULES OF PROCEDURE AND GUIDANCE FOR WATER
REDETERMINATION REFERENCES**

Thank you for the opportunity to respond to the consultation on the draft rules and procedure and guidance for water redetermination references.

We welcome the rules of procedure and guidance for water redetermination references and support their adoption. We support the principle of separating out the water redetermination references into this separate procedure and guidance, and the content that the CMA has drafted. For the items that are in addition to existing guidance, we recognise that all these points have been part of the procedures followed by special reference Groups previously, including for the PR19 redeterminations. We agree it is useful to include these component parts, whilst also welcoming the recognition that each Group retains the flexibility for each case. This is appropriate given the nature of the water redetermination references.

Good examples in the consultation procedure and guidance are the recognition that options can be virtual or hybrid, as well as in person. We welcome the formal recognition of the role of third parties to be invited to make submissions. Including a provisional determination stage is also good practice that we agree should be recognised in the procedure and guidance.

Therefore, we conclude that the rules are clear and helpful and we do not believe there is anything in them that requires clarification or further explanation.

There was one minor area we identified as a potential addition to the procedure and guidance. It may be helpful to include a provision that allows the Group to undertake a site visit with a referring party. This is an aspect of previous references which may remain worthwhile at future redeterminations.

Yours sincerely

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Iain McGuffog
Director of Strategy & Regulation