

1 October 2025

## **Object: Consultation on markets regime guidance**

Dear Sir/Madam,

Please find enclosed a submission from the Consumer Choice Center (CCC) responding to the Digital Market Regime Guidance.

As the UK Country Associate for the Consumer Choice Center, please do not hesitate to contact me at any stage for further information or discussion on consumer interests and rights.

Yours Sincerely,



**Mike Salem**  
UK Country Associate  
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### **About the Consumer Choice Center:**

The Consumer Choice Center is a non-profit organisation dedicated to defending the rights of consumers around the world. Our mission is to promote freedom of choice, healthy competition and evidence-based policies that benefit consumers. We work to ensure that consumers have access to a variety of quality products and services and can make informed decisions about their lifestyle and consumption.

As an independent nonprofit organisation, the Consumer Choice Center relies on the support and funding from private donors. As described in our Code of Ethics, we strictly maintain editorial independence and do not give our funders any influence on editorial decisions. Our support comes from corporations, individuals, and foundations. We have a tiered membership model available to members who support us on a yearly basis, equalling silver, gold, and platinum status.

In the past and currently, we have received funding from multiple industries such as energy, fast moving consumer goods, nicotine, alcohol, airlines, agriculture, manufacturing, digital, healthcare, chemicals, banking, cryptocurrencies, and fin-tech.

Find out more at [www.consumerchoicecenter.org](http://www.consumerchoicecenter.org)

### **About the Author:**

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**Written evidence response to the consultation on the Digital Market Regime Guidance:****a. Overall, are the changes proposed in the draft Markets Regime Guidance sufficiently clear and useful?**

The proposals represent a step forward in clarity and efficiency, but more emphasis is needed on predictability and safeguarding consumer choice.

The introduction of the 4Ps framework (Chapter 2, 2.1) is welcome because predictability and proportionality are crucial to investment and innovation. However, the draft often couches these principles in broad terms, leaving too much discretion to the CMA. For consumers to truly benefit, businesses need clearer, objective thresholds for intervention, while factoring in the importance of the Network Effect, explained in our previous responses.

The commitment to Project Roadmaps (Chapter 2, 2.3–2.4) is positive. Transparency on timelines and engagement helps firms plan and reduces uncertainty.

The proposal to include sunset clauses on remedies (Chapter 2, 2.17) is an important step in ensuring interventions remain proportionate and do not ossify markets over time.

Where the document falls short is in clearly committing to market-enabling remedies first (information, transparency, interoperability), before structural interventions. Without this, there is a risk of over-regulation that limits consumer choice.

In short: clearer than before, but still not sufficiently predictable or restrained.

**b. What, if any, aspects of the draft Markets Regime Guidance do you consider need further clarification or explanation, and why? In responding, please specify which Chapter and section (and, where appropriate, the issue) each of your comments relate to.**

- Definitions of proportionality and evidence standards in Chapter 2, 2.1 and 2.10 (Remedies).
  - Issue: The guidance refers to proportionality but does not specify how proportionality will be measured or what evidence thresholds will justify intervention.
  - Why it matters: Without clear standards, interventions risk being subjective. This undermines certainty for businesses and limits consumer choice by discouraging entry.

- Use of external experts in Chapter 2, 2.5–2.6.
  - Issue: It is unclear how the CMA will avoid conflicts of interest or ensure diversity of perspectives when using sector experts.
  - Why it matters: Expert advice can improve pace and accuracy, but without transparency it risks capture by incumbents. Guidance should specify criteria for expert selection and disclosure requirements.
- State of play meetings in Chapter 2, 2.7–2.9.
  - Issue: The role of these meetings in shaping outcomes is unclear. Will they reset investigation scope or only confirm progress?
  - Why it matters: Firms (and consumers indirectly) need clarity to avoid procedural uncertainty.
- Remedy hierarchy in Chapter 2, 2.16–2.25.
  - Issue: Remedies are discussed in general terms, but the draft does not commit to a hierarchy prioritising less intrusive, consumer-choice-friendly options first.
  - Why it matters: Heavy-handed remedies risk locking consumers into rigid arrangements. Explicit prioritisation would reassure both innovators and consumers.
- Remedy trials in Chapter 2, 2.18 & 2.29.
  - Issue: The CMA proposes to trial remedies, but there is little clarity on how success will be measured.
  - Why it matters: Trials must be accompanied by published evaluation criteria to ensure they do not become indefinite experiments that create uncertainty.
- Application of guidance to ongoing cases in Chapter 2, 2.34–2.40.
  - Issue: The transitional arrangements are sensible but the rationale for applying remedy trial powers to ongoing cases (e.g., veterinary services) deserves fuller explanation.
  - Why it matters: Businesses and consumers must have certainty that rules will not shift mid-process, which undermines trust.

**c. Do you agree with the proposal to update and consolidate the relevant guidance?**

Yes, but with caution.

- Positive aspects: Consolidation of multiple legacy guidance documents into one (Chapter 2, 2.31–2.33) will reduce fragmentation and help businesses navigate the system. This is good for competition and consumer choice.



- Risks: The new guidance also expands discretion (e.g., broader powers under the DMCCA, Chapter 2, 2.28). Consolidation must not be used to create vaguer or more discretionary enforcement powers.
- Recommendation: The consolidated guidance should:
  - Include a clear remedies hierarchy, with market-based solutions prioritised.
  - Provide strong evidentiary thresholds before intervention.
  - Embed sunset and review clauses to ensure remedies remain justified.

In sum: consolidation is welcome, but must come with greater predictability, restraint, and emphasis on consumer choice.