

Respondent A

From: [X]¹

Sent on: Thursday, August 28, 2025 5:01:54 PM

To: markets.guidance2025 <markets.guidance2025@cma.gov.uk>

Subject: CMA's consultation on its proposed updates to the Markets Regime Guidance.

I am responding to the CMA's consultation on its proposed updates to the Markets Regime Guidance. I do so in a business owner who has been directly affected by the behaviour of marketplace website [X]. My experience highlights how digital platforms can create barriers to entry, discriminate between traders and ultimately harm consumers by reducing choice and raising prices.

I also wish to raise an issue not directly addressed in the consultation papers: the risk of indirect or direct discrimination against business owners with disabilities or ill health. [X] My experience demonstrates how opaque and burdensome platform practices can disproportionately harm individuals managing long-term health conditions and therefore require the CMA's attention when designing proportionate and fair remedies.

1. Barriers to Entry and Exclusionary Practices

In my experience [X] applied policies that excluded me from selling certain products even where those products had previously made sales. At the same time, other sellers - some of them closely connected to suppliers/distributors - were permitted to sell the same products. This demonstrates how digital platforms can act as gatekeepers, restricting fair market access.

I encourage the CMA to ensure its new Markets Regime Guidance explicitly recognises the risks posed by digital platforms that use 'curation' policies or similar mechanisms to restrict competition. Such practices should be a priority for intervention under the new '4Ps' framework.

2. Discriminatory Treatment and Inconsistent Remedies

The treatment of small sellers like myself was inconsistent. While I was required to delist products others were allowed to continue selling identical items. This discriminatory application of rules undermines trust and confidence in the market.

For those of us living with disabilities or ill health, inconsistent enforcement can have particularly serious effects. The uncertainty created exacerbates anxiety and undermines the ability to plan and sustain a business, effectively excluding disabled traders from competing on fair terms.

¹ The CMA has marked up (with a scissors symbol) where we anticipate that the respondent would consider material sensitive and for redaction.

Respondent A

The CMA's proposed emphasis on remedy monitoring and review is welcome. I suggest strengthening this further to ensure platforms apply rules consistently, transparently and in ways that do not disproportionately disadvantage vulnerable traders.

3. Transparency and Predictability

I was often instructed to remove products from [X] without a clear explanation or opportunity to appeal. This lack of transparency made it impossible to plan my business effectively and placed me under significant stress [X].

The CMA's proposals for Project Roadmaps, 'state of play' updates and earlier engagement are positive. I recommend that these principles be applied specifically to digital marketplaces, requiring platforms to provide transparent and accountable decision-making when excluding or restricting sellers. This is particularly important to avoid indirect discrimination against those who, due to disability or ill-health, cannot easily cope with sudden and unexplained changes.

4. Disproportionate Burdens on Small Businesses and Vulnerable Traders

The lack of transparency and technical difficulties I encountered placed significant burdens on me as a small business owner while larger or connected sellers appeared to benefit. These burdens were amplified by [X]. Unclear rules and shifting requirements created barriers that were impossible to manage alongside [X].

The CMA's commitment to proportionality should explicitly include a focus on protecting small businesses and disabled traders from disproportionate burdens created by platform practices or by remedies designed without sufficient consideration of trader health, size and resources.

5. Consumer Detriment from Reduced Choice

When platforms such as [X] block or remove legitimate sellers consumers lose access to choice and competition. In my case, products that had sold well were suddenly withdrawn even though demand existed. This harms consumers through higher prices and reduced variety.

I encourage the CMA to ensure that consumer detriment of this kind is explicitly considered when assessing market restrictions imposed by digital platforms. A market that indirectly excludes disabled or vulnerable traders not only harms those individuals but also reduces the range of products and innovation available to consumers.

6. Need for Sector Expertise in Digital Platforms

Digital platforms operate differently to traditional retail markets. Practices such as selective 'curation' can amount to significant gatekeeping. Without specialist expertise these behaviours may not be recognised as anti-competitive.

Respondent A

The CMA's commitment to drawing on sector expertise is welcome. I recommend prioritising expertise in digital platforms, algorithm and online marketplace governance as well as considering how platform practices interact with equality law and the risk of indirect discrimination.

Conclusion

Overall, I support the CMA's intention to consolidate and clarify its Markets Regime Guidance and to embed the '4Ps' framework into its markets work. My experience demonstrates the real harm that can occur when digital platforms act as gatekeepers, restricting access and distorting competition. This harm is amplified where traders face disabilities or serious health conditions, meaning that opaque or burdensome processes can amount to indirect discrimination.

I encourage the CMA to ensure that the revised guidance addresses the risks posed by online marketplaces like [X], so that small businesses are protected, vulnerable traders are not excluded, consumers benefit from choice and fair prices and the UK economy can grow through genuine competition.

7. Equality Act 2010 and Competition Policy

The CMA's guidance should also be read alongside the requirements of the Equality Act 2010. That legislation protects individuals from discrimination on the basis of disability and other protected characteristics. Although the CMA's role is focused on competition and consumer protection there is a clear overlap where market practices indirectly disadvantage disabled business owners or those managing serious health conditions.

I encourage the CMA to ensure that its Markets Regime Guidance explicitly recognises this interaction. In practice, this means considering whether remedies, monitoring processes or platform practices could amount to indirect discrimination under the Equality Act 2010. For example, opaque or overly burdensome compliance requirements can have a disproportionate impact on traders with [X].

A competition regime that ignores these effects risks undermining equality law in practice. I therefore urge the CMA to adopt an approach that ensures its competition and consumer protection work supports, rather than conflicts with, the UK's wider legal obligations under the Equality Act 2010.

Kind Regards

[X]