

Transparency and disclosure

Consultation on updates to the CMA's general guidance on transparency and disclosure

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1. Introduction and background

- 1.1 The CMA is committed to being open and transparent about the work it does and how it engages with those directly involved in or affected by its work, while seeking to give appropriate protection to the confidentiality of information it obtains in the exercise of its functions.
- 1.2 The guidance document CMA6 *Transparency and disclosure: Statement of the CMA's Policy and Approach* ('the Current CMA6') sets out the CMA's policy and approach to transparency and disclosure at a high level. It was originally published in 2014 and was updated December 2024 to reflect developments in CMA practice, as well as legislative developments since 2014, and in particular the Digital Markets, Competition and Consumers Act 2024 (DMCC24).
- 1.3 Additional guidance on the disclosure of information in merger inquiries, market investigations and reviews of undertakings and orders is contained in the guidance document CC7 *Chairman's Guidance on Disclosure of Information in Merger Inquiries, Market Investigations and Reviews of Undertakings and Orders accepted or made under the Enterprise Act 2002 and Fair Trading Act 1973* (CC7). CC7 was originally published by the Competition Commission (CC) and has been adopted by the CMA Board. The original text has been retained unamended and, therefore, it does not reflect or take account of developments in case law, legislation or practice since its original publication. CMA panel member groups conducting phase 2 merger or market investigations are currently required to have regard to the guidance on the disclosure of information contained in CC7.¹
- 1.4 The Current CMA6 and CC7 are also supplemented by more detailed guidance on transparency and disclosure for specific areas of the CMA's work.²
- 1.5 The CMA has reviewed whether the general guidance on transparency and disclosure contained in the Current CMA6 and CC7 should be updated in view of the *Government's Strategic Steer* to the CMA and to reflect current CMA

¹ See paragraph 6.10 of the *CMA rules of procedure for merger, market and special reference groups* ('CMA17') and *paragraph 52 of Schedule 4 to the Enterprise and Regulatory Reform Act 2013* ('ERRA13'). CC7 was originally issued by the Chairman of the Competition Commission under paragraphs 19A(7) and (8) of Schedule 7 to the Competition Act 1998 (now repealed) which empowered the Chairman to issue guidance which Inquiry Groups must have regard to when determining how to proceed. CC7 was subsequently adopted by the CMA Board which has corresponding power to issue guidance to Inquiry Groups under paragraph 52 of Schedule 4 to the ERRA13.

² See paragraph 1.5 of the Current CMA6.

practice including our 4Ps approach (Pace, Predictability, Proportionality and Process).

- 1.6 The CMA considers that much of the substantive content of CC7 which remains relevant is now covered in the Current CMA6 and more recent guidance for specific areas of the CMA's work which reflects the CMA's current practice, in particular *Mergers: Guidance on the CMA's jurisdiction and procedure* (CMA2) (most recent update published in December 2025) or *Markets regime guidance: Guidance on CMA markets reviews, market studies, market investigations and the monitoring and review of market remedies* (CMA3) (most recent update published in February 2026). As such the CMA considers it is now appropriate to withdraw CC7 and consolidate the CMA's general guidance on transparency and disclosure in an updated CMA6.
- 1.7 The CMA has also concluded that, whilst the general approach to transparency and disclosure in the Current CMA6 remains fit for purpose, parts of the Current CMA6 require updating in light of the *Government's Strategic Steer* to the CMA and to reflect current CMA practice including our 4Ps approach (Pace, Predictability, Proportionality and Process).
- 1.8 The CMA has therefore prepared the draft Transparency and Disclosure: Statement of the CMA's Policy and Approach CMA6 (the Draft CMA6).
- 1.9 The CMA is consulting on the proposal to withdraw CC7 and to update its general guidance on transparency and disclosure as set out in the Draft CMA6. The CMA proposes that CMA panel member groups conducting phase 2 merger or market investigations would be required to have regard to the updated guidance contained in the Draft CMA6.³

The Draft CMA6

- 1.10 The Draft CMA6 is presented using a refreshed design style to improve readability. For ease of reference, the CMA has also provided a track-changes version of the Draft CMA6 showing the changes made in comparison

³ See paragraph 6.10 of *CMA17* and *paragraph 52 of Schedule 4 to the ERRA13*. The CMA Board is required to consult such persons as it considers appropriate before issuing, amending or revoking guidance for the purposes of paragraph 52 of Schedule 4 to the ERRA13. The Current CMA6 was not formally issued under this paragraph and, therefore, CMA panel member groups are not directly required to have regard to it directly under statute or the current procedural rules in *CMA17*. However, CMA panel member groups are required to have regard to *CMA2* and *CMA3*, both of which cross refer to the guidance contained within *CMA6* (see for example paragraphs 1.4 and 17.10 and FN 435 of *CMA2* and paragraphs 1.3 and 9.95 of *CMA3*).

to the Current CMA6. The main textual changes in the Draft CMA6 (in comparison to the Current CMA6) are outlined below.

Consolidating the CMA's general guidance on transparency and disclosure

1.11 The following amendments are intended to reflect language in CC7 which remains relevant and which is not expressly replicated in the Current CMA6 or elsewhere in guidance for specific areas of the CMA's work:

- (a) The CMA's general aims in respect of transparency now include express reference to the importance of transparency in enabling interested persons to understand the issues that the CMA is considering and helping to identify inaccuracies and incomplete or misleading information (see paragraph 2.3).
- (b) The list of factors the CMA will take into account when considering the manner and timing of engagement with parties during cases now expressly includes the desirability of avoiding unnecessary burdens on business, the need to protect certain information provided to it and the importance of maintaining the CMA's reputation for doing so (see paragraph 3.12).
- (c) The description of the CMA's approach to disclosure in connection with the conduct of a case has been expanded to set out further detail on the possible methods of disclosure that the CMA may adopt, the form in which documents might be disclosed and the CMA's approach to presenting confidential market share data in ranges (see paragraphs 4.30-4.31 and 4.38).

Reflecting current CMA practice including our 4Ps approach (Pace, Predictability, Proportionality and Process)

1.12 The following amendments are intended to reflect current CMA practice including our 4Ps approach (Pace, Predictability, Proportionality and Process):

- (a) The overview of the CMA's aims in respect of transparency, information requests, and handling of information has been updated to reflect the importance of pace, predictability and proportionality in the CMA's work (see paragraphs 2.1-2.2).
- (b) Existing guidance on the CMA's approach to information requests has been amended to make clearer the link between timely responses to information requests and the pace of the CMA's work and to expressly

refer to the CMA's aim to conduct information gathering in a targeted, efficient and proportionate manner (see paragraphs 2.6 and 4.3).

- (c) Additional guidance has been provided on the CMA's approach to publishing final administrative penalty decisions issued before a formal case opening decision (see paragraphs 2.5 and 3.2).
- (d) The CMA's approach to engagement with relevant parties and announcements during a case has been updated to expressly refer to the possibility of publishing summaries of and/or non-confidential versions of key submissions (see paragraph 3.15).
- (e) The description of the statutory considerations the CMA is required to have regard to before disclosing specified information has been updated to accurately reflect the statutory definitions contained in the Enterprise Act 2002 (see paragraph 4.25)
- (f) Other minor additions have been made to ensure consistency with current guidance for specific areas of the CMA's work (see footnotes 16 and 31).⁴

Disputes regarding the conduct of a case

1.13 We have added clarification to the current guidance on disputes regarding the conduct of an ongoing case at paragraphs 5.1 – 5.4 of the Draft CMA6 to address queries raised in recent cases.

- (a) We have clarified the scope of the complaints process in relation to the CMA's consumer enforcement functions prior to the opening of an enforcement investigation (see paragraph 5.1 and footnote 80).
- (b) We have clarified the respective remits of the Procedural Officer (PO), Procedural Complaint Adjudicator (PCA) and General Counsel (GC) in reviewing the handling of complaints (see paragraph 5.2 and footnote 84).
- (c) We have clarified the process for requesting a review by the PO, PCA and GC and signposted existing guidance (see paragraph 5.3 and footnote 85).

Other changes

1.14 We have also proposed a number of more minor amendments to CMA6 to streamline the text (including removing material which is replicated elsewhere

⁴ Footnote references are to the track-changes version of the Draft CMA6.

in guidance for specific areas of the CMA's work), improve readability, ensure accuracy and update cross references. These changes are shown in the track-changes version of the Draft CMA6 and should be self-explanatory. They are not, therefore, set out further in this document.

- 1.15 No changes are proposed to the existing Investigative Assistance Guidance (IA Guidance) at paragraphs 7.29 – 7.57.

2. Scope of the consultation

- 2.1 This consultation seeks the views of interested parties on: (i) the proposal to withdraw CC7, and (ii) the proposed updates contained in the Draft CMA6, which is published separately on the consultation page. As noted at paragraph 1.10 above, it is accompanied by a track changes version of the Draft CMA6 showing the changes made in comparison to the Current CMA6.
- 2.2 After the consultation, the CMA will prepare the final version of CMA6, taking into account the feedback received as part of this consultation, which will take effect from the date of its publication.

3. Consultation process

How to respond

- 3.1 The CMA is publishing this consultation on the CMA webpages and drawing it to the attention of a range of stakeholders to invite comments on the Draft CMA6.
- 3.2 The CMA encourages you to respond to the consultation in writing (by email) using the contact details provided in paragraph 3.5 below. Please provide supporting evidence or examples for your views where possible.
- 3.3 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.
- 3.4 In accordance with the CMA's policy of openness and transparency, the CMA will publish non-confidential versions or a summary of responses on its 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 the CMA's webpages which omits that material and which explains why you regard it as sensitive.

Duration

- 3.5 The consultation will run from four weeks. Responses should be submitted by email by 11:59pm on 22 May 2026 and should be sent to:
cma6draft@cma.gov.uk

Compliance with government consultation principles

- 3.6 In preparing this consultation, 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 the CMA will use information and personal data that is supplied in consultation responses

- 3.7 Any personal data that you supply in responding 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.

- 3.8 The CMA is processing this personal data for the purposes of its work. This processing is necessary for the performance of its functions and is carried out in the public interest, in order to take consultation responses into account.
- 3.9 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 the CMA retains personal data, see the CMA's [Privacy Notice](#).
- 3.10 The CMA's use of all information and personal data that it receives is also subject to Part 9 of the Enterprise Act 2002 (EA02). The CMA may wish to refer to comments received in response to this consultation in future publications. In deciding whether to do so, the CMA 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 the CMA's 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.
- 3.11 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, if you have made any representations about the confidentiality of any information contained in your response, the CMA will take such representations into consideration. The CMA will also be mindful of its responsibilities under the data protection legislation referred to above and under Part 9 of the EA02.
- 3.12 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

- 3.13 After the consultation and consideration of the responses received, the CMA will prepare a final version of CMA6 which will be published on its webpages at <http://www.gov.uk/cma>.
- 3.14 The CMA will also publish non-confidential versions or a summary of the responses received during the consultation. These documents will be

available on the CMA's webpages and respondents will be notified when they are available.