

Transparency and Disclosure:

**Updates to the CMA's general
guidance on transparency and
disclosure**

**Summary of responses to the
consultation**

23 July 2026

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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 in December 2024. The CMA reviewed whether the general guidance on transparency and disclosure contained in the Current CMA6 should be updated in view of the *Government's Strategic Steer* to the CMA and to reflect current CMA practice including our 4Ps approach (Pace, Predictability, Proportionality and Process).
- 1.3 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 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 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Chairman of the Competition Commission under paragraphs 19A (7) and (8) of Schedule 7 to the Competition Act 1998 (now repealed) which empowered the Chairman to issue guidance which Inquiry Groups must have regard to when determining how to proceed.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.

- 1.5 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).
- 1.6 The CMA therefore prepared the draft Transparency and Disclosure: Statement of the CMA's Policy and Approach CMA6 (the 'Draft CMA6'), on which it consulted from 24 April 2026 to 22 May 2026, seeking the views of interested parties on: (i) the proposal to withdraw CC7, and (ii) the proposed updates contained in the Draft CMA6.
- 1.7 The main changes in the Draft CMA6 were outlined in the consultation document available on the CMA's website³ and relate to:
- (a) consolidating the CMA's general guidance on transparency and disclosure;
 - (b) reflecting current CMA practice including our 4Ps approach (Pace, Predictability, Proportionality and Process);
 - (c) clarifications to the current guidance on disputes regarding the conduct of an ongoing case; and
 - (d) other minor amendments to improve readability, ensure accuracy and update cross references.

Responses to consultation

- 1.8 The CMA received 1 response to the Draft CMA6 consultation from an external stakeholder. The CMA thanks the respondent for their comments.

The final guidance

- 1.9 The CMA has carefully considered the response received to the consultation. A summary of the CMA's response to the feedback received is set out in Section 2 which also explains the key change the CMA has made to the Draft CMA6 as a result.

³ [Consultation on updates to the CMA's general guidance on transparency and disclosure](#), 24 April 2026.

- 1.10 The non-confidential response to the consultation is available on the consultation webpage.
- 1.11 The CMA's Overseas Investigative Assistance Guidance which was approved by the Secretary of State for Business and Trade on 17 December 2024 will remain unchanged.
- 1.12 The final version of CMA6 will take effect from 23 July 2026.

2. Summary of responses to the consultation

- 2.1 A summary of the CMA's response to the feedback received is set out below, which also explains the change the CMA has made to the Draft CMA6 as a result.

Efficient, targeted, and proportionate information gathering

- 2.2 The respondent stated that the CMA's commitment to conducting its information gathering in a 'targeted, efficient and proportionate manner', now expressly included in CMA6, is only helpful where it is tangibly applied in practice.
- 2.3 The respondent also submitted that the position that the CMA is only likely to agree to deadline extensions where the party provides 'very good reasons' for the request should be accompanied by a corresponding obligation on the CMA to satisfy itself that the original deadline was proportionate.

CMA views

- 2.4 Since the respondent's comments on information gathering relate to the practical application of CMA6 rather than the text itself, the CMA considers that no changes to the Draft CMA6 are necessary in view of this comment.
- 2.5 The CMA has regard to the principles set out in CMA6 and other relevant guidance when it exercises its information-gathering powers, as well as to its duties under administrative law when setting deadlines.
- 2.6 Bearing in mind these points, it is also appropriate for the CMA to expect parties to provide strong justification when requesting any extensions in respect of information requests.

The scope of the Procedural Officer role

- 2.7 Cross-referring to submissions made in response to a previous consultation on updates to CMA6,⁴ the respondent argued that the Procedural Officer's remit is too narrow and leaves parties without any proportionate procedural safeguard in a number of important situations.

⁴ CMA's 2024 consultation on an updated CMA transparency and disclosure statement, including new overseas investigative assistance guidance (see, in particular, [Summary of responses to the consultation](#), paragraphs 2.27-2.28).

CMA views

- 2.8 The CMA remains of the view that the current scope of the Procedural Officer's role is appropriate, and has not seen any evidence that it is too narrow in respect of the functions to which it applies.

The Duty of Expedition

- 2.9 The respondent suggested that CMA6 should make explicit that the CMA's duty of expedition does not override the CMA's administrative law duties, including, for example, the duty to act reasonably and fairly, and called for CMA6 to clarify how the CMA expects to balance the duty with its other obligations.

CMA views

- 2.10 The duty of expedition is a general duty on the CMA in respect of its competition, consumer and digital markets functions, under which the CMA must have regard to the need to make a decision, or take action, as soon as reasonably practicable.
- 2.11 It is clear that this duty does not override the CMA's administrative law duties. As such, the CMA does not consider that it is necessary to indicate this on the face of CMA6. CMA6 sets out general principles and the CMA does not consider it necessary or appropriate to set out in detail how the CMA will balance this duty with the CMA's other duties which will necessarily be case dependent.

Disclosure of specified information to third-party consultants

- 2.12 The respondent commented that the updated CMA6 does not address the practice of disclosing confidential information to third-party consultants engaged by the CMA and that the CMA should clarify that 'notices of intended disclosure to third party consultants should include details of the specific information to be disclosed and the purpose of the disclosure'.

CMA views

- 2.13 The CMA has added a footnote to paragraph 4.27 of CMA6 to clarify that disclosure to 'others' may involve sharing confidential information with third-party consultants engaged by the CMA in connection with a case.
- 2.14 Any such sharing of information is subject to the statutory considerations under Part 9 of the Enterprise Act 2002 and to the approach set out in

paragraphs 4.27–4.30 of CMA6, including in respect of possible advance notices of disclosure.

CMA disclosure to parties

- 2.15 The respondent submitted that CMA6 should clarify the minimum level of detail parties can expect to receive in case correspondence setting out the CMA's concerns, such as issues letters in Phase 1 merger investigations.

CMA views

- 2.16 The CMA notes that the level of detail to be provided to parties in case correspondence will depend upon the circumstances of the case and on the function being exercised by the CMA. As such, the CMA does not consider it appropriate that the updated CMA6 should specify any minimum level of detail in this regard.

3. List of respondents

- Freshfields