

United Kingdom

[Please introduce here the name of your country]

COMPETITION FRAMEWORK

Competition Law	<p>Competition Act 1998 (entered into force on 1 March 2000) and Enterprise Act 2002 (entered into force on 20 June 2003) amended by the Enterprise and Regulatory Reform Act 2013 (entered into force on 1 April 2014)</p> <p><i>[Please introduce the name of the laws constituting the National Competition Law Regime. Include the year of enactment and the corresponding amendments as well]</i></p>
Competition Authority	<p>The Competition and Markets Authority Created by the amended Enterprise and Regulatory Reform Act 2013 Website: https://www.gov.uk/government/organisations/competition-and-markets-authority</p> <p>Competition Appeal Tribunal (CAT) Was established by the Enterprise Act 2002. It is an independent judicial body that hears appeals on decisions of the CMA and the sectoral regulators, as well as claims for damages resulting from breaches of competition law Website: https://www.catribunal.org.uk/</p> <p><i>[Please introduce here the name of the competition authorities that are part of the enforcement process of the laws mentioned in the previous question. In that regard, please specify the norms that established those agencies, the year in which they started operation, and their website. Include tribunals only if they have a role in the process of founding guilt and imposing sanctions. This point specifically excludes judicial authorities that only have judicial review powers]</i></p>

POLICY-MAKING AGENTS

-DIVERSIFICATION-

How many agencies are responsible for competition enforcement?	<p>The Competition and Markets Authority: It is the main enforcement authority Its functions include: Investigating markets and mergers between organizations, taking action against businesses and individuals involved in cartels or anti-competitive behavior; and protecting consumers from unfair trading practices</p> <p>The CMA and concurrent competition enforcers have extensive investigation powers, including issuing requests for information, which may result in penalty payments if the company does not respond in time or does not respond at all</p> <p>It can also conduct unannounced inspections (dawn raids) at a company's premises, and can require individuals to attend interviews provided they have a connection with a business that is a party to the investigation</p> <p>The CMA has a board and a panel CMA Board: ensures that the CMA fulfills its statutory duties and functions CMA Panel: The groups make their decisions independently of the board.</p> <p>Regulators have concurrent powers to enforce competition law in their sectors</p> <p><i>[Please mention how many authorities have a general mandate to enforce competition in your jurisdiction. Include a brief reference on their duties e.g.: if they impose criminal, civil or administrative liability. The purpose is that readers can quickly understand, which are the agencies charged with competition enforcement in the jurisdiction, the difference between them, and if they have concurrent, overlapping, or</i></p>
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	<p><i>exclusionary authority. Include the relevant provisions on which their powers are based. Exclude in this point sector regulators or enforcers]</i></p>
<p>Do sector regulators have a competition policy enforcement mandate?</p>	<p>The following regulators have concurrent powers to enforce competition law in their sectors: Civil Aviation Authority (air traffic and airport operation services); Financial Conduct Authority (financial services); NHS Improvement (healthcare services); Northern Ireland Authority for Utility Regulation (gas, electricity, water and sewerage services in Northern Ireland); Ofcom (electronic communications, broadcasting and postal services); Office of Gas and Electricity Markets (gas and electricity); Office of Rail and Road (railway services); Payment Systems Regulator (payment systems); Water Services Regulation Authority (water and sewerage).</p> <p>“Parts II and III of Schedule 10 provide for functions of the [F279CMA] under this Part to be exercisable concurrently by regulators.” (Competition Act 1998, S 54)</p> <p><i>[Please introduce the name agencies that have powers to enforce any aspect of competition law, including merger control, in specific sectors. Introduce the relevant provisions on which their powers are based]</i></p>
<p>Have the Competition Authority and other agencies signed protocols or memoranda of understanding with sector regulators?</p>	<p>MoU between the Competition and Markets Authority (CMA) and the Civil Aviation Authority (CAA) https://www.caa.co.uk/media/wvudg024/memorandum-of-understanding-cma-and-caa.pdf</p> <p>MoU between the Competition and Markets Authority and the Financial Conduct Authority https://assets.publishing.service.gov.uk/media/5cd117fc86650c76a86d85bb/FCA-CMA-MoU_consumer-pdf.pdf</p> <p>MoU between the Competition and Markets Authority and the Bank of England https://www.bankofengland.co.uk/-/media/boe/files/memoranda-of-understanding/cma-and-boe-mou.pdf</p> <p><i>[Please mention here any provision or interinstitutional agreement that allows the competition authorities to coordinate behavior to effectively enforce competition law]</i></p>
<p>DISAGGREGATED FUNCTIONS—PROSECUTORIAL MODEL</p>	

<p>Are there different authorities or agencies that make the decision to investigate and the final ruling in the cases?</p>	<p><i>[Answer: Yes or No]</i></p> <p>No</p>	<p>The CMA has the power to begin an investigation under the Competition Act whenever it has "reasonable grounds for suspecting" that Chapter I or Chapter II has been infringed. It has discretion to open an investigation or not. After completing an investigation, CMA can:</p> <ul style="list-style-type: none"> - Issue a formal CMA infringement decision and impose a fine - Take a formal commitments decision, record and formalize the remedies which have been proposed by the parties without making a finding of infringement - Decide to initiate a criminal prosecution - Apply to court for a competition disqualification order (CDO) to be made against a director. <p>Power of CMA to investigate</p> <p>(1) In any of the following cases, the CMA may conduct an investigation.</p> <p>(2) The first case is where there are reasonable grounds for suspecting that there is an agreement which</p> <ul style="list-style-type: none"> — (a) may affect trade within the United Kingdom; and (b) has as its object or effect the prevent (Competition Act 1998, Chapter III, S 25) <p>Additionally, the CMA can also treat the infringements as a criminal matter under the Enterprise Act (2002). If the CMA suspects there is cartel activity it has the power to begin a criminal investigation if there are reasonable grounds for suspecting that a cartel offense has been committed. (Enterprise Act 2002, Chapter 4, S192)</p> <p><i>[If the answer is yes, please explain briefly the enforcement process, and include the relevant provisions. The purpose of this question is to understand the enforcement model of the jurisdiction and establish how many independent authorities are involved in the enforcement process and what are their functions]</i></p>
<p>Are disputes presented for decision to judiciary authorities?</p>	<p><i>[Answer: Yes or No]</i></p> <p>No</p>	<p>Parties dissatisfied with decisions made by regulatory CMA or sector-specific regulators can seek redress through the Competition Appeals Tribunal.</p> <p>A person may make a claim to which this section applies in proceedings before the Tribunal, subject to the provisions of this Act and Tribunal rules. (Competition Act 1998, Chapter IV, S47A)</p> <p><i>[If the answer to your question is "yes", please introduce the name of the judiciary authorities that are involved and their role until the final decision in the process is achieved; exclude from this question judiciary authorities whose role in the process is the judicial review of administrative decisions]</i></p>
<p>Do private rights of action to challenge competition law infringements exist in your jurisdiction</p>	<p><i>[Answer: Yes or No]</i></p> <p>Yes</p>	<p>According to the Quick guide to private litigation in competition cases there are two types of private actions in the UK</p> <p>Follow on actions:</p> <p>Is founded on an infringement decision by a UK competition authority or the European Commission, which binds the court</p>

	<p>or the CAT. This means a breach of competition has already been established in an infringement decision which is why the claimant therefore only needs to show loss and causation.</p> <p>Stand-alone actions: A standalone action is a claim brought where the alleged breach of competition law is not already the subject of an infringement decision by the European Commission or OFT.</p> <p>The claimant will have to prove to the court that the breach of competition law occurred and that he suffered loss as a result of that breach. The claimant must also prove that the defendant infringed competition law.</p> <p>Before 2015, all standalone actions had to be brought before the ordinary courts as the Competition Appeal Tribunal had no jurisdiction to hear standalone actions.</p> <p>Both actions can be brought before the CAT as well as the civil courts. Both have jurisdiction to award damages and equitable remedies.</p> <p>The Consumer Rights Act (2015)</p> <p>A person may make a claim to which this section applies in proceedings before the Tribunal, subject to the provisions of this Act and Tribunal rules. (The Consumer Rights Act, 2015, Schedule 8, 47A)</p> <p><i>[If the answer is "yes", please explain briefly the process and who are the persons entitled to exercise those rights; mention the relevant provisions]</i></p>
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*** Please fill the next sections for each of the authorities mentioned in the prior sections excluding sector regulators**

**THE COMPETITION AND MARKETS AUTHORITY
(CMA)**

STATUS OF THE COMPETITION AUTHORITY

Accountability	Please, answer "Yes" in the boxes of this line if any of the duties on the right column apply to the authority, and "No" if they do not.	Answer with X/√ as it applies		Please, in the boxes of this line mention the relevant provisions in which the obligations are based.
Does the Competition Authority have obligations before the executive?	No	X	Obligations to report to the executive on on-going investigations upon request.	The CMA is an independent non-ministerial department, who's work is overseen by a Board, and led by the Chief Executive and senior team. <i>[Introduce the relevant provisions]</i>
		X	The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.	Politicians may not overrule or veto the final, statutory decisions of the CMA in specific CA98, markets or merger investigations, but the Secretary of State may, by order, exclude the application of Chapter I and Chapter II of the CA98 in certain circumstances. Schedule 3 also gives the

				<p>Secretary of State power to exclude agreements from the Chapter 1 prohibition in certain circumstances. (Competition Act 1998, Chapter 1, 3(6))</p> <p>According to the Guidance on the CMA's jurisdiction and procedure, the Act grants the Secretary of State the authority to intervene in mergers when public interest considerations are relevant (Competition Act 1998, Section 58). This can happen if a Public Interest Intervention Notice (PIIN) is issued due to potential consequences beyond competition. In such cases, the Secretary of State holds the ultimate responsibility for deciding.</p> <p><i>[Introduce the relevant provisions]</i></p>
		X	The authority has to report on an annual basis to the executive.	<p>As a non-ministerial government department, the CMA does not report directly to a government minister, but the CMA board is accountable to the UK Parliament.</p> <p><i>[Introduce the relevant provisions]</i></p>
Does the Competition Authority have obligations before the legislature?	Yes	√	Obligation to publish an annual report on its activities.	<p>At the end of each financial year, the CMA must prepare and send to the Secretary of State an annual report on its activities and performance during the year (Enterprise and Regulatory Reform Act 2013, S14(1))</p> <p><i>[Introduce the relevant provisions]</i></p>
		√	Obligation to stand before parliament and to respond to congressmen on an annual basis.	<p>In Schedule 4 of the Enterprise and Regulatory Reform Act (2013), is stated that the CMA must prepare an annual plan for each financial year that must to be laid before Parliament ((Enterprise and Regulatory Reform Act 2013, Schedule 4, S12)</p> <p><i>[Introduce the relevant provisions]</i></p>
		x	Its activities are monitored by an independent auditor or by oversight committees.	<p>The CMA isn't directly monitored by a single independent auditor but it does face oversight; it is accountable to Parliament and regularly reports on its activities.</p> <p><i>[Introduce the relevant provisions]</i></p>

Does the Competition Authority have obligations before the judiciary or independent agencies?	Yes	√	Decisions of the Competition Authority are subject to judicial review.	<p>The Competition Appeals Tribunal (CAT) is an independent judicial body that hears appeals on decisions of the CMA</p> <p>“Any party to an agreement in respect of which the CMA has made a decision may appeal to the Tribunal] against, or with respect to, the decision.) Any person in respect of whose conduct the CMA has made a decision may appeal to the Tribunal against, or with respect to, the decision.” (Competition Act 1998, Chapter IV, S 46)</p> <p><i>[Aside from the relevant provisions please mention the judicial authority charged with the review]</i></p>
		x	Decisions of the Competition Authority are subject to review or control of an independent authority different from the judiciary?	<p><i>[Aside from the relevant provisions, please mention the authority charged with the review]</i></p>
		<p>Other obligations/ comments: Please introduce any other obligation or comment that you consider relevant.</p> <p><i>[Introduce any comment that you consider relevant regarding the status of accountability of accountability of the competition authority]</i></p>		
Independence	Please, answer “Yes” or “No”			
Are the criteria for appointment and removal of the head/board members clear and transparent?	Yes	<p>The Enterprise and Regulatory Reform Act of 2013 contemplates the removal of a member of CMA group if he/she is unable for a substantial period to perform the duties or because of a particular interest of a member of a CMA group it is inappropriate for him or her to remain (Enterprise and Regulatory Reform Act 2013, Schedule 4, S41). So, to ensure impartiality, the CMA keeps a record of board and panel members' personal interests, including those of their families. These interests are revealed whenever a panel member is assigned to a specific investigation.</p> <p>According to section 40 of the Enterprise and Regulatory Reform Act, members of the CMA panel may resign from the CMA at any time by giving a written notice to the chair. Additionally, sections 41 and 42 establish that if the chair believes a member will be unable to fulfill their responsibilities for a significant amount of time (Sub-paragraph (2)(a)), or that a member has a personal interest that makes it unsuitable for them to remain in the group (Sub-paragraph (2)(b)) they can remove the member from the CMA group.</p> <p><i>[Please introduce the relevant provisions, and if the answer to this question is “no”, explain briefly why in your opinion the criteria are not clear or transparent]</i></p>		

Does the executive have powers to decide on specific cases based on public interest?	Yes	<p>As mentioned above, the Secretary of State has the authority to intervene in mergers when public interest considerations are relevant. Consequently, when a PIIN is issued the Secretary of State holds the ultimate responsibility for deciding.</p> <p>Additionally, if the CMA considers it necessary to act urgently, to protect the public interest, it can require a business to comply with temporary directions (interim measures) pending the outcome of the investigation. (Competition Act 1998, Chapter III, S35).</p> <p><i>[Please introduce the relevant provisions, and if the answer to the question is “yes”, explain in which cases the executive can decide on public interest bases]</i></p>
Does the executive retain decision-making powers over the Competition Authority?	Yes	<p>As mentioned above, the Secretary of State has a role in certain public interest cases. In such cases, the CMA is responsible for the competition assessment, but the Secretary of State may take public interest factors into account in deciding whether to make a reference to phase 2, accept UILs, or impose remedies following a phase 2 investigation. Consequently, at phase 2 the decisions are taken by an Inquiry Group, selected for each case from the independent experts appointed by the Secretary of State to the CMA’s panel. (CMA, 2022)</p>
Is the Competition Authority obliged to publish reasoned decisions to ensure transparency?	No	<p>CMA is not obliged to publish reasoned decisions to ensure transparency yet it is committed to being transparent about and enhancing the visibility of its work.</p> <p>Nonetheless, when an infringement decision is issued, the CMA normally issues a press announcement and publishes it on the CMA’s webpage.</p> <p><i>[Please introduce the relevant provisions.]</i></p>
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<p>The CMA’s budget is issued by HM Treasury on behalf of Parliament. The HM Treasury is the government’s economic and finance ministry.</p> <p>The Spending Review 2021 allocated the CMA’s budget for 2024/25 as a Resource Departmental Expenditure Limit budget (excluding depreciation) of £126.3 million and a Capital Departmental Expenditure Limit budget of £5.12 million (CMA, 2024)</p> <p><i>[Please introduce the relevant provisions and the budget assigned to the authority for the current year and the next if it is already approved]</i></p>
Can the Competition Authority be financed by its own means (notification fees, fines, etc.)?	No	<p>Even Though the Annual 2021 to 2022 report stated that CMA collected £13.58 million from fines and penalties imposed on companies, this revenue goes directly to the central government resulting in a direct benefit to the public finances. (CMA, 2022).</p> <p><i>[Please introduce the relevant provisions and mention the means by which the authority can be financed on its own]</i></p>

GOVERNANCE OF THE COMPETITION AUTHORITY

Is the Competition Authority governed by a single chairman or by a collegiate body?	<p>Collegiate Body</p> <p>The CMA has both a board and a panel.</p> <p>The CMA consists of: a person appointed by the Secretary of State to chair the CMA and the CMA Board (the “chair”), other persons appointed by the Secretary of State to membership of (i) the CMA Board (ii) the CMA panel</p>
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	(iii) both the CMA Board and the CMA panel. Currently, the CMA Board has 13 members plus 4 advisors who attend meetings <i>[Answer "single chairman" if the directive organ of the authority is composed of one person. Answer "collegiate body" if the authority's directive organ is composed of two or more members, regardless if this organ is directed or presided by a chairman or president. Also mention how many board members or directors are part of the Direction Body]</i>		
How are the members of the Authority's directive organ chosen?	The members of the Competition and Markets Authority (CMA) board in the UK are chosen through an open competition process focused on their experience and skills in competition economics, law, finance and business <i>[Please describe the electing process for choosing the members of the directive organ. Include relevant provisions; mention the branch government involved in this process]</i>		
Is there a fixed period during which removal is prohibited?	No	The Secretary of State may at any time remove a person from office as a member of the CMA due to (a) incapacity; (b) misbehaviour; (c) failure to carry out his or her duties. The members have terms of appointment: Appointment to membership of the CMA Board under paragraph 1(1)(b) is to be for a term of not more than five years, the appointment to membership of the CMA panel under paragraph 1(1)(b) is to be for a term of not more than eight years, and the appointment as the chair is to be for a term of not more than five years. <i>[If your answer is "yes", please introduce the duration of the tenure and the relevant provisions. If the answer is no, please refer if there are specific and restricted grounds under which the members of the Directive body can be removed; mention if they are elected for a term and introduce the relevant provisions]</i>	
Is the tenure of the heads renewable?	Yes	A person who has been appointed to membership of the CMA panel may be reappointed to membership of the CMA panel only for the purpose of continuing to act as a member of a group constituted under paragraph 36 before the expiry of his or her term of office. (Enterprise and Regulatory Reform Act, 2013, Schedule 4, Part 1) <i>[Please, introduce the relevant provisions]</i>	
Are the heads required by law to have certain minimum qualifications (degree in law or economics, age, experience)?	No	There isn't a strict legal requirement for specific qualifications like a law degree for the CMA Board in the UK. However, the appointment process is designed to ensure members possess the necessary skills and experience. This is in accordance with what is established on the CMA website where it is stated that the CMA panel members are appointed through open competition for their experience, ability and diversity of skills in competition economics, law, finance and business. <i>[If your answer is "yes", please make reference to the qualifications required by law and the relevant provisions]</i>	
ARCHITECTURE A			
Is the Competition Authority a stand-alone agency with an independent physical location or is it part of a bigger entity such as a ministry?	Stand-alone	<i>[If your answer is "part of a bigger entity", please explain briefly how the bigger entity is organized]</i>	
POLICY DUTIES			
Does the Competition Authority have an exclusive mandate on competition or multiple mandates?	Exclusive	<p style="text-align: center;">✓</p> <p style="text-align: center;"><i>[Answer with X/✓ as it applies]</i></p>	<p>Concurrent consumer protection mandate.</p> <p>Consumer Rights Act (2015)</p>

		<p>✓</p> <p><i>[Answer with X/ ✓ as it applies]</i></p>	<p>Concurrent IP mandate</p> <p>The Intellectual Property Office (IPO) has agreed a new Memorandum of Understanding (MoU) with the Competition and Markets Authority (CMA) (2023)</p>
		<i>[Other mandates: Include any other mandates entrusted to the Competition Authority]</i>	

PORTFOLIO INSTRUMENTS

Law Enforcement

Does the Competition Authority have powers to investigate cartels?	Yes	<p>The CMA powers to apply, investigate and enforce the Chapter I and Chapter II prohibitions in the CA98. Cartels infringe the Chapter I prohibition in the Competition Act 1998. Additionally, under the Enterprise Act 2002 it is a criminal offense for an individual to engage dishonestly in cartel activity.</p> <p>Businesses found to have been involved in illegal cartels can be fined up to 10% of their annual turnover (Competition Act 1998, Part I, Chapter III, S36(8)), individuals directly involved can face up to 5 years in prison, and company directors can be disqualified from holding director positions for up to 15 years.</p> <p>There is a leniency programme where companies involved in illegal price-fixing agreements (cartels) can avoid administrative fines entirely, and individuals involved can escape jail time, by reporting the activity to the CMA. This programme incentivizes companies and individuals to come forward and expose illegal cartels (Competition Act 1998, Schedule 8A, S4(3))</p> <p><i>[If the answer is "yes", please mention the type of liability that the actions of the agency seek: civil, criminal, administrative. Introduce the relevant provisions; briefly explain if the powers of the authority are limited to certain types of cartels and what kind of sanctions can be imposed.]</i></p>
Does the Competition Authority have powers to investigate unilateral Conduct?	Yes	<p>CMA can investigate unilateral conducts as it is the body responsible for investigating and enforcing the Chapter II prohibition of the Competition Act 1998, which prohibits any conduct by a company with a dominant market position that abuses that position. Consequently, CMA can investigate a wide range of unilateral conduct, such as:</p> <ul style="list-style-type: none"> ● Predatory pricing ● Refusal to supply ● Exclusive dealing arrangements ● Tying arrangement <p><i>[If the answer is "yes", please mention briefly if the competition authority is invested with the power to pursue exploitative and exclusionary effects, also make reference to relevant provisions, the type of liability that the actions of the authority seek, and what kind of sanctions can be imposed]</i></p>

Does the Competition Authority have the powers to conduct an ex-ante merger review?	Yes	<p>The CMA has the power to impose an order prohibiting closing of an uncompleted transaction, for the purpose of preventing 'pre-emptive action'</p> <p>“These systems rest on a broad mandate to the competition authority to review any merger regardless of whether it was (voluntarily) notified or not, and irrespective of whether the parties have consummated it or not.” (DAF/COMP(2018)11)</p> <p><i>[If the answer is “yes”, please explain briefly the process and which are the remedies that authority can seek or impose and mention the relevant provisions]</i></p>
Is the notification of merger transactions mandatory?	No	<p>No, the UK merger control regime is voluntary which means companies are not required to seek pre-approval from the CMA for mergers; merging parties are not under any obligation to notify a transaction to the CMA (DAF/COMP(2018)11)</p> <p><i>[If the answer is “yes”, please explain whether all the transactions shall be notified or if there is a threshold; mention relevant provisions]</i></p>
Can the parties close the transaction before the final decision of the Authority (suspensory effect of merger notification)?	Yes	<p>Additionally from being voluntary, the UK merger control regime is also non-suspensory which means parties can complete the deal before CMA clearance is allowed.</p> <p>“If a transaction is completed without the parties having first sought a clearance from the CMA by making a voluntary filing, then the purchaser of the relevant target business effectively assumes all antitrust risk in the transaction” (Chance, C. & Harrison, D, 2023)</p> <p><i>[Please mention the relevant provisions and add any explanation that you deem necessary]</i></p>
Does the Competition Authority have the power to carry out <i>ex-post</i> merger investigations?	Yes	<p>Under the Act, there is no requirement to notify mergers to the CMA, which is why the authority can start an investigation without being notified . Due to the duty CMA has to track merger activity, it will decide to investigate if it believes that there is a reasonable chance that the test for a reference to an in-depth phase 2 investigation will be met.</p> <p><i>[Please mention relevant provisions]</i></p>
Does the Competition Authority have the power to impose remedies on <i>ex-post</i> merger investigations?	Yes	<p>At Phase 1 of the investigation, the CMA determines whether it believes that the merger results in a realistic prospect of a substantial lessening of competition (SLC). If so, the CMA has a duty to launch an in-depth assessment (Phase 2)</p> <p>After the publication of the final report, if the authority concludes that an SLC will rise from the merger it can take steps to implement remedies. (Guidance on the CMA's jurisdiction and procedure).</p> <p>Chapter IV of the Competition Act 1998 establishes that when “the CMA considers that the compensating party is in breach of the duty, the CMA may bring civil proceedings before the court for an injunction or interdict or any other appropriate relief or remedy”(Competition Act 1998, Chapter IV, S49)</p>

		<i>[If the answer is yes, please mention the remedies that the Authority can impose; mention relevant provisions]</i>
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes	<p>An investigator authorized by the CMA can enter any business establishment during an investigation, with written permission from the CMA (Competition Act 1998, Chapter III, S27(1)). Additionally, the CMA may apply to the High Court for a Warrant to enter and search businesses and domestic premises. (Competition Act 1998, Chapter III S28 & S29)</p> <p><i>[If the answer is "yes", please mention whether the dawn raids shall be authorized by a judge, and mention the relevant provisions]</i></p>
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes	<p>Under ERRA 13 the CMA has a function to obtain and review information relating to merger situations, and a duty to refer for a more in depth investigation (phase 2) if it has reasons to believe the merger has resulted or may result in a substantial lessening of competition in a UK market. Consequently, the CMA can start an investigation without being notified</p> <p><i>[Please, mention the relevant provisions]</i></p>
Does the Competition Authority have powers to accept leniency applications?	Yes	<p>There is a leniency programme where companies involved in illegal price-fixing agreements (cartels) can avoid administrative fines entirely, and individuals involved can escape jail time, by reporting the activity to the CMA.</p> <p>The reduction to the fines and penalties depends on the value of the material provided as well as the time it occurs. According to the Quick Guide to Cartels and Leniency for Individuals made by the Office of Free Trading (OFT) there are 3 types of immunity.</p> <p>Type A immunity is given only to the first business or individual to report and provide evidence of a cartel that the CMA is not investigating or has insufficient information about.</p> <p>Type B leniency is available if an investigation has commenced and the applicant is the first to seek leniency. It can lead to an applicant receiving the same benefits that are available under Type A but this is subject to the discretion of the CMA.</p> <p>Type C leniency is Type is available for applicants who are coercers and/ or not the first to apply, regardless of whether there is a pre-existing investigation. Applicants will benefit from a discretionary reduction in fines of up to 50%, and discretionary immunity from criminal prosecution but information must add significant value to the investigation (OFT1495i).</p> <p><i>[If the answer is "yes", please mention if there is any limitation for the applicants, what are the benefits, and mention the relevant provisions. Include any commentary that you consider relevant about the leniency program]</i></p>
Does the Competition Authority have powers to accept seek criminal punishment?	Yes	<p>If the CMA has enough evidence to convict someone of a cartel crime, they may prosecute them in criminal court, or</p>

		<p>open a parallel criminal investigation.</p> <p>People who join or lead a cartel risk being imprisoned for up to five years and/or fined. Additionally, directors can also be disqualified for up to 15 years if they knew, or ought to have known, that their company was guilty of an infringement of UK competition law. To disqualify a director the CMA can apply to the court.</p> <p>Important provision: Marine hose: criminal cartel investigation (2008)</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>	
Advocacy			
Can the Competition Authority issue opinions on draft legislation?	Yes	<p>In 2019 the CMA proposed to introduce an administrative enforcement regimen which would allow it to decide if laws are breached. This proposal was adopted in the Government consultation in July 2021 and forms part of the Digital Markets, Competition and Consumers Bill which also includes wider changes to replace or amend the existing enforcement rules (Azizi et al, 2024).</p> <p><i>[if the answer is yes, please specify if there is any kind of limitation to the agency's authority to issue opinions, include relevant provisions]</i></p>	
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No	<p><i>[if the answer is yes, include relevant provisions]</i></p>	
Rulemaking			
Can the Competition Authority issue guidelines?	Yes	√	<i>[Guidelines on the calculation of fines]</i>
		<i>[Answer with X/√ as it applies]</i>	
		√	<i>[Guidelines on merger control]</i>
<i>[Answer with X/√ as it applies]</i>			
√	<i>[Guidelines on the economic analysis of abuse of dominance cases]</i>		
<i>[Answer with X/√ as it applies]</i>			
Can the Competition Authority issue binding regulation on competition?	No	<p><i>[Please, explain which kind of regulation and mention the relevant provision on which the powers are based]</i></p>	
Research & Reporting			
Can the Competition Authority carry out market studies?	Yes	<p>Market studies are conducted under the CMA's general review function in section 5 of the EA02.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	
Can the Competition Authority report to the legislature on the results of market studies?	Yes	<p>The CMA publishes a report setting out its findings and the action (if any) it proposes to take.</p> <p>Section 131B(6) of the EA02.</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>	

DECISION-MAKING FUNCTIONS

Aggregated Functions

<p>Does the Competition Authority make the decision to investigate and make guilty findings?</p>	<p>Yes</p>	<p>In deciding whether to investigate any potential infringement of the competition law rules, the CMA must consider at an early stage whether to deal with the matter under the civil prohibitions (i.e. Chapter I and/or Chapter II), or to treat the infringement as a criminal matter under the Enterprise Act, or both.</p> <p>The CMA has the power to begin an investigation under the Competition Act whenever it has "reasonable grounds for suspecting" that Chapter I or Chapter II has been infringed. It has discretion to open an investigation or not. After completing an investigation, CMA can:</p> <p><i>[If the answer is "yes", include relevant provisions]</i></p>
<p>Does the Competition Authority impose punishments?</p>	<p>Yes</p>	<p>Civil Sanctions:</p> <p>According to Section 40(A), Chapter III of the Competition Act (1998) if the CMA considers that a person has, without reasonable excuse, failed to comply with a requirement imposed it may impose a penalty of such amount as it considers appropriate.</p> <p>Section 36 of the Competition Act 98 establishes that the CMA may impose a financial penalty on an undertaking which has intentionally or negligently committed an infringement of the Chapter I and/or Chapter II prohibitions</p> <p><i>[If the answer is "yes", please mention the different kinds of sanctions that the agency can impose]</i></p>
<p>Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?</p>	<p>No</p>	<p>According to the Revised Competition Act of 1998 and the Guidance on the Competition and Markets Authority's (CMA) investigation procedures, when the CMA prioritizes a complaint, it will assign the case to the appropriate section of the Enforcement Directorate for further examination. If it is determined that the complaint warrants a formal investigation, the case is then handed over to a designated case team responsible for its day-to-day management, along with a Senior Responsible Officer (SRO) who has the authority to initiate a formal investigation and make certain key decisions.</p> <p>The Case Decision Group evaluates whether there is adequate evidence to meet the legal threshold for establishing an infringement and, if so, determines the extent of any financial penalties to be levied. Before reaching a final decision, the Case Decision Group may seek input from the Case and Policy Committee regarding legal, economic, or policy considerations arising from the proposed decision.</p> <p><i>[Regardless of the answer please explain briefly the enforcement process until the final decision is issued, include relevant provisions, and if the answer is "No" mention how the head of the body that carries out the investigation is elected and removed. The main idea of this last point is to establish whether the investigation authority is, in fact, independent]</i></p>

		<i>from the decision-making body]</i>
Can the Competition Authority's decisions be appealed to a court?	Yes	<p>Parties dissatisfied with decisions made by regulatory CMA or sector-specific regulators can seek redress through the Competition Appeals Tribunal.</p> <p>“Any party to an agreement in respect of which the CMA has made a decision may appeal to the Tribunal] against, or with respect to, the decision.) Any person in respect of whose conduct the CMA has made a decision may appeal to the Tribunal against, or with respect to, the decision.” (Competition Act 1998, Chapter IV, S46)</p> <p><i>[Please, mention the judicial authority who is charged with the review, make reference to the relevant provisions, and if there is any requirement to exercise the right of the judicial review]</i></p>
Please add commentaries or information that you consider relevant and were not covered in any of the previous sections and questions.		