

**Council of the Competition Commission**

**Minutes of the 89th meeting held in Hearing Room 5  
Monday 6 December 2010**

Present:

Council Members

Peter Freeman CBE, QC (Chairman)  
Laura Carstensen  
Peter Davis  
Grey Denham  
Dame Patricia Hodgson  
David Saunders  
Lesley Watkins

In attendance

Carole Begent (in part 6)  
Rebecca Lawrence  
Rachel Merelie  
Chloe MacEwen  
Gail Scott

**1. Minutes from the meeting on 18 October 2010 (Item 1)**

- 1.1. Point 3.9 from the October minutes stated that the Chairman and the OFT Chief Executive had been invited to appear before the Treasury Select Committee's inquiry into banking; this appearance had been postponed.
- 1.2. The minutes from the last meeting were approved.

**2. Chairman's Report (Item 2)**

- 2.1. The Chairman reported to Council that the recruitment process for a new Deputy Chairman was complete; that Roger Witcomb was the successful candidate and that he would begin his appointment in January 2011.
- 2.2. There were no other items to report that were not already on the agenda.

**3. Chief Executive's Report (Item 3)**

- 3.1. The Chief Executive presented his written report to the Council.
- 3.2. BIS had not yet confirmed the CC's budget for 2011/12.
- 3.3. The CC was expected to complete this year within its budget allocation for 2010/11.
- 3.4. Some senior staff had been allocated to work on the institutional structure consultation alongside colleagues from the OFT and BIS. This information gathering phase had been quite busy with regular meetings and discussions about a future framework. Staff had also been in discussions with DECC and the Department of Health about possible energy and health reforms, which might affect the CC's responsibilities.

- 3.5. Ofcom had informed the CC that they would be taking a number of decisions in 2011 which could be appealed to the CAT and hence to the CC in the summer and the autumn.

#### **4. Review of Council risk register (Item 4)**

- 4.1. The updated Council Risk Register was presented for discussion. There had been no significant changes since the last meeting.
- 4.2. Council discussed the issues that raised the most concern, and agreed that the risk register should be updated following these discussions.

#### **5. Institutional Reform (Item 5)**

- 5.1. In preparation for the institutional reform consultation, the task of collating information had been divided into six workstreams: antitrust, markets, mergers, regulatory references and concurrency, structure and OFT/CC collaboration. Each work stream was led by a member of the senior team. A senior CC Legal Adviser was working part-time at BIS on the consultation.
- 5.2. It was expected that the consultation document would be published in February, and the recommendation to Ministers would be made in June or July 2011. The Ministers would then take their decision. It was agreed that the CC should consider holding a consultation event in February or March 2011.

#### **International work (Item 6)**

- 6.1. Carole Begent presented the report on international work. The OECD meetings had taken place in October, and work was underway to prepare for the OECD in February. In particular there would be discussions on mergers, and the CC would be making substantial submissions.
- 6.2. There was a lot of interest and debate about fairness in case procedures amongst the international network, and this issue was likely to come back on the OECD agenda in 2011.

#### **7. Conflicts Policy Review (Item 7)**

- 7.1. Council discussed the Woods-Scawen conflicts review report and accepted all of the recommendations, in one case with a minor tightening: It decided that there should be no fixed minimum threshold below which outside financial interests would normally be considered not to be a source of potential conflict.
- 7.2. Council agreed that the CC should implement the report's recommendations as a matter of urgency. The report should be published with a press release stating the Council's endorsement.
- 7.3. It was agreed that Roland Green, the CC's Chief Legal Adviser should be appointed the Compliance Officer with immediate effect.

#### **8. Any other business**

- 8.1. There was no other business.