

## **Note for the CBI Competition Committee—7 July 2009**

### **How to deliver CC market investigations more quickly**

In our news release on 8 April 2009, published with our corporate plan, we said that the Competition Commission (CC) would aim, where appropriate, to complete future market investigations in 18 months, or quicker for smaller markets. Under existing legislation, the CC is allowed up to two years to complete its market investigations. This note sets out the key changes that we propose to make in order to achieve these faster timescales.

We have reviewed our processes to see where time and cost savings could be achieved, without compromising the quality of the evidence we gather or the analysis we undertake. We believe that the following changes to our current processes would, in appropriate cases, enable a market investigation to be conducted more quickly.

- (a) Begin work earlier, doing more contingent preparation immediately prior to a reference from the Office of Fair Trading or a sector regulator. This would include making use of such information as can be shared with us by the referring body to develop our understanding of the parties and the market and to seek to minimize any duplication with the referring body, reducing the overall burden on business. This will help us in preparing our detailed information requests, which will be issued following a reference.
- (b) Publish an issues statement early in the process, setting out the theories of harm we intend to investigate and providing the framework for our analysis. We will expect submissions from the parties to be based on the areas set out in the issues statement.
- (c) Publish working papers describing our analysis with a brief cover note explaining how the papers fit into our overall investigation. We will not publish a consolidated Emerging Thinking document.
- (d) Conduct only one round of formal hearings prior to the publication of our provisional findings, making more use of site visits to gather background information and to allow the parties to set out their initial case. The formal hearings with the main parties will occur after the publication of our working papers.
- (e) Engage the parties in the details of the remedies process as quickly as possible after the publication of provisional findings.

Where we find no adverse effects on competition, we will bring our investigation to a swift conclusion soon after the publication of our provisional findings.

We believe it is in the interests of many of the parties to our investigations, UK business and the UK's competition regime more generally, that our investigations are carried out comprehensively and fairly but as expeditiously as possible. It will therefore be in the interests of all those involved to cooperate with us to help achieve these faster timescales.