



Proposal for a single overriding consumer duty for CMA: Brief discussion

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Disclaimer: These are not necessarily the views of any organisation with which I am associated!



Background



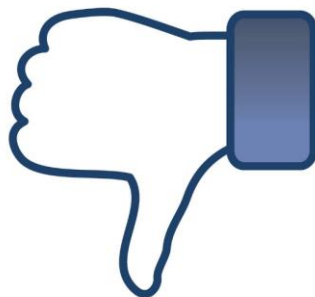
- ❖ The CMA's current statutory duty is to promote competition for the benefit of consumers.
- ❖ In February, CMA Chair, Andrew Tyrie sent a letter to the then SoS Greg Clark, with a variety of reform proposals, including that this duty be changed to:
 - an overriding 'consumer interest' duty.
- ❖ Interesting and highly topical example of the debate going on around regulatory objectives.



On the one hand...



On the other hand...



'Promote' or 'Protect'

In conclusion

- ❖ There are a number of good arguments for the CMA having an overriding single consumer interest duty.
- ❖ To give proper weight to the competition work of the CMA, this duty should:
 - take the form of *promoting* the consumer interest, and
 - weight should explicitly be given to the *long-term* consumer interest, not just the short-term.
- ❖ Beyond this, it should be possible to address the various other counter-arguments with appropriate language in legislation or statutory guidance.