

## Remedies Standing Group

The members of the group are Mr Peter Freeman, Mr Christopher Clarke, Mrs Diana Guy, Dr Peter Davis, Professor Stephen Wilks FCA, Mr Ian Jones and Mr Christopher Bright. The group usually meets in alternate months but is also available to meet at short notice. The group held its first meeting on 11 November 2003.

The functions of the group stem from the responsibilities given to the Competition Commission (CC) under the Enterprise Act 2002. Broadly, the group has four functions:

1. *Adopting initial undertakings and interim restrictions:* In respect of completed mergers, the Office of Fair Trading (OFT) is able to accept initial undertakings from the parties to prevent pre-emptive action. The CC has seven days from the reference in which to adopt any such undertakings, otherwise they lapse. It is anticipated that the decision whether or not to adopt such undertakings will generally be taken by the Remedies Standing Group since it usually takes longer than seven days to appoint an inquiry group. Once a reference is made a number of statutory restrictions automatically apply unless consent by the CC is given. Until the inquiry group is appointed, the Remedies Standing Group will also consider any requests for consent that are made to the CC.
2. *Overseeing implementation of divestiture remedies:* If remedies are proposed by the inquiry group, the functions of the group are completed once the group has accepted final undertakings or made orders. In the case of divestiture remedies, the Remedies Standing Group will then oversee implementation of the undertakings or orders (this could include, for example, approving the proposed purchaser).
3. *Varying, releasing or revoking undertakings or orders:* The CC is responsible, in all but a very limited number of cases, for deciding on variation or termination of undertakings or orders accepted or made by the CC under the Act and by the Secretary of State under the Fair Trading Act 1973. In considering variation and termination of remedies, the OFT will consider first whether there has been a change of circumstances and second, if there has, what action should be taken. The CC will take its decision on variation and termination of remedies in the light of the OFT's advice. Decisions on variation and termination of undertakings and orders will be taken either by the Remedies Standing Group or by a group specifically appointed by the Chairman of the CC to be responsible for the conduct of a particular case.
4. *Developing remedies policy:* The Remedies Standing Group provides an appropriate forum for members and staff to discuss policy on remedies prior to broader consultation. Once the Remedies Standing Group has provisionally agreed a policy on a significant issue, the policy will then be opened up for comment from members and staff generally, prior to adoption of the policy by the Council.

Last updated 10 February 2009