

27 September 2019

Our ref: FOI6737

### **Freedom of Information: Right to know request**

We refer to your request dated 30 August 2019 under the Freedom of Information Act 2000 ("the Act") for the following information relating to the exercise by the FCA of its concurrent competition enforcement powers under the Competition Act 1998 (CA98):

*"For each of the periods (i) 1 April 2015 to 31 March 2016; (ii) 1 April 2016 to 31 March 2017; (iii) 1 April 2017 to 31 March 2018; (iv) 1 April 2018 to 31 March 2019; and (v) 1 April 2019 to the date of preparation of the response to this request, please provide (in each case in relation to the exercise of competition enforcement powers only):*

- (a) the number of 'advisory letters' the FCA has issued;*
- (b) the number of 'on notice letters' the FCA has issued;*
- (c) the number of open enforcement investigations the FCA has conducted;*
- (d) the number of Statement of Objections the FCA has issued;*
- (e) the number of enforcement investigations the FCA has closed (with or without action taken);*
- (f) the number of enforcement investigations the FCA has closed with no action taken; and*
- (g) the number of enforcement investigations the FCA has closed resulting in a financial penalty.*

*For each of the responses provided in response to parts 1(a) to 1(g) above, please provide a breakdown showing whether the applicable enforcement powers were exercised under:*

- (i) Chapter 1 of CA98;*
- (ii) Chapter 2 of CA98;*
- (iii) Article 101 of the Treaty on the Functioning of the European Union (TFEU); and/or*
- (iv) Article 102 of TFEU."*

Your request has now been considered and the information is provided in the table below. In considering our response, please note the following:

- 1. Definition of 'investigation' in points (c) to (g).** We have recorded cases that we have formally opened, i.e. we have taken a decision that there are reasonable grounds for suspecting a competition law infringement under section 25 of the Competition Act 1998 and that we wish to prioritise the case.
- 2. Definition of 'conducted' in point (c).** We have interpreted this as any investigations that were open at any time during the specified period. This means that an open investigation can be counted in more than one time period. We have applied the definition of 'investigation' in 1. above.

3. **Categories of cases.** We have added categories of cases to ensure accuracy and avoid double-counting.
4. **We have completed the request for categories where there is a positive response.** In all other categories there is a nil return.

	1 April 2015 - 31 March 2016	1 April 2016 - 31 March 2017	1 April 2017 - 31 March 2018	1 April 2018 - 31 March 2019	1 April 2019 - 27 Sept 2019
<b>(a) the number of 'advisory letters' the FCA has issued;</b>					
Chapter 1 of CA98 and/or Article 101 TFEU	3	1	0	9	0
Chapter 1 of CA98 and/or Chapter 2 of CA98	0	5	0	1	0
Chapter 1 of CA98/Article 101 TFEU and/or Chapter 2 of CA98/Article 102 TFEU	0	0	0	1	0
<b>(b) the number of 'on notice letters' the FCA has issued;</b>					
Chapter 1 of CA98 and/or Article 101 TFEU	2	23	3	0	0
<b>(c) the number of open enforcement investigations the FCA has conducted;</b>					
Chapter 1 of CA98 and/or Article 101 TFEU	1	2	2	2	1
<b>(d) the number of Statement of Objections the FCA has issued;</b>					
Chapter 1 of CA98 and/or Article 101 TFEU	0	0	1	0	0
<b>(e) the number of enforcement investigations the FCA has closed (with or without action taken);</b>					
Chapter 1 of CA98 and/or Article 101 TFEU	0	0	1	1	0
<b>(f) the number of enforcement investigations the FCA has closed with no action taken; and</b>					
Chapter 1 of CA98 and/or Article 101 TFEU	0	0	1	0	0
<b>(g) the number of enforcement investigations the FCA has closed resulting in a financial penalty</b>					

Chapter 1 of CA98 and/or Article 101 TFEU	0	0	0	1	0
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If you are unhappy with the decision made in relation to your request, you have the right to request an internal review. If you wish to exercise this right you should contact the Information Disclosure Team within 40 working days of the date of this response.

If you are not content with the outcome of the internal review, you also have a right of appeal to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Telephone: 01625 545 700. Website: [www.ico.org.uk](http://www.ico.org.uk).

Yours sincerely

Information Disclosure Team  
Financial Conduct Authority