

16 October 2020

Our ref: FOI7646

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

Thank you for your request of 18 September 2020 for information relating to the exercise by the FCA of its concurrent competition enforcement powers under the Competition Act 1998 (CA98).

You asked us for the following:

*"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; (v) 1 April 2019 to 31 March 2020; and (vi) 1 April 2020 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 issued;*
- (b) the number of 'on notice letters' the FCA issued;*
- (c) the number of open enforcement investigations the FCA conducted;*
- (d) the number of Statement of Objections the FCA issued;*
- (e) the number of enforcement investigations the FCA closed (with or without action taken);*
- (f) the number of enforcement investigations the FCA closed with no action taken; and*
- (g) the number of enforcement investigations the FCA 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."*

We have processed your request in line with the provisions of the Freedom of Information Act 2000 (FOIA), and the information you have asked for is provided in the table below. In considering our response, please note the following:

- 1. Definition of 'investigation' in points (c) and (e) - (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 CA98 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 than 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 Apr 2015 - 31 Mar 2016	1 Apr 2016 - 31 Mar 2017	1 Apr 2017 - 31 Mar 2018	1 Apr 2018 - 31 Mar 2019	1 Apr 2019 - 31 Mar 2020	1 Apr 2020 - 29 Sep 2020
<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	8
Chapter 1 of CA98 and/or Chapter 2 of CA98	0	5	0	1	0	0
Chapter 1 of CA98/Article 101 TFEU and/or Chapter 2 of CA98/Article 102 TFEU	0	0	0	1	0	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	2
<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	2
<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	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	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	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	0

### **Your right to complain under the FOIA**

If you are unhappy with this response, you have the right to request an internal review. To do so, please contact us 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 by phone or on their website at:

Website: [www.ico.org.uk](http://www.ico.org.uk)

Yours sincerely

**Information Disclosure Team**