

Digital Markets, Competition and Consumers Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 89

BARONESS STOWELL OF BEESTON

Clause 89, page 55, line 34, at end insert –

“(1A) Appeals to a penalty imposed under section 85 through the application of section 114 of the EA 2002 do not apply to the CMA’s original decision to impose the requirements as set out in 85(2) or the original finding that an undertaking has failed to comply with a conduct requirement as set out in 85(3).”

Member's explanatory statement

This amendment would clarify that the only CMA decisions subject to full merits review in Part 1 of the Bill are the decision to impose a penalty, the level of the penalty, and the timing of the penalty.

Clause 114

BARONESS STOWELL OF BEESTON

Clause 114, page 71, line 17, leave out paragraph (b) and insert –

“(b) consult the relevant Parliamentary Committees as defined in section (Reporting requirement: Provisions in Part 1 of this Act) and publish its response to any recommendations arising at the same time that the guidance or any revised version is published.”

Member's explanatory statement

This amendment aims to ensure the CMA is accountable for its guidance to Parliament rather than the Government. “Relevant parliamentary committees” is defined in another amendment in Baroness Stowell’s name after Clause 115.

After Clause 115

BARONESS STOWELL OF BEESTON

After Clause 115, insert the following new Clause –

“Reporting requirement: Provisions in Part 1 of this Act

- (1) Within twelve months of the passing of this Act and every twelve months thereafter, regulators with a role in regulating digital markets must publish a report on –
 - (a) the impact the provisions in Part 1 of this Act have had on their activity in the previous twelve months;
 - (b) the effectiveness of those provisions in supporting their ability to regulate digital markets.
- (2) The regulators in subsection (1) include –
 - (a) the CMA;
 - (b) the FCA;
 - (c) the ICO; and
 - (d) OFCOM;
 - (e) Other regulatory bodies identified by the relevant Parliamentary Committees as having a role in regulating digital markets.
- (3) The regulators must notify in writing the chair of relevant Parliamentary Committees that the report has been published.
- (4) The regulators must respond to any correspondence or response from a relevant Parliamentary Committee in regard to the report within two months.
- (5) References in this paragraph to the relevant Parliamentary Committees are references to –
 - (a) the Committee charged with this responsibility in the House of Commons,
 - (b) the Committee charged with this responsibility in the House of Lords, or
 - (c) the Joint Committee of both Houses which –
 - (i) is charged with responsibility by those Houses for the purposes of this paragraph, and
 - (ii) has notified the relevant regulators that it is a relevant Parliamentary Committee for those purposes.”

Member's explanatory statement

This amendment would require regulators to report on the impact of the provisions in Part 1 of this Act on their activity and ability to regulate digital markets. The amendment defines “relevant Parliamentary Committees”.

After Clause 146

BARONESS STOWELL OF BEESTON
LORD ANDERSON OF IPSWICH
LORD FORSYTH OF DRUMLEAN
LORD ROBERTSON OF PORT ELLEN

After Clause 146, insert the following new Clause—

Foreign power acquisition of news media organisations

- (1) A foreign power (as defined in Section 32 of the National Security Act 2023) may not acquire a news media organisation or publisher of news in any form ("a publisher") where the publisher's primary place of business is in the United Kingdom, unless—
 - (a) investigations by the CMA under sections 44 and 45 of the EA 2002 and by OFCOM under section 44A of the EA 2002 have been completed;
 - (b) the Secretary of State has made and published their decision under section 54 of the EA 2002 stating that there are no competition-related or consumer-related concerns; and
 - (c) the Secretary of State has by regulations approved the acquisition.
- (2) Regulations under subsection (1) are subject to the affirmative procedure.”

Member's explanatory statement

This amendment would prevent the acquisition of a UK news media organisation by a foreign power without the approval of both Houses of Parliament, where competition or consumer-related concerns have been raised.

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