



**Rt Hon Rishi Sunak MP**  
**Prime Minister**  
**10 Downing Street**  
**London**  
**SW1A 2AA**

**CC: Rt Hon Michelle Donelan MP, Secretary of State for Science, Innovation and Technology; Rt Hon Chloe Smith MP, Secretary of State for Science, Innovation and Technology (maternity cover); Rt Hon Kemi Badenoch MP, Secretary of State for Business and Trade; Paul Scully MP, Minister for Tech and the Digital Economy; and Kevin Hollinrake MP, Minister for Enterprise, Markets and Small Business; Rt Hon Oliver Dowden MP, Deputy Prime Minister and Chancellor of the Duchy of Lancaster, and Secretary of State in the Cabinet Office**

**21 June 2023**

Dear Prime Minister,

We are a broad group of tech and digital businesses, charitable foundations, trade associations, and consumer advocacy organisations that are a driving force for economic growth and innovation across the UK. We welcome the Digital Markets, Competition and Consumers Bill (the Bill), a vital piece of legislation that will open up digital markets to fair competition, save consumers money online, and provide them with greater choice. It is a key part of global efforts to re-establish much-needed competition in key online markets, of which the UK government should be proud.

We wholeheartedly agree with your [comments](#) at London Tech Week that the single most important reason that innovators should choose the UK is leadership. Through the creation of the Digital Markets Unit (DMU) within the Competition and Markets Authority (CMA), the UK has led the world in developing a principles-based pro-competition regime that will enable large tech firms to keep on innovating, while opening up opportunities for UK start-ups, and ensuring that businesses of all sizes are treated fairly in their dealings with the world's most powerful tech firms.

To achieve these outcomes, the Bill must continue to support a targeted approach to regulation. To this end, the DMU should apply its rules only to a handful of the largest firms that occupy gatekeeper positions in the modern economy, and the Judicial Review standard for appealing CMA decisions must be maintained to ensure that the objectives of the new pro-competition regime can be realised. Judicial Review is a tried and tested mechanism for appealing regulatory decisions across forward-looking regulatory regimes in the UK, including the CMA's existing merger control and market investigation powers. Subjecting the CMA to a different standard would undermine the autonomy of the CMA and create regulatory confusion.

The need for speedy decision-making and enforcement is one of the key reasons that ex-ante regulation in digital markets is essential, to make them fair and keep them fair. Judicial Review will ensure that the CMA can act swiftly, allowing designated firms and challengers to plan ahead with certainty.

If CMA decisions were appealable on a 'full merits' or 'Judicial Review-plus' standard, powerful firms with unlimited legal budgets could leverage their resources and unparalleled strength in the courts to obstruct and delay the entire regime: on average, merits appeals take [twice as long](#) as appeals on Judicial Review principles. A participative approach to enforcement would also be undermined, with reduced incentives for designated firms to work with the CMA. This would make the UK fall further behind other jurisdictions such as the European Union, where the Digital Markets Act has already passed. Ultimately, slow and ineffective enforcement will place UK businesses at a competitive disadvantage internationally, as the CMA will be unable to move quickly enough to address significant anti-competitive harm. This will see consumers paying higher prices with fewer innovative products available.

It is important to note that there is no trade-off to be made between the speed of enforcement and the standard of decision-making. The CMA is an internationally respected regulator, with unmatched expertise based on years of detailed study of digital markets, and robust checks and balances. This means it is best placed to make highly complex decisions in the interests of UK businesses and consumers.

The Bill has huge potential to drive investment and innovation in the UK economy, further enhancing our reputation as one of the world's tech capitals. Maintaining the Judicial Review standard in the context of a well-targeted regime will allow these ambitions to be realised, with homegrown and international businesses recognising the UK as a prime destination to build and grow.

We would welcome the opportunity to discuss the issues raised here in greater detail.

Yours,

- Coalition for App Fairness
- DuckDuckGo
- Expedia Group
- Gener8
- Kelkoo
- News Media Association
- Open Markets Institute
- Open Web Advocacy
- Professional Publishers Association
- Public Interest News Foundation
- Publishers Association
- Radiocentre
- Reset
- Responsible Online Commerce Coalition
- Skyscanner
- The Booksellers Association
- xigxag