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Direct Dial: 020 7901 3153
Email: confidencecode@ofgem.gov.uk

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**Ofgem's approach to the CMA provisional remedy regarding Confidence Code -
removal of the requirement on PCWs to show the whole of market**

In its Provisional Decision on Remedies Report¹, the Competition & Markets Authority (CMA) proposed a recommendation in relation to the Confidence Code Whole of Market (WoM) Requirement. In light of this, we have received a number of queries regarding our approach to enforcing compliance with these rules. This letter addresses these queries.

The CMA provisionally proposes to recommend to Ofgem that it removes the WoM Requirement in the Confidence Code and introduces a requirement for PCWs accredited under the Confidence Code to be transparent over the market coverage they provide to energy customers.

We are committed to implementing the CMA's recommendations and fully support their aim to promote competition and innovation. However, it is important that we consult fully on this proposed recommendation to ensure that all consequential impacts and interactions with other remedies have been considered.

In the meantime, we believe it is important to clarify that the Confidence Code's WoM Requirement will remain in force until such time as our consultation is concluded and we publish a decision on any future Confidence Code changes. We will not be issuing such a consultation before the CMA has published its final report.

If you would like to discuss any of the issues raised by this letter, you can contact us at confidencecode@ofgem.gov.uk.

Yours sincerely,

Adam Cooper
Associate Partner
Consumers & Competition

¹ CMA's Energy Market Investigation Provisional Decision on Remedies, 17 March 2016:
https://assets.digital.cabinet-office.gov.uk/media/56efe79040f0b60385000016/EMI_provisional_decision_on_remedies.pdf