

Department for Business & Trade: Refining our competition regime

1. The British Veterinary Association (BVA) is the national representative body for the veterinary profession in the United Kingdom. Our mission is to represent, support and champion the whole UK veterinary profession. We are a professional body, and our members are individual veterinary surgeons. We take a keen interest in all issues affecting the profession, including animal health and welfare, public health, regulatory issues, and employment matters.
2. We welcome the opportunity to respond to the Department for Business and Trade's consultation which seeks views on a package of reform proposals to improve the pace, predictability, proportionality and process of the UK's competition regime. We support the primary aim of ensuring that the framework continues to promote effective competition, support economic growth, and deliver benefits for consumers and businesses, while maintaining the independence of the Competition and Markets Authority (CMA).
3. With the provision of veterinary services for household pets in the UK having been under investigation by the CMA for two and half years, and with the CMA's Final Decision Report only just published, we are well placed to comment on proposals to streamline the investigation process. As one of the main parties in the vets investigation we have direct and current experience of the process which the CMA is currently required to adhere to, and the associated impact on the veterinary professionals working within the sector under investigation.
4. The CMA announced a market review of the provision of veterinary services for household pets in the UK in September 2023. That announcement prompted a huge amount of negative media reporting about the veterinary sector, with a considerable number of unfair accusations levelled at vets.¹ As the CMA review progressed, the media challenges continued, including a deeply offensive and damaging characterisation of vets as dishonest and profiteering.² Although we recognise that the investigation process itself is not directly responsible for media attacks on the veterinary profession, we do know from our members that the protracted uncertainty around the direction and likely outcomes of the review and subsequent investigation, set against an existing backdrop of negative media attention and associated abuse from some clients, directly contributed to a significant increase in stress and damaged the health and wellbeing of veterinary teams.³
5. We fully understand that the CMA must be thorough in its approach, and pace should not come at the expense of evidence-based analysis and procedural safeguards. Throughout the investigation into the veterinary services market for household pets we have welcomed the willingness of the CMA to properly understand the complexity of the market and have been pleased to be able to support this through multiple written submissions, 'Teach-Ins' with the Inquiry Team, formal hearings, and extensive visits from the CMA team to a wide-range of veterinary practices around the country. When the CMA announced a delay to their provisional decision, we were disappointed because the extension prolonged uncertainty across the veterinary sector, but we recognised that the decision had not been taken lightly and was with the sole aim of ensuring that any remedies were appropriate and proportionate for a complex market.

¹ <https://www.bva.co.uk/news-and-blog/news-article/cost-of-vet-care-challenging-misleading-media-reports/>

² <https://www.bva.co.uk/news-and-blog/news-article/bva-challenges-the-guardian-on-deeply-offensive-and-damaging-characterisation-of-vets/>

³ Data from BVA's Voice of the Veterinary Profession November 2023 survey revealed that since the CMA announced its review, around 1 in 4 vets reported having experienced an increase in incidents of abusive behaviour in practice.

6. The CMA did not undertake a market study of the vet sector, with the CMA moving directly from a market review to a market investigation. However, we can see that the current disconnect between market studies and investigations limits the extent to which the CMA can deliver effective outcomes as quickly and efficiently as possible. We consider that the proposal to replace the existing market study and market investigation system with a new single-phase market review tool, is likely to deliver an improved experience for representative bodies, professionals, and other stakeholders operating within the particular market under scrutiny. With a simplified process and with a final report or decision on provisional adverse effect (on competition or consumers) published within 6-12 months, the uncertainty and associated negative impact is likely to be considerably reduced. For the veterinary profession, where less intrusive remedies (eg transparency measures) have been the CMA's main focus, this single-phase approach could have meant consultation on provisional remedies and a final report within as little as 18 months. This would have been far preferable to the much longer period of two and half years, and associated drain on our human resource, which we have experienced from beginning to end. With consultation on the CMA Orders and subsequent delivery still to come, consumers are yet to see any real change, which further clouds their view of the veterinary profession and damages trust.
7. We also understand that the proposal of a single-phase review tool will deliver other benefits, including allowing for the identification of the types of potential remedies being considered earlier in the process, providing greater transparency and predictability. This would also have been very welcome from our perspective and would likely have reduced the negative impact which protracted uncertainty had on the veterinary profession.
8. On the basis of our direct experience as a main party in a current CMA investigation, we agree the existing market study and market investigation model should be replaced with a new single-phase market review tool.

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