

ROAD FUEL MONITORING

Consultation on draft guidance for
information gathering powers

19 December 2024

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1. Introduction

- 1.1 On 14 November 2024, the Competition and Markets Authority (CMA) opened a consultation which ran until 5 December 2024.¹ We sought views on proposed draft guidance on the exercise of statutory information gathering powers relating to our new road fuel monitoring function under the Digital Markets, Competition and Consumers Act 2024.
- 1.2 We asked the following questions:
- (a) Do respondents agree with our proposed approach that ongoing information requests should cover: (i) supermarkets; (ii) motorway retailers with five or more sites; and (iii) other retailers with 80 or more petrol filling station (PFS) sites across their group? If not, who do you believe we should be requesting information from?
 - (b) Do respondents agree with our proposal for retailers to submit monitoring information to us on a quarterly basis rather than more frequently? If not, please detail your preferred reporting frequency and why.
 - (c) Do respondents agree that data required for a specific month or quarter should be provided by the 15th day of the second month following that period? If not, please explain your preferred timing of submissions and why.
 - (d) Are there any other issues or information the CMA should include in the guidance we will publish on exercising our information gathering powers for our motor fuel monitoring function?
 - (e) Do respondents agree that an online portal should be set up and used as a way for retailers to submit data for the road fuel monitoring function? If so, are there any particular features you would like the CMA to consider, if it is developed?
- 1.3 The CMA received 11 responses to the consultation. Respondents included: six retailers (three supermarket and three non-supermarket); three trade representative bodies; and two price comparison sites. The CMA would like to thank all those who responded to the consultation.

¹ [Road fuel monitoring – consultation on draft guidance for information gathering powers](#)

- 1.4 This document summarises the comments received, and the CMA's views on these. It does not seek to address every point raised. All responses to the consultation are available on the consultation webpage.²
- 1.5 The CMA has published its guidance for information gathering powers alongside this document.

² We have published non-confidential versions of each response; one is marked confidential, but the respondent has confirmed they are content for it to be published in full. Responses may be accessed at [Closed consultation: Draft new guidance for road fuel monitoring](#).

2. Issues raised by respondents and our response

Who should submit information

- 2.1 The CMA proposed that ongoing information requests should cover: (i) supermarkets; (ii) motorway retailers with five or more sites; and (iii) other retailers with 80 or more PFS sites across their group.

Summary of responses

- 2.2 The majority of respondents agreed with our proposal. Comments included that this level gives good coverage of the market and that it seems proportionate. However, it was also proposed that the CMA should keep the level under review, including assessing if there are any gaps in our regional or local pricing information. One respondent also noted that when the CMA is undertaking its analysis, it should also consider operators who operate motorway service areas but are not necessarily on the strategic road network. A lack of clarity on why the CMA proposed 80+ sites, across a group, as a threshold was also noted.
- 2.3 The three supermarket retailers submitted that the threshold should be reduced to ensure more comprehensive coverage, with suggestions including that the threshold should be set so as to cover 75% of the market or set at operators with 20 or more sites.

The CMA's views

- 2.4 The proposed threshold of 80 or more sites captures operators with at least c.1% of the 8,353 sites across the UK,³ and implies that at this time the same retailers (and thus equivalent proportion of the market overall) will be in scope as for the Road Fuel market study and our interim monitoring since. This equates to capturing approximately two-thirds of the road fuel sold across the UK. Reducing the threshold would increase the proportion of the market on which we would obtain information but would mean an additional administrative burden, particularly on smaller businesses.
- 2.5 Reflecting that the majority of respondents agreed with our original proposal, and that we believe it provides an appropriate balance between the coverage required for robust analysis and burden on business, we will proceed as per our proposal. However, we will keep this under review, especially as the market changes as the UK transitions towards net zero. This will be supported by data from the Fuel Finder scheme when it becomes available – which will strengthen our ability to

³ Source: the [Petrol Retailers Association's Market Review 2024](#).

monitor changes in the market, as well as providing a rich data source for assessing the dynamics of local and regional road fuel markets.

Frequency of reporting

- 2.6 The CMA proposal was for retailers to submit monitoring information to us on a quarterly basis rather than more frequently.

Summary of responses

- 2.7 Respondents agreed with the proposal, with one comment noting it aligns with typical business cycles.

The CMA's views

- 2.8 The CMA will proceed as per the proposal. Delays in the provision of information could risk delaying the CMA's quarterly reports or meaning the analysis in them were incomplete. If a retailer encounters an issue with submitting its information it should engage with the CMA as early as possible. The CMA's statement of policy on whether and in what amount administrative penalties may be imposed is explained in CMA4.

Data submission deadlines

- 2.9 The CMA proposal was that data required for a specific month or quarter should be provided by the 15th day of the second month following that period (so approximately six weeks after the relevant period closes).

Summary of responses

- 2.10 There was broad agreement with this proposal. One respondent requested that the CMA consider the individual reporting periods for retailers when considering submission periods. There was also a request that extra time be allowed for the first information request if a company needs to reformat its reporting process in order to comply with the CMA's request. One respondent also noted that without the specific details of the information being requested, it is hard to draw a conclusion on how reasonable this time frame will be. Other comments also included a request for the CMA to show leniency at the outset, as they address resource requirements etc, or if a retailer encounters genuine problems submitting information.

The CMA's views

- 2.11 In line with the broad agreement of respondents, that approximately 6 weeks is consistent with the approach taken during our interim monitoring function, and that

we will require similar information from retailers on an ongoing basis to that we requested during our interim monitoring function, we will proceed as per the proposal. Our information notices will detail the information that is required and by when.

- 2.12 The CMA will also facilitate more frequent submissions of information, such as monthly, for those retailers who would prefer to do so. However, the deadline for receiving the relevant information will be the same (ie we will require the relevant information covering the period to 31 December by 15 February, and so on).

Additional issues to be considered

Summary of responses

- 2.13 A number of respondents noted a desire for consistency of reporting and suggested the CMA produce a template for submitting information to ensure a consistent approach across all respondents.

The CMA's views

- 2.14 The consistency of reporting and template comments is addressed under the next heading.

Method of submitting information

- 2.15 The CMA proposal was that an online portal should be set up and used as a way for retailers to submit data for the road fuel monitoring function.

Summary of responses

- 2.16 There was general agreement that an online portal should be developed, with respondents noting that cybersecurity, mobile accessibility, data validation tools and a user-friendly interface are features that should be considered. One respondent also raised that the ability to save responses in draft prior to submission would prove helpful. The value of technical support and engagement with the industry in the design and use of such a portal were also noted.
- 2.17 One respondent noted they did not believe an online portal was needed, with retailers being able to determine how they submit the information themselves. One respondent stated they did not believe it should be implemented if there was a resulting cost for retailers. Two respondents also proposed that the online portal should be developed in line with the Fuel Finder scheme, in order to avoid duplication of work.

The CMA's views

- 2.18 The CMA will commence work to scope an online portal. An early and important step will be engaging directly with those retailers who are likely to be submitting information via the portal in order to ensure that it is fit for purpose for both retailers and the CMA.
- 2.19 We will aim to develop and implement a portal as soon as is feasible. In the interim, we will request information submissions be made to the CMA via secure emails, as has been the case for the interim monitoring function.
- 2.20 Once in place we anticipate the portal itself providing a template for the information to be provided, and we will produce user-friendly guidance on how to use it.
- 2.21 For the avoidance of doubt, the online portal the CMA will look to develop will be for the provision of relevant information to the CMA that will be important for our ongoing monitoring of the road fuel market. Much of that information will be commercially sensitive financial information relating to the relevant retailer. It is distinct from the Fuel Finder scheme that is being taken forward by DESNZ.

3. List of respondents

Asda

Association of Convenience Stores

Automate App Limited / PetrolPrices

BP plc

Fuels Industry UK

Moto Hospitality Ltd

Petrol Autos

Petrol Retailers Association

Sainsbury's

Shell UK Ltd

Tesco PLC