

CMA consultation on draft guidance for information gathering powers

- 1. Do respondents agree with our proposed approach that ongoing information request 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? If not, who do you believe we should be requesting information from?**

We appreciate the potential administrative and financial burden the submission of information may cause for smaller independent or family-run PFS owners and agree that these types of businesses should not be included in the covered list of respondents.

However, we would note that the exclusion of “other retailers” with fewer than 80 sites across their group would leave out a sizeable portion of the market that would merit inclusion in order for the monitoring to lead to meaningful conclusions.

We fear that this exclusion could ultimately lead to an inaccurate view of prices and the industry’s profitability, focussing solely on the larger and more efficient operators on the market.

We would encourage the CMA to analyse the share of the market which would be included by lowering the threshold. We would consider lowering the threshold to ensure covering, for example, 75% of the national PFS estate to equate to a more representative view of the overall market.

- 2. 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.**

We agree with the CMA’s proposal with regard to the reporting frequency and consider this basis to be appropriate for the purpose of allowing the CMA to perform its monitoring function.

- 3. 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.**

We would ask the CMA to consider the individual financial reporting periods which are applicable to each of the reporting companies when deciding on the date of submission.

In order for us to provide complete and accurate information from our entire network, the earliest we can do so would ideally be 2-3 weeks after each quarter closes and the financial reports are finalised.

- 4. 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?**

We currently do not consider the need for any additional information or issues to be included in the guidance which the CMA will publish on its information gathering powers in the context of its fuel monitoring function.

- 5. 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?**

Our understanding of the above question is that the ask of the CMA would be for retailers to submit data files via an online portal. As per our previous feedback on the sharing of data, we believe that an API approach to communicate this data is more efficient, secure and easier to monitor from a retailer perspective.

Given the number of retailers who would be involved, we would expect a spectrum of systems and technical architecture at play. As such, we would ask the CMA to consider allowing for a degree of flexibility in technical approach to allow the aggregator to achieve the stated outcomes, working with specific retailers on their preferred technical approach that meets the required SLAs.