

Competition and Markets Authority

25 Cabot Square
Canary Wharf
EC14 4QZ

5 December 2024

For the attention of: The CMA Road Fuel Remedies Team

By email: RoadFuel.remедies@cma.gov.uk

The Road Fuel Monitoring – Consultation on draft guidance for information gathering powers

1. We refer to the CMA's [consultation](#) on draft guidance relating to its information gathering powers for fuel (the "**Consultation**").
2. As the CMA will know, we have cooperated with it throughout its review into the fuel industry, and continue to do so.
3. We have reviewed the Consultation, and set out our thoughts / observations on this below:
 - a. To prepare its reports, we consider that the CMA should request information of all UK fuel retailers (i.e. not just supermarkets, oil majors and other retailers with more than 80 sites). Full market coverage is the most equitable and consistent way to proceed. It would avoid unintended oddities (e.g. where a player has fewer than 80 sites, but holds a very strong presence in a particular region). This will also ensure that the CMA's reports present to customers a complete and comprehensive overview of the market. At present, the CMA's voluntary approach to reporting covers only c.13 retailers.¹ There should be complete consistency between the scope / coverage of the fuel finder scheme and the CMA's reporting mechanism. As an absolute minimum, the CMA should source information from supermarkets, oil majors and those retailers with more than 20 sites – any lower threshold could mean that the CMA's subsequent reports are incomplete and not reflective of true market conditions.
 - b. We have no concerns with the CMA's proposal that information is submitted (i) on a quarterly (as opposed to monthly / periodic) basis; and/or (ii) by the 15th day of the second month following the end of the period relevant to the CMA's request. We think this is a proportionate and reasonable way to proceed to ensure the CMA has the

¹ See paragraph 1.15 of the CMA's November interim monitoring report.

information required to prepare its reports on a timely basis. Where a retailer expresses a difficulty in meeting a deadline / complying with a request for genuine reasons, we would ask that the CMA exercises some leniency before taking any enforcement action.

- c. We consider that the establishment of a stand-alone portal for the submission of information is unwarranted in the circumstances. We think this is likely to require time, cost and resource to establish. Retailers may also face difficulties in utilising such a system (e.g. considering legacy systems, security issues etc). To ease the burden on retailers as far as possible, we consider that retailers should remain free to determine both the format of a submission, as well as the methodology of its transmission to the CMA. If a portal is created, retailers should have an option as to whether they choose to integrate and use it.

4. Kindly acknowledge receipt.

Yours sincerely,

Sainsbury's