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techUK response to the CMA's consultation on draft direct consumer enforcement guidance and rules.

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Q1. Do you have any comments on the proposed process for submitting written representations on provisional infringement and/or administrative enforcement notices?

The proposed process must strike the right balance between the CMA's need for expedition while protecting the rights of the parties involved. Below we have requested certain clarifications and adjustments to provide greater certainty and predictability to companies that fall within the Act's requirements.

1. **Submission Deadlines:** While the CMA acknowledges that deadlines for submitting written representations will typically be between 20 and 30 working days from the date the Provisional Infringement Notice (PIN) is given, the potential for shorter deadlines in "appropriate circumstances" raises concerns as this could create uncertainty and/or resources constraints for member companies. We recommend that the CMA adopt a minimum standard of at least 30 working days, with shorter deadlines being an exception and only applied in truly urgent cases where there is clear evidence that consumer harm is imminent. However, there is merit to mirroring the requirements in the competition regime of "no more than 12 weeks". Additionally, clear guidance on what constitutes such "appropriate circumstances" would be beneficial to ensure predictability and fairness. The guidance should also offer all businesses, irrespective of size, the same timelines for preparing written responses. The guidance should also state specifically that deadlines will not be shortened unless there is a significant risk of harm to consumers.

2. **Conditionality of Extension Requests:** The provision allowing extensions "only exceptionally and where there are compelling reasons" is understandable, given the CMA's duty of expedition. However, we believe it would be beneficial for the CMA to provide more clarity on what constitutes "compelling reasons" to avoid ambiguity. This would help member companies to better assess the likelihood of obtaining an extension when necessary. Furthermore, as exceptions are likely to apply only to more complex cases and this requirement may not be evident early on, we recommend that the general deadline of five working days to file requests for extensions should be abandoned. The current wording that stipulates that such requests are to be made with the CMA 'as soon as possible' (2.38) should suffice as it aligns with the CMA's duty of expedition.. We also recommend abandoning the deadline of three working days to submit an extension request in the case of administrative enforcement notices, to mirror the approach taken with requests for extensions related to provisional infringements and to ensure consistency in the CMA's practice.

3. **Protection of Confidential Information:** Taking note of the CMA's discretion to require explanations for why certain information should be treated as confidential, we recommend that the CMA provide clear criteria and/or examples of what might be considered a valid confidentiality claim. Additionally, we suggest that companies be given more than ten working days to prepare a non-confidential version, especially in complex cases where significant redaction may be required.

4. **Timelines for CMA responses:** There is an absence of clarity on the CMA's timelines for responding to request/notices. This creates an imbalance where sometimes tight deadlines are imposed on businesses, without a reciprocal timeline for the CMA. The guidance should include clear, publicly available timelines for CMA responses.

Q2. Do you have any comments on the proposed process for conducting oral hearings on provisional infringement and/or administrative enforcement notices?

The opportunity for an oral hearing is a valuable addition to the written representations process, allowing for direct engagement with the CMA. We have only a few recommendations about this process:

1. **Scheduling of oral hearings:** We recommend that the CMA provide a reasonable interval between the submission of written representations and the oral hearing to ensure adequate preparation time for both the company and its legal advisers. This would also allow the company to fully digest the CMA's feedback on the written submissions and prepare targeted oral arguments. The guidance should also explicitly acknowledge that multiple such hearings may be required, particularly in complex cases. The guidance should note that the CMA will provide businesses with an indication of the key questions or topics they intend to cover during the oral hearing in advance.

2. **Legal Representation:** We appreciate the flexibility provided in allowing legal advisers to attend and assist in presenting oral representations, ensuring that companies can have sufficient legal and subject matter expertise present at the hearing, especially in complex cases. We request that the CMA clearly defines what would constitute "reasonable limits" and consider allowing parties to justify the need for a larger team if necessary for effective representation. It is unclear why the proposed guidance excludes third-party attendance (including professional advisors) at an oral hearing, a departure from the equivalent competition regime.

3. **Provision for follow-up written provisions:** While we understand the CMA's expectation that parties provide full responses to questions during the hearing, it is important to emphasize that parties may need time to consider their answers, especially in complex cases. We support the option to provide written responses shortly after the hearing and suggest that the CMA allow for a reasonable timeframe to ensure that responses are thorough and accurate. Furthermore, even if companies do answer all of the questions at the oral hearing, we nonetheless recommend that the CMA should allow companies to submit a brief follow-up written submission after the hearing, especially if new issues or questions arise during the oral discussions. This would ensure that the party's position is fully articulated and understood.

4. **Protection of Confidential Information:** As with written submissions, we request clear processes for identifying and protecting confidential information within the transcript. We request the CMA to ensure that sufficient time and guidance are provided for reviewing transcripts and making confidentiality claims.

5. **Raising Additional Points at the Oral Hearing**: The current wording of the draft guidelines suggests that the CMA may prevent the party from raising additional points at the oral hearing if it fails to agree with the party on the agenda for the hearing (2.46). As a result, the agenda—potentially excluding the possibility of raising additional points—is subsequently determined by the Hearing Chair (2.47), who is a member of the CMA staff. Parties should always have the opportunity to address points beyond those raised in written representations during oral hearings.

6. **Changes in the Final Decision Group(s)**: If the FDG change(s) after the oral hearing, the new decision maker should have the right to convene an additional oral hearing if necessary to determine If the FDG changes after the oral hearing, the new decision maker should have the right to convene an additional oral hearing if necessary to determine whether the party has engaged, is engaging, or is likely to engage in any of the infringements set out in the PIN, or if the party is an accessory to such an infringement (2.51).

Q3. Do you have any comments on the factors that the CMA proposes to consider when deciding whether to accept, vary or release undertakings?

Members have generally provided positive feedback on the CMA's proposed factors for consideration in this area. Below we have provided some recommendations that the CMA could implement to foster a more collaborative and streamlined process.

1. **Opportunity for preliminary dialogue with businesses.** Early resolution of cases can be beneficial for both businesses and consumers Developing proposed undertakings can require considerable human resources from member companies, and it would be very helpful if the CMA would be open to holding preliminary discussions with companies to assist them in assessing whether an undertaking might be an appropriate resolution strategy and in structuring proposals that are more likely to be accepted. Publishing examples of past cases where undertakings have been accepted or rejected would also be helpful. Similarly, for variation and release requests, it would be very helpful if the CMA could allow for preliminary discussions before formal requests are made, to gauge the likelihood of success and avoid unnecessary commitment of resources.

2. **Criteria for accepting undertakings.** The guidance should include a clearer explanation of the CMA's process for accepting undertakings and willingness to reach swift resolutions through agreeing undertakings with businesses. Examples provided in the draft guidance are more limited than the existing position taken by the CMA in relation to varying undertakings. **T**he notion of 'a short period of time' as a criterion for the CMA to be more likely to accept undertakings should be replaced with e.g., 'a reasonably prompt' period of time. The current wording does not seem to sufficiently consider the complexity of some cases (4.7b). The guidance should reflect the existing position taken by the CMA in relation to varying undertakings. Appropriate "reasonableness" and "materiality" thresholds should also be considered in this context

3. **Option of phased implementation.** Given the potential for companies to incur significant monetary penalties, we request the CMA to consider allowing for phased implementation in appropriately complex cases where immediate full compliance may be impractical. This would ensure that undertakings are not only effective but also realistic and sustainable, avoiding situations where companies might inadvertently fail to comply due to overly stringent timelines.

4. **Application of "material change of circumstances" to the technology sector.** Members appreciate the CMA's acknowledgment that undertakings may need to be varied or released due to changes in circumstances or business operations. This flexibility is crucial for businesses operating in the technology sector, where practices and consumer expectations can evolve rapidly. We encourage the CMA to also consider the pace of technological change when assessing whether an undertaking remains necessary or effective. For instance, what might be considered a "material change in circumstances" should include advancements in technology or shifts in market conditions that render previous commitments obsolete or less relevant.

Q4. Do you have any comments on the factors the CMA proposes to consider, the proposed minimum conditions and process for engaging in settlement discussions and accepting a settlement?

Settlements can in some cases be an expedient means of resolving a case, provided that the desire for efficiency and resource savings does not lead to undue pressure on parties to settle. We encourage the CMA to consider the following:

1. **Consideration of consumer benefits.** When assessing the suitability of a case for settlement, we encourage the CMA to not only consider procedural efficiencies and resource savings but also to give significant weight to the potential consumer benefits, particularly when the settlement goes beyond mere redress and offers advantages to all users.

2. **Ensuring that settlement proposals are not perceived as coercive.** The settlement timetable should be ensure that the parties are given adequate time and information to conduct thorough internal reviews, obtain necessary legal and expert advice, and assess whether settlement is in their best interest. This is particularly the case if the CMA indicates that it is open to settlement before a PIN has been issued as there may still be elements of the CMA's case that have not been fully articulated. Furthermore, the CMA should explicitly communicate that parties will not face any negative consequences if they choose to decline or terminate discussions.

3. **Reducing uncertainty within the settlement process.** After the parties have entered into a settlement agreement, the CMA retains significant discretion over a number of factors, including calculation of the initial penalty (before the discount is applied), the ability to issue damaging press statements and indeed its ability to withdraw the penalty discount if the Settlement Discount Conditions (SDCs) are not complied with. In order to reduce this uncertainty, the CMA should:
    - indicate that it is amenable to frank and open (without prejudice) discussions with companies regarding potential case outcomes to help reduce levels of uncertainty in the settlement process as far as possible;
    - provisionally set out its views on how any alleged infringement may be categorised in terms of level of consumer harm and culpability under section 7 of the draft guidance, thereby enabling businesses to have a clearer understanding of the likely level of penalty (pre-discount);
    - ensure that the SDCs are clear, simple and easy to comply with (noting that the CMA has the one-sided ability to revoke its settlement discount while still relying on any admissions of liability if the SDCs are not complied with); and
    - enable the parties to agree certain parameters in terms of the content of future CMA press releases as part of the settlement process (e.g. facts of the case that the CMA will or will not refer to in its press release).

4. **Penalty discounts / Settlement Discount Conditions (SDCs).** In our view, the CMA should not limit itself to the maximum penalty discounts described in 4.72. Depending on the complexity of the case, the CMA may benefit from having more flexibility in the discount rates based on the specific circumstances of each case, particularly if the company has provided high levels of cooperation and prior compliance efforts. This could encourage more companies to engage in settlement discussions earlier in the process. Furthermore, we have serious concerns regarding the CMA's one-sided ability to revoke the settlement discount while still relying on any admissions of liability made by the settling party if it breaches the SDCs. Aside from ensuring that there are no 'hair triggers' within the SDCs, the CMA should include provisions for a fair and transparent process before withdrawing a settlement discount. This could include a right for the settling party to make representations or to rectify any non-compliance within a reasonable period. Additionally, the CMA should differentiate between minor breaches and significant non-compliance when

considering the withdrawal of discounts before the CMA formally revokes the settlement discount. It is essential that settling parties are still able to hold the CMA to account in terms of procedural fairness (post-settlement) without any adverse inference from the CMA.

Q5. Do you have any comments on the factors that the CMA proposes to consider when determining whether a reasonable excuse for certain breaches exists?

As a general observation, we note that the CMA sets the bar extremely high for what constitutes a 'reasonable excuse' for a failure to comply with an information request by the required deadline. While the CMA's assurance that it will approach each case on its merits is welcome, the examples provided at Sections 7.48 and 7.49 appear to show little regard to the significant human resource challenges that businesses face when responding to wide-ranging CMA information requests. For example, it states that unplanned absences or annual leave will not be considered a reasonable excuse, and "death or incapacity" will only be accepted for sole traders or small businesses (which seems to suggest even this would not be considered a reasonable excuse for a large company).

We accept that firms may need to dedicate additional resources to responding to CMA deadlines, but urge the CMA to take into account the impact that responding to information requests has on individual staff members. For example, in some cases, a disproportionate burden will fall on a single or small number of employees with specialist knowledge, and this will likely be the case irrespective of company size. The draft guidelines should make it clear that the CMA will endeavour to provide deadline extensions in cases where they are genuinely needed. The current approach relies too much on the CMA's discretion.

Below we provide some comments encouraging the CMA to consider the unique challenges faced by technology companies when determining reasonability.

1. **Foreseeability.** In addition to events that are "significant and genuinely unforeseeable" as a basis for a reasonable excuse, we encourage the CMA to also consider significant operational disruptions that may not have been entirely unforeseeable but were nevertheless unavoidable despite reasonable efforts to comply. This could include, for example, complex cybersecurity incidents or substantial disruptions due to third-party service providers. When evaluating whether technology failures could have been anticipated or avoided, it's important to recognise that modern technology systems are highly complex, with many interconnected parts. These interdependencies can sometimes lead to compliance issues even when companies are making every effort to prevent them. Additionally, technology companies often need time to thoroughly analyse the potential impacts of any engineering changes before they implement them, to avoid unintended problems.

2. **Reporting of staff errors.** While the CMA acknowledges staff error as a potential reasonable excuse, the requirement that the mistake be "promptly brought to the CMA's attention before the CMA relies on the information" might not always be practical, especially in large organizations with multiple layers of review and approval. The CMA should consider extending the time frame within which a company can report errors, particularly in cases where the error was identified through internal compliance reviews or audits. This would encourage companies to proactively manage and correct compliance issues without fear of automatic penalties.

3. **Absence of specific personnel.** We accept that the unplanned absence of specific personnel may not always constitute a reasonable excuse for larger companies (although as noted above, this is relevant to any requests for deadline extensions). However, we encourage the CMA to be more open to considering such absence as a mitigating factor. As noted above, certain compliance tasks may require highly specialized knowledge that cannot be easily transferred or covered by other personnel, and smaller companies may not have sufficient human resources to train

multiple staff members on specialised tasks. The CMA should provide a reasonable timeframe within which to correct incidents of non-compliance caused in such instances, provided that the company has made reasonable efforts to meet their responsibilities during the period of absence. Alternatively, the CMA could insert specialised carve-outs for the absence of personnel with specialised knowledge and personnel who are absent due to unplanned sick leave or who were on leave before the CMA contacted the company.

Q6. Do you have any comments on the objectives and considerations that the CMA proposes to apply in imposing monetary penalties for substantive and/or administrative breaches?

We have no concerns with the CMA's general policy objectives in this area.

As our membership includes a high number of multinational companies, we have some concerns over the proposal to impose "substantial uplifts" to penalties in cases where UK turnover is a small proportion of global activity. While the logical framework for determining the starting point of any potential penalty at Step 1 is welcome, we are concerned that the lack of a guiding framework at Step 2 could undermine this process by leaving the door open to the CMA to impose substantial deterrent uplifts on the basis of value judgments.

This could result in disproportionate penalties for global companies, where the scale of their international operations might result in penalties that are excessively punitive relative to the actual harm or breach.

We therefore call for the CMA to publish a more transparent framework for how it would calculate any penalty uplift at Step 2. This should include:

- further clarity on how the CMA intends to determine a company's worldwide turnover and 'UK turnover'. These calculations should align with existing calculation methods applicable to the given industry;
- a requirement for the CMA to clearly evidence the *need* for any deterrent uplift rather than simply pointing to the scale of the company's global turnover;
- a requirement for the CMA to set out a transparent decision-making process for how it arrives at any eventual uplift at Step 2;
- a commitment to avoid any "double-counting" at Steps 1 and 2 of the penalty calculation process. In particular, large companies with high numbers of UK customers are already likely to be heavily penalised at Step 1 due to their high UK turnover and, potentially, due to the high number of customers affected by their commercial practices (which is relevant to the 'level of harm' categorisation at Step 1A). This means that a significant uplift at Step 2 may be unnecessary in most cases; and
- having a cap on the maximum "uplift" of the penalty compared to the UK turnover;

Q7. Do you have any comments on the step-by-step approach and/or on any particular steps that the CMA proposes to apply in calculating monetary penalties for substantive breaches?

Members appreciate that the CMA has clearly defined the steps it intends to take when calculating penalties. For the considerations used within the assessment of harm (Step 1A), we would appreciate more quantitative guidance on what the CMA would consider to constitute 'major', 'significant' or 'moderate' harms. For example, is this determined by the severity of the harm to individual consumers affected by the relevant commercial practice, the overall scale of the harm (i.e. how many consumers were affected in total), or a mixture of both?

While this may present methodological challenges to the CMA (particularly in the case of non-economic harms), clearly and publicly explaining how these terms (e.g. what constitutes a "large non-economic loss") will be defined and calculated is essential for ensuring transparency, proportionality, and equality of treatment. techUK would be happy to assist the CMA in engaging with our member companies about proposed methodologies.

While the guidelines emphasise the importance of proportionality, they also suggest that penalties may be adjusted upwards for deterrence purposes, potentially exceeding the statutory cap before adjustment. As mentioned in our response to Q6, we have concerns about the potential for penalties to be adjusted based on worldwide turnover. There should be clear procedural safeguards to ensure that penalties are not disproportionate to identified harms, and that there is no double-counting across Steps 1 and 2.

Furthermore, we have some concerns in relation to the Step 1B of the penalty (level of culpability), specifically:

- For the assessment of culpability, we would appreciate clarity on whether general guidance from the CMA or other regulators, such as open letters, automatically qualifies a practice as high culpability, or if this guidance needs to be specifically directed at the subject of the investigation. Given the absence of independent input in the CMA's direct enforcement regime (see Q.11 below), there is a real risk that CMA guidance effectively becomes de-facto law. This is particularly concerning as CMA guidance documents are rarely industry-specific and often more focused on general retail rather than digital platforms. A more proportionate approach would be to reserve high culpability for cases where the CMA has previously published a FIN related to the relevant commercial practice and/or there is established case law on the subject in the High Court. Failure to comply with guidance should be downgraded to medium culpability.

- The guidance should provide further detail and clarify the proposed aggravating factors. Those listed are non-exhaustive and, without detail, cannot properly be used to determine severity. For example the factors do not consider: that efforts may have been made to remedy a breach, even if it was continuing; that a party would have already faced a penalty for a previous breach (and so do not being penalised again for that previous breach even if it were not similar to the one being investigated); that any concealment was deliberate or not; whether involvement by senior management or staff was caused by misconduct, or previously unknown, systemic issues.

- The guidance should also be broadened (as above) to account for further mitigating factors. This could include: demonstrating a history of compliance; taking voluntary steps beyond legal requirements and engaging in industry best practice; and demonstrating investment on consumer protection policies and systems.

- We also consider that there is too much emphasis on self-regulatory bodies (e.g. the ASA) and regulators such as Trading Standards which tend to have a much narrower focus than the CMA. Adverse ASA Rulings should only amount to high culpability if they were addressed directly at the party in question and concern the exact the same commercial practice as the infringing conduct.

Failure to comply with general guidance on the CAP Code or Trading Standards guidance should not amount to anything higher than medium culpability.

- More detail is required in relation to the role that staff training plays in assessing culpability. It is not clear what "failure to control" staff means in practice, and the requirement to train staff "to comply with the law" is too vague. These issues are more directly relevant to whether or not there has been a breach of consumer law in the first place – particularly cases that hinge on the professional diligence test. Staff training should only have an adverse impact on culpability in the case of serious omissions. We support the positive approach for assessing low culpability in cases where companies have taken active steps to implement a consumer law compliance program.

Finally, members have expressed some concern that Step 4 (additional evaluation and judgment) seems to relativise the previous, more objectively assessable steps. Therefore, we encourage the CMA to reiterate the importance of proportionality here and apply this step solely for lowering the proposed penalty (7.35). Since advice or decisions from the CMA or other regulators affect the determination of culpability and, ultimately, the penalty, it's crucial to ensure legal certainty in the event of contradictory rulings. In such cases, the CMA should issue an explanatory update to provide clarity for the industry (7.26). The absence of such a note or any conduct that does not reflect the interpretation outlined in the note prior to its issuance should not be considered a deterrent to the party.

Q8. Do you have any comments on the factors that the CMA proposes to consider when deciding whether to impose a fixed or daily penalty for administrative breaches?

The potential for daily penalties to accumulate rapidly raises concerns about proportionality and fairness. The use of a percentage of worldwide turnover as a cap could result in penalties that are disproportionately high for administrative breaches, which may not necessarily reflect the seriousness or impact of the breach. We recommend that the CMA consider introducing additional proportionality checks to ensure that the total value of penalties is fair and reasonable relative to the nature of the administrative breach. Additionally, we encourage the CMA to provide a grace period or a clear warning system before the imposition of daily penalties, allowing companies to rectify any non-compliance without the immediate threat of escalating financial liabilities.

Q9. Do you have any comments on the step-by-step approach and/or on any particular steps that the CMA proposes to apply in calculating monetary penalties for administrative breaches?

Given that the proposed steps are broadly similar to those proposed to apply in calculating monetary penalties for substantive breaches, please refer to our response to Q7 above.

The major difference is Step 1E, where the CMA will decide between fixed rate, daily penalty or a combination of the two. As discussed in Q8 above, we have concerns that daily penalties could rapidly escalate and result in disproportionate penalties, especially for larger companies. Outlining specific scenarios where a daily penalty is more likely to be imposed versus a fixed penalty would be beneficial.

We also encourage the CMA to provide more information on how they intend to assess proportionality in cases where both a fixed penalty and a daily penalty are applied cumulatively (7.66). One measure to ensure proportionality would be to ensure that a fixed penalty cannot be imposed if daily penalties have also been imposed and the failure to comply has been remedied (7.62c).

Q10. Do you have any comments on the factors that the CMA proposes to consider when deciding whether to start proceedings for recovery of unpaid monetary penalties?

We do not have significant concerns in this area. The CMA is correct to balance the recovery of monetary penalties with the enforcement of consumer redress measures, giving the latter absolute priority, particularly in cases where a company may lack the financial resources to meet both obligations concurrently. Furthermore, we welcome the CMA's willingness to consider time-to-pay applications and proposed payment plans for companies that are experiencing temporary cash flow issues.

We recommend that the CMA provide more specific guidelines on the evidence and documentation that companies should submit when raising concerns about their ability to pay for consumer redress, or when requesting a time-to-pay arrangement or proposing a payment plan. This could include examples of acceptable financial statements, cash flow projections, or other relevant information.

Q11. Do you have any comments on the proposed internal CMA decision-making arrangements for direct consumer enforcement cases?

The overview of key decisions throughout the investigation under Section 8.25 of the draft guidelines starkly illustrates the lack of independent oversight throughout the investigation. The Final Decision Group (FDG) only becomes involved at the very end of an investigation before a FIN is issued. This raises serious concerns in relation to confirmation bias given the close relationship that the Senior Responsible Officer (SRO) has with the case team. Introducing independent oversight at such a late stage seriously undermines the credibility of the CMA's decision-making process. We urge the CMA to reconsider this approach.

Furthermore, while we welcome the commitment to ensure that other members of the FDG will be of equivalent or greater seniority to the SRO, it is not clear why the SRO needs to be a member of the three-person FDG at all. The FDG should exclusively comprise senior CMA colleagues who have no direct involvement in the case.

Finally, we note that Section 6.4 of the draft guidelines suggests that the CMA may first make an informal approach to parties in potential breach to enable them to engage in settlement negotiations. This step does not appear to be included within the process map in Appendix C. We encourage the CMA to always attempt to approach firms informally and to only name the party where this informal procedure has not been conclusive.

Q12. Do you have any comments on the proposed scope and process for referring and deciding procedural complaints?

In instances of a procedural complaint, we recommend that the CMA should designate a different Senior Responsible Officer (SRO) from the person that has led the case in order to assess the validity and outcome of the complaint. This measure is intended to uphold impartiality in decision-making and may prevent the need to escalate the complaint to a Procedural Complaints Adjudicator (PCA).

Where the involvement of a PCA is required, we encourage the CMA to clarify how it will ensure that the PCA's binding decisions are enforced promptly and effectively by the case team, particularly in cases where the PCA's ruling diverges from the initial decision of the SRO.

Some member companies have also commented on the tight timeline for referring a complaint to the PCA (within five working days of the SRO's decision). This may present challenges for companies with limited legal resources or where the decision in question is complex and requires careful internal consideration. We therefore recommend that the CMA consider extending the referral period to at least ten working days. This extension would provide companies with sufficient time to prepare a thorough and well-supported complaint, especially in cases where the issue at hand involves detailed legal or technical arguments. Additionally, the CMA might allow for exceptions or extensions in cases where the party can demonstrate that additional time is required due to the complexity of the issue.

The guidance should also state that no penalty will be imposed by the CMA for a failure to comply with a deadline which is subject to the complaint/review process, and/or that short extensions should be provided as a right during this complaint/review process.

Q13. Do you have any other comments on topics not covered by the specific questions above?

We believe the introduction of redress for lost time, productivity, distress or inconvenience could drastically widen the scope of potential compensation that members may have to pay. It would be beneficial for the CMA to provide guidance on the circumstances in which such non-financial losses may be payable and how their value will be calculated. We also recommend that the CMA clarify the burden of proof needed for affected consumers to evidence loss under these headings.

Contact

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