

Fuel Finder

**Draft guidance on the CMA's
enforcement functions - for
consultation**

13 October 2025



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Summary

Purpose of this document

1. This document sets out for consultation draft guidance in relation to the Competition and Markets Authority's (CMA's) enforcement functions under The Motor Fuel Price (Open Data) Regulations 2025.

Background

2. In 2023 the CMA completed a [market study](#) into the supply of road fuel in the United Kingdom. The market study found that competition in the retail sector for petrol and diesel had weakened since 2019, meaning that drivers were paying more for road fuel at any given level of wholesale prices. To address this weakened competition, we made two recommendations to government, which were both accepted:
 - create a road fuel monitor function within an appropriate public body; and
 - establish an open data fuel finder scheme, on a statutory basis.
3. The government confirmed that it intended to legislate to deliver both recommendations, and that the CMA would take on the statutory monitoring function. Since then, the Digital Markets, Competition and Consumers Act 2024 (**DMCC Act**) received Royal Assent and gave the CMA the powers to undertake the statutory monitoring function. These powers came into effect in January 2025.
4. The monitoring function is expected to act as a deterrent against businesses taking actions that may weaken competition in the road fuel market. It will hold industry to account. The monitoring function will also provide the government and the public with ongoing insight into the road fuel market as the UK transitions to net zero. Following a public consultation, the CMA published [Guidance](#) on its monitoring function. Other information on our monitoring function may be found on our [webpages](#).
5. The government confirmed it would be implementing the open data scheme for road fuel prices ('**Fuel Finder**'), which will mandate every petrol filling station (PFS) in the UK to provide their fuel prices within 30 minutes of a change. The government consulted on the scheme in 2024, including on:

scheme objectives, delivery model, participation in the scheme, coverage, data to be reported, method of reporting, data sharing and enforcement.¹

6. The CMA will have an enforcement role for suspected cases of non-compliance in relation to the Motor Fuel Price (Open Data) Regulations 2025 (the **Regulations**). Please note, the Regulations are currently subject to the affirmative procedure before Parliament, and therefore may be subject to change. References to provisions in the Regulations are therefore to the draft at the time of publication.
7. Fuel Finder will increase price transparency for consumers, allowing them to easily compare prices, so motor fuel traders (**MFT**)² must compete harder for their business. It will also provide a rich source of data that will reinforce the effectiveness of the monitoring function.
8. This consultation seeks respondents' views on how we propose to approach our enforcement role for non-compliance with Fuel Finder, as mandated in the Regulations. Following this consultation, we will publish guidance on how we will exercise our powers. We know that predictability is important to businesses, and the CMA is keen to be transparent in how it intends to apply its powers. The guidance should therefore support businesses to comply with their obligations under the Regulations and minimise the need for CMA enforcement action.
9. The CMA encourages you to respond to this consultation in writing using the contact details provided below. The consultation will run for three weeks. Responses should be submitted via [CMA Connect](#) or by email to roadfuel.monitoring@cma.gov.uk, by 5pm on 3 November 2025.

¹ [Empowering drivers and boosting competition in the road fuel retail market: open data scheme and ongoing monitoring function for road fuel prices - GOV.UK](#)

² The Regulations define MFT as "a person who offers motor fuel for sale in the course of a retail business, whether acting personally or through another person acting in the MFT's name or on the MFT's behalf."

1. About the consultation

Background

- 1.1 This section provides a short recap of our market study findings and recommendations, our work on road fuel since we published our market study, the [government's consultation outcome](#) on our recommendations, and the purpose of this consultation.

Market study findings and recommendations

- 1.2 On 3 July 2023 the CMA [published the findings](#) of our market study into road fuel. We found that:
- From 2019-22, average annual supermarket fuel margins had increased by six pence per litre (PPL).
 - Increased margins on diesel across all MFTs had cost drivers an extra 13 PPL from January 2023 to the end of May 2023.
 - With greater transparency and shopping around as effectively as possible, the driver of a typical family car could save up to £4.50 a tank within a 5-minute drive.
 - Motorway service stations are charging around 20 PPL more for petrol and 15 PPL more for diesel compared to other fuel stations.
- 1.3 Overall, at the national level, we found that competition between MFTs had weakened in recent years. The historic price leaders in the retail market, primarily Asda and also, to some extent, Morrisons, had been taking a less aggressive approach to pricing by significantly increasing their internal margin targets for fuel over recent years. Other MFTs had maintained largely passive pricing policies, pricing by reference to local competitors rather than responding promptly to cost movements and/or trying to win market share, and had therefore followed the same trend in prices and margins.
- 1.4 Local factors also contribute to how much drivers pay at the pump. We saw significant price differences between local areas, with lower prices typically associated with having a supermarket MFT nearby. Where MFTs are likely to have higher costs (eg more remote areas), prices are likely to be higher. There can be significant price differences within local areas, and the difference between the highest and lowest prices in local areas had increased as average fuel prices had risen.
- 1.5 Our two recommendations to the UK government from the market study were:

- The government should create a fuel monitor function within an appropriate public body, to monitor developments in the market, both nationally and locally, as we move through the net-zero transition, provide ongoing scrutiny of prices and consider whether further action may be needed to protect consumers.
 - The government should create, on a statutory basis, a fuel finder open data scheme to ensure MFTs provide up-to-date pricing that is available to drivers in an open and accessible format that can be easily used by third party apps such as satnavs or map apps, through a dedicated fuel finder app, or a combination of both.
- 1.6 Our recommendations were accepted by the then-government, which determined the CMA would take on the new statutory monitoring function and legislated for this in the Digital Markets, Competition and Consumers Act 2024 (**DMCC Act**). The DMCC Act included the information-gathering powers necessary for the CMA to fulfil the statutory monitoring function.³
- 1.7 The powers necessary for the CMA to undertake its role as the enforcer for non-compliance with Fuel Finder are included in the Data (Use and Access) Act 2025 (**DUA Act**). The DUA Act provides the legislative basis for the Fuel Finder scheme with price reporting obligations placed on MFTs and the monitoring and enforcement powers set out in the Regulations.

Temporary open data scheme

- 1.8 The CMA has implemented an interim pricing scheme until Fuel Finder is placed on a statutory footing and operative. It established the scheme rules for a [temporary open data scheme](#) in August 2023. This relies on the voluntary cooperation of MFTs and its purpose is to deliver quickly some of the benefits of open accessible pricing information to consumers until Fuel Finder is operational. It provides more up-to-date pricing data, than was previously available, in an open and unencumbered manner. The temporary pricing data scheme has 14 MFTs participating, covering around 40% of UK forecourts and 65% of fuel sold. Its establishment was an important first step towards securing better availability of pricing data for drivers, in advance of the implementation of the full statutory scheme. However, we recognise that the interim open data scheme is limited, especially given that the data is only

³ Following a public consultation, the CMA published [Guidance](#) on its monitoring function with other information on our monitoring function available on our [webpages](#).

updated daily and that there will sometimes be a lag between the setting of forecourt prices and the prices displayed by the third-party tools.

Government consultation response

- 1.9 The government published the [outcome](#) of its road fuels consultation on 30 October 2024, which covered our road fuel market study recommendations. In the response, government provided steers on the statutory monitoring function that we set out in our monitoring guidance.
- 1.10 The government also announced that the CMA will be the enforcer for non-compliance with Fuel Finder. The DUA Act provides the legislative basis to establish Fuel Finder through the Regulations. Under the Regulations, the CMA has been given powers of investigation so we can determine what breaches of the Regulations may have occurred and what enforcement action may be appropriate.

Fuel Finder

- 1.11 The government's consultation response noted that, subject to parliamentary timings, its aim was to launch Fuel Finder by the end of 2025. In May 2025, the Department for Energy Security and Net Zero (DESNZ) appointed an aggregator (a third-party service provider) to set up and operate Fuel Finder, VE3 Global Ltd (**VE3**). The outcome of the government's consultation sets out its key policy decisions for Fuel Finder.⁴ VE3 are informally engaging with MFTs as it prepares for the scheme's commencement.
- 1.12 A summary of the key government policy decisions for Fuel Finder, set out in its response, noted amongst other things:
- All UK retail petrol filling stations (**PFSs**) will be required to participate in Fuel Finder.
 - PFSs will be required to provide retail prices on all types of petrol and diesel and unavailability⁵ of these fuels.
 - PFSs will be required to report price changes of fuel within 30 minutes of that change occurring.

⁴ [Empowering drivers and boosting competition in the road fuel retail market: open data scheme and ongoing monitoring function for road fuel prices - GOV.UK](#)

⁵ Reporting unavailability is not a Requirement under the Regulations.

- A flexible approach to reporting responsibility will be adopted, allowing either central office or individual PFSs to report prices which will need to be agreed at the outset, referenced through the response document as the 'data holder'.
- The data created via Fuel Finder will be made available openly and freely to all third parties that wish to access it and are registered with the aggregator under regulation 12(1).
- The CMA will be the enforcer of Fuel Finder. It will take a proportionate approach, in line with its existing public law duties and it will consult on its enforcement guidance. The CMA will be able to impose civil financial penalties consistent with its road fuels monitoring function. This would be in addition to criminal offences of an unlimited fine (England and Wales) and statutory maximum (Scotland and NI).

Purpose of this consultation

- 1.13 This consultation focuses on the CMA's role as the enforcer for non-compliance with Fuel Finder. The Regulations require the CMA to publish guidance in relation to its enforcement functions, in particular about its approach to financial penalties and complaints relating to the exercise of the CMA's functions. We are consulting on proposed guidance relating to the exercise of our enforcement powers, including: expectations placed upon VE3 to ensure compliance and the role of MFTs; the CMA's approach to ensuring proportionate and targeted enforcement; the prioritisation principles we propose to apply; and financial penalties.
- 1.14 The guidance has been drafted in line with the CMA's commitment to its ['4Ps' framework](#): pace, predictability, proportionality, and process. The aim of the 4Ps framework is to support growth, investment and business confidence in the UK's competition and consumer regimes.
- 1.15 There are two parts to this consultation. The first part is set out in this document and provides the overarching framework for Fuel Finder, policy considerations and the questions on which we seek views from respondents. The second part is in Appendix A which sets out the draft enforcement guidance the CMA proposes to follow when seeking to enforce against non-compliance with the Regulations.
- 1.16 Following this consultation on our draft enforcement guidance, we will publish final enforcement guidance for MFTs who are required to participate in Fuel Finder.

2. Legal framework

Overview of the Regulations

- 2.1 Part 2 of the Regulations provides the framework for the appointment and role of the aggregator. VE3 have been appointed as the aggregator and will issue guidance on how MFTs can register to and use the scheme. VE3 intend that guidance will be available prior to the launch of Fuel Finder to ensure all MFTs understand their obligations.
- 2.2 Part 3 of the Regulations introduces a duty on all 'MFTs'⁶ to provide registration information to the aggregator. Schedule 1 sets out the information to be provided to the aggregator, in relation to each PFS.
- 2.3 Part 4 of the Regulations introduces a duty on all MFTs to provide information on motor fuel price changes. This duty applies where the selling price of one or more grades of motor fuel offered for sale at a PFS changes. Regulation 9(2) sets out that 'the motor fuel trader in relation to whom that petrol filling station is a relevant petrol filling station must ensure that the new selling price of the grade of motor fuel is provided to the aggregator before the end of the period of 30 minutes beginning with the time at which the change occurs.'
- 2.4 Part 5 of the Regulations sets out how price information is to be processed and made available by the aggregator to third parties that register with the aggregator.

Monitoring and enforcement

- 2.5 Part 6 of the Regulations confers monitoring powers on the aggregator and investigatory powers on the CMA.
- 2.6 Where the aggregator reasonably believes that there has been a breach of the requirements of the Regulations or a failure to comply with a requirement imposed under them, it must alert the CMA and provide the CMA with information relating to the breach or failure.
- 2.7 As noted above, VE3 intend to issue guidance on how they will operate the scheme, including how MFTs can register and update their prices. The guidance will also outline a complaints handling process under which

⁶ The Regulations use the term "motor fuel trader", however for the purposes of this document we used the term "MFT" throughout.

motorists and other stakeholders may report pricing discrepancies between those available on an app or website and those found at the pump.

- 2.8 For the avoidance of doubt, Fuel Finder price discrepancies should be reported to the aggregator, VE3, not the CMA. The CMA expects to find out about most breaches of the Regulations through notifications from the aggregator.
- 2.9 Our draft guidance (see Appendix A) sets out the legal framework and our approach to enforcement under the Regulations. The draft guidance includes:
- CMA's statutory role;
 - Investigation of breaches;
 - Enforcement against breaches;
 - Penalties; and
 - Complaints relating to the exercise of the CMA's functions.

3. The exercise of the CMA's enforcement powers for non-compliance with Fuel Finder

- 3.1 The draft guidance at Appendix A sets out how the CMA proposes to investigate Fuel Finder breaches; enforce breaches - including the informal actions and formal enforcement actions the CMA may undertake; the CMA's approach to penalties, including the factors influencing the CMA's decision whether to impose a penalty, factors influencing the type and level of penalty, determination of turnover, the enforcement process, how to appeal a penalty; and, how to raise a complaint about the exercise of the CMA's functions.

CMA approach to Fuel Finder enforcement

- 3.2 The CMA will have sole responsibility for deciding whether to take enforcement action and will be guided by our [Prioritisation Principles](#). However, the aggregator will have a critical role to play as the operator of Fuel Finder with responsibility for resolving issues of non-compliance in the first instance. In addition, the aggregator will also provide the CMA with details of instances of non-compliance including the actions they have undertaken to resolve the issue and the relevant MFT response.
- 3.3 As set out in Appendix A, our draft guidance seeks to adopt a proportionate and targeted approach to enforcement.

4. Questions for consideration

- 4.1 In responding to the consultation questions on our draft enforcement guidance (Appendix A) set out below, please give your reasons and any relevant supporting information or evidence.

1. Do respondents have any comments on the CMA's proposed targeted and proportionate approach to enforcement?
2. Do respondents view the balance of informal and formal action to be appropriate?
3. Do respondents have any comments on the factors we propose to take in to account when considering penalties?
4. Do respondents have any comments on the CMA's proposed approach to complaints relating to the exercise of the CMA's functions under the Regulations?
5. Is the guidance clear on the CMA's proposed approach? If not, where would further clarification be helpful?

5. Consultation process

How to respond

- 5.1 The CMA is publishing this consultation on the CMA webpages and drawing it to the attention of a range of stakeholders to invite comments on the questions set out in the previous chapter.
- 5.2 The CMA encourages you to respond to the consultation in writing via [CMA Connect](#) or by email to roadfuel.monitoring@cma.gov.uk. Please provide supporting evidence or examples for your views where possible. The deadline for submitting responses is 5pm on 3 November 2025.
- 5.3 When responding to this consultation, please state whether you are responding as an individual or are representing the views of a group or organisation. If the latter, please make clear who you are representing and their role or interest.
- 5.4 In accordance with the CMA's policy of openness and [transparency](#), the CMA may publish non-confidential versions of responses on our webpages. If your response contains any information that you regard as sensitive and that you would not wish to be published, please provide at the same time a non-confidential version for publication on the CMA's webpages which omits that material and which explains why you regard it as sensitive.

Statement about how the CMA will use information and personal data that is supplied in consultation responses

- 5.5 Any personal data that you supply in responding to this consultation will be processed by the CMA, as controller, in line with data protection legislation. This legislation is the UK General Data Protection Regulation 2016 (UK GDPR) and the Data Protection Act 2018, as may be amended. 'Personal data' is information which relates to a living individual who may be identifiable from it.
- 5.6 The CMA is processing this personal data for the purposes of our work. This processing is necessary for the performance of our functions and is carried out in the public interest, in order to take consultation responses into account. For more information about how the CMA processes personal data, your rights in relation to that personal data, how to contact us, details of the CMA's Data Protection Officer, and how long the CMA retains personal data, see the [CMA's Privacy Notice](#).

- 5.7 The CMA may wish to refer to comments received in response to this consultation in future publications. Where we do so, we will take into account the disclosure and transparency considerations set out at paragraph 5.4. If you consider that your response contains confidential information, please identify the relevant information, mark it as 'confidential' and explain why you consider that it is confidential.
- 5.8 Please note that information and personal data provided in response to this consultation may be the subject of requests by members of the public under the Freedom of Information Act 2000. In responding to such requests, if you have made any representations about the confidentiality of any information contained in your response, the CMA will take such representations into consideration. The CMA will also be mindful of our responsibilities under the data protection legislation referred to above and under Part 9 of the Enterprise Act 2002.
- 5.9 If you are replying by email, this statement overrides any standard confidentiality disclaimer that may be generated by your organisation's IT system.

Next steps

- 5.10 After the consultation has closed and consideration of the responses received has taken place, the CMA will prepare final guidance on our use of Fuel Finder enforcement powers.
- 5.11 The CMA will publish the final guidance on our webpages at <http://www.gov.uk/cma>. The CMA will also publish non-confidential versions of the responses received during the consultation.

Appendix A: Draft enforcement guidance for consultation

The CMA's statutory role

1. Fuel price transparency is a key priority for the government. Price transparency can be described by reference to the cost, time, and difficulty with which consumers can access retail pricing information. Where these factors are lower, a market will have greater price transparency.
2. In general, increased price transparency benefits consumers. For competition to exist and function effectively a certain level of price transparency needs to exist. There would be little incentive for Motor Fuel Traders to compete if consumers could not reasonably and easily compare prices.
3. To address the information asymmetry between petrol filling stations (**PFSs**) and consumers, the government has introduced an open data scheme for fuel prices (**Fuel Finder**) under the Motor Fuel Price (Open Data) Regulations 2025 (**Regulations**).
4. Increased transparency, via Fuel Finder, is intended to rebalance the asymmetry that currently exists between MFTs and consumers. Providing consumers with better information will enable them to make more informed choices, which should create downward pressure on road fuel prices.
5. The Regulations require a person who offers motor fuel for sale in the course of a retail business (**MFT**⁷) to comply with certain legal obligations – including to register with, and report retail price changes to, an aggregator appointed by the government.
6. Compliance with the Regulations will be key to the success of Fuel Finder and realising the benefits. Effective enforcement acts as a deterrent against non-compliance and it also mitigates the risk of anti-competitive practices in the market. Without targeted, proportionate and efficient enforcement in place, the effectiveness of legislation diminishes.
7. The CMA has the statutory role of enforcing compliance by MFTs with their obligations under the Regulations. The CMA has powers to investigate and take enforcement action in relation to non-compliance. This may include imposing financial penalties on MFTs who do not comply.

⁷ The Regulations use the term “motor fuel trader”, however for the purposes of this document we used the term “MFT” throughout.

8. The CMA allocates resources in this area by reference to its [prioritisation principles](#).
9. Under regulation 25 of the Regulations, the CMA is required to prepare and publish guidance in relation to the exercise of its enforcement powers, including being clear as to how it proposes to exercise its discretion to determine the amount of any financial penalty. This guidance serves to satisfy that requirement.

Monitoring compliance

Reporting of breaches by the aggregator

10. The government has procured an ‘aggregator’ to deliver Fuel Finder. The aggregator is responsible for establishing the Fuel Finder system, collecting, and aggregating the data, and sharing it freely and openly with third parties who register for the service, such as fuel price comparison and navigational apps and websites which would make this information available to consumers.
11. The aggregator is required to monitor MFTs’ compliance with their obligations under the Regulations. If the aggregator reasonably believes that an MFT has breached its obligations it must notify the CMA and provide details.
12. The CMA expects to find out about most breaches of the Regulations through notifications from the aggregator.
13. While the exact details the CMA will need to know about a breach will depend on the individual circumstances of a particular breach, the CMA would expect to receive the following information with all reports of breaches (subject to the availability of the information to the aggregator):
 - Schedule 1 “registration information in relation to a petrol filling station”
 - a description of the relevant provision(s) of the Regulations to which the breach relates
 - a full description of the breach itself
 - how the breach occurred and how and when it was discovered
 - steps taken by the aggregator to informally resolve the breach
 - the duration of the breach and whether it is ongoing
 - the size and significance of the breach and harm caused

- details of whether any third parties are involved, including suppliers, systems providers and other contracted parties

Investigation of breaches by the CMA

14. The CMA's approach to investigations will be targeted and proportionate and will depend on the nature and severity of the breach.
15. The CMA may request information informally or formally, depending on the circumstances. The CMA often relies upon the co-operation of businesses and routinely requests information on an informal basis (i.e., not using formal investigatory powers). This informal approach may be sufficient in many cases. Additionally, the CMA has formal information gathering powers. The CMA notes that failing, without reasonable excuse, to comply with the CMA's formal information gathering powers may lead to the imposition of a financial penalty.
16. Further information about the CMA's formal information gathering powers is set out in Annex A.

Enforcement against breaches

17. In relation to some identified breaches, the CMA may decide, as part of its statutory role explained in paragraph 7 above, that it is appropriate to take enforcement action.
18. Before proposing any enforcement action in relation to a breach, the CMA will typically ensure that the MFT involved is aware of the breach and has had an opportunity to liaise with the CMA to rectify the breach.
19. In assessing the nature of a breach, and considering possible enforcement action, the CMA will take a case-by-case approach, taking into account the relevant circumstances. This may include:
 - significance, including the magnitude of the breach in terms of cost or value, the harm caused, and the number of consumers affected, as well as the duration of the breach.
 - the actions taken by the firm in addressing the breach. Other relevant factors here include whether it has decided itself to take proactive steps to stop the breach (in advance of any indication that the CMA intends to take specific action), and the extent to which a firm has taken appropriate steps to improve its procedures sufficiently to prevent further breaches.

- recidivism and previous conduct: including an assessment of the nature of any previous breaches.
 - the need for the CMA to take action to address the breach: including whether a breach is ongoing, and what, if any, action the CMA needs to take to bring the breach to an end.
 - contextual factors, such as the age of the breach: for older cases, we will give consideration to whether, and if so how, an MFT's practices have evolved since, to ensure that our proposed enforcement remains proportionate.
20. The CMA's action will typically fall into one of the two categories considered below.

Informal actions

21. Informal action describes a response to a breach where the CMA is not engaging its formal enforcement powers (such as issuing compliance notices). This can include the CMA agreeing actions with firms to end a breach and to improve practices and processes in the future. In these cases, the CMA may decide to publish a letter to businesses on its website which provides details of the nature of the breach and acknowledges any action taken by a business to put things right. This is done so that customers and any interested stakeholders are made aware of the action taken.
22. While the CMA will take a case-by-case approach, informal action is more likely for breaches where:
- this is the first occasion that the firm has breached the Regulations;
 - the breach is of limited scale and scope;
 - the breach has limited practical impact on consumers;
 - the breach has been brought to an end by the firm concerned taking steps on a voluntary basis, considered as sufficient by the CMA, to resolve the root cause of the breach; and
 - the firm has committed, on a voluntary basis, to take all steps, considered as sufficient and appropriate by the CMA, to prevent future breaches.
23. The process for informal enforcement action involves the CMA engaging with the firm concerned as follows:

- Having understood the nature and extent of the breach, if the CMA reaches a provisional view that certain informal action would be appropriate, the CMA will write to the firm concerned to explain this. The CMA shall explain the action it proposes to take and attach any draft public letter where appropriate. The firm will then typically be given two weeks to provide any representations it wishes to make to the CMA on both the principle and the substance of the action the CMA is proposing.
- The CMA will consider the representations received on both the principle and the substance before reaching a final view on the appropriate action. The CMA will then communicate this to the firm concerned and will continue to liaise with the firm over the timing of any public announcements where relevant.

Formal enforcement action

24. The CMA has formal enforcement powers to ensure MFTs comply with their obligations under the Regulations. The CMA anticipates that these powers will be used for more significant breaches, such as breaches:
- which may have a significant impact in terms of scale, harm caused, scope or the number of consumers affected.
 - which may have a significant impact on consumers.
 - which are ongoing, including those still being explored by the MFT concerned, or where the necessary steps to remedy the breach and prevent future breaches were not identified, volunteered, agreed or taken by the MFT.
 - which raise issues of recidivism and ongoing compliance problems.
 - where the CMA has concerns that a firm is not capable of, or willing to, take all the necessary steps voluntarily to prevent further breaches.
25. Under regulation 15, the CMA may issue a compliance notice where it believes that the Regulations are not being, or have not been, complied with. Where the CMA decides to use its formal enforcement tools, it will issue a compliance notice to an MFT.⁸
26. A compliance notice will:

⁸ Paragraph 15(1) of the Regulations.

- explain the reasons why the CMA believes that the MFT has not complied, or is not complying with a requirement under the Regulations;
 - require the MFT to comply with the requirement and specify the period of time within which they must do so: and
 - warn the MFT about the consequences of not complying with the notice.⁹
27. When the CMA issues a compliance notice, it may publish a public statement summarising the matters which the notice relates to and naming the MFT as permitted by Regulation 15.¹⁰
28. If an MFT fails to comply with a compliance notice then the CMA may impose a financial penalty.¹¹ The CMA may also seek a court injunction requiring compliance.¹²
29. Further information on the CMA's approach to financial penalties is set out in Annex B. The CMA's approach draws on the CMA's existing guidance and experience in relation to the use of its other powers, in particular 'Administrative Penalties: Statement of Policy on the CMA's Approach (CMA4)'.

Complaints

30. Where a dispute arises in relation to the conduct of an investigation by the CMA under the Regulations the procedures in chapter 5 of CMA6 will apply. Parties to an investigation should raise any complaints about the conduct of an ongoing CMA case with the most senior CMA contact responsible for that case, who will review the case team's actions and aim to either put things right, or give an explanation for the course of action taken by the case team.
31. If a party is not satisfied with the senior CMA contact's response, they may request a review of the handling of their complaint by the General Counsel.
32. The CMA's [complaints procedure](#) sets out how the CMA deals with complaints by members of the public (as opposed to parties to a CMA case) about its conduct.

⁹ Paragraph 15(2) of the Regulations.

¹⁰ Paragraph 15(4) of the Regulations.

¹¹ Paragraph 19(1)(c) of the Regulations.

¹² Paragraph 15(3) of the Regulations.

Annex A: Formal Information Gathering Powers

1. Where appropriate to gather information about a potential breach of the requirements in the Regulations, the CMA may use its formal information-gathering powers to obtain information from MFTs.
2. Under regulation 16, for purposes of investigating compliance with the Regulations, the CMA can:
 - Interview an MFT under formal powers; and
 - Make a formal written notice to an MFT for documents and information.
3. Where an MFT fails, without reasonable excuse, to comply with a request to attend an interview or provide the documents and information the CMA may impose a financial penalty.
4. Further information on financial penalties is set out in Annex B.

How the CMA will obtain information from MFTs

5. The CMA will aim to be fair and reasonable in its requests for information. It will adopt a flexible approach – the form of its engagement with MFTs may differ depending on the individual circumstances.
6. The CMA may request documents and information from an MFT in writing. A written notice to an MFT for documents and information will:
 - specify the purpose for which the MFT is required to provide information and documents;
 - specify the information or documents which the MFT is required to provide;
 - specify when and how the information and documents must be provided to the CMA; and
 - include information about the consequences of not complying with the notice.
7. The CMA will seek to set a deadline that it considers reasonable for compliance with requests for information. The deadlines specified will depend on the nature and the amount of information that the CMA has requested.
8. MFTs should make known any potential difficulties in responding (such as administrative, resourcing, financial, logistical and practical issues) as early as possible within the timeframe set out in the notice, or as soon as they become

aware that they may not meet the stipulated deadline. They should also raise with the CMA any matters they do not understand as soon as possible after receiving a request.

9. The CMA will, in particular, take into careful consideration any concerns raised by MFTs about their ability to provide the information required – including given the nature and the type of the information requested and the resources available to them.
10. The CMA may request information from the same MFT on more than one occasion during its consideration of the issues. For example, the CMA may ask for additional information after considering material submitted in response to an earlier request.
11. MFTs providing information have an obligation to provide truthful, complete and accurate information. Under Regulation 19, the CMA may impose a financial penalty if an MFT fails to do so without reasonable excuse. It is also an offence under regulation 26 to provide information to the CMA that is false or misleading or to take steps to prevent the CMA from obtaining information or documents.
12. The CMA expects to primarily use its written information gathering powers to investigate potential breaches. However, the CMA notes that it also has powers to require an MFT to attend an interview. In such cases the CMA will send an MFT a written notice when it requires them to attend an interview. The notice will:
 - specify the purpose for which the MFT is required to attend;
 - specify the time and place for the interview (which may be remote/virtual); and
 - include information about the consequences of not complying with the notice.

Annex B: Penalties

General statement

1. The Regulations empower the CMA to impose financial penalties where an MFT fails to comply with requirements imposed on a person in respect of the CMA's exercise of its investigative powers (including the provision of false or misleading information) or contained in a compliance notice¹³ (together referred to as Requirements). Regulation 25(2) requires the CMA to publish guidance on how it proposes to exercise its discretion to determine the amount of a financial penalty.
2. The CMA's approach draws on the CMA's existing guidance and experience in relation to the use of its other powers, in particular 'Administrative Penalties: Statement of Policy on the CMA's Approach ([CMA4](#))'.

Maximum penalties for breaches of Requirements

3. Under regulation 19 of the Regulations, the CMA may impose such administrative penalties as it considers appropriate subject to the statutory maxima specified in the Fuel Finder Regulations.
4. The potential financial penalties under the Regulations are:
 - a fixed amount up to 1% of worldwide turnover;
 - a daily rate up to 5% of daily worldwide turnover; or
 - in the case of a combination of a fixed amount and a daily rate, up to 1% of worldwide turnover and 5% of daily worldwide turnover respectively.¹⁴

Factors influencing the CMA's decision whether to impose a penalty

5. The CMA will consider whether to impose an administrative penalty on a case-by-case basis, taking into account the relevant circumstances.
6. However, the CMA may be more likely to impose a penalty where it considers one or more of the following factors are present:

¹³ The Regulations also provide the CMA with a general power to impose a financial penalty for failing to comply with a requirement in the Regulations.

¹⁴ Paragraph 19(5) of the Regulations. Please note that these are the maximum amounts, so the level of any penalty may be lower.

- the breach (whether committed intentionally or negligently) had or risked having an adverse impact on
 - a CMA investigation or on the fulfilment of a CMA function; or
 - consumers (either in terms of the number actually or potentially affected or in terms of its impact on individual consumers);
- the MFT has previously failed to comply with a Requirement (that is, there is an element of 'recidivism');
- the breach is ongoing and imposition of a penalty is required to encourage (swift) compliance by the MFT in question with a Requirement;
- the MFT obtained, or sought to obtain, an advantage or derive benefit from the failure to comply with a Requirement.

Reasonable excuse

7. Under regulation 19(1) of the Fuel Finder Regulations, the CMA will only impose a penalty if a failure to comply is 'without reasonable excuse'. The circumstances that constitute a reasonable excuse are not defined or fixed and the CMA will consider whether any reasons for failure to comply amount to a reasonable excuse on a case-by-case basis. The CMA will apply an objective test as to whether an excuse put forward by the Relevant Person is reasonable. For example, a significant and demonstrable IT failure (which could not reasonably have been foreseen or avoided) which prevented an MFT from complying with a Requirement, depending on the circumstances, might amount to a reasonable excuse.
8. The CMA will expect MFTs to be responsible for ensuring their legal obligations are fully understood and that the CMA's powers are complied with, even when, for example, using external advisers to assist them with their response or, when relying upon an electronic point of sale provider to use an API (Application Programming Interface) to automatically notify any price changes.

Factors influencing the type of penalty imposed

9. Penalties can be a single fixed amount, a daily rate or both.
10. In deciding what type of penalty to impose, the CMA will consider a number of factors, in the round, on a case-by-case basis. These may include the following non-exhaustive factors:

- The factual circumstances in which a penalty is being considered. The assessment of whether to impose a fixed or daily penalty, or a combination of the two, will involve consideration of the need to incentivise timely compliance. Daily penalties, for example, may be particularly appropriate in situations where timely compliance is likely to be of utmost importance, for example where there is an ongoing breach of an obligation.
- The deterrent effect of the penalty. The CMA will consider the level of penalty that is likely to have the requisite deterrent effect, both on the MFT and more generally on others, having regard to the need for the penalty to be proportionate in all the circumstances. This assessment may affect the level of fixed, daily or combined penalty that is set.
- Whether the failure to comply has been remedied. In some cases where an initial failure has been remedied, it may still be appropriate to impose a penalty to reflect the nature and gravity of the failure and/or to achieve deterrence. In those circumstances, only a fixed penalty would be available as daily penalties will only be used for a continuing period of non-compliance after formal notice of the imposition of a penalty. In cases of an extended and unremedied failure to comply with a compliance notice, the CMA may be more likely to impose a daily penalty for the duration of the failure, together with an additional fixed penalty to underline the seriousness of the failure and/or achieve deterrence, while still ensuring that the penalty is proportionate in all the circumstances.

Factors influencing the level of penalty imposed

11. The CMA will assess all the relevant circumstances of the case in the round in order to determine a penalty that is reasonable, appropriate and thus proportionate in the circumstances. The CMA is not bound by its previous administrative penalty decisions, as each case is decided on its own facts, but it will seek to ensure there is broad consistency in its approach. The CMA is likely to set larger penalties for the most serious failures to comply, subject to the requirements that a penalty be proportionate and that it does not exceed the relevant statutory cap. The assessment may include the following non-exhaustive factors on a case-by-case basis:
 - the scale of the adverse effects caused by the failure to comply with a Requirement;
 - the nature and gravity of the failure, including: whether it was intentional or negligent, whether there was any attempt to conceal the failure and the extent of compliance with other aspects of the Fuel Finder Regulations;

- the size of the MFT and the administrative and financial resources available to them;
- the reasons given for the failure;
- whether the addressee has derived any advantage from its failure;
- any steps taken in mitigation to ensure failures do not occur in the future, or to discipline responsible individuals;
- the continuation or cessation of the failure after the addressee became aware of it, or of the CMA's concern that there might have been a breach;
- whether the involvement of senior management contributed to the failure, including whether such individuals made arrangements for suitable resources to be made available to comply with the relevant Requirement; and
- whether the addressee has previously failed to comply with a Requirement. The seriousness of any past failure(s), the time that has elapsed since the failure(s) occurred, and any other relevant factors may be taken into account.

Determination of turnover

12. Turnover will be determined in accordance with regulation 20 and schedule 2 of the Regulations.

The definition of turnover

13. Turnover is defined as the sum of all amounts derived by the MFT¹⁵ from the supply of products, after the deduction of sales rebates, value added tax and any other taxes directly attributable to turnover.¹⁶ Turnover is not limited solely to amounts derived from the sale of motor fuel.¹⁷ Turnover also includes subsidies received from public authorities.¹⁸
14. Where an MFT consists of multiple entities that each prepare accounts, turnover is calculated by adding together the turnover of the different entities.

¹⁵ For the purposes of calculating financial penalties, the Regulations use the term “undertakings”, which covers any natural or legal person engaged in economic activity, regardless of its legal status and the way in which it is financed. However, for the purposes of this document we use the term “MFT” throughout.

¹⁶ Paragraph 2(1) of schedule 2 to the Regulations.

¹⁷ See the definition of “product” in paragraph 1(1) of schedule 2 to the Regulations.

¹⁸ Paragraph 3(1) of schedule 2 to the Regulations.

However, to avoid double counting, the turnover calculation does not include turnover resulting from the supply of products between the different entities.¹⁹

15. In determining turnover, the CMA can take account of acquisitions, divestments or other transactions or events which have occurred since the end of the accounting year and which may have a significant impact on the turnover of an MFT, which may increase or reduce the turnover calculated.²⁰

Geographic scope

16. For the purpose of calculating the applicable statutory caps on a financial penalty, worldwide turnover (i.e. turnover both inside and outside the UK) is taken into account.²¹

The period over which turnover is calculated

17. The relevant period to be used when calculating the turnover of an MFT is the last accounting period to end before the relevant date²² or, if the MFT has no accounting period that ends before the relevant date, the period beginning with the day on which the activities of the MFT began to be carried on and ending with the last day of the month preceding the month in which the relevant date falls.
18. If the CMA estimates on the relevant date that the turnover of the MFT in the preceding accounting period was higher than the turnover in its relevant accounting period, the turnover is considered its turnover in the preceding accounting period.²³
19. If the figures necessary to calculate the turnover in the relevant accounting period are not available to the CMA on the relevant date, turnover is determined by reference to:
 - the preceding accounting period; or
 - if the MFT has no preceding accounting period, the period beginning with the day on which the activities of the undertaking began to be carried on

¹⁹ Paragraph 4(1) of schedule 2 to the Regulations.

²⁰ Paragraph 4(3) of schedule 2 to the Regulations.

²¹ Paragraph 19(5) of the Regulations.

²² The "relevant date" means the date on which the notice of intent is issued under regulation 21(1) of the Regulations.

²³ Paragraph 20(2) of the Regulations.

and ending with the day immediately preceding the date on which its relevant account period began.²⁴

20. If these figures are not available to the CMA on the relevant date, the turnover of the MFT is its turnover in the period beginning with the day after the last day of its relevant accounting period and ending with the last day of the month preceding the month in which the relevant date falls.²⁵
21. Where the period by reference to which turnover is calculated does not equal 12 months, the turnover is the turnover in that period divided by the number of days in that period and multiplied by 365 or, if the period includes 29th February, 366.²⁶
22. The daily turnover is therefore the turnover divided by 365, or if the period to which turnover is calculated includes 29th February, 366.²⁷

Process

23. Before imposing a financial penalty on an MFT, the CMA must serve them with notice of intent.²⁸
24. The notice of intent must:
 - contain a draft of the final penalty notice;
 - invite the MFT to make representations in response to the draft final penalty notice; and
 - specify the means by which, and the time by which, such representations may be made.²⁹
25. The CMA will consider the representations received in response to a notice of intent and, as soon as practicable after the expiry of the time period for making such representations, decide whether to impose a financial penalty.³⁰

²⁴ Paragraph 20(3) of the Regulations.

²⁵ Paragraph 20(4) of the Regulations.

²⁶ Paragraph 20(5) of the Regulations.

²⁷ Paragraph 20(6) of the Regulations.

²⁸ Paragraph 21 of the Regulations.

²⁹ Paragraph 21(2) of the Regulations.

³⁰ Paragraph 21(3) of the Regulations.

26. If the CMA decides to impose a financial penalty, the CMA will, as soon as practicable, serve the MFT with a final notice and publish a copy.³¹
27. The final penalty notice must state:
- that the CMA has imposed a financial penalty on the MFT;
 - whether the financial penalty is of a fixed amount, an amount calculated by reference to a daily rate, or both;
 - the amount or amounts concerned and in the case of an amount calculated by reference to a daily rate, the day on which the amount first starts to accumulate or days on which it might cease to accumulate;
 - the act or omission in question which the CMA considers gave it the power to impose the financial penalty;
 - any other facts which the CMA considers justify the imposition of a financial penalty and the amount(s) of the penalty;
 - the manner in which, and place at which, the financial penalty is required to be paid to the CMA;
 - the date or dates by which the financial penalty or different portions of it are required to be paid;
 - that the financial penalty or different portions of it may be paid earlier than the dates required for it to be paid; and
 - that the MFT has 14 days to apply to the CMA to vary the date or dates for payment, and 28 days to appeal to the Competition Appeal Tribunal in relation to the financial penalty.³²

Interest

28. If the whole or any portion of a financial penalty is not paid by the date which it is required, the unpaid balance carries interest at the rate for the time being specified in section 17 of the Judgments Act 1838.³³

³¹ Paragraph 21(6) of the Regulations.

³² Paragraph 21(5) of the Regulations.

³³ Paragraph 23(1) of the Regulations.

29. Where an application has been made to the CMA to specify a different date for payment, payment is not required to be made until the application has been determined, withdrawn or otherwise dealt with.³⁴
30. If a portion of the financial penalty has not been paid by the date required, the CMA may, where it considers it appropriate to do so, require so much of the penalty as has not already been paid, and is capable of being paid immediately, to be paid immediately.³⁵

Appeals

31. An MFT may apply to the CMA to vary the date or dates for payment of a financial penalty. An application must be made within 14 days of the date of service of the final penalty notice.³⁶
32. An MFT may appeal to the Competition Appeal Tribunal (CAT) against a decision of the CMA not to specify a different date or dates for payment. Such an appeal must be made within 28 days of the MFT being notified of the CMA's decision.³⁷
33. An MFT on whom a financial penalty is imposed may also appeal to the Competition Appeal Tribunal (CAT) in relation to:
- the imposition or nature of the penalty;
 - the amount or amounts of the penalty; or
 - the date or dates by which the penalty, or portions of the penalty, are required to be paid.³⁸
34. An appeal must be made to the CAT within the period of 28 days starting with the day on which the final penalty notice was served on the MFT.³⁹
35. The CAT may:
- quash the financial penalty;

³⁴ Paragraph 23(2) of the Regulations.

³⁵ Paragraph 23(3) of the Regulations.

³⁶ Paragraph 21(6) of the Regulations.

³⁷ Paragraph 27(4) of the Regulations.

³⁸ Paragraph 27(1) of the Regulations.

³⁹ Paragraph 27(3) of the Regulations.

- substitute a financial penalty of a different nature or of such lesser amount(s) as the CAT considers appropriate; or
 - substitute for the date or dates imposed by the CMA for the penalty to be paid, an alternative date or dates.⁴⁰
36. The CAT must take into account this guidance when determining the outcome of an appeal.⁴¹
37. The CAT may not substitute a financial penalty of a different nature unless it considers that the MFT will, or is likely to, pay less under the substituted penalty than the motor fuel trader would have paid under the original penalty.⁴²
38. Where an appeal has been made, the CMA may agree to reduce the amount or amounts of the financial penalty in settlement of the appeal.⁴³
39. Where the Competition Appeal Tribunal substitutes a financial penalty of a different nature or of lesser amounts, it may require the payment of interest on the substituted penalty at such a rate and from such date(s) as it considers appropriate.⁴⁴
40. Where the CAT specifies as a date by which the financial penalty, or a portion of the penalty, is to be paid which is a date before the appeal was determined, it may require the payment of interest from that date at such rate as it considers appropriate.⁴⁵
41. The CAT's decision can be appealed to the appropriate court⁴⁶ in relation to:
- on a point of law; or
 - the amount or amounts of a financial penalty.

⁴⁰ Paragraph 27(5) of the Regulations.

⁴¹ Paragraph 27(6) of the Regulations.

⁴² Paragraph 27(7) of the Regulations.

⁴³ Paragraph 27(8) of the Regulations.

⁴⁴ Paragraph 27(9) of the Regulations.

⁴⁵ Paragraph 27(10) of the Regulations.

⁴⁶ The "appropriate court" means the Court of Appeal or, in the case of Tribunal proceedings in Scotland, the Court of Session.