



ACS Submission: Fuel Finder draft guidance on the CMA's enforcement functions

ACS (the Association of Convenience Stores) welcomes the opportunity to respond to draft guidance on the CMA's enforcement functions. ACS represents the UK's 50,000+ convenience stores, including 8,347 fuel forecourts.

1. Do respondents have any comments on the CMA's proposed targeted and proportionate approach to enforcement?

ACS supports a proportionate approach to enforcement, particularly given the operational pressures on fuel retailers. However, we are concerned that the inclusion of 'amenities and facilities' in scope of enforcement does not align with the original policy intention of providing price transparency and imposes a disproportionate burden on retailers. Mandating businesses to provide this information by law contradicts the pro-growth and better regulation principles set out by the government, most recently in its Small Business Strategy. Requiring near real-time updates on amenities imposes a disproportionate operational burden and risks diverting time and resources from productive investment. This is an explicitly anti-growth measure, contrary to the CMA's remit from the Secretary of State. It is also completely unnecessary given the development of online platforms (e.g. Google maps) that allow businesses to share such information for their own advantage. Enforcement resources should be focused on core pricing data and not minor service availability issues, such as dog friendly facilities. We recommend that 'amenities and facilities' should be explicitly exempt from any enforcement action from the CMA.

2. Do respondents view the balance of informal and formal action to be appropriate?

ACS supports the CMA's intention to use informal engagement such as dialogue and voluntary compliance as a first step, especially for minor or first time breaches. However, clarity is needed on how informal action will be applied in practice, especially in cases where retailers face genuine operational challenges (e.g. staff absence, staff turnover, or system failures) affecting data input. The CMA must ensure that enforcement does not penalise retailers for administrative delays in non-

critical data reporting, specifically 'amenities and facilities.' We believe that there should be no enforcement action at all for failure to provide this information.

3. Do respondents have any comments on the factors we propose to take in to account when considering penalties?

ACS agrees with the CMA's case-by-case approach and the inclusion of factors such as seriousness, reoccurrence, and consumer impact. We request clarity on whether penalties will apply for any failure to report a temporary availability issue, for example no penalty should be issued if a jet wash is temporarily out of service for maintenance or repair. We propose the following should be included in the guidance:

- **Explicit recognition of mitigating circumstances**, such as IT issues or staffing constraints.
- **Exemptions from penalties for non-pricing data**, specifically for 'amenities and facilities.'
- **Transparency in the decision-making process for penalties**, including how turnover is calculated and how proportionality is assessed. Additionally, information on how this is communicated to retailers.

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?

The CMA's complaints process must be clearly distinguished from the aggregator's role. There is currently no clarity on how VE3 Global will manage complaints, nor on the interface between the aggregator and CMA functions. The CMA guidance states that 'most breaches will be reported by VE3 Global', which raises concerns around the lack of clarity in how complaints will be managed by the aggregator as there is no published framework to ensure the fair treatment of retailers.

We recommend:

- A transparent and structured complaints procedure for VE3 Global.
- Clear guidance on how complaints will be triaged and escalated to the CMA.
- Assurance that retailers will be treated fairly and given the opportunity to respond before enforcement action is taken as it is important to understand how the CMA will assess severity for minor amenities, for example if a coffee machine is out of order.

5. Is the guidance clear on the CMA's proposed approach? If not, where would further clarification be helpful

ACS have identified a few areas which would benefit from clarification:

- **Reporting timelines:** if there is a clear distinction between reporting fuel pricing within 30 minutes and updating other registration or service data within 3 days, this must be made explicit in the guidance. We believe this is the case base on the regulations (see: Part 3 Registration Information, (8) Changes to Registration Information). We believe all reporting of data other than fuel pricing should be advisory only.
- **Aggregator responsibilities:** the role, powers, and accountability of VE3 Global must be clarified in guidance, including how data is shared and how complaints are handled.
- **Data exclusions:** ACS has identified a list of data points in relation to 'amenities and facilities', including dog friendly facilities, which go beyond the scope of policy intent and should be excluded from any enforcement action. These should be reviewed and reflected in the final guidance.
- **Non-reporting of Services and Amenities:** The guidance should state what action the CMA would take if a fuel retailer has not upload information on services and amenities it provides in stores. This is particularly relevant to the launch of the scheme as no communications to industry has taken place about the data reporting requirements.

For more information on this submission please contact ACS Public Affairs and Communications Executive [REDACTED]