

**Final enforcement notice to Euro Car Parks Limited for failure to comply with an information notice given under Schedule 5, paragraph 16C(2) Consumer Rights Act 2015<sup>1</sup>**

## Introduction

1. This final enforcement notice ('Final Notice') is given to Euro Car Parks Limited (the 'Respondent') by the Competition and Markets Authority (the 'CMA') under paragraph 16C(2) of Schedule 5 of the Consumer Rights Act 2015 ('CRA').
2. On 20 October 2025, the CMA issued a provisional notice under paragraph 16B(2) of Schedule 5 of the CRA to the Respondent (the 'Provisional Notice') setting out the CMA's provisional conclusions that the Respondent had failed to comply with an information notice given under paragraph 14 of the CRA (the 'Euro Car Parks Information Notice') and that it was appropriate to impose a direction on the Respondent to comply with that notice and that the CMA was considering the imposition of monetary penalties under Schedule 5, paragraph 16C(2) of the CRA (the 'Proposed Penalty').
3. On 5 and 12 November 2025, the Respondent made written and oral representations to the effect that the Respondent had a reasonable excuse for its non-compliance and that the Proposed Penalty was excessive and did not account for mitigating factors (the 'Representations').
4. Following consideration of all relevant circumstances and having regard to the CMA's direct consumer enforcement guidance (CMA200),<sup>2</sup> the CMA gives notice to the Respondent that the CMA is satisfied that the Respondent, without reasonable excuse, failed to comply with the Euro Car Parks

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<sup>1</sup> As amended by Schedule 17 of the DMCCA.

<sup>2</sup> Direct consumer enforcement guidance: CMA200.

Information Notice and imposes on the Respondent a fixed penalty of £473,000 (the ‘Penalty’).

## The Applicable Law

5. Under Schedule 5, paragraph 14 of the CRA, the CMA may give notice to a person requiring that person to provide the CMA with the information specified in that notice (an ‘Information Notice’).
6. Where the CMA has given an Information Notice and has reasonable grounds to believe that the respondent to that Information Notice has failed to comply with its terms, the CMA may give a provisional enforcement notice. The provisional enforcement notice must, among other things, set out the grounds on which the notice is given, the proposed actions or directions for the purpose of securing compliance and, where applicable, state that the CMA is considering imposing a monetary penalty and the proposed amount of the penalty. The provisional enforcement notice must also invite the respondent to make representations to the CMA about the matters set out in the notice.<sup>3</sup>
7. After the time for the respondent to make any representations to the CMA has expired and, after considering any representations made, the CMA may, if it is satisfied that the respondent has failed to comply with the relevant Information Notice, give to the respondent a final enforcement notice. A final enforcement notice may impose on the respondent a requirement to do either or both of the following:<sup>4</sup>
  - (a) a requirement to comply with such directions as the CMA considers appropriate for the purpose of securing the respondent’s compliance with the relevant Information Notice; and
  - (b) where the CMA is satisfied that the respondent’s non-compliance was without reasonable excuse, a requirement to pay a monetary penalty.
8. A monetary penalty for non-compliance with an Information Notice must not exceed:<sup>5</sup>
  - (a) in the case of a fixed amount, £30,000 or, if higher, 1% of the total value of the turnover (if any) of the respondent;

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<sup>3</sup> Schedule 5, paragraph 16B(3) and (5), CRA.

<sup>4</sup> Paragraph 16C, Schedule 5, CRA.

<sup>5</sup> Paragraph 16C(5) Schedule 5, CRA.

- (b) in the case of an amount calculated by reference to a daily rate, £15,000 per day or, if higher, 5% of the total value of the daily turnover (if any) of the respondent; and
- (c) in the case of a fixed amount and an amount calculated by reference to a daily rate, such fixed amount and such amount per day.

9. Where a final enforcement notice imposes a penalty on a respondent, it must set out:

- (a) the amount of the penalty (including whether it is a fixed amount, an amount calculated by reference to a daily rate, or both a fixed amount and an amount calculated by reference to a daily rate);
- (b) the grounds on which the penalty is imposed together with any other factors that the CMA considers justify the giving of the penalty or its amount;
- (c) for any daily penalty, the day on which the amount first starts to accumulate and the day or days on which it might cease to accumulate;
- (d) how the penalty is to be paid to the CMA;
- (e) the date or dates, no earlier than the end of 28 days beginning with the date of service of the notice on the respondent, by which the penalty or (as the case may be) different portions of it are required to be paid;
- (f) that the penalty or (as the case may be) different portions of it may be paid earlier than the date or dates by which it or they are required to be paid; and
- (g) that the respondent has the right to apply to the CMA for it to specify a different date or dates by which the penalty, or different portions of it, are to be paid, or to appeal the final enforcement notice, and the main details of those rights.

10. The CMA may not give a final enforcement notice for failure to comply with an Information Notice if the CMA has made an application to court under paragraph 16A, Schedule 5 CRA in respect of that failure and the application has been determined by the Court.<sup>6</sup> For the avoidance of doubt, no such application has been made or determined in respect of the allegations set out in this Final Notice.

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<sup>6</sup> Paragraph 16J, Schedule 5, CRA.

11. The respondent to a final enforcement notice may:
  - (a) within 14 days of the date of service of that notice, apply to the CMA for it to specify a different date or dates by which the penalty, or different portions of it, are to be paid; and
  - (b) before the end of the period of 28 days beginning with the day on which the final enforcement notice was given, appeal to the appropriate court against the CMA's decision to impose a monetary penalty, the nature or amount of any such penalty, or any directions given under the notice.
12. Where a penalty has been imposed by a final enforcement notice and any part of the penalty has not been paid by the relevant date, and no appeal was brought within the relevant period or an appeal was brought that has since been determined, withdrawn or otherwise disposed of, the CMA may recover from the respondent the penalty and any interest on that penalty which has not been paid.
13. Where the respondent to a final enforcement notice fails to comply with any actions or directions imposed on it in that notice, the CMA may seek to issue a provisional breach of directions enforcement notice or apply to the appropriate court for an order imposing requirements on the respondent for the purpose of remedying the failure.

## **The grounds on which this Final Notice is given**

14. On 25 July 2025, the CMA exercised its power to give the Euro Car Parks Information Notice to the Respondent to enable the CMA to exercise or to consider whether to exercise its consumer protection function under Chapter 3 or Chapter 4 of Part 3 of the Digital Markets, Competition and Consumer Act 2024 (the 'DMCC Act').
15. The Euro Car Parks Information Notice specified that the Respondent should provide the information set out in Annex 1 of the Euro Car Parks Information Notice (the 'Requested Information') to the CMA by 5pm, Thursday 4 September 2025 (the 'Notice Deadline'). The Euro Car Parks Information Notice requested that the Requested Information be provided by email to [parking@cma.gov.uk](mailto:parking@cma.gov.uk) and using the CMA's Secure File Transfer Protocol ('SFTP'). Guidance for connecting to the CMA's SFTP and submitting electronic data to the CMA was enclosed with the Euro Car Parks Information Notice. The Euro Car Parks Information Notice also provided the email addresses and phone numbers of two CMA staff members for the Respondent to contact should it have any questions or concerns regarding its

ability to comply. The Euro Car Parks Information Notice requested that the Respondent confirm receipt of that notice by 5pm, 31 July 2025.

16. The Euro Car Parks Information Notice was addressed to one of the Respondent's officers (the 'Served Director') and was given to the Respondent on 25 July 2025 by way of:
  - (a) tracked post to the Respondent's registered office address (the 'Respondent's Address'); and
  - (b) hand-delivery by a CMA staff member to the Respondent's Address.
17. The Respondent did not confirm receipt of the Euro Car Parks Information Notice by 5pm, 31 July 2025.
18. Consequently, on 4 August 2025, the CMA sent emails to email addresses identified by the CMA as belonging to the Respondent alerting them to the fact that a letter had been given to the Served Director, a response was needed, and seeking the Served Director's email address.
19. When no response was received, on 20 August 2025, the CMA emailed further email addresses it had identified as belonging to the Respondent, the Served Director and the other directors of the Respondent, stating that a letter had been given to the Served Director and that a response was needed. That same day, the CMA received an email in response from one of the email addresses, stating that this email address was no longer in use.
20. The Respondent did not respond to these emails, nor did it provide a response to the Euro Car Parks Information Notice or otherwise contact the CMA by the Notice Deadline.
21. On 5 September 2025, the CMA wrote to the Respondent asking it to explain why it had not complied with the terms of the Euro Car Parks Information Notice and requesting that the Respondent provide the Requested Information by 5pm, 12 September 2025 (the 'Request Letter').
22. The Request Letter and a further copy of the Euro Car Parks Information Notice was given to the Respondent by way of:
  - (a) hand-delivery by a CMA staff member to the Respondent's Address on 5 September 2025. Upon receipt of the Request Letter, a person who identified themselves as an employee of the Respondent confirmed that copies of the Euro Car Parks Information Notice had been delivered by the Respondent's staff (both by hand and by email) to the Served Director;

- (b) tracked post to the Respondent's Address on 8 September 2025;
- (c) email to an email address identified by the CMA as belonging to the Served Director, copying in the Respondent's directors, on 8 September 2025. The 8 September 2025 email, unlike those sent on 4 and 20 August 2025, was sent via the CMA's secure email platform (Egress). The platform showed that, as of 9 October 2025, none of the recipients had logged in to view the email or the attached Request Letter and Euro Car Parks Information Notice.

23. No response was received from the Respondent to the Request Letter by 12 September 2025 nor was any failed delivery message received in response to 8 September 2025 email.

24. In its Representations (set out further below), the Respondent confirmed that it received but did not comply with the Euro Car Parks Information Notice by the Notice Deadline nor respond to any other correspondence received from the CMA before the Provisional Notice was given.

25. On the basis of the above facts, the CMA is satisfied that the Respondent failed to comply with the Euro Car Parks Information Notice before the Notice Deadline.

## **The Provisional Notice and the Respondent's Representations**

26. On 20 October 2025, the CMA gave the Respondent the Provisional Notice which set out the CMA's provisional conclusions and invited the Respondent to provide representations to the CMA about the matters set out in that notice.

27. The Respondent submitted written and oral representations, supported by witness statements and other contemporaneous evidence, in response to the Provisional Notice on 5 and 12 November 2025 which in summary submitted:

- (a) That the Respondent was validly given the Euro Car Parks Information Notice on 25 July 2025, in accordance with paragraph 17B, Schedule 5 of the CRA.
- (b) That the Respondent had a reasonable excuse for its non-compliance. It submitted that its non-compliance was innocent and principally caused by:
  - (i) **Defective Service** – In its written representations, the Respondent alleged that the CMA's service of the Euro Car Parks Notice was defective as the notice was addressed to the Served Director, rather than the Respondent's company secretary or managing director. However, in its oral representations, the Respondent accepted that

the Euro Car Parks Information Notice had been lawfully served, having been given in accordance with the CRA, but submitted that the CMA's decision to give the Euro Car Parks Information Notice to the Served Director instead of the Respondent's company secretary or managing director delayed the Respondent's response. The Respondent submitted that this differed from what it saw as normal CMA practice and stated that the Served Director is no longer involved in the day-to-day management of the Respondent, does not maintain a regular presence at the Respondent's Address and was away at the time the Euro Car Parks Information Notice was given. The Respondent submitted that the Served Director did not see a letter from the CMA until early October 2025 as a result (it is unclear from the Respondent's Representations and witness statements what correspondence the Served Director saw in early October 2025) and had no knowledge of why one of their employees told a CMA employee on 5 September 2025 that the Euro Car Parks Information Notice had been delivered to the Served Director.

(ii) **Belief in fraud** – The Respondent submitted that certain officers within the Respondent formed a belief that the CMA's 4 August 2025 email was fraudulent and consequently blocked the relevant CMA email addresses and disregarded other CMA correspondence. The Respondent states that the officers believed the CMA's correspondence was fraudulent because of the nature and appearance of the CMA's email dated 4 August 2025, and due to the Respondent's heightened approach to cyber-security risks in light of the nature of the Respondent's work and recent high-profile cyber-security breaches. In particular the Respondent stated that its officers formed the view that the 4 August 2025 email was fraudulent due to, among other things:

- the use of urgent language and an exclamation mark;
- the email being sent to multiple email addresses;
- that the email requested the Served Director's email address;
- that the email noted its contents, and the fact the CMA had contacted the Respondent, were confidential and a warning that unauthorised disclosure could carry legal consequences;

- the use and repetition of classification markings such as ‘Classification Official’ and ‘Official Sensitive’,
- that the email address referred to (alongside specific CMA employee email addresses) a project-specific CMA email address; and
- that the relevant CMA employee signed off the email with “many thanks” and the first name they go by (noting that this was above their signature block which contained both their full name and role title).

The Respondent submits that its actions were based on its established security protocols and a good faith assessment of the circumstances at the time. In particular, the Respondent submitted: *“[t]he actions taken by Euro Car Parks to block emails from the CMA, while regrettable in hindsight, were objectively reasonable. The effect of those actions was that after 4 August 2024 [sic], the Respondent received no further electronic communication from the CMA”.*

The Respondent further submitted that it did not respond or otherwise engage with the CMA after the Notice Deadline in early October 2025 when the Served Director saw a letter from the CMA because the Served Director and another director also considered that this letter was fraudulent due to the “unprofessional appearance” of the letter’s envelope and the fact that the letter contained similar urgent language and formatting to the 4 August 2025 email.

(c) That the Proposed Penalty is excessive and fails to account for mitigating circumstances, including the facts set out above and the Respondent’s proactive cooperation following receipt of the Provisional Notice.

### **Directions the CMA considers appropriate for the purpose of securing the Respondent’s compliance with the Information Notice**

28. Pursuant to paragraph 16C(2)(b) of the CRA, the CMA may impose a requirement for the Respondent to comply with such directions as the CMA considers appropriate for the purpose of securing the Respondent’s compliance with the Information Notice.
29. In the Provisional Notice, the CMA gave notice that it provisionally considered that it is appropriate to impose a direction on the Respondent to provide the information set out in Annex I in the Euro Car Parks Information Notice in the manner provided in that notice and in any event within 5 working days of the

giving of any final enforcement notice. The Respondent made no representations on this proposed direction.

30. Following the Provisional Notice, the Respondent provided the CMA with what it asserts is the Requested Information. The CMA is currently in the process of reviewing this information.
31. The effect of giving the Provisional Notice is that the Respondent has now taken significant steps to comply with Euro Car Parks Information Notice and has provided an answer to every question in that Notice, which the CMA is currently reviewing. Given this, the CMA no longer considers it necessary to impose a direction on the Respondent in this Final Notice.
32. However, the CMA notes, for the avoidance of doubt, that the giving of this Final Notice does not certify that the Respondent has in fact fully complied with the Euro Car Parks Information Notice, and the CMA maintains its right to undertake enforcement action against the Respondent should it become apparent at a later stage that the Respondent has not fully complied with the requirements of the Euro Car Parks Information Notice, has omitted to include required information, or has provided false or misleading information.

## **Monetary Penalty**

33. Having taken into account the Respondent's written and oral submissions, the CMA considers that it is appropriate to impose the Penalty on the Respondent for failure to comply with the Euro Car Parks Information Notice. The Penalty is set out in paragraph 4 above.

### ***Without reasonable excuse***

34. A requirement to pay a monetary penalty in a final enforcement notice may be imposed only if the CMA is satisfied that the Respondent's failure in question is without reasonable excuse.<sup>7</sup>
35. As noted in CMA200, "*what constitutes a reasonable excuse is not fixed and the CMA will consider whether any reasons for failure to comply amount to a reasonable excuse on a case-by-case basis*".<sup>8</sup> The CMA will apply an objective test to whether an excuse put forward by a party is reasonable. The CMA expects parties to comply with Information Notices on time and to raise any difficulties in complying with the CMA promptly. In deciding whether a reasonable excuse exists, the CMA will consider "*whether a significant and*

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<sup>7</sup> Schedule 5, paragraph 16C(3), CRA.

<sup>8</sup> Paragraph 7.55 of CMA200. For further guidance on what may amount to a reasonable excuse in relation to administrative breaches please see also paragraphs 7.54 – 7.58 of CMA200.

*genuinely unforeseeable or unusual event or an event beyond the party's control has caused the failure. The CMA will consider to what extent this event is the cause of the non-compliance, or whether the failure would otherwise have taken place.”<sup>9</sup>*

36. As set out at paragraph 27, the Respondent submitted that there was a reasonable excuse for its non-compliance as the Served Director is not involved in the day-to-day management of the Respondent, does not regularly attend the Respondent's Address and was not in the country at the time the Euro Car Parks Information Notice was given. Further, the nature of the CMA's follow-up correspondence caused certain officers to form a belief that the CMA's correspondence – both electronic and hard copy – were fraudulent.
37. Having considered the Representations, including the supporting evidence provided by the Respondent, the CMA does not consider that the Respondent has a reasonable excuse for its failure to comply with the Euro Car Parks Information Notice. This is because:
  - (a) The Euro Car Parks Information Notice was validly given, as accepted by the Respondent in their oral representations on 12 November 2025. It was open for the CMA to serve the Euro Car Parks Information Notice on any officer of the Respondent, including the Served Director. The CRA provides that a notice to a body corporate may be given to any officer of that body.<sup>10</sup> ‘Officer’ is defined as any director, manager, secretary or other similar officer of the body.<sup>11</sup> The Euro Car Parks Information Notice was given to the Served Director via post and hand-delivery to the Respondent's Address (its registered office) on 25 July 2025.
  - (b) The evidence provided by the Respondent suggests that the Served Director did not look at any of the CMA's correspondence until approximately one month after the Notice Deadline. The reasons given for this delay – that the Served Director is not actively involved in the day-to-day running of the Respondent, does not regularly work at the Respondent's Registered Office and was out of the country at the time the Euro Car Parks Information Notice was given – are not reasonable excuses. At all times it remained the responsibility of the Respondent, rather than any individual officer, to ensure that the notice was complied with on time and the CMA expects parties to have procedures in place to ensure that official correspondence is dealt with on a timely basis and to manage absences of its officers. Paragraph 7.57 of CMA200 expressly identifies forgetting or overlooking correspondence and the absence of

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<sup>9</sup> Ibid.

<sup>10</sup> Paragraph 17B(3), Schedule 5, CRA.

<sup>11</sup> Paragraph 17B(10), Schedule 5, CRA.

officials due to annual leave or another planned reason as circumstances less likely to give rise to a reasonable excuse.

- (c) While the Respondent submits, based on witness statements and contemporaneous evidence it provided, that certain officers at the Respondent formed a belief that the CMA's correspondence was fraudulent, the CMA does not consider that there is an objectively reasonable basis for the Respondent to consider that the CMA's various means of engagement with it, both by email and in person, were fraudulent having had regard to the full chronology of events and all the evidence assessed in the round. In particular:
  - (i) all correspondence from the CMA used official CMA branding;
  - (ii) all email correspondence, including the 4 August 2025 email, was sent from official gov.uk email addresses;
  - (iii) the Respondent received multiple copies of correspondence from the CMA, including via post and personal service, which would have been unusual for a scam;
  - (iv) while the 4 August 2025 email did request the Served Director's contact details (email address), the nature and content of the Euro Car Parks Information Notice differs considerably from what would be expected of a fraudulent scheme. In particular, it used language and formatting expected of an official document, requested information relevant to the CMA's enforcement powers (rather than a payment of money for example) and specifically asked for personal data to be redacted.
  - (v) the officers involved, including the Served Director, took no steps to verify the legitimacy of the 4 August 2025 email or the letter seen by the Served Director in October 2025, such as phoning or visiting the CMA, contacting the named CMA employees, or confirming whether the Served Director had received any correspondence from the CMA. The Euro Car Parks Information Notice stated that the recipient was legally required to respond and that enforcement action may follow in the event they did not. The CMA considers that a reasonable person would have taken steps to verify the Euro Car Parks Information Notice if it had any concerns with its authenticity. The CMA further notes that other parties who have been given similar Information Notices have complied and that the Respondent's approach to the Euro Car Parks Information Notice and follow-up correspondence directly contrasts to the Respondent's response to the Provisional

Notice. A witness statement provided by the Respondent states that one of its officers (who notably had been included in the 4 August email) immediately took steps to verify the authenticity of the Provisional Notice on the basis that the CMA staff who hand-delivered the Provisional Notice did not appear to be the Respondent's usual couriers and because that Notice contained the word "enforcement".

- (d) The fact that several of the Respondent's officers were, on their own admission, not familiar with the CMA and its regulatory scope does not excuse their conduct.
- 38. The CMA is not aware of any other facts that would suggest that the Respondent had a reasonable excuse for its non-compliance.
- 39. The CMA is therefore satisfied that the Respondent did not have a reasonable excuse for its failure to comply with the Euro Car Parks Information Notice before the Notice Deadline.

***Further factors justifying the imposition of the Penalty and its amount(s)***

- 40. The CMA considers that a monetary penalty is justified in this case for the following additional reasons:
  - (a) The Respondent did not engage with the CMA at all until receipt of the Provisional Notice. It is important for the prompt exercise of the CMA's functions that parties engage with the CMA on a timely basis.
  - (b) The CMA considers that it is of utmost importance to the CMA's ability to exercise its statutory functions, including conducting effective investigations, that parties have due regard to the requirements imposed on them by Information Notices.

***Penalty calculation***

- 41. Under Schedule 5 of the CRA,<sup>12</sup> the CMA is required to prepare and publish a statement of policy in relation to the exercise of its powers to impose a penalty for non-compliance with an Information Notice. This statement of policy is set out in Chapter 7 of CMA200. In deciding whether to impose a penalty, and the nature and amount of any such penalty, the CMA has had regard to this statement and has followed the stepped approach described in it.

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<sup>12</sup> As amended by Schedule 17 of the DMCC Act.

42. Having had regard to its statutory duties and CMA200, and having considered all relevant facts, the CMA considers the Penalty is appropriate and proportionate in this case.

*Step 1: determining the starting point of the breach*

Seriousness of the breach

43. In the Provisional Decision, the CMA had assessed the seriousness of the breach as falling within Category 1. In response, the Respondent submitted that since receiving the Provisional Notice, the Respondent has taken steps to comply and is in the process of ensuring compliance, and that the non-compliance was neither deliberate nor wilful.
44. Having considered the factors set out at paragraphs 7.62 – 7.65 of CMA200 and taken into account the Respondent's Representations, the CMA considers that the Respondent's failure to comply with the Euro Car Parks Information Notice falls within Category 1 – the highest category. This is because:<sup>13</sup>
  - (a) The nature of the non-compliance was serious and a major breach as the Respondent completely failed to comply with the Euro Car Parks Information Notice or otherwise engage with the CMA until receipt of the Provisional Notice.
  - (b) As at the date of the Provisional Notice, the breach had been continuing for 46 days and was ongoing. The Respondent provided the first tranche of information in accordance with the Euro Car Parks Information Notice 60 days after the Notice Deadline following receipt of the Provisional Notice, and completed its provision of information on 4 December 2025.
  - (c) The non-compliance risked having, and did have, a material impact on the CMA's ability to progress its enquiries into the Respondent and/or meet internal deadlines. It has delayed the CMA enquiries into the Respondent for a period of nearly two months and caused the CMA to dedicate further resources into enforcing the Information Notice. The CMA has a duty of expedition which requires it to have regard to the need to make decisions and take action as soon as reasonably practicable,<sup>14</sup> and this duty is particularly important for decisions related to potential consumer law breaches, where delays may mean that traders continue to engage in

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<sup>13</sup> Paragraphs 7.62 – 7.65, CMA200.

<sup>14</sup> Section 25(5) and Schedule 4A, Part 3 of the Enterprise and Regulatory Reform Act 2013, as amended.

infringing conduct (if proven) for longer, with negative impacts on consumers and competitors.

45. The CMA also has had regard to the escalating factors set out at paragraph 7.65 of CMA200, and considers that, for the reasons set out above, the escalating factor at paragraph 7.65(d) is present in this case, namely that the non-compliance has had an actual impact on the CMA's investigation (as above). The effect of an escalating factor is to increase the seriousness, and consequently the category, of a breach.<sup>15</sup> However, in this case the breach has been assessed as a major breach and consequently, even without this escalating factor, has been assessed as falling within the most serious category, Category 1.

#### Level of culpability

46. In the Provisional Decision the CMA provisionally assessed the Respondent's culpability as high. In response, the Respondent submitted that the factors set out in CMA200 justifying a high classification were not present in this case and that the evidence provided by the Respondent showed that it was not operating a deliberate strategy of ignoring the Euro Car Parks Information Notice and the CMA's follow-up correspondence.
47. Having considered the factors set out at paragraph 7.66 – 7.68 and in Table 8 of CMA200, as well as the Respondent's Representations, the CMA considers the Respondent has a high culpability for the breach:<sup>16</sup>
  - (a) The Respondent failed to engage with the CMA at all until the Provisional Notice was given, despite the CMA using numerous methods, including hand-delivery, post and email, to give the Euro Car Parks Information Notice and to alert the Respondent to the fact that this notice had been given.
  - (b) The Respondent's failure to engage with the Euro Car Parks Information Notice and follow-up correspondence was reckless, being caused by (i) the Respondent's insufficient processes for managing correspondence promptly, (ii) certain officers' unreasonable belief that the CMA's communications were fraudulent, (iii) a complete failure by certain officers to take reasonable steps to verify whether the CMA's communications were in fact genuine, and (iv) an unreasonable decision to block all future CMA electronic correspondence. Multiple members of senior

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<sup>15</sup> See Table 6 at paragraph 7.64, CMA200.

<sup>16</sup> Paragraphs 7.66 – 7.68, CMA200.

management were notably involved in the breach, including in the decision to block future CMA electronic correspondence.

#### Determining and applying the starting point code

48. In the Provisional Notice the CMA proposed a starting point of 75% of the statutory maxima. The Respondent submitted that this was excessive given its Representations on culpability and seriousness as set out above and the steps taken by the Respondent since its receipt of the Provisional Notice.
49. Applying the CMA's findings on seriousness and culpability above, the relevant starting point code for the breach is 'High A',<sup>17</sup> attracting a starting point within the upper range of the available penalties that may be imposed by the CMA. The maximum starting point is:
  - (a) for the fixed penalty, the higher of £30,000 or 1% of the Respondent's turnover; and
  - (b) for the daily penalty, the higher of £15,000 or 5% of the Respondent's daily turnover.
50. In order to arrive at the precise appropriate starting point, the CMA considers it is necessary in this case to consider the Respondent's turnover, and consider whether a fixed penalty, a daily penalty, or both, is appropriate.

#### Turnover Assessment

51. Under the CRA, a party's turnover includes turnover both in and outside the United Kingdom and where a party controls another person or is controlled by another person, the turnover of that other person.<sup>18</sup>
52. The CMA considers that ECP Holding Plc ('ECP Holdings') has a controlling interest in the Respondent, as the parent company wholly owning the Respondent, and that the Respondent's penalty therefore should be calculated with reference to ECP Holdings' turnover. ECP Holdings' financial statements have been prepared on a consolidated basis meaning that the Respondent's turnover is included within them as a subsidiary. The CMA has therefore assessed the proposed penalties solely by reference to ECP Holdings' turnover.
53. ECP Holdings' most recent financial statements<sup>19</sup> show a consolidated turnover of £63,093,400.00 for the 2024 financial year, 1% of this being

<sup>17</sup> See Table 9 at paragraph 7.69, CMA200.

<sup>18</sup> Schedule 5, paragraph 16H, CRA.

<sup>19</sup> ECP (Holdings) Plc Annual Report and Financial Statements for the year ended 31 December 2024.

£630,934.00. As this is higher than £30,000, the relevant statutory cap for the fixed penalty element is £630,934.00. The relevant daily turnover is £172,386.00, 5% of this being £8,619.00.<sup>20</sup> As this is lower than £15,000, the relevant statutory cap is the daily penalty of £15,000.

Type of penalty, fixed rate, daily penalty or combination.

54. In the Provisional Notice, the CMA provisionally concluded that both a fixed and daily penalty were appropriate in this case. The Respondent made no submissions on this point.
55. Having considered the factors set out at paragraphs 7.70 – 7.71 of CMA200, the CMA considers that a fixed penalty is appropriate in this case. Having also considered the current position in relation to compliance with the Euro Car Parks Information Notice and the Respondent's representations, the CMA has decided not to impose a daily penalty. The factors which justify this approach are as follows:
  - (a) In relation to any fixed rate penalty, as noted above, the breach was serious and the Respondent has a high culpability; and
  - (b) At the time of the Provisional Notice, the Respondent had not engaged with the CMA and as a result, the CMA provisionally considered that a daily penalty was necessary to ensure timely compliance with the Information Notice. Following the Provisional Notice, the Respondent promptly engaged with the CMA and has now taken significant steps to provide the Requested Information, albeit that the Respondent was continuing to provide information until 4 December 2025, so remained liable for a daily penalty until at least this date. Given this, the CMA no longer considers it necessary to impose a daily penalty on the Respondent in this Final Notice.

Conclusion on starting points

56. In accordance with the above, the CMA concludes that the appropriate starting point for the fixed penalty is 75% of the available maxima, being a fixed penalty of £473,200.50.

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<sup>20</sup> Being the annual turnover divided by 366 (to account for leap years).

*Step 2 Adjustment for deterrence and to take account of the size of the party*

57. The CMA has considered the Respondent's and ECP Holdings' published financial statements in determining the appropriate level of the Proposed Penalty. This information shows:

(a) for the Respondent:

- (i) a turnover (averaged over three years) of £56,419,910.00 (which amounts to an average daily turnover of £154,420.36); and
- (ii) a net profit (after tax and averaged over three years) of £9,987,311.33 (which amounts to an average daily profit of £27,336.69).

(b) for ECP Holdings:

- (i) an average three-year turnover of £57,606,738.67 (an average daily turnover of £157,669.25); and
- (ii) an average three-year net profit (after tax) of £17,711,808.33 (an average daily profit of £48,484.17).

58. Having regard to the above, and to the other factors set out within CMA200,<sup>21</sup> the CMA considers that it is appropriate to set the starting point at the level set out above and that no further adjustment is needed to account for the Respondent's size and financial position. The starting point for the fixed penalty is of an amount that appears to be affordable for the Respondent while still acting as a meaningful deterrent.

*Step 3: Adjustment for aggravating/mitigating factors*

59. CMA200 states that a monetary penalty may be increased at step 3 where there are aggravating factors or decreased where there are mitigating factors.<sup>22</sup> A non-exhaustive list of aggravating and mitigating factors is set out at paragraphs 7.73 – 7.74 of CMA200.

60. In the Provisional Notice, the CMA provisionally considered that there were two aggravating factors which may be relevant:

(a) that the Respondent failed to request an extension from the CMA within a short time after initial receipt of the Information Notice; and

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<sup>21</sup> Paragraphs 7.72 and 7.36-7.40.

<sup>22</sup> Paragraph 7.73, CMA200.

- (b) the Respondent has failed to cooperate with the CMA's investigation of the breach, by its lack of engagement, even after the CMA wrote requesting an explanation for the original non-compliance.

However, the CMA did not propose to apply an uplift for these aggravating factors, finding instead that these factors had been adequately captured in the CMA's assessment of the starting point in this case.

61. The CMA continues to consider that these factors are present, but the CMA, for the same reasons as set out in the Provisional Decision, does not consider an uplift is appropriate in this case.
62. The Respondent submitted that the following mitigating factors are present:
  - (a) That the Respondent has proactively cooperated with the CMA following receipt of the Provisional Notice. The CMA notes that the Respondent engaged with the CMA following receipt of the Provisional Notice and has now taken significant steps to provide the Requested Information. However, the CMA does not consider that these actions warrant a mitigation discount in this case as the CMA has considered these points in deciding not to impose a daily penalty in this case, which amounts to a very substantial discount on the level of penalty that could otherwise have been imposed.
  - (b) That the Respondent has not previously breached the requirements of an Information Notice nor any other investigatory actions taken by the CMA. Given the Respondent has not previously been issued an Information Notice nor been the subject of any investigation or inquiry by the CMA before, the CMA does not consider that this warrants a further discount.
  - (c) That the Respondent has no previous consumer law infringements. Again, given the Respondent has not previously been the subject of any investigation or inquiry by the CMA before, the CMA does not consider that this warrants a further discount.
  - (d) The CMA's decision to serve the Euro Car Parks Information Notice on the Served Director and the nature of the CMA's follow-up correspondence. The CMA does not consider that these facts give rise to a mitigating factor. As stated above, the Euro Car Parks Information Notice was validly given (which the Respondent accepts) and the CMA does not consider any belief that the CMA's correspondence was fraudulent to be reasonably held.

*Step 4: Adjustment to ensure the penalty is proportionate and that the Penalty is within the statutory maximum*

63. The CMA considers that the overall Penalty is proportionate in the round and in all of the circumstances, including in light of the Respondent's Representations. The assessment of proportionality is not a mechanistic assessment, but one of evaluation and judgement and in reaching this view the CMA has had regard to all the relevant circumstances, including the nature and duration of the infringing conduct, the conduct of the Respondent, and the Respondent's size and financial position. The CMA's overall assessment should also appropriately reflect the seriousness of the infringement and the need to sufficiently deter both the Respondent and others from similar breaches.
64. With these considerations in mind, the CMA considers that the fixed penalty is proportionate as it is affordable for the Respondent, appropriately reflects the seriousness and circumstances of the breach, and is of an appropriate value to deter both the Respondent and other parties from future non-compliance. The CMA has also had regard to the fact that it has decided not to impose a daily penalty in this case. The CMA further considers it is appropriate to simplify the penalty by rounding the penalty to the nearest £1,000. Accordingly, the CMA decides to impose a fixed penalty of £473,000
65. The Penalty is within the statutory maximum.

***Conclusion on the imposition of a penalty***

66. In all the circumstances, the CMA is satisfied that the imposition of a fixed penalty of £473,000 is appropriate on the basis of the steps set out above, including that it: (i) reflects the seriousness of the Respondent's failure to comply with the Euro Car Parks Information Notice, (ii) will act as a deterrent to the Respondent and other persons in the future, and (iii) is not disproportionate in this case.
67. Payment is required by **5pm, Wednesday 7 January 2026**. Payment should be made to:

**Bank Name:**

[REDACTED]

**Account Name:**

[REDACTED]

**Account Number:**

[REDACTED]

**Sort Code:**

[REDACTED]

**IBAN Number:**

[REDACTED]

**SWIFT Bank:**

[REDACTED]

**VAT Registration Number:**

[REDACTED]

**Bank Address:** [REDACTED]

**Payment reference:** [REDACTED]

68. The Respondent may pay the penalty (or portions of it) earlier than the date or dates by which it is required to be paid.

### **Respondent's rights**

#### *Right to request a different payment date(s)*

69. The Respondent may, within 14 days of the date on which this Final Notice is given to the Respondent, apply to the CMA to specify a different date or dates by which the penalty, or different portions of it, are required to be paid.<sup>23</sup> Where such an application has been made, the penalty is not required to be paid until the application has been determined, withdrawn or otherwise disposed of.<sup>24</sup> Noting the Christmas period, the CMA will extend the deadline for this application to **5pm, Monday 5 January 2026**.
70. Where a monetary penalty imposed pursuant to paragraph 16C Schedule 5 CRA, or any part of such a penalty, has not been paid by the date on which it is required to be paid, the CMA may (subject to the Respondent's right of appeal) recover from the person on whom the penalty was imposed any of the penalty and any interest which has not been paid. Any such penalty and interest may be recovered summarily (or, in Scotland, recovered) as a civil debt by the CMA and the unpaid balance from time to time will carry interest at the statutory rate.<sup>25</sup>

#### *Right of Appeal*

71. Pursuant to paragraph 16D, Schedule 5 CRA, the Respondent has the right to appeal against the giving of directions, the decision to impose a monetary penalty, or the nature of the monetary penalty and the amount imposed in this Final Notice. These appeals must be made to the High Court in England and Wales or Northern Ireland or to the Outer House of the Court of Session in Scotland.
72. The grounds for an appeal against the giving of directions are that:
  - (a) the decision to give the directions was based on an error of fact,

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<sup>23</sup> Paragraph 16C(8), Schedule 5, CRA

<sup>24</sup> Paragraph 16G(12), Schedule 5, CRA.

<sup>25</sup> Paragraph 16E, Schedule 5, CRA.

- (b) the decision was wrong in law,
- (c) the nature of the directions is unreasonable, or
- (d) the decision was unreasonable or wrong for any other reason.<sup>26</sup>

73. The grounds for an appeal against the decision to impose a monetary penalty or the nature or amount of any such monetary penalty are that—

- (a) the decision to impose a monetary penalty was based on an error of fact,
- (b) the decision was wrong in law,
- (c) the amount of the penalty is unreasonable, or
- (d) the decision was unreasonable or wrong for any other reason.<sup>27</sup>

74. An appeal against this Final Notice must be brought before the end of the period of 28 days beginning with the day on which the Final Notice was given to the person seeking to bring the appeal.<sup>28</sup> The appropriate court may extend the period of time for bringing an appeal.

75. Where an appeal is brought under paragraph 16D, Schedule 5 CRA, the penalty is not payable until the appeal is determined or withdrawn unless the court orders otherwise.

Signature:

Hayley Fletcher, Senior Director of Consumer Protection

Date: 10/12/2025

Competition and Markets Authority

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<sup>26</sup> Paragraph 16D(3), Schedule 5, CRA.

<sup>27</sup> Paragraph 16D(2), Schedule 5, CRA.

<sup>28</sup> Paragraph 16D(5), Schedule 5, CRA.