

Fuel Finder

**Guidance on the CMA's
enforcement functions:
consultation outcome**

18 December 2025



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1. Introduction

- 1.1 On 13 October 2025, the Competition and Markets Authority (CMA) opened a consultation which ran until 3 November 2025. The CMA sought views on draft guidance in relation to its new Fuel Finder enforcement functions under The Motor Fuel Price (Open Data) Regulations 2025 (the Regulations).
- 1.2 We asked the following questions:
- (a) Do respondents have any comments on the CMA's proposed targeted and proportionate approach to enforcement?
 - (b) Do respondents view the balance of informal and formal action to be appropriate?
 - (c) Do respondents have any comments on the factors we propose to take in to account when considering penalties?
 - (d) 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?
 - (e) Is the guidance clear on the CMA's proposed approach? If not, where would further clarification be helpful?
- 1.3 The CMA received 10 responses to its consultation. Respondents included: four individuals; three trade representative bodies; two motor fuel traders (MFTs); and one statutory consumer body. The CMA would like to thank all those who responded to the consultation.
- 1.4 This document summarises the comments received, and the CMA's views on these. It does not seek to address every point raised. All responses to the consultation are available on the consultation webpage.
- 1.5 The CMA has published its final guidance on its Fuel Finder enforcement functions alongside this document.

2. Issues raised by respondents and our response

General feedback and CMA's approach to enforcement of Fuel Finder

- 2.1 As an overarching point, MFT and trade association respondents raised concerns about certain requirements in the Regulations, particularly those relating to information about amenities and facilities and the statutory maxima for financial penalties. MFTs and trade associations also raised concerns that they were unclear about how the aggregator would operate, and the potential challenges MFTs may face in complying with the Regulations in the early days of the scheme.
- 2.2 Concern was expressed by MFT and trade association respondents surrounding enforcement action against amenity and facility obligations under the Regulations. This included some calls for the CMA not to take any enforcement action in relation to the requirements in the Regulations for reporting amenities and facilities.
- 2.3 Respondents noted the potentially long list of amenities and facilities to be reported. They also noted that MFTs may be subject to enforcement action and financial penalties, for what they believed could be a “technical” breach, being of particular concern.
- 2.4 There were also a number of calls for the CMA to not issue any penalties during the initial period while Fuel Finder beds in, with suggestions this should be for the first 12 months.
- 2.5 This feedback was expressed across submissions in response to multiple consultation questions. The CMA also heard similar comments and concerns expressed by trade association stakeholders during the consultation period, as part of our ongoing engagement with industry and its representatives. Therefore, we address these comments here rather than against the individual consultation questions.
- 2.6 Some of these concerns relate to the underlying legislation and the day-to-day operation of the Fuel Finder scheme, rather than the CMA's draft guidance; those are a matter for government. However, we recognise that they are closely linked to how the CMA approaches enforcement. As a result, the CMA has clarified its approach to enforcement, particularly at the start of the scheme, below and in a [blog](#) on its webpages.
- 2.7 Most businesses work hard to serve their customers and do the right thing, but they may need help to understand their new legal obligations, particularly in the early days of the new regime. We also recognise that – especially for

small businesses – following the rules will also have ongoing resource implications. However, it is also important for businesses that follow the rules that action is taken to ensure their competitors cannot gain an unfair advantage by failing to meet their obligations under the law.

- 2.8 Recognising that the new provisions may require changes to systems and compliance functions, for at least three months from the date forecourts must be registered with Fuel Finder and must start reporting price changes (ie from 2 February 2026 until beginning May 2026), our focus will be on supporting businesses to comply with the new regime rather than enforcement action.
- 2.9 Looking further ahead, once the regime is established, we expect to target enforcement action against the conduct which is most likely to undermine the effectiveness of Fuel Finder, and which is likely to be more harmful to consumers and competition. Our focus will therefore be on ensuring businesses register with Fuel Finder and that pricing information is accurately provided, rather than on amenities and facilities, which are unlikely to be priorities for enforcement except where significant harm has been identified.

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

- 2.10 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. The draft CMA guidance sought to demonstrate a targeted and proportionate approach to enforcement throughout.

Summary of responses

- 2.11 Respondents were generally supportive of the proportionate and targeted approach adopted in the draft guidance.
- 2.12 However, respondents also noted a number of areas where they thought greater clarity could be provided, such as when the aggregator will be expected to escalate issues to the CMA. One respondent noted that a de minimis level of non-compliance should apply before escalation and another noted the lack of incentive on the aggregator to resolve issues before escalating them to the CMA. Some respondents further noted that greater clarity and/or examples should be provided regarding the enforcement approach the CMA will adopt in certain scenarios.

- 2.13 Some respondents also expressed concern about the long list of amenities and facilities they believed MFTs would be required to report.

The CMA's views

- 2.14 Reflecting that the majority of respondents agreed with the principle of a targeted and proportionate approach to enforcement, we will proceed as per our proposal. However, we understand the feedback and have updated the guidance to:

(a) reflect that, in most cases, the aggregator will take steps to informally resolve suspected breaches directly with an MFT and notify a matter to the CMA only where this is not possible. However, where there are persistent breaches by the same MFT, the aggregator may also refer an MFT to the CMA, even if the MFT has ultimately brought itself into compliance prior to that referral.

(b) provide some non-exhaustive illustrative examples of how the CMA's powers might apply. They are without prejudice to the CMA's ability to determine its approach to the imposition of a penalty on a case-by-case basis.

- 2.15 In relation to amenities and facilities, we understand the government has provided greater clarity on the policy intention underpinning this requirement following engagement with industry. On 4 December 2025 the Minister of State, Department for Energy Security and Net Zero stated in the [Grand Committee](#) of the House of Lords that "the list of amenities and facilities to report is provided within the digital service. Following further consultation with industry, it is a proportionate list that should not be new information or cause additional burdens on petrol stations."

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

- 2.16 The CMA proposed adopting a case-by-case approach and the draft guidance set out the circumstances where informal or formal action is more likely for breaches.

Summary of responses

- 2.17 Some respondents noted areas where they thought greater clarity could be provided in the CMA guidance. This included the procedures for CMA's escalation between informal and formal actions, particularly in light of the large financial penalties available under Regulation 19.

2.18 It was also recommended the CMA should set out a defined process, prior to escalating to formal action, with one respondent noting who the decision maker is should also be made clear. It was further recommended there should be an explicit expectation the CMA will formally issue mandatory warnings to those in breach of the Regulations prior to the issuance of a formal compliance notice.

The CMA's views

2.19 We acknowledge the comments made by respondents and have added further information in the guidance on the CMA's approach to enforcement.

2.20 The CMA must ultimately make decisions on a case-by-case basis. However, to provide further clarity and certainty regarding the CMA's approach to enforcement, we have included in the guidance some non-exhaustive illustrative examples of how the CMA powers described in the guidance might apply.

2.21 The guidance has also been updated to reflect that the CMA will seek informal resolutions in the majority of cases but is more likely to consider formal enforcement where, for example, MFTs do not engage with the CMA to remedy breaches, persistently fail to comply with the law or where breaches are likely to have significant adverse effects on consumers or competitors.

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

2.22 The CMA's proposed 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)'. The draft guidance also set out expectations and factors it anticipates taking in to account when considering penalties.

Summary of responses

2.23 There was a general request from respondents for more transparency and examples from across the CMA's investigations and penalties procedures.

2.24 The CMA received feedback that further guidance on what constitutes a "reasonable excuse" for failure to comply is needed. It was noted that while it is not possible to exhaustively define such circumstances, it is important the CMA provides further detail on the objective test it expects to apply, so that MFTs can self-assess their risk exposure. It was also noted that explicit recognition of some "common" mitigating circumstances should include, but

not limited to: all types of force majeure; the need for MFTs to respond to emergency circumstances such as incidents of theft and other criminality; illness or death; and system failures other than IT failure that might affect data input to the aggregator such as phone network outages.

- 2.25 Respondents also noted that step-by-step guidance on calculating the quantum of financial penalties is needed. A respondent also strongly opposed the inclusion of “the size of MFT and administrative and financial resources available to them” as an aggravating factor in the context of the Fuel Finder.
- 2.26 The CMA received feedback that the duration of breach should be a relevant factor with efforts made by the MFT to address the breach, as well as its general cooperation with the CMA’s enforcement action, being accepted as mitigating factors. Given the extent of the maximum penalties available to the CMA, it was noted the CMA must ensure that any penalties levied on MFTs for failure to comply with the regulations are proportionate and take into account the level of any loss actually suffered.
- 2.27 A respondent commented that the draft guidance seeks to offer reassurance on proportionality of enforcement but high impact fines remain a risk for MFTs. It was suggested the CMA could go further in the guidance by distinguishing clearly between types of non-compliance and how they will be treated. Some respondents also suggested that no financial penalties should be imposed in relation to MFTs’ duty to provide and update non-price information.
- 2.28 It was also suggested the guidance could more clearly define what might be the consumer detriment/ harm, with a respondent noting the CMA should adopt a consistent set of factors and criteria for considering possible enforcement action and determining penalties.
- 2.29 Finally, one respondent noted the interaction of Regulation 26 (offences) with the Data (Use and Access) Act 2025 could criminalise minor administrative errors, such as failure to report an amenity change within three days (Regulation 8) which they did not believe to be proportionate.

The CMA’s views

- 2.30 We have set out the CMA’s enforcement priorities earlier in this chapter which should be read alongside the text below.
- 2.31 The CMA recognises the desire for further clarity, so we have added additional detail to the guidance. This includes information on the role of the Senior Responsible Officer (SRO), who will be appointed by the CMA in relation to the investigation of potential breaches by an MFT. This will be a

senior member of CMA staff, typically at Senior Director-level or above. We have also added information on how the CMA handles investigations into suspected breaches and assesses the evidence before it, in order to ensure that its actions and decisions are well-founded, fair and robust.

- 2.32 The guidance now also makes explicit that the CMA generally only expects to consider a financial penalty without issuing a compliance notice in circumstances where there has been persistent non-compliance or a significant historic breach of the Regulations has come to light, but the breaches have already been remedied (therefore making the issuance of a compliance notice unnecessary).¹
- 2.33 We have included further detail on calculating monetary penalties in the guidance at Annex B which includes the factors the CMA will take into account when determining the level of harm. We have further clarified that for infringements, notwithstanding the statutory cap, the CMA will generally determine a starting point of up to 30% of the MFT's UK turnover (in the last accounting period to end before the date on which the notice of intent is issued), which will generally be the amount derived in connection with the direct or indirect sale or provision of products to customers (businesses or consumers) in the UK. This is because the CMA's concerns will generally be focused on harm to the UK market and customers within that market. This will then be adjusted up or down in accordance with the steps set out in the guidance.
- 2.34 As noted earlier, we have also included some non-exhaustive illustrative examples of how the CMA powers might apply. They are without prejudice to the CMA's ability to determine its approach to the imposition of a penalty on a case-by-case basis.
- 2.35 A number of respondents also expressed concerns that failing to comply with the underlying requirements in the Regulations (eg registration or updating information) could attract criminal sanctions. Our understanding of the Regulations is that the criminal offences in Regulation 26 only apply where the CMA (or aggregator) has made a specific request for information whilst investigating a suspected breach. Enforcement of the provisions of the Regulations would therefore be through the issue of Compliance Notices and financial sanctions and not criminal proceedings.

¹ Paragraph 19(2)(a) and 19(2)(b) of the Regulations which provide that the CMA can impose a financial penalty without issuing a compliance notice and where a breach has already been rectified.

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?

2.36 The CMA proposed to follow existing complaints procedures applicable on its other tools. 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. The CMA's [complaints procedure](#) details how the CMA deals with complaints by members of the public about its conduct.

Summary of responses

2.37 There were not many comments received in relation to this question, although respondents who did comment were generally positive, indicating that the CMA complaints procedure is clear.

2.38 However, comments were received that the aggregator's complaints guidance is not known and a transparent and structured complaints procedure must be known well before commencement of Fuel Finder. It was also noted that as the aggregator guidance has not been published, further guidance would be welcome as to how these standard accountability procedures will operate when a party wishes to raise a dispute about the aggregator's use of its delegated powers to escalate complaints.

The CMA's views

2.39 The aggregator's processes and procedures are outside the CMA's remit. We will proceed as per our proposal and have not made any amendments to the guidance given the general support from respondents, and the fact that our complaints procedure is applicable across the CMA's broader remit. However, we understand that the aggregator will publish its own complaints procedures in due course.

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

2.40 The CMA wishes to ensure that its approach to enforcement is set out clearly in its guidance.

Summary of responses

2.41 Where requests for further clarity were raised they generally related to the issues considered above, and we have set out how we propose to address these eg by providing illustrative examples or further detail in the guidance.

- 2.42 Some respondents noted they would welcome clarification regarding the enforcement role of the aggregator in the guidance. There was also a call for the aggregator’s draft guidance to be shared with MFTs as soon as possible, and queries as to whether the CMA would need to make consequential amendments to reflect the aggregators guidance. Clarity was also requested on the terms and conditions the aggregator will produce with App providers.

The CMA’s views

- 2.43 The comments that the CMA received regarding the role and/or processes of the aggregator are out of scope of this consultation, however, we have raised these with government.
- 2.44 The CMA does not anticipate that the contents of the aggregator’s operating guidance will change its approach to enforcement. The main point, which will not change, is that the aggregator will, in some manner, seek to resolve the vast majority of issues before they are escalated to the CMA. The CMA will take into account whatever actions the aggregator has taken when deciding on next steps. Importantly, as illustrated in the guidance, the CMA also expects that many cases are likely to be suitable for informal resolution (and that there will also be opportunities for businesses to resolve issues before a financial penalty is considered).

Other comments

- 2.45 A respondent noted that the electric vehicles (EV) price exclusion from Fuel Finder is shortsighted and discourages the use of EVs. They further note other fuel types (eg LPG) should also be included in Fuel Finder when there is sufficiently large usage.

The CMA’s views

- 2.46 Fuel Finder and the Regulations are focussed on helping motorists across the UK to compare the prices of road fuel and make informed choices about where they purchase their fuel. The scope of the Regulations is a matter for government.
- 2.47 The Regulations define “motor fuel” to mean petrol or diesel fuel, therefore, other fuel types are outside of the scope of Fuel Finder and this consultation.

Appendix A: List of respondents

Association of Convenience Stores

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Consumer Council for Northern Ireland

Fuels Industry UK

Petrol Retailers Association

Tesco

Respondent A

Respondent B

Respondent C

Respondent D